

State of Iowa
1976

ACTS AND JOINT RESOLUTIONS

PASSED AT THE

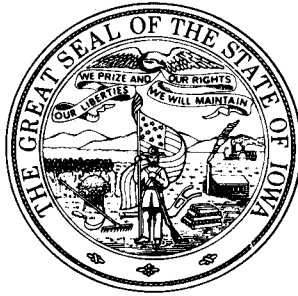
1976 REGULAR SESSION

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 1976 Regular Session of the Sixty-sixth General Assembly of the State of Iowa.

Wayne A. Faupel
Phyllis Barry

September 1976.

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 1976 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.

This volume of the Acts of the General Assembly has been printed from a new process of photo composition directly from the computer electronic data base containing the enrolled bills. This process has necessitated considerable experimentation to determine the proper type commands to achieve the desired type faces, viz. bold, roman, italic, bold italic, small capitals and others in both 9-point and 6-point. The process has been slower than anticipated but we are confident that in the long run it will be faster and more economical than formerly. The necessary technology has been ably supplied by Bill Keathley of the Data Processing Division. Credit for much diligence by employees of this office must be acknowledged to wit: Laverne Swanson, Jan Dongress, Pamela Worden and others. Some minor imperfections may be noted in the spacing, etc. but the reader is assured of the accuracy of the portrayal of the enrolled bills.

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 1976 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
William H. Jackson, Administrative Assistant	
Susan Mickelsen, Administrative Assistant	
Dennis J. Nagel, Administrative Assistant	
David A. Oman, Administrative Assistant	
Janet Van Note, Administrative Assistant	
Elmer H. Vermeer, Administrative Assistant	
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, Solicitor General	Polk
John I. Adams, Assistant Attorney General	Polk
John W. Baty, Assistant Attorney General	Story
John E. Beamer, Special Assistant Attorney General	Polk
Joseph S. Beck, Assistant Attorney General	Polk
Larry W. Blumberg, Assistant Attorney General	Polk
Theodore R. Boecker, Assistant Attorney General	Polk
Douglas R. Carlson, Assistant Attorney General	Polk
Michael W. Coriden, Assistant Attorney General	Polk
C. Joseph Coleman, Jr., Assistant Attorney General	Polk
Roxanne B. Conlin, Assistant Attorney General	Polk
Bruce L. Cook, Assistant Attorney General	Polk
James C. Davis, Assistant Attorney General	Jasper
John R. Dent, Assistant Attorney General	Polk
Richard H. Doyle, IV, Assistant Attorney General	Polk

STATE ROSTER—Continued

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

Name of Office	County from which originally chosen
ATTORNEY GENERAL—Continued	
Jean L. Dunkle, Assistant Attorney General	Woodbury
Carol S. Egly, Assistant Attorney General	Polk
William G. Enke, Assistant Attorney General	Polk
Bruce W. Foudree, Assistant Attorney General	Polk
Julian B. Garrett, Assistant Attorney General	Polk
Robert W. Goodwin, Assistant Attorney General	Story
Harry M. Griger, Assistant Attorney General	Polk
Joseph A. Grubisich, Jr., Assistant Attorney General	Scott
William D. Hager, Assistant Attorney General	Polk
Fred M. Haskins, Assistant Attorney General	Polk
Gary L. Hayward, Assistant Attorney General	Des Moines
Dennis D. Hogan, Assistant Attorney General	Story
Francis C. Hoyt, Jr., Assistant Attorney General	Pottawattamie
John D. Hudson, Assistant Attorney General	Polk
Robert R. Huibregtse, Assistant Attorney General	Sioux
Robert E. Keith, Assistant Attorney General	Black Hawk
Dorothy L. Kelley, Assistant Attorney General	Polk
Joseph S. Kelly, Jr., Assistant Attorney General	Polk
Gerald A. Keuhn, Assistant Attorney General	Allamakee
Jack W. Linge, Assistant Attorney General	Polk
Thomas D. McGrane, Assistant Attorney General	Polk
Kevin M. Maggio, Assistant Attorney General	Polk
John G. Mullen, Assistant Attorney General	Polk
Michael P. Murphy, Assistant Attorney General	Polk
George W. Murray, Special Assistant Attorney General	Polk
Elizabeth A. Nolan, Assistant Attorney General	Johnson
Stephen P. O'Meara, Assistant Attorney General	Polk
John R. Perkins, Assistant Attorney General	Polk
Hugh J. Perry, Assistant Attorney General	Polk
Clifford E. Peterson, Assistant Attorney General	Polk
William F. Raisch, Assistant Attorney General	Polk
Cheryl S. Ramey, Assistant Attorney General	Polk
Earl W. Roberts, Jr., Assistant Attorney General	Polk
Jim P. Robbins, Assistant Attorney General	Polk
Stephen C. Robinson, Assistant Attorney General	Polk
Steven K. Sandblom, Assistant Attorney General	Polk
Franklin W. Sauer, Jr., Assistant Attorney General	Story
Asher E. Schroeder, Special Assistant Attorney General	Polk
Douglas R. Smalley, Assistant Attorney General	Polk
Raymond W. Sullins, Assistant Attorney General	Polk
Gary H. Swanson, Assistant Attorney General	Polk
Marsha A. Szymczuk, Assistant Attorney General	Story
Robert G. Tangeman, Assistant Attorney General	Polk
Michael Thompson, Assistant Attorney General	Polk
Julian E. Tobey, III, Assistant Attorney General	Johnson
Lorna L. Williams, Special Assistant Attorney General	Polk
Richard A. Williams, Assistant Attorney General	Lee
Richard N. Winders, Assistant Attorney General	Polk
Garry D. Woodward, Assistant Attorney General	Muscatine
Harold A. Young, Assistant Attorney General	Polk
Van D. Zimmer, Assistant Attorney General	Johnson

STATE ROSTER—Continued

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

APPOINTIVE OFFICERS

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

§116.3

Ruth E. Kuney	Des Moines	June 30, 1979
Leo E. Burger.....	Cedar Rapids.....	June 30, 1978
Harry Carlson	Des Moines	June 30, 1977
Harlan L. Gronewold	Des Moines	June 30, 1979
Donald W. Brown	Ames.....	June 30, 1977

General Public Representatives

Harry C. Jensen.....	Des Moines	June 30, 1979
Ruth Roberts	Fort Dodge.....	June 30, 1978

ACCOUNTING PRACTITIONER ADVISORY COMMITTEE

§116.9

Clyde G. Freeman.....	New Hampton.....	June 30, 1977
Richard D. Jones.....	Cedar Rapids.....	June 30, 1978
Mrs. Verna Frank	Carroll	June 30, 1979

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

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

Louise M. Rosenfeld.....	Ames.....	June 30, 1977
Harry I. Prugh	Des Moines	June 30, 1977
Colleen W. Shaw	Corning	June 30, 1977
Harriette J. Baum	Manchester.....	June 30, 1980
Dorothy Don Carlos	Greenfield	June 30, 1979
2 vacancies		

Senate Members

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

House Members

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

STATE ROSTER—Continued

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

Name and Office	City from which originally chosen	Term Ending
AGRICULTURE MARKETING BOARD		
§159.25		
Orville Kalsem	Huxley	
Corwyn Hicks	Indianola	
William F. Merchman	West Pont	
Walter Hamm	Sac City	
Max Naylor	Jefferson	
Harvey Moeckly	Ankeny	
Raymond Heck	Perry	
Roger Christensen	Ogden	
Ivan Queck	Fontanelle	
Dr. Gene Futrell	Ames	
Keith Heffernan	Des Moines	
Robert Lounsberry	Des Moines	
Gail K. Danilson	Des Moines	

AGRICULTURE PROMOTION BOARD

By Executive Order

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

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

ALCOHOLISM AND DRUG ABUSE, Task Force

Ruth Anderson	Waterloo	Pleasure of the Governor
F. William Bennett, MD	Marion	
Gilbert R. Eggen	West Des Moines	
Michael R. Fitzsimmons	Davenport	
Toni Fontanini (Miss)	Des Moines	
Carole Harder (Mrs. John L.)	Keystone	
Harry G. Hoyt, Jr.	Davenport	
Frank T. Harrison	West Des Moines	
Phillip J. Levine (Dr.)	Des Moines	
William C. McCabe, MD	Bettendorf	
Donald E. Perkins	Des Moines	
Richard R. Whittlesey	Bettendorf	
Harry C. Woods	Des Moines	

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STATE ROSTER—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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AMERICAN REVOLUTION BICENTENNIAL COMMISSION
Ch. 28H

Melvin D. Synhorst, Secretary of State
 Peter Harstad, Director, Historical Society
 Jack J. Musgrove, Curator, Department History and Archives
 Fred A. Prewert, Director, Conservation Commission
 W. Robert Parks, President, Iowa State University
 Willard Boyd, President, State University of Iowa
 John J. Kamerick, President, University of Northern Iowa
 Del Van Horn, Director, Iowa Development Commission
 Senator C. Joseph Coleman, Iowa State Fair and World Food Exposition Study Committee
 Jerry Coughlon, Fair Board Secretary

Mrs. Robert Birkby	Sidney	
Robert W. Dillon, Chairman	Des Moines	
Don N. Kersten, Vice-Chairman	Fort Dodge	
William G. Murray	Ames	
Mrs. Edwin W. Bruere	Cedar Rapids	
Robert M. Stone	Chariton	
Senator Forrest V. Schwengels	Fairfield	
Senator Norman Rodgers	Adel	
Ms. 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**
§22.1

Donald E. Ossian	Denison	June 30, 1977
Albert A. Augustine	Des Moines	June 30, 1979
Marvin R. Selden, Jr., Comptroller, Chairman	Des Moines	

ARCHAEOLOGIST
Ch. 305A

Dr. Duane C. Anderson

ARCHITECTURAL EXAMINERS
Ch. 118

W. David 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, 1979

Lay Members

Nancy G. McHugh	Cedar Rapids	June 30, 1977
Margaret Apostle	Grinnell	June 30, 1978

Lois Kalleen, Executive Secretary

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STATE ROSTER—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 — LANDSCAPE		
§118A.3		
Herman W. Thompson	Cedar Rapids	June 30, 1979
Thomas A. Barton	Ames	June 30, 1979
Milford A. Fjare	Council Bluffs	June 30, 1977
David L. Dahlquist	Des Moines	June 30, 1978
James B. Sinatra	Ames	June 30, 1978

General Public Members

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	Pleasure of the
Brig. General Francis J. Kelly	Dubuque	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	
W. K. Backman	Des Moines	

ARTS COUNCIL

Ch. 304A

H. Mel Willits, Chairman	Des Moines	June 30, 1977
Raymond T. Forsberg	Waterloo	June 30, 1977
Dr. Frank Summerside	LeMars	June 30, 1977
Phyllis Lepke	Ames	June 30, 1978
Ann Jorgensen	Garrison	June 30, 1979
Marie Millard	Woodbine	June 30, 1977
J. W. "Jim" Henry	Sioux City	June 30, 1977
Alice R. Bowers	Keokuk	June 30, 1977
Jack L. Briggs	Des Moines	June 30, 1978
Rhoda M. McCartney	Charles City	June 30, 1978
Mary Ellen Kimball	Osceola	June 30, 1978
Jerome W. Wadian	Fayette	June 30, 1979
Linda Hansen Solheim	Estherville	June 30, 1979
Jerry G. Solloway, Ph.D.	Ottumwa	June 30, 1979
Maribeth Schechtman	Carroll	June 30, 1979

ATHLETICS COMMISSIONER

§727A.2

Honorable Melvin D. Synhorst	Des Moines	Pleasure of the Governor
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ATHLETICS COMMISSIONER'S ADVISORY COMMITTEE

Ch. 727A

Al (Babe) Bisignano	Des Moines	
Calvin Crook	Newton	Pleasure of the
Clayton L. Johnson	Sioux City	Governor
Harold J. (Gus) Schrader	Cedar Rapids	
John L. Edwards	Des Moines	
Judd E. Truax	Cedar Falls	

STATE ROSTER—Continued

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

Name and Office	City from which originally chosen	Term Ending
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
Thomas H. Houston, Superintendent	Columbus Junction	June 30, 1977

BEEF PRODUCERS TASK FORCE

Executive Order

Holmes Pedelty, Chairman	Clear Lake	
John Airy	Des Moines	
Gerald Frankl	South Sioux City, Neb.	
David Grismore	Corydon	
Durwood Mommsen	Goose Lake	
Gaylen Winterhof	Glava	
DeI Van Horn	Des Moines	Pleasure of the
LuVern Gustafson	Cherokee	Governor
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

§123.6

James F. Mulqueen, Chairman	Council Bluffs	June 30, 1979
Donald J. Bell	New London	June 30, 1981
Joan Ballantyne	Cherokee	June 30, 1980
Harlan S. Lowe	Toledo	June 30, 1978
J. Stuart Kirk	Des Moines	June 30, 1977

BLIND, COMMISSION FOR

Ch. 601B

Mrs. Nel Bonnell	Fort Dodge	June 30, 1978
Elwyn Hemken	Blairsburg	June 30, 1979
Mrs. Sally Frudden	Charles City	June 30, 1977

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

STATE ROSTER--Continued

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

Name and Office	City from which originally chosen	Term Ending
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 Pleasure of General Services

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

House Members

Glenn F. Brockett	Marshalltown	April 30, 1977
John Brunow	Centerville	April 30, 1979

Senate Members

Warren E. Curtis	Cherokee	April 30, 1977
Hilarius L. Heying	West Union	April 30, 1979

CHILD ABUSE INFORMATION COUNCIL

§235A.24

Mrs. Margaret Hurst	Sioux City	Pleasure of Governor
Miss A. Jean Purdy	Des Moines	
Donald H. Strand	Iowa City	
Kevin J. Burns	Des Moines	
Judge Van Wifvat	Perry	

Other Members of Council

E. Kevin Kelly, Senator	Sioux City	Pleasure of Lt. Governor
Steve Sovern, Senator	Marion	
Joan Lipsky, Representative	Cedar Rapids	Pleasure of Speaker
John H. Connors	Des Moines	

STATE ROSTER—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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CHILDHOOD DEVELOPMENT, TASK FORCE ON EARLY
Senate Concurrent Resolution 125,
Acts of 65th G.A. 1974 Session

Consumer Representatives

Jean Parker	Waterloo	Pleasure of Governor
Thelma Johnson	Charles City	
Jeanne Dixon	Ames	
Russell A. Neely	Corydon	
Susan Morgan	Lamoni	

Provider Representatives

John Wauters	Burlington
Kathleen E. Collison	Cedar Rapids
Bernice Sanache	Tama
Evelyn Davis	Des Moines
George W. Boykin	Sioux City

Representatives of State Departments

Mrs. Helen McDonald	Des Moines
Harold K. Poore	Des Moines
Earl Miller	Des Moines
Leona Ringgenberg, RN	Des Moines
Mrs. Alice A. McKee	Des Moines

Members of General Assembly

Donald V. Doyle	Sioux City
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CHILDREN, COUNCIL FOR

Exec. Order #21

Carol J. Culler, Coordinator	Ames	Pleasure of Governor
Helen McDonald, Chairperson	Des Moines	
Kathleen A. Sandusky	Iowa City	June 30, 1977
Elizabeth S. Turner	Des Moines	June 30, 1977
Julian B. Tuck	LeMars	June 30, 1977
Fred G. Smith, Jr., MD.	Iowa City	June 30, 1977
Nadine L. Kerchee	Des Moines	June 30, 1977
Betty A. Bernhagen	Davenport	June 30, 1977
Evelyn Davis	Des Moines	June 30, 1977

Representatives

Robert D. Benton, State Superintendent of Public Instruction
Dr. Donald Cox, (alternate)
Lawrence Jackson, Acting Chief of Bureau of Youth Services
John E. Goodrich, D.D.S., Chief of Division of Personal and Family Health

STATE ROSTER—Continued

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

Name and Office	City from which originally chosen	Term Ending
CITIZENS ADVISORY COUNCIL ON ALCOHOLISM		
§125.11		
F. William Bennett, MD.....	Marion	June 30, 1976
Fred S. Brinkley, Jr., R.Ph.....	Des Moines	June 30, 1976
Rolland A. Gallagher	Des Moines	June 30, 1976
Ralph E. Nelson	Spencer	June 30, 1976
James R. Rowen	Des Moines	June 30, 1976
William J. Beck	Waterloo	June 30, 1977
Gilbert R. Eggen	Des Moines	June 30, 1977
Donald A. Graham	Sergeant Bluff	June 30, 1977
Don E. Perkins.....	Des Moines	June 30, 1977
Stanley Lawrence Saxton, Jr., Ph.D	Cedar Rapids	June 30, 1977
Rev. Robert B. Hedges	West Des Moines.....	June 30, 1978
Charles E. Langford, Jr.	Des Moines	June 30, 1978
Robert C. Mulhall	Ames	June 30, 1978
Wayne A. Norman, Jr.	Dubuque	June 30, 1978
Burl N. Ridout.....	Estherville	June 30, 1978

CITY DEVELOPMENT BOARD

§368.9 (Home Rule Bill)

Michael Vincent Dunn	Keokuk	June 30, 1980
Mrs. Sharon W. Nail	Iowa Falls.....	June 30, 1982
Ralph W. Potter.....	Marion	June 30, 1978

CITY FINANCE COMMITTEE

§384.13

E. Newell Foust.....	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
J. M. (Jack) Whitmer, Jr.	Ames	Pleasure of Legislative Council

Marvin E. Selden, Jr., Chairman, State Comptroller
 Lloyd R. Smith, State Auditor
 Kenneth L. Henke, Office of Planning & Programming

CIVIL RIGHTS COMMISSION

Ch. 105A

Thomas J. Mann, Jr. Exec. Dir.	Des Moines	Pleasure of Governor
Charles W. Toney	Davenport	June 30, 1979
Gretchen M. Bataille.....	Ames	June 30, 1979
George F. Garcia.....	Iowa City	June 30, 1977
Gretchen Walsh.....	Dubuque	June 30, 1977
Ms. Evelyne Villines	Des Moines	June 30, 1977
Jack W. Peters	Council Bluffs	June 30, 1979
Harriette Bruce	Des Moines	June 30, 1979

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STATE ROSTER—Continued

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

Name and Office	City from which originally chosen	Term Ending
CLIENT SECURITY AND ATTORNEY DISCIPLINARY COMMISSION		
Court rule 121.1		
David A. Elderkin	Cedar Rapids	Jan. 1, 1980
Harris R. Stafford	Grinnell	Jan. 1, 1980
John E. Nagle	Davenport	Jan. 1, 1981
John H. Neiman	Des Moines	Jan. 1, 1981
Meredith 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
Phyllis Barry, Deputy	Des Moines	the Supreme Court

COMMERCE COMMISSION

§474.1

Maurice Van Nostrand, Chairman	Des Moines	June 30, 1977
Fred Moore	Des Moines	June 30, 1979
Mrs. Mary F. Holstad	Des Moines	June 30, 1981

COMPENSATION COMMISSION

(Salary Review)

§2A.4

Donald Arnold	Des Moines	June 30, 1980
Hugh D. Clark	Des Moines	June 30, 1979
Howard Hill	Minburn	June 30, 1981
Robert Newberg	West Des Moines	June 30, 1977
Forbes Olberg	Cedar Rapids	June 30, 1978

Appointed by Speaker

Tom Miller, Chairperson	Cherokee	June 30, 1977
James Van Werden	Adel	June 30, 1979
Robert Buck	Waukee	June 30, 1978
Harold C. McCormick	Muscatine	June 30, 1980

Appointed by Senate

James Wirtz	Emmetsburg	June 30, 1979
Anna Smith	Clarinda	June 30, 1978
Gordon James	Des Moines	June 30, 1977
J. Duane Mortensen	Dubuque	June 30, 1981
Bill H. Myers	Davenport	June 30, 1980

COMPTROLLER

Ch. 8

Marvin R. Selden, Jr.	Des Moines	Pleasure of the Governor
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STATE ROSTER—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		
Donald H. Zarley	Des Moines	Pleasure of the Governor
Mrs. Jack D. Levin	Newton	
Kenneth R. Paulsen	Davenport	
Charles Larson, Commissioner Public Safety	Newton	
Anthony M. Critelli	Des Moines	Pleasure of the Supreme Court
<i>House Members</i>		
Laverne W. Schroeder	McClelland	Pleasure of Speaker
Arthur A. Small, Jr.	Iowa City	
<i>Senate Members</i>		
James M. Redmond	Cedar Rapids	Pleasure of the Lt. Governor
Ray Taylor	Steamboat Rock	

CONSERVATION COMMISSION
Ch. 107

Mrs. Marian Pike	Whiting	June 30, 1981
John C. Brophy	Lansing	June 30, 1981
Thomas A. Bates	Bellevue	June 30, 1981
Carolyn T. 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. Prewert, Director		

CONTINUING LEGAL EDUCATION COMMISSION

Iowa Supreme Court

William C. Ball	Waterloo	
W. Don Brittin, Jr.	Des Moines	Pleasure of Supreme Court
Robert M. Downer	Iowa City	
Robert F. Forston	Des Moines	
David E. Funkhouser	Mason City	
Fred O. Jones	Indianola	
Arthur A. McGiverin	Ottumwa	
Donald D. Mullin	Creston	
Linda K. Neuman	Davenport	
Frank W. Pechacek, Jr.	Council Bluffs	
David L. Sayre	Cherokee	
Earl R. Shostrom	Des Moines	

CORRECTIONS RELIEF, ADVISORY COMMISSION ON

Temporary — to be abolished July 1, 1977

Ernest J. Buresh	Anamosa	July 1, 1977
Mrs. Janet A. Johnson	Des Moines	July 1, 1977

STATE ROSTER—Continued

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

Name and Office	City from which originally chosen	Term Ending
CRIME COMMISSION		
§80C.6(1) (2)		
Allen Robert Way, Exec. Dir.	Mason City	
Walter L. Saur	Oelwein	
Deral Houck	Leon	
Charles W. Larson, Commissioner Public Safety	Newton	Pleasure of Governor
Cal Auger	Anamosa	
George Belitsos	Ames	
Mary H. Berdell	Waterloo	
Dorothy Buckingham	Carson	
Ray G. Robinson, M.D.	State Center	
John D. Scarlett	West Des Moines	

CUSTODIAL BED CARE, TASK FORCE ON
Not Codified

Norman Pawlewski	Des Moines	
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	Pleasure of Governor
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	
Mrs. Evelyne R. Villines, Chairman, Exec. Sec.		

DEAF, ADVISORY COMMITTEE ON THE
601I.3

Joseph B. Myklebust	Council Bluffs	June 30, 1976
Norma Jean Weiland	Waterloo	June 30, 1977
Henry Lester Ahls	Cedar Falls	June 30, 1978
Charles R. Koons	Des Moines	June 30, 1978
Eunice Tice	Mason City	June 30, 1976
Becky Morgan	Des Moines	June 30, 1977
Lloyd W. Courter	Boone	June 30, 1978

DENTAL EXAMINERS

§147.12-20

Wayne J. Barnes, D.D.S.	Sioux City	June 30, 1977
Dr. Robert L. Moore	Hampton	June 30, 1977
Thomas A. Underkofler	Marshalltown	June 30, 1977
Clarence R. Hosford, D.D.S.	Monticello	June 30, 1978
Clarence C. Wyse, D.D.S.	Wayland	June 30, 1979

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, 1979
Mrs. Connie Price	Des Moines	June 30, 1978

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STATE ROSTER—Continued

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

Name and Office	City from which originally chosen	Term Ending
DEVELOPMENT COMMISSION		
Ch. 28		
James W. Callison, Vice-Chairman.....	Des Moines	June 30, 1977
John P. Tinley	Shenandoah	June 30, 1980
William F. Turner	Sioux City	June 30, 1980
Robert K. Beck	Centerville	June 30, 1977
Douglas G. Billings	Red Oak	June 30, 1980
John P. Bickel	McGregor	June 30, 1978
E. A. Hayes, Chairman	Mt. Pleasant	June 30, 1978
E. Thurman Gaskill	Corwith	June 30, 1977
Mardelle Noble (Mrs.)	Oelwein	June 30, 1979
William H. Burger	Waterloo	June 30, 1977
Donna Keppy	Wilton	June 30, 1979
Delmar Van Horn, Director	Des Moines	Pleasure of the Governor

DEVELOPMENTAL DISABILITIES COUNCIL

P.L. 94-103

Rolfe B. Karlsson	Des Moines	Dec. 31, 1978
Helen B. Henderson	West Des Moines.....	Dec. 31, 1978
Wanda Schnebly	Forest City	Dec. 31, 1978
Dudley R. Koontz	Cedar Rapids.....	Dec. 31, 1978
Glen Romine	Marshalltown.....	Dec. 31, 1978
Fran Kurtz	Des Moines	Dec. 31, 1978
Eugenie Dean	Iowa City	Dec. 31, 1978
Tom Johnson	Ottumwa.....	Dec. 31, 1978
James Kennedy	Des Moines	Dec. 31, 1978
Connie Toland	Davenport	Dec. 31, 1978
Tom Jeschke, Ph.D.....	Des Moines	Dec. 31, 1978
Wilbur Eason	Scranton	Dec. 31, 1977
Don Westergard .....	.....	Dec. 31, 1976
William U. Patton	Storm Lake	Dec. 31, 1977
Lou Lyon	Clinton	Dec. 31, 1977
Raymond R. Rembolt, M.D.	North Liberty.....	Dec. 31, 1977
Margaret Westerhof	Carlisle	Dec. 31, 1977
John C. MacQueen, MD	Iowa City	Dec. 31, 1977
Norman L. Pawlewski.....	Carlisle	Dec. 31, 1976
Kevin J. Burns	Des Moines	Dec. 31, 1976
Dr. Robert D. Benton	Des Moines	Dec. 31, 1976
R. Wayne Richey	Des Moines	Dec. 31, 1976
Joseph Tate	Des Moines	Dec. 31, 1976

DRUG ABUSE AUTHORITY ADVISORY COUNCIL

§224B.7,8

Kay E. Dull	LeMars	June 30, 1978
Jeri Jenner	Waterloo	June 30, 1978
Gerald A. Baldner.....	Elkader	June 30, 1978
George Strayer.....	Hudson	June 30, 1978
Harrison C. Fisch	Primghar	June 30, 1978
Harry G. Hoyt, Jr.	Davenport	June 30, 1976
Carole Harder	Keystone	June 30, 1976
William R. Tysseling.....	Ames	June 30, 1976
Frederick C. Blackledge.....	Des Moines	June 30, 1977
Darrell Ens	Ottumwa	June 30, 1977
Harry Woods	Des Moines	June 30, 1977

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STATE ROSTER—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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DRUG ABUSE AUTHORITY ADVISORY COUNCIL—Cont.

Mandatory State Representatives (Statutory)

Eugene Fitzsimmons	Social Services	
A. John Martin	D.P.I.	
George Mayer	Public Safety	
Joseph Coleman, Jr.	Attorney General	
Jerry Parkin	O.P.P.	
David White	Crime Commission	
Ann Weir	Health	
Susan Lutz	Pharmacy Examiners	
Dr. F.W. Bennett	Iowa Medical Society	
Dr. Burton Routman	Iowa Osteopathic Society	
Frank L. Burrows	Iowa Pharmaceutical Association	
Kenneth P. Wells	I.S.E.A.	
Dr. Herbert L. Nelson	Iowa Mental Health Authority	
Donald E. Perkins	DPI — Vocational Rehab	
Jeff Voskans	Alcoholism	
Fred S. Brinkley, Jr., Director,	Des Moines	Pleasure of the Governor

DRUG TREATMENT LICENSING BOARD

§224B.14

James F. Stiles, M.D.	Cedar Rapids	June 30, 1978
Kirk H. Strong, M.D.	Fairfield	June 30, 1978
Michael E. Gronstal	Council Bluffs	June 30, 1978
R. Dennis Bowers	Des Moines	June 30, 1977
Herbert L. Notch	Newton	June 30, 1977

Mandatory Members (Statutory)

Paul H. Crews	Pharmacy Examiners
F. W. Pickworth	Health Department
Ronald J. Mahrenholz	Social Services
Donald E. Perkins	DPI — Vocational Rehab

ECONOMIC ADVISORY COUNCIL

Exec. Order No. 20

Gene A. Futrell, Ph.D.	Ames	Dec. 31, 1977
Marvin A. Pomerantz	Des Moines	Dec. 31, 1977
Gordon R. Johnson	Des Moines	Dec. 31, 1977
Professor Jerald R. Barnard	Iowa City	Dec. 31, 1977
Mrs. Margaret B. Andersen	Waterloo	Dec. 31, 1977

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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STATE ROSTER—Continued

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

Name and Office	City from which originally chosen	Term Ending
EDUCATION COMMISSION OF THE STATES		
§272B.2		
Honorable Robert D. Ray, Governor		
Robert D. Benton	Des Moines	April 30, 1977
Stanley Redeker	Boone	April 30, 1979
<i>House Members</i>		
Sonja Egenes	Story City	June 30, 1977
John E. Patchett	North Liberty	June 30, 1979
<i>Senate Members</i>		
Elizabeth O. Shaw	Davenport	June 30, 1977
Joan Orr	Grinnell	June 30, 1979

EDUCATIONAL DATA PROCESSING, ADVISORY COMMITTEE ON
§257.10(14)

John G. Helkenn	Des Moines	Pleasure of the Governor
C. C. Mosier	Ames	
Robert Benton, Superintendent, Department of Public Instruction, Chairman		
Stanley McCausland, Director, General Services Administration		
Dave Richie, Office of Comptroller		

EDUCATIONAL RADIO AND TELEVISION FACILITY BOARD
§18.137-139

Gary H. Koerselman, Ph.D.	Sioux City	June 30, 1979
Lois Charlton	Manchester	June 30, 1978
William B. Quarton	Cedar Rapids	June 30, 1977
John Baldridge	Chariton	June 30, 1977
S. J. Brownlee	Emmetsburg	June 30, 1978
Donald H. Shaw	Davenport	June 30, 1979
Dr. Robert D. Benton	Des Moines	June 30, 1977
Georgia Sievers	Avoca	June 30, 1978
Jolly Ann Davidson	Clarinda	June 30, 1979

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

Wythe Willey	Des Moines
Wallace L. Keating	Des Moines
Marvin Selden, Jr.	Des Moines
Maurice Baringer	West Des Moines
Gene Vernon	Des Moines
Wayne Richey	Des Moines
Clayton Ringgenberg	Iowa City

STATE ROSTER—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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EMPLOYMENT AGENCY LICENSING COMMISSION

Ch. 95

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

ENERGY POLICY COUNCIL

§93.2

Charles H. Pelton	Clinton	Pleasure of Governor
Virginia E. Phipps	Cherokee	
Lillian M. McElroy	Percival	
Robert D. Porter	Sioux City	
James P. Fuller	Muscatine	
Harriette Lindberg	Des Moines	
vacancy		

Senate Members:

James V. Gallagher	Jesup
Calvin O. Hultman	Red Oak

House Members:

Gregory D. Cusack	Davenport
Andrew Varley	Stuart

Ex Officio Nonvoting Members of the Council

Stanley C. Grant, Ph.D., State Geologist
 Maurice Van Nostrand, Commerce Commission Chairman
 Robert H. Lounsberry, Secretary of Agriculture
 William H. Greiner, Admin. Officer, State Soil Conservation Committee
 Victor Preisser, Director of Transportation
 Larry E. Crane, Executive Director, Environmental Quality

ENGINEERING EXAMINERS BOARD

§114.3

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, Iowa	June 30, 1978
Mrs. Dawn E. Chapman	Cedar Rapids	June 30, 1977
Herman Lewis	Edgewood	June 30, 1978

ENVIRONMENTAL QUALITY, DEPARTMENT OF

§455B.4

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

Hal Richerson	Iowa City	
George Osborne	Alta	June 30, 1980
Herb Campbell	Washington	
Mrs. Helen J. Gleeson	Sioux City	June 30, 1978
John D. Thorson	Council Bluffs	June 30, 1976

STATE ROSTER—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, Commissioner of Public Health		
Othie R. McMurry, Director of the Iowa Natural Resources Council		
Donald Johnson, Chairman State Soil Conservation Committee		
Robert Josten, Chief Executive of the League of Iowa Municipalities		
Fred A. Priewert, Director of the State Conservation Commission		
Lee R. Kolmer, 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		
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		
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

Board of Certification

(Waste Water Operators)

Harris F. Seidel	Ames	June 30, 1979
Domenic P. Morrow	Des Moines	June 30, 1977
Keith E. Bridson	Des Moines	June 30, 1978
Beverly B. Everett	New Sharon	June 30, 1979
Vernon Spilker	Missouri Valley	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

§173.1

Howard Waters, President	Danville
G. W. Prince, Vice-Pres.	Guthrie Center
C. C. Wagler	Bloomfield
Don Greiman	Garner
Joe Deeney	Waukon
W. L. Yount	Altoona
Jean M. Kleve	Humboldt
Edythe Satterlee	Manchester

STATE ROSTER—Continued

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

Name and Office	City from which originally chosen	Term Ending
Merritt Triggs.....	Mt. Ayr	
Max Browneller.....	Rose Hill	
Jerry Coughon, Sec.	Des Moines	
Robert D. Ray, Governor		
W. Robert Parks, President, Iowa State University, Ames		
Robert H. Lounsbury, Secretary of Agriculture		

FAMILY PRACTICE EDUCATION ADVISORY BOARD

§148C.3

Mrs. Claudine Mansfield	Humboldt
Mrs. Madge Phillips	Cedar Rapids

FIRE MARSHAL

Ch. 100

Wilbur R. Johnson	Altoona
Reynold Hentges, Assistant Fire Marshal	

FORT DODGE RIVER FRONT COMMISSION

§ 372.2

John Simpson	Fort Dodge.....	December 31, 1977
Fred Breen	Fort Dodge.....	December 31, 1978
Robert Gunderson	Fort Dodge.....	December 31, 1981

GENERAL SERVICES

Ch. 18

Stanley McCausland, Director

GEOLOGICAL BOARD

Ch. 305

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

GEOLOGIST

Ch. 305

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

HANDICAPPED, EMPLOYMENT OF THE

Ch. 601F

Hugh Doty, Chairman	Wilton.....	June 30, 1977
Ronald J. Herrig, Vice-Chairman	Dubuque	June 30, 1977
Richard V. Hopkins	Davenport	June 30, 1977
Nate Ruben	Des Moines	June 30, 1977

STATE ROSTER—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		
Mrs. Helen Settle.....	Marshalltown.....	June 30, 1977
James A. Albert.....	Cedar Rapids.....	June 30, 1977
Edward F. Winter.....	Cedar Rapids.....	June 30, 1977
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.....	Cedar Falls.....	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., MD.....	Des Moines.....	June 30, 1976
Rodney G. Kruse.....	Ames.....	June 30, 1976
O. Lee Minear.....	Des Moines.....	June 30, 1976
Donald N. Swenson.....	Des Moines.....	June 30, 1976
Arne R. Sorlien.....	Des Moines.....	June 30, 1976
Bud Hawn.....	Waterloo.....	June 30, 1976
Robert C. Broshar.....	Waterloo.....	June 30, 1976
Paul P. Brodigan.....	Glenwood.....	June 30, 1976
Gail P. 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

Mary D. Kennedy.....	Cedar Falls.....	June 30, 1978
Paul W. Thielking, O.D.....	Des Moines.....	June 30, 1978
E. Robert Baumann, Ph.D.....	Ames.....	June 30, 1976
John I. Ballensky, R.Ph.....	Sigourney.....	June 30, 1978
E. E. Gamet, M.D.....	Lamoni.....	June 30, 1976
John C. Edgerton, D.O.....	Manning.....	June 30, 1976
Paul Seebohm, M.D.....	Iowa City.....	June 30, 1977
Vaughn Seaton, D.V.M.....	Ames.....	June 30, 1977
P. J. Leehey, M.D.....	Independence.....	June 30, 1977

COMMISSIONER OF HEALTH

Ch. 135

Norman Pawlewski, Commissioner.....	Des Moines
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STATE ROSTER—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		
Ch. 147		
Practice Acts Examining Boards		
<i>Barber Examiners</i>		
Richard E. Sisco	Cedar Rapids	June 30, 1977
Alfred D. Wilson	Des Moines	June 30, 1979
Harold L. Erichsen	Sioux City	June 30, 1978
Patricia E. Cornick	Des Moines	June 30, 1978
Mrs. Carol A. Brown	Des Moines	June 30, 1979
<i>Chiropractic Examiners</i>		
Dr. Larry Z. Lindeman	Jewell	June 30, 1978
Glen D. Madsen, D. C.	West Des Moines	June 30, 1978
Mary Xavier Coens	Dubuque	June 30, 1977
Carol H. Schaefer	Davenport	June 30, 1978
Larry E. Phipps, D.C.	Grinnell	June 30, 1977
Ronald O. Masters, II, D.C.	Mason City	June 30, 1979
Gretchen N. Schreffler, D.C.	Iowa City	June 30, 1979
<i>Cosmetology Examiners</i>		
Carole Tracy	Dubuque	June 30, 1977
Mrs. Nancy Welter	Cedar Rapids	June 30, 1978
Mrs. Helen Mefferd	Laurens	June 30, 1978
Doris Ellwood	Radcliffe	June 30, 1979
Barbara A. Failor	Ankeny	June 30, 1979
<i>Funeral Director and Embalmer Examiners</i>		
Maurice J. Tierney	Dubuque	June 30, 1977
Gary L. Sliefert	Storm Lake	June 30, 1978
Mrs. Donna P. Gabriel	Clinton	June 30, 1979
Robert E. McKone	Carroll	June 30, 1978
Richard A. Martin	Emmetsburg	June 30, 1979
<i>Hearing Aid Dealers</i>		
Jack L. Jennings	Sioux City	June 30, 1978
Ms. Mildred F. Coughlon	Fort Dodge	June 30, 1979
Ed. Chamberlain	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, 1979
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, 1979
Frederick V. Hetzler, D.O.	Davenport	June 30, 1978
Sheila Sidles (Pub. Rep)	Centerville	June 30, 1978
Joseph A. McCaffrey, Ph.D.	Davenport	June 30, 1979
<i>Optometry Examiners</i>		
Kenneth O. McMaster, O.D.	Oelwein	June 30, 1976
Harold Raymond Wilson, O.D.	Forest City	June 30, 1976
Claude E. Nichols, O.D.	Clarinda	June 30, 1977
Martha H. Peck, O.D.	Fort Madison	June 30, 1978

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STATE ROSTER—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		
Ira M. Deal, O.D.	Mt. Pleasant	June 30, 1978
Bertha J. Kirkwood	Ankeny	June 30, 1977
Katherine R. Stroud	Des Moines	June 30, 1978
<i>Pharmacy Examiners</i>		
Max W. Eggleston	Waverly	June 30, 1979
Dennis D. Killion	Red Oak	June 30, 1979
Angelo J. Palmer	Des Moines	June 30, 1977
Robert J. Osterhaus	Maquoketa	June 30, 1978
Susan C. Lutz	Altoona	June 30, 1978
<i>Physical Therapy Examiners</i>		
Janet K. Dunn	Des Moines	June 30, 1979
Helen Reichart	Monticello	June 30, 1977
Warren J. Rogers	Cedar Rapids	June 30, 1978
Grace Rasmussen	Manilla	June 30, 1979
Sister Bernadine Pieper	Ottumwa	June 30, 1978
<i>Podiatry Examiners</i>		
Ray J. Samuel, DPM	Marshalltown	June 30, 1978
Dr. Paul A. Johns, Jr., DPM	Des Moines	June 30, 1976
Dr. R. N. Lepird, DPM	Estherville	June 30, 1977
<i>Pub. Reps.</i>		
Vennetta M. Fiedler	Spencer	June 30, 1977
William E. Ewing	Oskaloosa	June 30, 1978
<i>Pub. Members</i>		
Shirley A. Thompson	Keokuk	June 30, 1978

HEALTH PLANNING ADVISORY COUNCIL, COMPREHENSIVE
Stat. L. 89-749

James A. Cox	Fort Dodge
Elmer H. Den Herder	Sioux Center
Donald French	Fairfield
Dr. Richard M. Kotz	Des Moines
Georgia Hutchison	Oelwein
Dale A. Turnmire	Cresco
Mrs. Joyce Montag	Creston
Gage Parker	Shenandoah
Paul M. Seebohm, M.D.	Iowa City
Mrs. Marguerite S. Wright	Dubuque
Mrs. Mary Jones	Burlington
Norm Pawlewski	Des Moines
Mrs. Jo Ann Luddington	Pacific Junction
Dr. Robert Pepiot	Des Moines
Mrs. Janet Shipton	Iowa City
Marilyn Marsh	Hornick
H. A. Schimberg	Cedar Rapids
Mrs. Mary W. Greenleaf	Shenandoah
Mrs. L. H. Hopson (Leone K.)	Des Moines
Julius S. Conner, M.D.	Des Moines
Glen Haydon	Mason City
Helen B. Henderson	Des Moines
John B. Herrick, D.V.M.	Ames
Dr. David E. McAreavy	Maquoketa
Gene R. Kregel	Burlington
Janet K. Specht	Marshalltown
Donald Soll, M.D.	Denison

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STATE ROSTER—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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**HEALTH PLANNING ADVISORY COUNCIL,
COMPREHENSIVE—Continued**

Dr. Tom Stonebrook	Eldora	
Mrs. Barbara Chaldy	Ames	
Dr. John Tyrrell	Manchester	
Dave Neugent	West Des Moines	
Gary L. Fink	Iowa City	
Donald W. Dunn	Des Moines	
Rev. Thomas N. Kalshoven	Davenport	

**HIGHER EDUCATION FACILITIES COMMISSION
Ch. 261**

Robert Benton, Supt. of Public Instruction	Des Moines	
Ray Bailey, Exec. Sec., Board of Regents	Clarion	
Robert H. Kiser, Vice Chairman		
State Advisory Committee on Vocational Education	Sioux City	June 30, 1977
Robert Williams	Des Moines	June 30, 1976
Keith S. Noah, Chairman	Charles City	June 30, 1977
Kenneth J. Weller, Ph.D.	Pella	June 30, 1979
JoAnn C. Cole	Decorah	June 30, 1977
Senator Milo Merritt	Osage	June 30, 1979
Repr. Charles N. Poncy	Ottumwa	June 30, 1979

HISTORICAL BOARD, STATE

§303.5

William O. Weaver	Wapello	June 30, 1978
Dr. Duane C. Anderson	Cherokee	June 30, 1977
Rev. Richard H. Thomas	Mount Vernon	June 30, 1979
George Mills	Des Moines	June 30, 1979
Mrs. Priscilla L. Wanatee	Tama	June 30, 1978
Mrs. Thelma E. Heflin	Harlan	June 30, 1977

HISTORICAL RECORDS ADVISORY BOARD

Public Law 93-536 (Federal)

Joyce Giaguinta	Iowa City	June 30, 1978
Dr. Keach Johnson	Des Moines	June 30, 1977
Dr. Glenda Riley	Cedar Falls	June 30, 1979
Arthur Hielkema	Orange City	June 30, 1978
Stanley Yates	Ames	June 30, 1977
Dr. Leslie W. Dunlap	Iowa City	June 30, 1979
Jack W. Musgrove	Des Moines	June 30, 1979
Thomas Thalken	West Branch	June 30, 1978
Mrs. Helen M. Virden	Mt. Pleasant	June 30, 1977
Dr. Richard H. Thomas	Mt. Vernon	June 30, 1978
Mrs. Patti O'Dell	New Market	June 30, 1979

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STATE ROSTER—Continued

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

Name and Office	City from which originally chosen	Term Ending
HOUSING FINANCE AUTHORITY		
Ch. 138 [Ch. 220]		
Fredine M. Branson	Iowa City	June 30, 1977
Constance C. Foster	Des Moines	June 30, 1977
Joseph L. Strasser	Des Moines	June 30, 1977
Gene E. Geissingner	West Des Moines.....	June 30, 1979
Donald A. Graham	Sergeant Bluff	June 30, 1979
Eugene O. Johnson	Davenport	June 30, 1979
Harold W. Godbersen	Ida Grove	June 30, 1981
Larry L. Hill	Cedar Falls.....	June 30, 1981
Bill E. Algood	Fort Dodge.....	June 30, 1981
William H. McNarney, Exec. Dir.	Des Moines	Appt by Governor
Appointments subject to Senate Confirmation		

INDUSTRIAL COMMISSIONER

Ch. 86

Robert C. Landess	West Des Moines.....	June 30, 1979
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INSURANCE COMMISSIONER

Ch. 505

Herbert W. Anderson	Des Moines
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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
Clayton L. Ringgenberg	Iowa City	April 30, 1977

House Members

Robert M. Kreamer	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

Senate Members

James W. Griffin, Sr.	Council Bluffs	April 30, 1977
William D. Palmer	Des Moines	April 30, 1977
W. R. Rabedaux	Wilton.....	April 30, 1977
Lowell L. Junkins	Montrose	April 30, 1977
Norman G. Rodgers	Adel	April 30, 1977

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STATE ROSTER—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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IOWA CENTENNIAL MEMORIAL COMMISSION

§504.32

State Officials

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

Former Governors whose official residence is Iowa

Honorable Robert Blue
 Honorable Norman Erbe
 Honorable Herschel Loveless
 Honorable Robert Fulton
 Mary Louise Petersen, Secretary

Members

Carl Cacciatore	Des Moines	June 30, 1978
John M. Henry	West Branch	June 30, 1979
Mrs. Velma Fry	Van Horne	June 30, 1976

IOWA OFFICIAL REGISTER

Joni Keith	Des Moines	Pleasure of the Printing Division
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IOWA: 2000 PLANNING COMMITTEE

Dr. Willard L. Boyd, Chairman	Iowa City	Appointed by Governor
Carl "Andy" Andersen	Shenandoah	
Robert Buck	Waukee	
Robert "Buzz" Dixon	Ames	
Mrs. Lawrence (Beverly) Everett	New Sharon	
Ms. Caroline Farrell	Dubuque	
Mrs. Robert (Jane) LaGrange	Vinton	
Mrs. James (Sue) Mullins	Corwith	
Clayton Ringgenberg	Iowa City	
Ralph Schlenker	Des Moines	
Mrs. John (Betty) Schutter	Algona	
Lauren Soth	West Des Moines	
DeEdwin White	Burlington	

**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
George R. Duvall	Ames	June 30, 1981

House Member

Richard L. Byerly	Ankeny	June 30, 1976
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Senate Member

James W. Griffin, Sr.	Council Bluffs	June 30, 1977
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JOB SERVICES

Ch. 1068, [96.10] 66th G.A.

Colleen P. Shearer, Acting Director	Carlisle
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STATE ROSTER—Continued

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

Name and Office	City from which originally chosen	Term Ending
JOB SERVICES APPEAL BOARD		
Ch. 1068, [96.6] 66th G.A.		
Murray C. Lawson	Mason City.....	June 30, 1982
Norma I. Lock	Des Moines	June 30, 1982
William F. Dunn	West Des Moines.....	June 30, 1980

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, 1982
Al Cornish, O.D.	Sigourney	Jan. 1, 1978
Richard C. Grossman	Marshalltown	Jan. 1, 1982
Mrs. Richard L. Peick	Cedar Rapids.....	Jan. 1, 1980
Mrs. Marshall R. Beard	Cedar Falls.....	Jan. 1, 1980
William J. O'Brien, Executive Secretary		

JUVENILE JUSTICE ADVISORY COUNCIL
PL 93-415, Section 223(a)(3)

Laura M. Lehmann.....	Davenport	June 30, 1977
Richard C. Miller	Decorah	June 30, 1977
Catherine G. Williams	Des Moines	June 30, 1977
Douglas D. Hall	Des Moines	June 30, 1978
Wayne A. Norman, Jr.	Dubuque	June 30, 1978
Kaye D. Young	Mason City.....	June 30, 1978
David D. Carlson	Mason City.....	June 30, 1979
Josephine Gittler	Iowa City	June 30, 1979
Gary R. Rosberg	Des Moines	June 30, 1979
Bonnie B. Evans	Ames.....	June 30, 1977
Rev. Charles E. Hunt	Strawberry Point	June 30, 1977
Marilyn Murphy	Sioux City	June 30, 1977
Marie Pearson	Marne	June 30, 1977
Randall A. Bach	Des Moines	June 30, 1978
Lily R. Hill	Des Moines	June 30, 1978
Janet L. Layman	Sergeant Bluff	June 30, 1978
Maggi Lynn Moss	Des Moines	June 30, 1978
James P. Swaim	Iowa City	June 30, 1978
Jackie Tucker	Davenport	June 30, 1978
Carol A. Andrews	Ottumwa.....	June 30, 1979
Carol W. Augustine	Des Moines	June 30, 1979
Lonny T. Morrison	Iowa City	June 30, 1979
Kathleen M. Neylan	Elkader	June 30, 1979
Jerry L. Osler	Council Bluffs	June 30, 1979

LABOR COMMISSIONER
Ch. 91

Jerry L. Addy, Commissioner	June 30, 1977
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STATE ROSTER—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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LAND REHABILITATION ADVISORY BOARD

§83A.3

Frank W. Schaller, Chairman	Ames	
Stanley Grant, State Geologist	Cedar Falls	
G. H. Hertel	Des Moines	
William W. Fall	Knoxville	
Burl R. Place	Humboldt	
Thomas A. Bates	Bellevue	
Hugh A. Templeton	Knoxville	

LAW ENFORCEMENT ACADEMY COUNCIL

Ch. 80B

Warren J. Kruck, Chairman	Boone	August 14, 1975
Frank O'Keefe, Vice Chairman	Sioux City	August 14, 1977
Gerald D. Allen	Mason City	August 14, 1975
Dr. Kenneth J. Weller	Pella	August 14, 1978
Arthur R. Kitner	Independence	August 14, 1976
Richard Holcomb	Iowa City	
Ray Sullins	Des Moines	Pleasure of Atty. Gen.
Edward J. Krupinsky	Omaha	August 14, 1978
Major Frank A. Metzger	Des Moines	August 14, 1978
John Thalacker	Des Moines	August 14, 1976
Jerry L. Jensen	Waterloo	August 15, 1976

Senate Members

Robert M. Carr	Dubuque	August 14, 1978
Richard R. Ramsey	Osceola	August 14, 1978

House Members

Roger A. Halvorson	Monona	August 14, 1977
Russell L. Wyckoff	Vinton	August 14, 1976

LAW EXAMINERS

Ch. 610

S. David Peshkin (Chairman)	Des Moines	July 1, 1978
Walter C. Schroeder	Mason City	June 30, 1979
Frederick G. White	Waterloo	June 30, 1979
Wilbur R. Dull	Ottumwa	July 1, 1977
Golda S. Sands	Des Moines	July 1, 1977
Susan Corey	Cedar Rapids	July 1, 1978
Francis L. Cudahy	Jefferson	July 1, 1978

LEGAL SERVICES ADVISORY COUNCIL

PL 93-355, Section 1004(f)

Hon. Leo E. Oxberger (Chairperson)	Des Moines	March 31, 1977
Jack W. Peters	Council Bluffs	March 31, 1977
Russell C. Davis	Des Moines	March 31, 1977
David E. Vohs	Sioux City	March 31, 1977
Martin W. Peterson	Algona	March 31, 1977
Robert E. Wooldridge	Guttenberg	March 31, 1977
Ila R. Plasencia	West Des Moines	March 31, 1977
Mary Ellen Kerr	Blue Grass	March 31, 1977
Mary Sharp	Ottumwa	March 31, 1977

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STATE ROSTER—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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LEGISLATIVE COUNCIL

§2.41

Senate Members

Arthur A. Neu, Pres. 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. Dunton	Thornburg	
Elmer H. Den Herder	Sioux Center	
William J. Hargrave	Iowa City	
Andrew Varley	Stuart	
Delwyn Stromer	Garner	
Donald V. Doyle	Sioux City	
James I. Middleswart	Indianola	

LEGISLATIVE COUNCIL COMMITTEES

§2.45

LEGISLATIVE ADMINISTRATION COMMITTEE

Senate Members

George R. Kinley	Des Moines	
Clifton C. Lamborn	Maquoketa	
Eugene M. Hill	Newton	

House Members

Dale M. Cochran, Chairman	Eagle Grove	
Andrew Varley	Stuart	
Donald V. Doyle	Sioux City	

These gentlemen will
serve two-year terms
ending upon conven-
ing of following
General Assembly

LEGISLATIVE FISCAL COMMITTEE

Senate Members

Lucas J. DeKoster	Hull	
Bass Van Gilst	Oskaloosa	
William D. Palmer	Des Moines	
John N. Nystrom	Boone	
Earl M. Willits	Des Moines	

House Members

Elmer H. Den Herder	Sioux City	
Keith H. Dunton	Thornburg	
Norman G. Jesse	Des Moines	
James I. Middleswart	Indianola	
Richard W. Welden	Iowa Falls	

These gentlemen will
serve two-year terms
ending upon conven-
ing of following
General Assembly

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STATE ROSTER—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 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, Chairman	Iowa City	
Steve Sovern	Marion	
<i>House Members</i>		
Delwyn Stromer	Garner	
Jerome Fitzgerald	Fort Dodge	
James I. Middleswart	Indianola	

LEGISLATIVE SERVICE BUREAU
§2.58

Serge H. Garrison, Director	Des Moines	Pleasure of the Legislative Council
Burnette E. Koebnick, Senior Research Analyst	Des Moines	
Philip E. Burks	Des Moines	
Thane R. Johnson, Senior Research Analyst	Des Moines	
Dorothy D. Benton, Executive Secretary		
Marge Gerst, Financial Secretary		

LIBRARY COMMISSION, STATE
Ch. 303A

Thomas Muller, Chairman	Coralville	June 30, 1980
Dr. Ralph A. Dorner	Des Moines	June 30, 1979
Mrs. Marie Wallinga	Sioux Center	June 30, 1978
Richard O. Shirk	Oelwein	June 30, 1977
James Gritton, Law Librarian		
Pamole Clark, Medical Librarian		
William O'Brien, Supreme Court Administrator		
Barry L. Porter, Administrator		

LIFE SUPPORT OF DEPENDENT ADULTS TASK FORCE
Ad hoc

Evelyne R. Villines, Chairman	Des Moines	Pleasure of the Governor
William R. Howard	Ankeny	
Jerry L. Starkweather	Norwalk	
Hon. Lucas J. DeKoster	Hull	
Norman L. Pawlewski	Des Moines	
Leona I. Peterson	West Des Moines	
Helen B. Henderson	West Des Moines	
Kevin J. Burns	Des Moines	
Hon. Gregory D. Cusack	Davenport	
Michael Kane	Davenport	

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STATE ROSTER—Continued

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

Name and Office	City from which originally chosen	Term Ending
LOCAL GOVERNMENT TASK FORCE		
Ch. 1067, §34		
Hon. Arthur A. Neu, Chairman	Carroll	
James C. West	State Center	
Lowell E. Norland	Kensett	
Norman G. Rodgers	Adel	
Roger J. Shaff	Camanche	
Edwin A. Hicklin	Wapello	
Robert L. Pearl	Keokuk	
Ernest F. Pence	Cedar Rapids	Pleasure of the
Raymond J. Myers	Fort Atkinson	Governor
Sharon W. Nail	Iowa Falls	
Fred J. Abraham	Cedar Falls	
Donald G. Briggs	West Des Moines	
Howard L. Snook	Newton	
Leroy H. Petersen	Grimes	
Barbara A. Koerber	Ames	
Lester L. Gingerich	Storm Lake	
Paul A. Berger	Sioux City	

MANPOWER SERVICES COUNCIL

PL 93-203, Sec. 107

Robert F. Tyson	Des Moines	Dec. 31, 1977
Carl A. Neubauer	Black Hawk	Dec. 31, 1977
Richard Brannan	Des Moines	Dec. 31, 1977
Robert A. Brown	Cedar Rapids	Dec. 31, 1977
Jerry C. O'Sullivan	Sioux City	Dec. 31, 1977
Judd E. Mills	Davenport	Dec. 31, 1977
Harold R. Yeoman	Monticello	Dec. 31, 1977
Lambert Burkhalter	Des Moines	Dec. 31, 1977
Patricia A. Stejger	Davenport	Dec. 31, 1977
Alice A. McKee	Des Moines	Dec. 31, 1977
Robert Lipman	Des Moines	Dec. 31, 1977
Jerry L. Starkweather	Des Moines	Dec. 31, 1977
Robert D. Benton, Ed.D.	Des Moines	Dec. 31, 1977
Colleen P. Shearer	Des Moines	Dec. 31, 1977
Charles Miller	Des Moines	Dec. 31, 1977

MEDICAL ASSISTANCE ADVISORY COUNCIL

§249A.4(8)

Mary Ellen Evans	Davenport	June 30, 1978
Ruth Hannagan	Newton	June 30, 1977
Virginia R. Petersen	Des Moines	June 30, 1977
Don L. McGrath	Eagle Grove	June 30, 1978

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

STATE ROSTER—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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MEDICAL ASSISTANCE ADVISORY COUNCIL—Continued

Mandatory Incumbent Members

Anthony P. Untz, D.C.
 Norman L. Pawlewski
 Paul M. Seebohm, M.D.
 A. J. Havlik, M.D.
 Gerald Leuty, D.O.
 A. G. Kegler, D.D.S.
 Marian A. Van Fossen
 Robert G. Gibbs
 Howard Inbody, D.P.M.
 Thomas E. Ward, O.D.
 Donald Cordes
 Dwight G. Reigert
 R. Wayne Ellis

State Liaison

Dr. Elmer Smith Medical Service Bureau

EMERGENCY MEDICAL SERVICE ADVISORY COUNCIL

(PL 89-564)

Michael E. Abrams, MD	Des Moines	Pleasure of the Governor
Lt. Robert G. Glenn, Department of Public Safety		
William R. Bliss, MD	Ames	
Glen D. Anderson, Jr.	West Des Moines	
Donald L. Wederquist	Urbandale	
William D. Good	Boone	
John Rich	Fredericksburg	
Keith Royer	Ames	
David B. Fish	Des Moines	
Don E. Williams	Des Moines	
Ronald D. Eckoff, MD	Cumming	
Janice (Nancy) Fryett, RN	West Des Moines	
Charles R. Linden	Boone	
Mary A. Statler	Keota	
Charles E. Hartford, MD	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, 1978
Drexel Lange	Des Moines	June 30, 1978
Joseph L. Tate	Des Moines	June 30, 1978
Herbert L. Nelson, M.D.	Iowa City	June 30, 1978
Vera French, M.D.	Davenport	June 30, 1978
Floyd Dunn, D.O.	Knoxville	June 30, 1978
James Campbell	Decorah	June 30, 1978
Mrs. Jean McMurray	Webster City	June 30, 1978

STATE ROSTER—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.2		
Roy E. Warman, Ph.D., Chairman	Ames	July 3, 1976
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
Hormoz Rassekh, M.D.	Council Bluffs	July 3, 1976
Myron N. Bos, D.O.	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, 1981
Mrs. Alice A. McKee	Des Moines	June 30, 1981
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

MISSISSIPPI PARKWAY PLANNING COMMISSION

Ch. 308

Charles B. Millham	Guttenberg	June 30, 1979
Harry G. McKee	Muscatine	June 30, 1977
Ivan E. Dull	Dubuque	June 30, 1977
John McCormally	Burlington	June 30, 1979
Victor Rathje	Postville	June 30, 1977
Phyllis M. Perry	Columbus Junction	June 30, 1977
Harold W. Clausen	Clinton	June 30, 1975
Lynn Battles	Maquoketa	June 30, 1975
Mary Majors	Keokuk	June 30, 1975

NATURAL RESOURCES COUNCIL

§§455A.4-5

Othie R. McMurry, Director		
Hugh A. Templeton	Knoxville	June 30, 1977
Hon. Leslie C. Klink	Elkader	June 30, 1977
Dr. Merwin D. Dougal	Ames	June 30, 1979
Perry L. Christensen	Diagonal	June 30, 1979
Dr. M. A. Dalchow	Maquoketa	June 30, 1979
Leigh R. Curran	Mason City	June 30, 1979
Linda A. Tigges	Ankeny	June 30, 1981
John P. Whitesell	Iowa Falls	June 30, 1981
Joyce Repp	Minburn	June 30, 1977

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STATE ROSTER—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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NURSING BOARD

Ch. 147

Mildred I. Freel, Chairman	Iowa City	
Nellie Osterlund, Secretary	Des Moines	
Mrs. Barbara Steen, RN	Waterloo	June 30, 1979
Ruth M. Turnis	Dubuque	
Mrs. Pearl Forbes	Marshalltown	
Noel W. Willis	Iowa City	
Dwight Brooke	Des Moines	
Mrs. Donna R. Heald	Mt. Pleasant	June 30, 1979
Mrs. Lynne M. Illes, Exec. Dir.		

**NURSING HOME ADMINISTRATORS, STATE BOARD OF
EXAMINERS**

Ch. 135E

Dwight E. Fry, R.Ph., Chairman	Greenfield	June 30, 1977
Ezra W. Shenk	Wellman	June 30, 1976
Phyllis J. Peters	Sioux City	June 30, 1976
Blaine L. Donaldson	Storm Lake	June 30, 1977
James Gannon, M.D.	Laurens	June 30, 1976
Richard F. Rabe, D.D.S.	Des Moines	June 30, 1978

Public Members

Lois M. Sherman	Cedar Falls	June 30, 1976
Dorcas W. Speer	Ames	June 30, 1978

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Ch. 88

I. John Rossi, Chairman	West Des Moines	June 30, 1976
Allen J. Meier	Cedar Rapids	June 30, 1980
Vacancy		
G. Lawrence Ragan, Exec. Sec.		

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STATE ROSTER—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, GOVERNOR'S COMMITTEE ON CONSERVATION		
Sherry R. Fisher, Chairman	Des Moines	Jan. 1, 1977
E. A. "Ed" Baldwin	Little Sioux	Jan. 1, 1977
Dorothy Buckingham	Carson	Jan. 1, 1977
Page W. Carlson	Soldier	Jan. 1, 1977
Lee A. Dallager	Des Moines	Jan. 1, 1977
W. E. Darrington	Persia	Jan. 1, 1977
Barbara Dawson	Runnells	Jan. 1, 1977
Eugene C. Gilson	Glenwood	Jan. 1, 1977
Leo M. Hassenger	Sioux City	Jan. 1, 1977
Dr. V. Strode Hinds	Sioux City	Jan. 1, 1977
C. E. Hitchman	Blencoe	Jan. 1, 1977
Keith Kirkpatrick	Des Moines	Jan. 1, 1977
Joseph A. Larkin	Council Bluffs	Jan. 1, 1977
Donald M. Meisner	Sioux City	Jan. 1, 1977
Paul A. Morris	Sioux City	Jan. 1, 1977
Wesley C. Newcomb	Des Moines	Jan. 1, 1977
Russell Pearson	Onawa	Jan. 1, 1977
James H. Pullman, Jr.	Sidney	Jan. 1, 1977
Gary Rodewal	Missouri Valley	Jan. 1, 1977
Edward Ruisch	Sioux City	Jan. 1, 1977
Elizabeth Sammons	Sioux City	Jan. 1, 1977
H. Andrew Schill	Fort Dodge	Jan. 1, 1977
Ralph Schlenker	Indianola	Jan. 1, 1977
Claude Sheldan	Thurman	Jan. 1, 1977
Ed H. Spetman, Jr.	Council Bluffs	Jan. 1, 1977
George Winther	Missouri Valley	Jan. 1, 1977
Dorothy Baringer	West Des Moines	Jan. 1, 1977
Kenneth Benda	Grinnell	Jan. 1, 1977
Henry E. Bradshaw	West Des Moines	Jan. 1, 1977
Bernard Clausen	Cedar Falls	Jan. 1, 1977
Helen Crabb	Panora	Jan. 1, 1977
Robert W. Dillon	Des Moines	Jan. 1, 1977
Robert Engelmann	Des Moines	Jan. 1, 1977
Alden J. Erskine	Sioux City	Jan. 1, 1977
Fred Gosch	Webster City	Jan. 1, 1977
Arnold O. Haugen	Dorchester	Jan. 1, 1977
Wilbur E. Horine	Nevada	Jan. 1, 1977
Earl Jarvis	Wilton	Jan. 1, 1977
Dr. George E. Knudson	Decorah	Jan. 1, 1977
Ervin J. J. Koos	Shelby	Jan. 1, 1977
Eugene C. Kragenbrink	Ankeny	Jan. 1, 1977
Ruby L. Kruse	Marshalltown	Jan. 1, 1977
Lawrence L. Ladin	Des Moines	Jan. 1, 1977
Dr. Roger Q. Landers	Ames	Jan. 1, 1977
Muriel Minglin	Auburn	Jan. 1, 1977
Dr. Robert L. Morris	Iowa City	Jan. 1, 1977
Clifford M. Naser	Fort Dodge	Jan. 1, 1977
Addison Parker, Jr.	Des Moines	Jan. 1, 1977
Hon. Wendell C. Pellett	Atlantic	Jan. 1, 1977
H. Wayne Pritchard	Des Moines	Jan. 1, 1977
Robert C. Russell	Iowa City	Jan. 1, 1977
Hon. Dale L. Teiden	Elkader	Jan. 1, 1977
George A. Wilson, Jr.	West Des Moines	Jan. 1, 1977
George Woods	Cresco	Jan. 1, 1977

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STATE ROSTER—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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PAROLE BOARD

Ch. 247

Mrs. Janet A. Johnson	Des Moines	June 30, 1979
Jack Bedell	Spirit Lake	June 30, 1981
Silas S. Ewing	Des Moines	June 30, 1977

PHYSICAL FITNESS AND SPORTS, GOVERNOR'S COUNCIL ON

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

POLICE COMMUNICATIONS REVIEW COMMITTEE

Ch. 750

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 Bortel	St. Charles	Jan. 9, 1977
James D. Wells	Cedar Rapids	Jan. 9, 1977

PRESERVES ADVISORY BOARD

§111B.3

John D. Dodd, Ph.D.	Ames	June 30, 1977
Sylvan T. Runkel	Des Moines	June 30, 1979
Dorothy M. Baringer	West Des Moines	June 30, 1977
Peter J. Harstad, Ph.D.	Iowa City	June 30, 1978
Duane C. Anderson, Ph.D.	Iowa City	June 30, 1978
M. Gene Ulrich, Ph.D.	LeMars	June 30, 1979
Fred A. Prierwert, Director		

STATE ROSTER—Continued

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

Name and Office	City from which originally chosen	Term Ending
PRINTING DIVISION OF GENERAL SERVICES		
Ch. 18, Div. II		
Vernon Lundquist.....	Superintendent	
Dennis Groe.....	Assistant Superintendent	

PROFESSIONAL TEACHING PRACTICES COMMISSION		
§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
Robert I. Glass.....	West Des Moines.....	June 30, 1978
James E. Knott.....	Carroll.....	June 30, 1978
Mrs. Barbara K. Smeltzer.....	Dubuque.....	June 30, 1978
Dale W. Hackett.....	Anamosa.....	June 30, 1978

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, 1979
Mrs. Elsie Grant.....	Des Moines.....	June 30, 1977
Mrs. Joan McKean.....	Cedar Falls.....	June 30, 1978

DEPARTMENT OF PUBLIC DEFENSE		
OFFICE OF DISASTER SERVICES		
Ch. 1074 [29C]		
Donald C. Hinman, Director.....	Ankeny	Pleasure of the Governor

PUBLIC EMPLOYMENT RELATIONS BOARD		
Ch. 20		
Edward F. Kolker, Chairman.....	Waterloo.....	June 30, 1978
John R. Loihl.....	Park Forest, Ill.....	June 30, 1980
Vernon C. Cook.....	Clinton.....	June 30, 1980

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
Virginia Harper.....	Ft. Madison.....	Jan. 2, 1980
Jolly Ann Davidson.....	Clarinda.....	Jan. 2, 1980
Mrs. Susan M. Wilson.....	Waterloo.....	Jan. 2, 1982
John E. van der Linden.....	Sibley.....	Jan. 2, 1982
T. J. Heronimus.....	Grundy Center.....	Jan. 2, 1982
Robert G. Koons.....	Clinton.....	Jan. 2, 1980

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STATE ROSTER—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 Benton, Superintendent, Des Moines
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

John J. Pogge	Council Bluffs	June 30, 1979
Donald Knudsen	Eagle Grove	June 30, 1977
Mrs. Gracie M. Ruden	LeMars	June 30, 1978
Kathryn L. Graf (Miss)	Fairfield	June 30, 1979
Miss Julie Zelenka	Iowa City	June 30, 1978
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. Russell Pounds	Ames	June 30, 1977

REVENUE, DIRECTOR OF

§421.2

Gerald D. Bair	Norwalk	Pleasure of the Governor
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STATE ROSTER—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 ADVISORY COMMITTEE, PRIVATE		
§257.30		
Wayne D. Albers	Fort Dodge	
Merl E. Alons	Pella	
A. W. Behrens	Templeton	
Merlin J. Hellman	Houghton	
Forrest W. Rosser	Cedar Rapids	
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
<i>Mandatory Members</i>		
Marvin R. Selden, Jr., State Comptroller		
Dr. Robert D. Benton, State Superintendent of Public Instruction		
SHORTHAND REPORTERS BOARD OF EXAMINERS		
Ch. 115		
A. A. Herrick	Des Moines	June 30, 1979
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, 1979
SOCIAL SERVICES COUNCIL		
Ch. 217		
Kevin Burns, Commissioner	Des Moines	Pleasure of the Governor
Dolph Pulliam, Chairman	West Des Moines	June 30, 1981
Fernice W. Robbins	Waterloo	June 30, 1977
Mrs. Madalene R. Townsend	Davenport	June 30, 1979
Miss Lois Emanuel	Marion	June 30, 1979
G. Thomas Reilly	Council Bluffs	June 30, 1977

STATE ROSTER—Continued

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

Name and Office	City from which originally chosen	Term Ending
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
Mrs. Louise Moon	Des Moines	June 30, 1981
Walter Hagen.....	Waterville.....	June 30, 1979
Carroll J. Hobson	Eldora	June 30, 1981
Gerald Norland	Cylinder	June 30, 1981

Ex officio Members

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

Advisors

William J. Brune, State Conservationist, U.S. Soil Conservation Service
 Carl Schnoor, Iowa County Engineers Association

SPANISH-SPEAKING PEOPLES COMMISSION

Ch. 16

Greg Rocha, Acting Director, Office of Planning & Programming		
Jorge Gomez, Jr.	Bettendorf	June 30, 1979
Ernesto Rodriguez.....	Davenport	June 30, 1979
Juan J. Cadena	Muscatine.....	June 30, 1979
Mrs. Ila R. Plasencia	West Des Moines.....	June 30, 1979
John Tucker.....	Muscatine.....	June 30, 1979
Sister Irene Munoz	Muscatine.....	June 30, 1979

STATE RECORDS COMMISSION

Ch. 304

Melvin D. Synhorst, Chairman	Des Moines
Maurice Baringer	West 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	

STATE ROSTER—Continued

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

Name and Office	City from which originally chosen	Term Ending
STATUS OF WOMEN, COMMISSION ON		
Ch. 601		
Phyllis Howlett, Chairperson	Des Moines	June 30, 1978
Joseph Bertroche	Indianola	June 30, 1980
Edith Sackett	Spencer	June 30, 1980
Jane Ann Robbins	Ames	June 30, 1978
Roxanne Conlin	West Des Moines	June 30, 1978
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 20, 1978
Marilyn J. Dunn	Cedar Rapids	June 30, 1980
John D. Cuttell	West Des Moines	June 30, 1978
Sandy Williams	Davenport	June 30, 1978
Mildred I. Freel, RN	Iowa City	June 30, 1978
Kristelle L. Vorhaus	Des Moines	June 30, 1978
Frances Calhoon	Ottumwa	June 30, 1978
Patricia Geadelmann	Cedar Falls	June 30, 1980
Mary Jean Montgomery	Spencer	June 30, 1980
Edward M. Anson	Sioux City	June 30, 1980
Carolyn Hannan	Council Bluffs	June 30, 1980
Rev. Mary Drennan	Mason City	June 30, 1980
Kathleen M. Green	Sioux City	June 30, 1980
Margaret S. Anderson	Cedar Falls	June 30, 1980
Rosa Lucia Howell	Norwalk	June 30, 1980
Juanita Lopez	Davenport	June 30, 1980

SUPREME COURT ADMINISTRATOR

Ch. 684

William O'Brien	Court Administrator	Pleasure of the Supreme Court
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SUPREME COURT ADVISORY COMMITTEE ON RULES

Eugene Davis, Chairman	Des Moines	July 1, 1978
Dwight W. James	Des Moines	July 1, 1979
Judge Thomas S. Bown	Corydon	July 1, 1979
Robert C. Tilden	Cedar Rapids	July 1, 1978
Philip Willson	Council Bluffs	July 1, 1978
John Greer	Spencer	July 1, 1977
Robert Waterman	Bettendorf	July 1, 1977
William C. Fuerste	Dubuque	July 1, 1979
David M. Elderkin	Cedar Rapids	July 1, 1977
Francis Becker	Des Moines	July 1, 1978
Ross Sidney	Des Moines	July 1, 1979

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STATE ROSTER—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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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, 1980
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, 1980

TAX REVIEW BOARD

§421.1

Keith A. McKinley	Osage	June 30, 1979
William G. Murray	Ames	June 30, 1981
Louis I. Nussbaum	Des Moines	June 30, 1977

TRANSPORTATION COMMISSION

§307.3

Robert R. Rigler, Chairman	New Hampton	June 30, 1978
Allan T. Thoms	Dubuque	June 30, 1979
William F. McGrath	Melrose	June 30, 1980
Barbara J. Dunn	Des Moines	June 30, 1980
Stephen Garst	Coon Rapids	June 30, 1977
L. Stanley Schoelerman	Spencer	June 30, 1978
Donald K. Gardner	Cedar Rapids	June 30, 1977

TRANSPORTATION REGULATION BOARD

§307.15

Conrad A. Amend	Des Moines	June 30, 1981
Richard D. Howe	Des Moines	June 30, 1979
Sherri Y. Alston	Washington, D.C. (Burlington)	June 30, 1977

UNIFORM STATE LAWS COMMISSION

Ch. 5

Allan Vestal	Iowa City	June 30, 1976
Richard F. Dole	Iowa City	June 30, 1976
William C. Ball	Waterloo	June 30, 1976

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STATE ROSTER—Continued

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

Name and Office	City from which originally chosen	Term Ending
VEHICLE DISPATCHER		
Ch. 18, Div. IV		
Milford L. Juhl	Boone	Pleasure of General Services Administration

VETERINARY MEDICAL EXAMINERS
§169.15-18

Samuel D. Linn	Humboldt	June 30, 1979
Joseph A. Graham, Jr.	Milo	June 30, 1977
Stanley C. Romans	Mason City	June 30, 1978
Marie L. Holz	Grand Junction	June 30, 1976
John E. Soorholtz	Melbourne	June 30, 1978

VOCATIONAL EDUCATION ADVISORY COUNCIL
§258.7

Henry E. Merkel	Des Moines	June 30, 1977
Joe R. White	Iowa Falls	June 30, 1977
Elmer Sovern, Jr.	Albia	June 30, 1978
Fay Winters	Des Moines	June 30, 1978
Gordon Bennett	Ottumwa	June 30, 1978
Frances Melvold	Maquoketa	June 30, 1978
Phyllis Moershel	Cedar Rapids	June 30, 1977
Robert I. Hale	Burlington	June 30, 1977
Garlyn H. Wessel, Ph.D.	Dubuque	June 30, 1979
Roy S. Schlachtenhaufen	Des Moines	June 30, 1979
Charles C. Joss	Decorah	June 30, 1979
Dallas E. Schrader	Jefferson	June 30, 1979
Dorothy K. Pecaut	Sioux City	June 30, 1979

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, 1976
Clarence A. Gordy	Oskaloosa	June 30, 1976
James R. Van Denover	Oelwein	June 30, 1977
Karlton Lane Kunath	Spencer	June 30, 1978
James W. Peterson	Washington	June 30, 1978
Marian R. Haaf	Waterloo	June 30, 1977
Sidney E. Wilcox	Missouri Valley	June 30, 1978

Appointments subject to Senate Confirmation

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JUDICIAL DEPARTMENT

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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JUDICIAL DEPARTMENT
(July 1, 1976)

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)

Election District 1A

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

Election District 1B

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
Leonard D. Lybbert	Waterloo	Dec. 31, 1976

Election District 2A

C. H. Wild	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

Election District 2B

Paul E. Hellwege	Boone	Dec. 31, 1978
Edward J. Flattery, C.J.	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
Milton D. Seiser	Ames	Dec. 31, 1978

Election District 3A

Joseph P. Hand	Emmetsburg	June 30, 1977
Richard W. Cooper	Storm Lake	June 30, 1977
Murray S. Underwood	Spencer	Dec. 31, 1980
James H. Andreasen	Algona	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 3B</i>		
Lawrence W. McCormick	Sioux City	June 30, 1977
James P. Kelley, C.J.	LeMars	Dec. 31, 1976
Donald M. Pendleton	Sioux City	Dec. 31, 1978
George F. Davis	Sioux City	Dec. 31, 1976
David J. Blair	Sioux City	Dec. 31, 1978
<i>Election District 4</i>		
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
Jerry L. Larson	Harlan	Dec. 31, 1976
<i>Election District 5A</i>		
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
Ray Hanrahan	Des Moines	Dec. 31, 1978
<i>Election District 5B</i>		
A. V. Hass	Chariton	Dec. 31, 1978
Thomas S. Bown	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. Haverkamp	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

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 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>		
William S. Cahill.....	Burlington.....	Dec. 31, 1980
Harlan W. Bainter.....	Mount Pleasant.....	Dec. 31, 1978
David B. Hendrickson.....	Keokuk.....	Dec. 31, 1980
Thomas E. Tucker.....	Fort Madison.....	Dec. 31, 1978

DISTRICT ASSOCIATE JUDGES

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

JUDICIAL NOMINATING COMMISSION, STATE

Name and Office	City from which originally chosen	Term Ending
Justice M. L. Mason, Chairman, Mason City		
<i>Elected Lawyer Members</i>		
Richard M. McMahon.....	Davenport.....	June 30, 1981
John J. Shea.....	Cedar Rapids.....	June 30, 1981
Robert Fulton.....	Waterloo.....	June 30, 1979
Hon. John W. Tobin.....	Vinton.....	June 30, 1977
Arthur H. Johnson.....	Fort Dodge.....	June 30, 1977
T. M. Whicher.....	Sioux City.....	June 30, 1981
Harold T. Beckman.....	Council Bluffs.....	June 30, 1979
<i>Appointed Members</i>		
C. H. Wildman.....	Davenport.....	June 30, 1977
Don Balster.....	Marion.....	June 30, 1977
Betty J. Furgerson.....	Waterloo.....	June 30, 1981
Jon H. Kneen.....	Ottumwa.....	June 30, 1979
Donald S. Willis.....	Des Moines.....	June 30, 1979
William E. Beck, Jr.....	Spirit Lake.....	June 30, 1977
Bill W. Sorenson.....	Jefferson.....	June 30, 1975

JUDICIAL DEPARTMENT—Continued

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

JUDICIAL NOMINATING COMMISSIONS, DISTRICT

§46.3

Name	Office Address	Term Ending
<i>Appointive</i>		
<i>Election District 1A</i>		
Hon. T. H. Nelson (Chairman) — Dubuque		
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
<i>Election District 1B</i>		
Hon. Peter Van Metre (Chairman) — Waterloo		
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
<i>Election District 2A</i>		
Hon. C. H. Wild (Chairman) — Waverly		
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
<i>Election District 2B</i>		
Hon. Paul Hellwege (Chairman) — Boone		
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>		
Hon. J. P. Hand (Chairman) — Emmetsburg		
Charles E. Spengler	Ocheyedan	Jan. 31, 1980
Mrs. Elizabeth Vanden Heuvel	Rock Rapids	Jan. 31, 1980
John B. Anderson	Storm Lake	Jan. 31, 1982
Blaine Hoiem	Spirit Lake	Jan. 31, 1982
Kirk Hayes	Algona	Jan. 31, 1978
<i>Election District 3B</i>		
Hon. L. W. McCormick (Chairman) — Sioux City		
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>		
Hon. Leroy H. Johnson (Chairman) — Red Oak		
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

JUDICIAL DEPARTMENT—Continued

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

JUDICIAL NOMINATING COMMISSIONS, DISTRICT—Continued

Name	Office Address	Term Ending
<i>Election District 5A</i>		
Hon. Don L. Tidrick — Des Moines		
Eugene T. Smith	Indianola	Jan. 31, 1980
Ray Murphy	Des Moines	Jan. 31, 1980
Ms. Sara Caldwell	Pella	Jan. 31, 1982
Mrs. Corrine Hubbell	Des Moines	Jan. 31, 1982
Mrs. Betty Schwartzkopf	Stuart	Jan. 31, 1978
<i>Election District 5B</i>		
B. L. Cuning	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>		
Hon. W. R. Eads (Chairman) — Cedar Rapids		
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>		
Hon. N. Grant (Chairman) — Davenport		
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>		
Hon. L. R. Carson (Chairman) — Oskaloosa		
Milford R. Wonderlich	Ollie	Jan. 31, 1974
Julian Campbell	Bloomfield	Jan. 31, 1974
Max Smith	Grinnell	Jan. 31, 1976
Logan Heilman	Washington	Jan. 31, 1978
<i>Election District 8B</i>		
Hon. Wm. S. Cahill (Chairman) — Burlington		
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
<i>Elective</i>		
<i>Election District 1A</i>		
Robert D. Klauer	Dubuque	Jan. 31, 1982
James Hart	Elkader	Jan. 31, 1980
Alfred Hughes	Dubuque	Jan. 31, 1978
Isadore Meyer	Decorah	Jan. 31, 1982
Charles A. Kintzinger	Dubuque	Jan. 31, 1978

JUDICIAL DEPARTMENT—Continued

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

JUDICIAL NOMINATING COMMISSIONS, DISTRICT—Continued

Name	Office Address	Term Ending
<i>Election District 1B</i>		
Henry L. Elwood	Cresco	Jan. 31, 1982
Upton B. Kepford	Waterloo	Jan. 31, 1978
Jon Fister	Waterloo	Jan. 31, 1982
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
Alfred A. Beardmore	Charles City	Jan. 31, 1982
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
W. K. Doran	Boone	Jan. 31, 1982
Craig L. Johnson	Marshalltown	Jan. 31, 1978
Thomas L. McCullough	Sac City	Jan. 31, 1978
Stewart H. M. Lund	Webster City	Jan. 31, 1982
<i>Election District 3A</i>		
Harrold R. Grigg	Primghar	Jan. 31, 1982
James L. McDonald	Cherokee	Jan. 31, 1982
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, 1982
Frank J. Margolin	Sioux City	Jan. 31, 1978
William J. Rawlings	Sioux City	Jan. 31, 1978
Robert C. Reimer	Denison	Jan. 31, 1982
John D. TePaske	Orange City	Jan. 31, 1980
<i>Election District 4</i>		
John F. Boeye	Red Oak	Jan. 31, 1982
Proctor R. Perkins	Council Bluffs	Jan. 31, 1980
J. R. Larson	Atlantic	Jan. 31, 1978
Emmet Tinley	Council Bluffs	Jan. 31, 1982
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, 1982
Clyde Putnam, Jr.	Des Moines	Jan. 31, 1978
Richard H. Smith	Des Moines	Jan. 31, 1982
<i>Election District 5B</i>		
William Don Carlos	Greenfield	Jan. 31, 1978
James Harsh	Creston	Jan. 31, 1978
Tom Mullin	Creston	Jan. 31, 1982
Lawrence P. Van Werden	Lenox	Jan. 31, 1980
Richard L. Wilson	Lenox	Jan. 31, 1980
<i>Election District 6</i>		
James W. Crawford	Cedar Rapids	Jan. 31, 1980
Fred Fisher	Cedar Rapids	Jan. 31, 1982
William L. Meardon	Iowa City	Jan. 31, 1978
Ralph W. Gearhart	Cedar Rapids	Jan. 31, 1982
Robert C. Tilden	Cedar Rapids	Jan. 31, 1978

JUDICIAL DEPARTMENT—Continued

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

JUDICIAL NOMINATING COMMISSIONS, DISTRICT—Continued

Name	Office Address	Term Ending
<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
H. L. (Tom) Lewis	Bettendorf	Jan. 31, 1982
Charles E. Wittenmeyer	Davenport	Jan. 31, 1976
<i>Election District 8A</i>		
James L. Kiple	Ottumwa	Jan. 31, 1982
Albert F. Goeldner	Sigourney	Jan. 31, 1978
Scott Jordan	Fairfield	Jan. 31, 1978
Charles M. Manley	Grinnell	Jan. 31, 1980
Alfred M. Pabst	Albia	Jan. 31, 1982
<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, 1982
Wm. L. Matthews	Wapello	Jan. 31, 1982
R. L. Fehske, Sr.	Ft. Madison	Jan. 31, 1978

CONGRESSIONAL DIRECTORY
UNITED STATES SENATORS

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

UNITED STATES REPRESENTATIVES

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

GENERAL ASSEMBLY

MEMBERS OF THE SENATE—SIXTY-SIXTH GENERAL ASSEMBLY—1976 REGULAR SESSION

Name	Address	Age •	Occupation	Senatorial District	Former Legislative Service
Andersen, Leonard C.	Sioux City	64	Insurance, Real Estate, Investments	26—Woodbury, Monona	59, 60, 60X, 62, 63, 64, 65, 66 (1-S)
Bergman, Irvin L.	Harris	64	Farmer, Businessman	2—Osceola, Clay, Dickinson, Emmet, Lyon, O'Brien, Palo Alto, Sioux	62, 63, 64, 65, 66 (1-S)
Briles, James E.	Corning	49	Auctioneer, Real Estate	48—Adams, Adair, Cass, Guthrie, Montgomery, Page, Ringgold, Taylor, Union	56, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66 (1-S)
Burroughs, Cliff	Greene	58	Legislator	19—Butler, Black Hawk, Bremer, Floyd, Franklin, Grundy, Marshall, Tama	65(2-S), 66 (1-S)
Carr, Robert M.	Dubuque	38	Stockbroker	10—Dubuque	65, 66 (1-S)
Coleman, C. Joseph	Clare	52	Farmer	23—Webster, Humboldt	57, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66 (1-S)
Culver, Louis P.	Dunlap	67	Farmer	27—Harrison, Crawford, Monona, Pottawattamie, Shelby	66 (1-S)
Curtis, Warren E.	Cherokee	61	Certified Public Accountant	3—Cherokee, Buena Vista, Clay, O'Brien, Palo Alto, Plymouth, Pocahontas	64, 65, 66 (1-S)
DeKoster, Lucas J.	Hull	57	Lawyer	1—Sioux, Lyon, Plymouth	61, 62, 63, 64, 65, 66 (1-S)
Doderer, Minnette	Iowa City	52	Legislator	37—Johnson	60X, 61, 62, 63, 64, 65, 66 (1-S)
Gallagher, James V.	Jesup	42	Telephone Company	16—Black Hawk, Benton, Buchanan, Linn, Tama	61, 62, 65, 66 (1-S)
Glenn, Gene W.	Ottumwa	47	Lawyer	45—Wapello, Appanoose, Davis, Mahaska, Monroe	61, 62, 63, 64, 65, 66 (1-S)
Gluba, William E.	Davenport	33	Lawmaker-Realtor	41—Scott	64, 65, 66 (1-S)
Griffin, James W., Sr.	Council Bluffs	40	Insurance Executive	50—Pottawattamie	63, 64, 65, 66 (1-S)

MEMBERS OF THE SENATE—SIXTY-SIXTH GENERAL ASSEMBLY—1976 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Hansen, Willard R.	Cedar Falls	44	General Insurance, Real Estate	18—Black Hawk	63, 64, 65, 66 (1-S)
Heying, Hilarius L.	West Union	61	Businessman, Farmer	8—Fayette, Bremer, Chickasaw, Howard, Winneshiek	61, 62, 65, 66 (1-S)
Hill, Eugene M.	Newton	62	Farmer	35—Jasper, Mahaska, Marion, Polk, Poweshiek, Warren	58, 59, 60, 60X, 61, 62, 63, 64, 65, 66 (1-S)
Hill, Philip B.	Des Moines	44	Lawyer	33—Polk	64, 65, 66 (1-S)
Hultman, Calvin O.	Red Oak	34	Retail Lumberman	49—Montgomery, Fremont, Mills, Page, Pottawattamie	65, 66 (1-S)
Junkins, Lowell L.	Montrose	31	Home Construction and Real Estate Developer, Ambulance Service Operator	43—Lee, Des Moines, Henry	65, 66 (1-S)
Kelly, E. Kevin	Sioux City	32	Senior Trust Officer, Bank	25—Woodbury, Cherokee, Plymouth	64, 65, 66 (1-S)
Kinley, George R.	Des Moines	38	Owner and Operator Driving Range and Miniature Golf	34—Polk, Warren	64, 65, 66 (1-S)
Lamborn, Clifton C.	Maquoketa	56	Road Contractor	12—Jackson, Cedar, Clinton, Johnson, Jones, Scott	62, 63, 64, 65, 66 (1-S)
Merritt, Milo	Osage	60	Real Estate Salesman	7—Mitchell, Cerro Gordo, Chickasaw, Floyd, Howard	66 (1-S)
Miller, Charles P.	Burlington	57	Doctor of Chiropractic	42—Des Moines, Henry, Louisa	60, 60X, 61, 62, 63, 64, 65, 66 (1-S)
Miller, Elizabeth R.	Marshalltown	70	Homemaker, Legislator	20—Marshall, Grundy, Hardin, Jasper, Story	63, 64, 65, 66 (1-S)
Murray, John S.	Ames	36	Attorney	21—Story, Boone, Polk	65, 66 (1-S)
Nolin, Karl	Ralston	68	Consultant	28—Carroll, Audubon, Cass, Crawford, Greene, Guthrie, Shelby	62, 65, 66 (1-S)
Nolting, Fred W.	Waterloo	43	Meat Cutter	17—Black Hawk	63, 66 (1-S)

MEMBERS OF THE SENATE—SIXTY-SIXTH GENERAL ASSEMBLY—1976 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Norpel, Richard J., Sr.	Bellevue	57	Real Estate and Insurance Salesman, Owner Women's Clothing Store	11—Jackson, Delaware, Dubuque, Jones	64, 65, 66 (1-S)
Nystrom, John N.	Boone	42	Auto Dealer	22—Boone, Greene, Hamilton, Story, Webster	64, 65, 66 (1-S)
Orr, Joan	Grinnell	52	Legislator	36—Poweshiek, Benton, Iowa, Johnson, Keokuk, Tama	63(2-S), 65, 66 (1-S)
Palmer, William D.	Des Moines	40	President Ins. Agency	32—Polk	61, 62, 63, 64, 65, 66 (1-S)
Plymat, William N.	Urbandale	64	Insurance Co. Executive	30—Polk	65, 66 (1-S)
Priebe, Berl E.	Algona	57	Farmer, Businessman	4—Kossuth, Emmet, Hancock, Humboldt, Palo Alto, Pocahontas, Winnebago	63, 64, 65, 66 (1-S)
Rabedeaux, W. R.	Wilton	56	Pres. Publishing Co.; Director, Power Co.	38—Muscatine, Johnson, Louisa, Scott	63(2-S), 64, 65, 66 (1-S)
Ramsey, Richard R.	Osceola	34	Attorney	47—Clarke, Appanoose, Decatur, Lucas, Madison, Monroe, Ringgold, Union, Wayne	65, 66 (1-S)
Redmond, James M.	Cedar Rapids	33	Assistant City Attorney	13—Linn, Johnson	66 (1-S)
Robinson, Cloyd E.	Cedar Rapids	37	Production Line Operator	14—Linn, Benton	64, 65, 66 (1-S)
Rodgers, Norman G.	Adel	48	Super Market Owner — Farmer	29—Dallas, Adair, Clarke, Guthrie, Madison, Warren	63, 64, 65, 66 (1-S)
Schwengels, Forrest V.	Fairfield	60	Real Estate	44—Jefferson, Henry, Keokuk, Lee, Van Buren, Wapello, Washington	65, 66 (1-S)
Scott, Kenneth D.	Thornton	45	Farmer, Auctioneer, Real Estate	6—Cerro Gordo, Worth	64, 65, 66 (1-S)
Shaff, Roger J.	Camanche	64	Farmer	39—Clinton, Scott	62, 63, 64, 65, 66 (1-S)
Shaw, Elizabeth	Davenport	52	Lawyer, Housewife	40—Scott	62, 63, 64, 65, 66 (1-S)
Sovern, Steve	Marion	33	Manager (Pres.) Sign Company	15—Linn	66 (1-S)
Taylor, Ray	Steamboat Rock	52	Farmer	5—Hardin, Cerro Gordo, Franklin, Hancock, Wright	65, 66 (1-S)

MEMBERS OF THE SENATE—SIXTY-SIXTH GENERAL ASSEMBLY—1976 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Tieden, Dale L.	Elkader	53	Farmer	9—Clayton, Allamakee, Delaware, Dubuque, Fayette, Winneshiek	61, 62, 63, 64, 65, 66 (1-S)
Van Gilst, Bass	Oskaloosa	64	Farmer	46—Mahaska, Keokuk, Lucas, Marion, Monroe, Poweshiek, Warren	61, 62, 63, 64, 65, 66 (1-S)
Willits, Earl M.	Des Moines	29	Attorney	31—Polk	64, 65, 66 (1-S)
Winkelman, William P.	Lohrville	42	Farmer	24—Calhoun, Buena Vista, Carroll, Cherokee, Crawford, Greene, Ida, Pocahontas, Sac	60, 60X, 61, 62, 63, 64, 65, 66 (1-S)

MEMBERS OF THE HOUSE—SIXTY-SIXTH GENERAL ASSEMBLY—1976 REGULAR SESSION

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Anderson, Robert T.	Newton	30	Teacher	69th—Jasper, Marion, Polk, Warren	66 (1-S)
Avenson, Donald D.	Oelwein	31	Office Manager	15th—Bremer, Chickasaw, Fayette, Howard, Winneshiek	65, 66 (1-S)
Baker, Keith	Linn Grove	46	Farmer	6th—Buena Vista, Cherokee, Clay, O'Brien, Palo Alto, Pocahontas	66 (1-S)
Bennett, Wayne	Galva	48	Farmer	48th—Buena Vista, Carroll, Cherokee, Crawford, Ida, Sac	65, 66 (1-S)
Bina, Robert F.	Davenport	35	Artist	80th—Scott	66 (1-S)
Binneboese, Donald*	Hinton	52	Farmer	49th—Cherokee, Plymouth, Woodbury	None
Bittle, Edgar H.	West Des Moines	33	Attorney	66th—Polk	65, 66 (1-S)
Bortell, Glen E.	St. Charles	61	Owner & Operator of Summer Camp	58th—Adair, Clarke, Dallas, Madison, Warren	63 (2-S), 65, 66 (1-S)
Brandt, Diane	Cedar Falls	37	Legislator	35th—Black Hawk	66 (1-S)
Branstad, Terry E.	Lake Mills	29	Lawyer	8th—Emmet, Hancock, Kossuth, Winnebago	65, 66 (1-S)
Brockett, Glenn F.	Marshalltown	65	Retired	39th—Marshall	65, 66 (1-S)
Brunow, John B.	Centerville	26	Sales Manager	93rd—Appanoose, Clarke, Lucas, Monroe, Wayne	65, 66 (1-S)
Byerly, Richard L.	Ankeny	37	College Administrator	61st—Polk	65, 66 (1-S)
Caffrey, James T.†	Des Moines	67	Retired	67th—Polk	61, 62, 63, 65, 66 (1-S)
Clark, John H.	Keokuk	29	Insurance Agent	86th—Lee, Henry	64, 65, 66 (1-S)
Cochran, Dale M.	Eagle Grove	47	Farmer, Businessman	45th—Webster, Humboldt	61, 62, 63, 64, 65, 66 (1-S)
Connors, John H.	Des Moines	52	Captain—Fire Department	64th—Polk	65, 66 (1-S)
Crabb, Frank	Denison	72	Retired Business Executive	53rd—Crawford, Harrison, Monona	63, 65, 66 (1-S)
Crawford, Reid W.	Ames	24	Legislator	42nd—Boone, Polk, Story	65, 66 (1-S)
Cusack, Gregory D.	Davenport	32	Community Organizer	81st—Scott	65, 66 (1-S)
Daggett, Horace	Kent	44	Farmer	96th—Adams, Montgomery, Page, Ringgold, Taylor	65, 66 (1-S)
Danker, Arlyn E.	Minden	46	Farmer	54th—Harrison, Pottawattamie, Shelby	65, 66 (1-S)
Den Herder, Elmer H.	Sioux Center	67	Farmer	1st—Lyon, Sioux	57, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66 (1-S)
Dieleman, Wm. W. (Bill)	Pella	44	Insurance Underwriter	70th—Jasper, Mahaska, Marion, Poweshiek	66 (1-S)

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

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Doyle, Donald V.	Sioux City	50	Lawyer	51st—Woodbury	57, 58, 61, 63, 64, 65, 66 (1-S)
Drake, Richard F.	Muscatine	48	General Farming	76th—Muscatine, Scott	63, 64, 65, 66 (1-S)
Dunton, Keith H.	Thornburg	60	Farmer, Businessman	88th—Keokuk, Washington	58, 59, 60, 60X, 61, 62, 63, 64, 65, 66 (1-S)
Dyrland, Terry	Elkader	32	Teacher	18th—Clayton, Delaware, Dubuque, Fayette	66 (1-S)
Egenes, Sonja	Story City	45	Housewife, Legislator	43rd—Boone, Hamilton, Story, Webster	64, 65, 66 (1-S)
Evans, Cooper	Grundy Center	51	Farmer	38th—Black Hawk, Butler, Franklin, Grundy, Marshall, Tama	66 (1-S)
Fitzgerald, Jerome	Fort Dodge	34	Small Businessman	46th—Webster	65, 66 (1-S)
Fullerton, Bert††	Correctionville	73	Farmer	49th—Cherokee, Plymouth, Woodbury	62, 65, 66 (1-S)
Gentleman, Julia B.	Des Moines	44	Housewife	65th—Polk	66 (1-S)
Gilloon, Thomas J.	Epworth	26	Salesperson	21st—Dubuque, Jackson	66 (1-S)
Griffee, William B.	Nashua	39	Consultant	14th—Chickasaw, Floyd, Howard, Mitchell	65, 66 (1-S)
Halvorson, Roger A.	Monona	41	Insurance, Real Estate	17th—Allamakee, Clayton, Winneshiak	66 (1-S)
Hansen, Ingwer L.	Hartley	63	Retired	3rd—Clay, Dickinson, Lyon, O'Brien, Osceola, Sioux	65, 66 (1-S)
Hargrave, William J., Jr.	Iowa City	45	Self-Employed	74th—Johnson	65, 66 (1-S)
Harper, Mattie	West Grove	51	Homemaker, Businesswoman	90th—Appanoose, Davis, Wapello	65, 66 (1-S)
Harvey, LaVern R.	Bettendorf	31	Contractor	79th—Scott	65, 66 (1-S)
Hennessey, Maurice	Ryan	48	Salesman	22nd—Delaware, Dubuque, Jackson, Jones	65, 66 (1-S)
Higgins, Thomas J.	Davenport	30	Communication Consultant	82nd—Scott	65, 66 (1-S)
Hines, Neal	Nevada	25	Legislator	41st—Story	66 (1-S)
Hinkhouse, Herbert C.	West Branch	58	Farmer	24th—Cedar, Clinton, Johnson, Scott	66 (1-S)
Horn, Wally E.	Cedar Rapids	41	Teacher	28th—Linn	65, 66 (1-S)
Howell, Rollin K.	Rockford	46	Farmer	13th—Cerro Gordo, Floyd, Mitchell	65, 66 (1-S)
Hullinger, Arlo	Leon	54	Farmer	94th—Clarke, Decatur, Madison, Ringgold, Union, Wayne	61, 62, 66 (1-S)
Husak, Emil J.	Toledo	45	Farmer	71st—Benton, Iowa, Poweshiek, Tama	64, 65, 66 (1-S)
Hutchins, C. W. (Bill)	Guthrie Center	44	Self-Employed Businessman	56th—Audubon, Carroll, Cass, Crawford, Greene, Guthrie, Shelby	65, 66 (1-S)

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

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Jesse, Norman G.	Des Moines	38	Attorney	62nd—Polk	63, 64, 65, 66 (1-S)
Jochum, Thomas J.	Dubuque	24	Plant Worker	19th—Dubuque	66 (1-S)
Jordan, James D.	Marion	55	Farmer	30th—Linn	65, 66 (1-S)
Junker, Willis E.	Sioux City	50	Investor	50th—Woodbury	65, 66 (1-S)
Koogler, Fred L., Sr.	Oskaloosa	49	Legislator	91st—Keokuk, Lucas, Mahaska, Marion, Monroe, Poweshiek	66 (1-S)
Krause, Robert A.	Fenton	25	Agri-politician	7th—Hancock, Humboldt, Kossuth, Palo Alto, Pocahontas	65, 66 (1-S)
Kreamer, Robert M.	Des Moines	35	Attorney	60th—Polk	63, 64, 65, 66 (1-S)
Lageschulte, Ray	Waverly	53	Farmer	37th—Black Hawk, Bremer, Butler, Floyd	66 (1-S)
Lindeen, Arnold R.	Swedesburg	65	Legislator	83rd—Des Moines, Henry, Louisa	66 (1-S)
Lipsky, Joan	Cedar Rapids	56	Legislator	26th—Linn	62, 63, 64, 65, 66 (1-S)
Loneragan, Joyce	Boone	41	Housewife	44th—Boone, Greene	66 (1-S)
McElroy, Lillian	Percival	58	Businesswoman, Legislator	97th—Fremont, Mills, Montgomery, Page	64, 65, 66 (1-S)
Menke, Lester D.	Calumet	56	Farmer, Insurance	5th—Buena Vista, Cherokee, Clay, O'Brien, Plymouth	65, 66 (1-S)
Mennenga, Jay	Clinton	32	Teacher	77th—Clinton	65, 66 (1-S)
Middleswart, James I.	Indianola	63	Food Producer	92nd—Lucas, Marion, Warren	62, 63, 64, 65, 66 (1-S)
Middleton, M. Peter	Waterloo	29	Labor Relations — Packing Company	34th—Black Hawk	66 (1-S)
Millen, Floyd H.	Farmington	56	Owner—Limestone & Gravel Company	87th—Henry, Jefferson, Keokuk, Lee, Van Buren, Wapello, Washington	60, 60X, 61, 62, 63, 64, 65, 66 (1-S)
Müller, Alvin V.	Ventura	54	Retail Merchant, Insurance Agency	11th—Cerro Gordo	65, 66 (1-S)
Miller, Kenneth D.	Independence	49	Owner—Mobile Home Ct.	32nd—Black Hawk, Buchanan	65, 66 (1-S)
Müller, Opal	Rockwell City	60	Farm Owner, Homemaker	47th—Calhoun, Carroll, Greene, Pocahontas, Sac	66 (1-S)
Monroe, W. R. (Bill), Jr.	Burlington	37	Pharmacist	84th—Des Moines	64, 65, 66 (1-S)
Nealson, Otto H.	West Liberty	58	Real Estate Broker	75th—Johnson, Louisa, Muscatine	66 (1-S)
Newhard, Scott D.	Anamosa	24	Retail Clothing	23rd—Cedar, Clinton, Jackson, Jones	65, 66 (1-S)
Nielsen, Carl V.	Altoona	43	Lawyer	63rd—Polk	65, 66 (1-S)
Norland, Lowell E.	Kensett	44	Farmer	12th—Cerro Gordo, Worth	65, 66 (1-S)

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

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Oakley, Brice C.	Clinton	38	Lawyer	78th—Clinton, Scott	65, 66 (1-S)
O'Halloran, Mary	Cedar Falls	32	Teacher	36th—Black Hawk	65, 66 (1-S)
Patchett, John E.	North Liberty	26	Legislator	25th—Johnson, Linn	65, 66 (1-S)
Pavich, Emil S.	Council Bluffs	44	Cereal Company Employee	99th—Pottawattamie	66 (1-S)
Pellett, Wendell C.	Atlantic	58	Farmer	95th—Adair, Adams, Cass, Guthrie, Union	64, 65, 66 (1-S)
Perkins, Carroll	Jefferson	49	Agriculture	55th—Audubon, Carroll, Crawford, Greene, Guthrie	66 (1-S)
Poncy, Charles N.	Ottumwa	53	Maintenance Engineer	89th—Mahaska, Monroe, Wapello	62, 63, 65, 66 (1-S)
Readinger, David M.	Urbandale	40	Automobile Salesman	59th—Polk	65, 66 (1-S)
Rinas, B. Joseph	Marion	28	Machinist	29th—Linn	65, 66 (1-S)
Scheelhaase, Lyle	Moville	44	Farmer	52nd—Monona, Woodbury	66 (1-S)
Schroeder, Laverne W.	McClelland	42	Farmer	98th—Mills, Pottawattamie	62, 63, 64, 65, 66 (1-S)
Small, Arthur A., Jr.	Iowa City	41	Businessman	73rd—Johnson	64, 65, 66 (1-S)
Spear, Clay	Burlington	59	Retired, Substitute Teacher	85th—Des Moines, Lee	66 (1-S)
Spencer, Don W.	Ruthven	53	Farmer	4th—Clay, Dickinson, Emmet, Palo Alto	66 (1-S)
Spradling, James W.	Orange City	53	School Psychologist	2nd—Plymouth, Sioux	66 (1-S)
Stromer, Delwyn	Garner	45	Farmer	9th—Cerro Gordo, Franklin, Hancock, Wright	62, 63, 64, 65, 66 (1-S)
Svoboda, Linda A.	Amana	32	Journalist	72nd—Benton, Iowa, Johnson, Keokuk, Poweshiek	66 (1-S)
Tauke, Thomas J.	Dubuque	25	Attorney	20th—Dubuque	66 (1-S)
Tofte, Semor C.	Decorah	64	Farm Equipment Repair Specialist	16th—Fayette, Howard, Winneshiek	65, 66 (1-S)
Varley, Andrew	Stuart	41	Farmer	57th—Adair, Dallas, Guthrie	62, 63, 64, 65, 66 (1-S)
Walter, Craig D.	Council Bluffs	26	Self-Employed	100th—Pottawattamie	66 (1-S)
Welden, Richard W.	Iowa Falls	67	Retired Contractor	10th—Franklin, Hardin, Wright	62, 63, 64, 65, 66 (1-S)
Wells, James D.	Cedar Rapids	47	Factory Worker	27th—Benton, Linn	63, 64, 65, 66 (1-S)
West, James C.	State Center	43	Furniture Retailer	40th—Grundy, Hardin, Jasper, Marshall, Story	65, 66 (1-S)

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

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Woods, Jack E.	Des Moines	39	Self-Employed	68th—Polk, Warren	65, 66 (1-S)
Wulff, Henry C.	Waterloo	32	Real Estate Salesman	33rd—Black Hawk	65, 66 (1-S)
Wyckoff, Russell L.	Vinton	50	Farmer	31st—Benton, Black Hawk, Buchanan, Linn, Tama	64, 65, 66 (1-S)

GENERAL ASSEMBLY—Continued

1-S Denotes 1975 regular session

2-S Denotes 1970 regular session

†Deceased April 24, 1976

††Deceased January 17, 1976

*Elected in Special Election February 24, 1976

SIXTY-SIXTH GENERAL ASSEMBLY

1976 Regular Session
OFFICERS OF THE SENATE

<i>President of the Senate</i> —Lieutenant Governor Arthur A. Neu	Carroll
<i>President Pro Tempore</i> —Minnette 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> —Steven C. Cross	Des Moines
<i>Assistant Secretary of the Senate</i> —David L. Charles	Des Moines
<i>Senate Legal Counsel</i> —David B. Frost	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	West Des Moines
<i>Research Assistant to President Pro Tempore</i> —Jane Fowler	Des Moines
<i>Research Assistant to Majority Leader</i> —Martin H. Brown	Iowa Falls
<i>Research Assistant to Minority Leader</i> —Gary W. Thomas	Norwalk
<i>Research Assistant to Assistant Majority Leader</i> —Nicholas C. Needles	Indianola
<i>Research Assistant to Assistant Majority Leader</i> —Charles J. Riekema	Forest City
<i>Research Assistant to Majority Caucus</i> —Robert E. Mulqueen	Council Bluffs
<i>Research Assistant to Majority Caucus</i> —Charles W. Reeves	West Des Moines
<i>Research Assistant to Minority Caucus</i> —Kimberly J. Hudson	West Des Moines
<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> —Jean K. Cook	Des Moines
<i>Enrolling Clerk/Terminal Operator</i> —Cynthia A. Clingan	Des Moines
<i>Finance Clerk</i> —Mary Ann Abbott	Des Moines
<i>Engrossing Clerk</i> —Elizabeth Ligouri	Des Moines
<i>Records and Supply Clerk</i> —Judy K. Iseminger	Des Moines
<i>Special Clerk</i> —Judith Rutledge	Des Moines
<i>Control Board Operator</i> —Elissa Weisner	West Des Moines
<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> —Janet L. Ellsworth	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> —Catherine L. DeHeck	Des Moines
<i>Doorkeeper</i> —Richard W. Dunker	Des Moines
<i>Doorkeeper</i> —Charles M. McCoun	Des Moines
<i>Doorkeeper</i> —Michael F. McDonald	Des Moines
<i>Doorkeeper</i> —Ray J. Prosperi	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

1976 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>	Altoona
JOE O'HERN, <i>Administrative Asst. to Majority Caucus</i>	Barnum
GARY WOLBERG, <i>Counsel to Minority Caucus</i>	North Dakota
KAY MARKELL, <i>Research Assistant to Speaker</i>	Des Moines
ANN BAUSSERMAN, <i>Executive Secretary to Speaker</i>	West Des Moines
TERRIE R. GROTH, <i>Research Asst. to Majority Leader</i>	Davenport
MARYJO F. WELCH, <i>Research Asst. to Minority Leader</i>	Des Moines
JAY HONEYCUTT, <i>House Research Assistant</i>	Toledo
DARREL BRANHAGEN, <i>Research Assistant</i>	Des Moines
BILL MALONEY, <i>Research Asst. to Asst. Majority Leader</i>	Des Moines
SANDRA GITHINS, <i>Research Asst. to Asst. Minority Leader</i>	Des Moines
ROBERT HAUG, <i>Research Asst. to Speaker Pro Tempore</i>	Ames
MIKE GOEDERT, <i>Research Asst. to Approp. Chairman</i>	Arizona
M. MAXINE MANN, <i>Executive Secretary to Chief Clerk</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
DEBRA REX, <i>Asst. to Finance Clerk</i>	Ellsworth
SALLY HIGGINBOTTOM, <i>Supervisor of Clerks</i>	Bondurant
PAULINE E. KEPHART, <i>Assistant to Legal Counsel and</i> <i>Enrolling Clerk</i>	West Des Moines
ELIZABETH J. O'CONNOR, <i>Assistant to Legal Counsel</i>	Des Moines
SALLY BLANTON, <i>Engrossing Clerk</i>	Des Moines
CATHY KELLY, <i>Clerk to Chief Clerk</i>	West Des Moines
VIRGINIA ROWEN, <i>Supply Clerk</i>	Des Moines
CATHERINE B. HOLLAND, <i>Swing Clerk</i>	West Des Moines
JAN STEVENS, <i>Computer Operator</i>	Creston
PHYLLIS J. FRAIZER, <i>Bill Clerk</i>	Des Moines
MADELINE E. JAMES, <i>Assistant Bill Clerk</i>	Des Moines
MICHELLE SVEJDA, <i>File Clerk</i>	Marathon
BETTY C. LAWSON, <i>Swithboard Operator</i>	Des Moines
DONNA L. WATERS, <i>Swithboard Operator</i>	Des Moines
RUTH SPENCER, <i>Postmaster</i>	Ruthven
SHARON R. ROBINSON, <i>Public Information Office Director</i>	Des Moines
LINDA W. ELLIOTT, <i>Clerk to Public Information Office Director</i>	Des Moines
ED McMILLIN, <i>Sergeant-at-Arms</i>	Ottumwa
JOHN W. RUSSELL, <i>Assistant Sergeant-at-Arms</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
LINDA J. JOHNSON, <i>Doorkeeper</i>	Des Moines
RUSSELL REEVES, <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, 1975

Fiscal Year Ending June 30, 1975

	Balance July 1, 1974	Total Receipts and Transfers	Total Available	Total Warrants Redeemed Treasurer's Checks Issued and Transfers	Balance June 30, 1975
General Revenue	\$ 263,415,198	\$ 927,946,986	\$1,191,362,184	\$ 755,148,695	\$ 339,557,310
Transfers				96,656,179	
Trust Funds	123,831,028	355,337,021	552,317,593	417,919,171	134,398,422
Transfers		73,149,544			
Special Funds (Comptroller's Warrants)	664,170,727	888,719,562	1,552,890,289	741,283,086	732,425,556
Transfers				79,181,647	
Special Funds (Treasurer's Checks).....	4,152,950	-0-	4,152,950	1,385,750	2,767,200
TOTALS	<u>\$1,055,569,903</u>	<u>\$2,245,153,113</u>	<u>\$3,300,723,016</u>	<u>\$2,091,574,528</u>	<u>\$1,209,148,488</u>
Balance July 1, 1974					\$1,055,569,903
Receipts and Transfers					2,245,153,113
Total					\$3,300,723,016
Disbursements and Transfers					2,091,574,528
Balance June 30, 1975.....					<u>\$1,209,148,488</u>

**APPROPRIATIONS
AND
GENERAL LAWS**

LAWS

OF THE

1976 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 TWELFTH DAY OF JANUARY, AND ENDED ON THE TWENTY-NINTH DAY OF MAY, A. D. 1976, IN THIS BICENTENNIAL YEAR OF THE UNITED STATES AND THE ONE HUNDRED THIRTIETH YEAR OF THE STATE.

APPROPRIATIONS

AND

GENERAL LAWS

CHAPTER 1001

OFFICIALS' SALARIES

H. F. 1583

AN ACT relating to compensation and benefits for state employees and nonelected state officials, by providing a cost-of-living salary adjustment for certain state employees, by establishing salary ranges for designated nonelected officials, by setting salaries for members of the judicial branch and the public employment relations board, by prohibiting full-time state employees from receiving per diem in addition to regular compensation for service on committees, boards or commissions or similar state service, by providing for educational leave for state employees, by increasing employer and employee contributions to the Iowa public employees' retirement fund, and making appropriations.

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

1 SECTION 1. There is created a "salary adjustment fund" to be used to
2 segregate funds appropriated by the general assembly to be distributed to various
3 state departments to fund certain salary increases for designated state employees.
4 The distribution of funds from the salary adjustment fund shall be subject to the
5 approval of the governor and the state comptroller.

1 SEC. 2. There is appropriated from the general fund of the state to supplement
2 other funds appropriated for salaries, support, maintenance, equipment and

3 miscellaneous purposes by the general assembly to the state board of regents and
4 the institutions enumerated in subsection three (3) of this section for the fiscal
5 year beginning July 1, 1976, and ending June 30, 1977:

6 1. Funds as necessary to finance an average base salary increase of five percent
7 of the base salaries of the faculty members paid during the fiscal year beginning
8 July 1, 1975, and ending June 30, 1976, as they exist on April 30, 1976, rounded
9 to the nearest dollar amount divisible by the number of payrolls paid annually to
10 such persons to be allocated to faculty members at the discretion of the state
11 board of regents.

12 2. Funds as necessary to finance a mandatory cost-of-living increase of five
13 percent of salaries as they exist on April 30, 1976 rounded to the nearest dollar
14 divisible by the number of payrolls paid annually for professional and scientific
15 personnel and for all employees under the state board of regents merit system
16 except board office employees. However, the mandatory cost-of-living increase
17 given an employee shall equal one-half of that provided under the provisions of
18 this subsection if the salary of the employee is in excess of the pay grade for the
19 classification to which the employee is assigned.

20 3. The institutions for which supplemental funds are appropriated and the
21 amounts necessary are:

22 INSTITUTION	23 APPROPRIATION
24 State university of Iowa	\$ 2,945,400
25 State sanatorium	97,800
26 Hospital school	96,000
27 Psychopathic hospital	167,900
28 Hygienic laboratory	61,200
29 University hospitals	444,700
30 Iowa state university of science and technology	2,482,600
31 Experimental station	318,200
32 Cooperative extension service	378,100
33 University of northern Iowa	931,400
34 School for the deaf	100,900
Iowa braille and sight-saving school	54,700

1 SEC. 3. The salary schedule of the merit system and the executive council
2 exempt pay plan, provided for in section nineteen A point nine (19A.9),
3 subsection two (2), of the Code, as they exist on April 30, 1976, shall be increased
4 by five percent rounded to the nearest dollar amount divisible by twenty-six to
5 provide for a cost-of-living adjustment. All salaries of persons who are exempt
6 from chapter nineteen A (19A) of the Code and who are included in the state
7 comptroller's central payroll system and state board of regents office employees
8 shall receive a like increase under this section consistent with appropriations
9 provided by the general assembly except members of the general assembly, board
10 members and commission members, persons whose salaries are set by the general
11 assembly, persons whose salaries are set by the governor pursuant to sections nine
12 (9) through eleven (11) of this Act, persons whose salaries are set by the governor
13 or by an appointing authority for which funds have been appropriated for a like
14 cost-of-living increase, employees designated under section nineteen A point three
15 (19A.3), subsection six (6), of the Code and employees under the state board of
16 regents merit system.

1 SEC. 4. There is appropriated from the general fund of the state to the salary
2 adjustment fund, created by this Act, the following amount for the fiscal year
3 beginning July 1, 1976, and ending June 30, 1977, or so much thereof as may be
4 necessary, to be distributed to each department to supplement funds appropriated
5 to the department in order to implement the cost-of-living increase provided in
6 section three (3) of this Act: \$6,900,000.

1 SEC. 5. There is appropriated from the road use tax fund to the state
2 department of transportation, for the fiscal year beginning July 1, 1976, and
3 ending June 30, 1977, the following amount or so much thereof as necessary to
4 pay to employees of the state department of transportation who are eligible to be
5 paid from the road use tax fund and who are eligible to receive the cost-of-living
6 increase provided for in section three (3) of this Act: \$222,000.

1 SEC. 6. There is appropriated from the primary road fund to the state
2 department of transportation, for the fiscal year beginning July 1, 1976, and
3 ending June 30, 1977, the following amount or so much thereof as necessary to
4 pay to the employees of the state department of transportation who are eligible to
5 be paid from prorated primary road funds as provided in section three hundred
6 seven point twenty-eight (307.28) of the Code and who are eligible to receive the
7 cost-of-living increase provided for in section three (3) of this Act: \$2,246,000.

1 SEC. 7. Funds appropriated by section four (4) of this Act shall relate to
2 salaries supported from general fund appropriations and shall not be construed to
3 replace revolving, federal, trust or special funds where applicable.

1 SEC. 8. To departmental revolving, trust or special funds, except the primary
2 road fund or the road use tax fund, for which the general assembly has
3 established an operating budget, a supplemental authorization is provided unless
4 otherwise provided, in an amount necessary to fund the salary adjustments
5 provided in section three (3) of this Act.

1 SEC. 9. The governor may establish a salary for appointed nonelected persons
2 in the executive branch of government holding a position enumerated in section
3 ten (10) of this Act within the range provided for the position by section ten (10)
4 of this Act by considering among other things, whether the person receiving the
5 salary is temporary or permanent, or acting full or part time, the experience of the
6 individual in the position, changes in the duties of the position, the incumbent's
7 performance of assigned duties, the availability of qualified candidates for the
8 position, and subordinates' salaries.

9 The governor in establishing salaries as provided in sections nine (9) and ten
10 (10) of this Act shall take into consideration other employee benefits which may
11 be provided for an individual including but not limited to housing.

12 The director of the commission for the blind and the secretary of the state fair
13 board may be furnished housing in addition to their salaries.

1 SEC. 10. The following annual salary ranges shall be in effect for the fiscal
2 year beginning July 1, 1976 and ending June 30, 1977 for the positions specified
3 and for each fiscal year after the fiscal year ending June 30, 1977 the salary range
4 shall be the same as the range specified for the fiscal year beginning July 1, 1976
5 unless otherwise specified by the general assembly. The governor shall specify the
6 salary to be paid to the person indicated at a rate within the salary ranges
7 indicated from funds appropriated by the general assembly for such purposes:

	Range for <u>1976-77</u>
10 1. COMMISSION ON AGING.	
11 Salary of executive director	\$ 14,000 to \$19,000
12 2. IOWA STATE ARTS COUNCIL.	
13 Salary of the director	\$ 17,000 to \$21,950
14 3. DEPARTMENT OF BANKING.	
15 Salary of the superintendent of banking	\$ 20,000 to \$28,750
16 4. IOWA BEER AND LIQUOR CONTROL DEPARTMENT.	
17 Salary of the director	\$ 18,000 to \$27,600
18 5. COMMISSION FOR THE BLIND.	
19 Salary of the director	\$ 18,000 to \$27,600

20	6. IOWA CIVIL RIGHTS COMMISSION.	
21	Salary of the executive secretary	\$ 18,000 to \$23,650
22	7. IOWA STATE COMMERCE COMMISSION.	
23	a. Salary of the chairman of the Iowa state commerce	
24	commission	\$ 22,500 to \$28,700
25	b. Salary of the members of the Iowa state commerce	
26	commission	\$ 22,500 to \$27,700
27	c. Salary of the executive secretary	\$ 14,000 to \$17,800
28	8. OFFICE OF STATE COMPTROLLER.	
29	Salary of the state comptroller	\$ 25,000 to \$32,900
30	9. STATE CONSERVATION COMMISSION.	
31	Salary of the director	\$ 23,400 to \$27,600
32	10. IOWA CRIME COMMISSION.	
33	Salary of the executive director	\$ 17,800 to \$21,950
34	11. IOWA DEVELOPMENT COMMISSION.	
35	Salary of the director	\$ 23,400 to \$28,750
36	12. DRUG ABUSE AUTHORITY.	
37	Salary of the director	\$ 16,000 to \$21,350
38	13. EDUCATIONAL RADIO AND TELEVISION FACILITY BOARD.	
39	Salary of the director	\$ 20,000 to \$27,600
40	14. COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED.	
41	Salary of the executive secretary	\$ 14,000 to \$19,000
42	15. EMPLOYMENT SECURITY COMMISSION.	
43	Salary of each commissioner	\$ 18,000 to \$23,000
44	16. ENERGY POLICY COUNCIL.	
45	Salary of the director	\$ 18,000 to \$25,300
46	17. DEPARTMENT OF ENVIRONMENTAL QUALITY.	
47	Salary of the executive director	\$ 20,000 to \$27,600
48	18. STATE FAIR BOARD.	
49	Salary of the secretary	\$ 16,200 to \$19,650
50	19. DEPARTMENT OF GENERAL SERVICES.	
51	Salary of the director	\$ 23,400 to \$27,600
52	20. OFFICE OF STATE GEOLOGIST.	
53	Salary of the state geologist	\$ 22,000 to \$29,100
54	21. STATE DEPARTMENT OF HEALTH.	
55	Salary of the commissioner of health	\$ 23,400 to \$28,750
56	22. HIGHER EDUCATION FACILITIES COMMISSION.	
57	Salary of the executive director	\$ 18,500 to \$20,200
58	23. STATE HISTORICAL DEPARTMENT.	
59	a. Salary of the director of historical	
60	society	\$ 16,000 to \$25,000
61	b. Salary of the director of museum and	
62	archives	\$ 16,000 to \$20,000
63	c. Salary of the director of historical	
64	preservation	\$ 14,400 to \$20,000
65	24. OFFICE OF THE INDUSTRIAL COMMISSIONER.	
66	Salary of the industrial commissioner	\$ 18,000 to \$25,300
67	25. INSURANCE DEPARTMENT OF IOWA.	
68	Salary of the commissioner of insurance	\$ 23,400 to \$28,350
69	26. BUREAU OF LABOR.	
70	Salary of the labor commissioner	\$ 18,900 to \$25,300
71	27. IOWA LAW ENFORCEMENT ACADEMY.	
72	Salary of the director	\$ 18,000 to \$24,800
73	28. STATE LIBRARY COMMISSION.	
74	Salary of the state librarian	\$ 17,000 to \$21,350

CH. 1001] LAWS OF THE SIXTY-SIXTH G. A., 1976 SESSION

75	29. IOWA MERIT EMPLOYMENT COMMISSION.	
76	Salary of the director	\$ 23,400 to \$26,000
77	30. IOWA NATURAL RESOURCES COUNCIL.	
78	Salary of the director	\$ 17,000 to \$21,850
79	31. PAROLE BOARD.	
80	Salary of each member	\$ 9,000 to \$10,700
81	32. OFFICE FOR PLANNING AND PROGRAMMING.	
82	Salary of the director	\$ 23,400 to \$26,500
83	33. DEPARTMENT OF PUBLIC DEFENSE.	
84	Salary of the director of civil defense	\$ 15,500 to \$19,950
85	34. DEPARTMENT OF PUBLIC INSTRUCTION.	
86	Salary of the superintendent of public instruction	\$ 28,000 to \$33,500
87	35. DEPARTMENT OF PUBLIC SAFETY.	
88	Salary of the commissioner of public safety	\$ 23,400 to \$28,900
89	36. REAL ESTATE COMMISSION.	
90	Salary of the director	\$ 15,000 to \$17,800
91	37. BOARD OF REGENTS.	
92	Salary of executive secretary	\$ 23,400 to \$32,000
93	38. DEPARTMENT OF REVENUE.	
94	Salary of the director of revenue	\$ 22,000 to \$31,100
95	39. DEPARTMENT OF SOCIAL SERVICES.	
96	Salary of the commissioner of social services	\$ 24,000 to \$35,650
97	40. DEPARTMENT OF SOIL CONSERVATION.	
98	Salary of the director	\$ 18,200 to \$23,000
99	41. DEPARTMENT OF TRANSPORTATION.	
100	a. Salary of the director of transportation	\$ 28,750 to \$40,000
101	b. Salary of each member of the transportation	
102	regulation board	\$ 17,800 to \$25,300
103	c. Salary of each member of the transportation	
104	commission	\$ 9,000 to \$10,100

1 SEC. 11. Notwithstanding any laws of this state, the provisions of sections
2 nine (9) and ten (10) of this Act shall govern for the fiscal year 1976-1977 and for
3 each fiscal year after the fiscal year ending June 30, 1977 unless otherwise
4 specified by the general assembly. The salary rates established by the governor
5 under sections nine (9) and ten (10) of this Act for the persons indicated shall be
6 the total salary paid to the persons for whom established. Any salary rates or
7 adjustments to salaries provided for by sections one (1) through eight (8) of this
8 Act shall not apply to the positions specified in sections nine (9) and ten (10) of
9 this Act, however funds appropriated for salaries, salary increases or adjustments
10 to salaries by this or any other Act of the general assembly may be expended to
11 fund salaries established pursuant to sections nine (9) and ten (10) of this Act if
12 funds appropriated to the agencies represented by or employing the persons
13 holding the positions specified in sections nine (9) and ten (10) of this Act are
14 insufficient to pay salaries provided for in sections nine (9) and ten (10) of this
15 Act.

1 SEC. 12. The governor shall report to the legislative council the salary rates
2 established pursuant to the provisions of sections nine (9) through eleven (11) of
3 this Act.

1 SEC. 13. The salary rates established in this section shall be in effect for the
2 fiscal year beginning July 1, 1976 and ending June 30, 1977 and for each fiscal
3 year after the fiscal year ending June 30, 1977 the rate shall be the same as the
4 rate established by this section for the fiscal year beginning July 1, 1976 unless
5 otherwise specified by the general assembly. Persons receiving the salary rates
6 established by this section shall not receive any salary adjustments pursuant to
7 sections one (1) through eight (8) of this Act and if this Act conflicts with any

8 other provisions of law, this Act shall govern for the fiscal year beginning July 1,
 9 1976 and ending June 30, 1977 and for each fiscal year after the fiscal year ending
 10 June 30, 1977 unless otherwise specified by the general assembly. Salaries
 11 provided for in this section shall be paid from funds appropriated to the agency
 12 which the person represents or for which the person is employed, however if the
 13 funds of the agency which have been appropriated for salaries are insufficient to
 14 pay the salaries fixed by this section because of increases in such salaries, funds
 15 may be allocated from funds appropriated by the general assembly for salary
 16 adjustment purposes. In addition, if federal funds are available for any position
 17 provided for in this section, such federal funds may be expended if the combined
 18 federal and state funds do not exceed the rates provided for in this section.

19 The following annual salary rates shall be paid to the persons holding the
 20 positions indicated in the manner provided by this section:

21	1. Chief justice of the supreme court	\$ 40,000
22	2. Each justice of the supreme court	\$ 39,000
23	3. Chief justice of the appellate court	\$ 37,000
24	4. Each justice of the appellate court	\$ 36,000
25	5. Each chief judge of a judicial district	\$ 34,072
26	6. Each district court judge except the chief judge of a judicial district	
27	.....	\$ 33,072
28	7. Each district associate judge	\$ 25,500
29	8. Each full-time judicial magistrate	\$ 25,500
30	9. Each part-time judicial magistrate	\$ 6,750
31	10. Code editor	\$ 20,000
32	11. Court administrator	\$ 24,700
33	12. Clerk of the supreme court	\$ 21,008
34	13. Each legal assistant to the supreme court	\$ 13,130
35	14. Chairperson of the public employment relations board	\$ 28,340
36	15. Two members of the public employment relations board, each	\$ 26,260

1 SEC. 14. All federal grants to and the federal receipts of the agencies affected
 2 by the provisions of this Act which are received and may be expended for
 3 purposes of this Act, are appropriated for such purposes and as set forth in such
 4 federal grants or receipts.

1 SEC. 15. Section seventy-nine point one (79.1), Code 1975, as amended by
 2 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter ninety (90),
 3 section fourteen (14), is amended by adding the following new unnumbered
 4 paragraph:

5 NEW UNNUMBERED PARAGRAPH. The head of any department, agency, or
 6 commission may grant an educational leave to employees for whom the head of
 7 the department, agency, or commission is responsible and funds appropriated by
 8 the general assembly may be used for such purposes. The head of such
 9 department, agency, or commission shall notify the legislative council of all
 10 educational leaves granted within fifteen days of the granting of the educational
 11 leave. If the head of a department, agency or commission fails to notify the
 12 legislative council of an educational leave the expenditure of funds appropriated
 13 by the general assembly for the educational leave shall not be allowed.

1 SEC. 16. Section seventy-nine point one (79.1), unnumbered paragraph one
 2 (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975
 3 Session, chapter ninety (90), section fourteen (14), is amended to read as follows:

4 Salaries specifically provided for in an appropriation Act of the general
 5 assembly shall be in lieu of existing statutory salaries, for the positions provided
 6 for in any such Act, and all salaries, *including longevity where applicable by express*
 7 *provision in the Code*, shall be paid according to the provisions of ~~this Act~~ *Acts of*
 8 *the Sixty-sixth General Assembly, 1975 Session, chapter ninety (90)*, and shall be in
 9 full compensation of all services, ~~except as otherwise expressly provided including~~

10 any service on committees, boards, commissions or similar duty for Iowa government,
 11 except for members of the general assembly. All employees of the state including
 12 highway maintenance employees of the state department of transportation shall
 13 earn two weeks' vacation per year during the first year of employment and
 14 through the fourth year of employment, and three weeks' vacation per year
 15 during the fifth and through the eleventh year of employment, and four weeks'
 16 vacation per year during the twelfth year and all subsequent years of
 17 employment, with pay. One week vacation shall be equal to the number of hours
 18 in the employee's normal work week. Vacation allowances shall be accrued
 19 according to the provisions of ~~this Act~~ *Acts of the Sixty-sixth General Assembly,*
 20 *1975 Session, chapter ninety (90)*, as provided by the rules of the Iowa merit
 21 employment department. Said vacations shall be granted at the discretion and
 22 convenience of the head of the department, agency or commission, except that in
 23 no case may an employee be granted vacation in excess of the amount earned by
 24 ~~him~~ *the employee*. In the event that the employment of an employee of the state is
 25 terminated the provisions of ~~this Act~~ *Acts of the Sixty-sixth General Assembly,*
 26 *1975 Session, chapter ninety (90)*, relating to such termination shall apply.

1 SEC. 17. Section ninety-seven B point eleven (97B.11), Code 1975, as amended
 2 by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter fifty (50),
 3 section three (3), is amended to read as follows:

4 **97B.11 Contributions by employer and employee.** Each employer shall deduct
 5 from the wages of each member of the system a contribution in the amount of
 6 three and ~~one-half~~ *six-tenths* percent of the covered wages paid by the employer
 7 until the first of the month after the member's seventieth birthday or ~~his~~ *the*
 8 *member's* termination or retirement from employment, whichever is earlier. The
 9 contributions of the employer shall be in the amount of three and one-half
 10 percent of the covered wages of the member for service through December 31,
 11 1975, and in the amount of ~~four and seventy-five~~ *five and twenty-five* hundredths
 12 percent of the covered wages of the member for service commencing ~~January~~ *July*
 13 ~~1, 1976~~ *1977*.

1 SEC. 18. The provisions of section seventeen (17) of this Act shall become
 2 effective July 1, 1977.

1 SEC. 19. Chapter ninety-seven B (97B), Code 1975, is amended by adding the
 2 following new sections:

3 **NEW SECTION.** After review of the general assembly under the provisions of
 4 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter fifty (50), section
 5 twenty-four (24), it is the intent of the general assembly that the percent of the
 6 final five-year average covered wage used in determining monthly benefits be
 7 increased by the Sixty-seventh General Assembly, 1977 Session, in accordance
 8 with the increase in employer and employee contribution rates under section
 9 seventeen (17) of this Act and maintaining the actuarial soundness of the system.

10 **NEW SECTION.** It is the intent of the general assembly that any amounts
 11 required to fund employer contributions to the system under section ninety-seven
 12 B point eleven (97B.11) of the Code for members who are employees of political
 13 subdivisions of the state will not be appropriated by the general assembly, but
 14 will be included in the budgets of the political subdivisions and paid from funds
 15 available to the political subdivisions.

1 SEC. 20. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter fifty
 2 (50), section eighteen (18), subsection six (6), amending section ninety-seven B
 3 point forty-nine (97B.49) of the Code, is amended to read as follows:

4 **6. Beginning** On January 1, 1976, for each member who retired before January
 5 1, 1976, the amount of regular monthly retirement allowance attributable to
 6 membership service and prior service that was payable to the member for
 7 December, 1975 is increased by ten percent for the first calendar year or portion
 8 of a calendar year the member was retired, and by an additional five percent for

9 each calendar year after the first calendar year the member was retired *through*
10 *the calendar year beginning January 1, 1975.* The total increase shall not exceed
11 one hundred percent. There is appropriated from the general fund of the state to
12 the employment security commission from funds not otherwise appropriated an
13 amount sufficient to fund the provisions of this subsection.

14 *The benefit increases granted to members retired under the system on January 1,*
15 *1976 shall be granted only on January 1, 1976 and shall not be further increased for*
16 *any year in which the member was retired after the calendar year beginning January*
17 *1, 1975.*

1 SEC. 21. The provisions of section twenty (20) of this Act shall be retroactive
2 to January 1, 1976.

Approved June 20, 1976

CHAPTER 1002

JUDICIAL COURTS AND AGENCIES

S. F. 1072

AN ACT making an appropriation to judicial courts and agencies, and providing for an increase in filing fees to aid in offsetting the costs of operating the courts and agencies.

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

1 SECTION 1. There is appropriated from the general fund of the state for the
2 fiscal year beginning July 1, 1976, and ending June 30, 1977, to the judicial courts
3 and agencies the following amounts, or so much thereof as may be necessary, to
4 be used for the following purposes:

	1976-77
	<u>Fiscal Year</u>
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1. SUPREME COURT

a. For salaries of judges of the supreme court as determined by the Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two (2), unless an Act setting such salaries is approved by the 1976 Session of the Sixty-sixth General Assembly, and staff, support, maintenance and miscellaneous purposes including a state contribution to the judicial retirement system provided for in chapter six hundred five A (605A) of the Code in the amount of three percent of the salaries of the judges and an additional state contribution of forty-six thousand (46,000) dollars\$ 685,973

b. Rules of procedure\$ 250

2. COURT ADMINISTRATOR

For salaries, support, maintenance and miscellaneous purposes\$ 240,298

3. JUDICIAL QUALIFICATIONS COMMISSION

For support, maintenance and miscellaneous purposes of the judicial qualifications commission including commission members' per diem ..\$ 7,730

4. CLERK OF THE SUPREME COURT

For salaries, support, maintenance and miscellaneous purposes\$ 34,909

5. BOARD OF LAW EXAMINERS

For support, maintenance and miscellaneous purposes including per diem of board members\$ 27,308

28	6. BOARD OF EXAMINERS OF SHORTHAND REPORTERS	
29	For support and miscellaneous purposes including board members	
30	per diem	\$ 990
31	7. DISTRICT COURT	
32	For salaries of the district judges, district court associate judges and	
33	judicial magistrates, as determined by the Acts of the Sixty-sixth	
34	General Assembly, 1975 Session, chapter two (2), unless an Act setting	
35	such salaries is approved by the 1976 Session of the Sixty-sixth	
36	General Assembly, and a state contribution to the judicial retirement	
37	system provided for in chapter six hundred five A (605A) of the Code	
38	in the amount of three percent of such salaries and an additional	
39	contribution of one hundred fourteen thousand (114,000) dollars for	
40	the fiscal year ending June 30, 1977	\$ 5,204,257
41	For expenses of judges in accordance with section six hundred five	
42	point two (605.2) of the Code including those designated by order of	
43	the chief justice to attend judicial conferences, seminars or training	
44	sessions	\$ 236,400
45	8. CODE EDITOR	
46	For salaries, support, maintenance and miscellaneous purposes	\$ 59,492
47	9. APPELLATE COURT	
48	For salaries, support, maintenance and miscellaneous purposes	\$ 350,000

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 set forth in
 3 such federal grants or receipts.

1 SEC. 3. Section six hundred six point fifteen (606.15), subsection one (1), Code
 2 1975, is amended to read as follows:

3 1. For filing any petition, appeal, or writ of error and docketing the same, ~~four~~
 4 ~~seven~~ *Four* dollars. ~~Three~~ *Four* dollars of such fee shall remain in the county treasury
 5 for the use of the county, and ~~one dollar~~ *three dollars* of such fee shall be paid
 6 into the state treasury and deposited in the general fund of the state. In counties
 7 having a population of one hundred thousand or over, an additional one dollar
 8 shall be charged and collected, to be known as the journal publication fee and to
 9 be used for the purposes provided for in section 618.13.

Approved June 23, 1976

CHAPTER 1003

ACCOUNTANCY, ARCHITECTURE, ENGINEERING, WATCHMAKING,
 LANDSCAPE ARCHITECTURE, AND REAL ESTATE COMMISSION

H. F. 1082

AN ACT making an appropriation from the general fund of the state to regulatory boards and commissions governing the practices of accountancy, architecture, engineering, watchmaking, landscape architecture, and real estate.

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 for the
 2 fiscal year beginning July 1, 1976 and ending June 30, 1977 to the following
 3 boards and commissions the following amounts, or so much thereof as may be
 4 necessary, to be used for the following purposes:

5	1. BOARD OF ACCOUNTANCY	
6	For salaries, support, maintenance and miscellaneous purposes	\$ 103,250
7	2. BOARD OF ARCHITECTURAL EXAMINERS	
8	For salaries, support, maintenance and miscellaneous purposes	\$ 29,040
9	3. BOARD OF ENGINEERING EXAMINERS	
10	For salaries, support, maintenance and miscellaneous purposes	\$ 71,934
11	4. BOARD OF WATCHMAKING EXAMINERS	
12	For salary, support, maintenance and miscellaneous purposes	\$ 9,324
13	5. BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS	
14	For salary, support, maintenance and miscellaneous purposes	\$ 18,095
15	6. IOWA REAL ESTATE COMMISSION	
16	For salaries, support, maintenance and miscellaneous purposes	\$ 173,242
1	SEC. 2. All federal grants to and the federal receipts of the agency receiving	
2	funds under this Act are appropriated for the purpose set forth in the federal	
3	grants or receipts.	

Approved March 1, 1976

CHAPTER 1004

AGRICULTURE DEPARTMENT

H. F. 1557

AN ACT appropriating funds for programs under the administration of the department of agriculture and divisions of 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 to the	
2	department of agriculture for the fiscal year beginning July 1, 1976 and ending	
3	June 30, 1977 the following amounts, or so much thereof as is necessary, to be	
4	used for the purposes designated:	
5		1976-77
6		<u>Fiscal Year</u>
7	1. GENERAL ADMINISTRATION	
8	a. For salaries, support, maintenance, and miscellaneous purposes	
9	.....	\$ 800,199
10	b. For state aid to the state horticulture society	\$ 20,000
11	2. REGULATORY DIVISION	
12	For salaries, support, maintenance, and miscellaneous purposes	\$ 2,022,844
13	3. LABORATORY DIVISION	
14	For salaries, support, maintenance, and miscellaneous purposes	\$ 348,582
1	SEC. 2. There is appropriated from the various specified trust funds, except as	
2	provided in subsection six (6) of this section, for the following divisions of the	
3	department of agriculture, the following amounts or so much thereof as is	
4	necessary, for the fiscal year designated to be used in the manner designated:	
5		1976-77
6		<u>Fiscal Year</u>
7	1. a. From the commercial feed fund to be transferred to the	
8	laboratory division	\$ 468,751
9	b. From the commercial feed fund to be transferred to the	
10	administration division for auditing	\$ 25,000

11	2. From the hotel and restaurant fund to be transferred to the	
12	regulatory division	\$ 234,634
13	3. From the pesticide fund to be transferred to the laboratory	
14	division	\$ 165,680
15	4. a. From the fertilizer fund to be transferred to the laboratory	
16	division	\$ 493,499
17	b. From the fertilizer fund to be transferred to the administration	
18	division for auditing	\$ 25,000
19	c. From the fertilizer fund to be used by the department for a	
20	micronutrients and soil conditioner study	\$ 36,277
21	5. From the dairy trade practice fund to be transferred to the	
22	administration division	\$ 48,369
23	6. If any of the trust funds from which moneys were appropriated in	
24	subsections one (1) through five (5) of this section are abolished by the 1976	
25	Session of the Sixty-sixth General Assembly the amounts appropriated to the	
26	department and laboratory, regulatory and administration divisions of the	
27	department of agriculture by subsections one (1) through five (5) of this section	
28	shall be appropriated from the general fund of the state.	

1 SEC. 3. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
2 hundred twenty-seven (127), section eight (8), is amended to read as follows:

3 Sec. 8. There is appropriated from the general fund of the state to the
4 department of agriculture for the fiscal year term beginning July 1, 1975 and
5 ending June 30, ~~1976~~ 1977, the sum of fifty thousand (50,000) dollars, or so much
6 thereof as may be necessary, to make grants to counties to pay the indemnity and
7 the expenses of the inspection and testing of animals as provided in chapters one
8 hundred sixty-three A (163A) and one hundred sixty-four (164) of the Code. The
9 secretary of agriculture shall not approve a grant under this section to a county
10 unless the board of supervisors has levied the maximum levy for the county
11 brucellosis eradication fund under section one hundred sixty-four point twenty-
12 three (164.23) of the Code for the fiscal year beginning July 1, ~~1975~~ 1976 and
13 ending June 30, ~~1976~~ 1977 and all funds in the county brucellosis eradication
14 fund including all unobligated funds transferred from the county tuberculosis
15 eradication fund, have been expended.

1 SEC. 4. Funds appropriated by sections one (1) and two (2) of this Act to the
2 department of agriculture shall be used to pay salaries and support for not more
3 than three hundred seven permanent full-time positions.

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 set forth in
3 the federal grants or receipts.

Approved May 27, 1976

CHAPTER 1005

ARTS COUNCIL AND ACADEMY OF SCIENCE

S. F. 1032

AN ACT appropriating funds to the Iowa state arts council and the academy of science.

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 to the
2 Iowa arts council and the academy of science for the fiscal year beginning July 1,
3 1976, and ending June 30, 1977, the following amounts, or so much thereof as
4 may be necessary, to be used in the manner designated:

5		1976-1977
6		<u>Fiscal Year</u>
7	1. IOWA STATE ARTS COUNCIL	
8	For salaries, support, maintenance and miscellaneous purposes.....	\$ 200,500
9	2. IOWA ACADEMY OF SCIENCE	
10	To supplement publication costs	\$ 8,000

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 set forth in
3 such federal grants or receipts.

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

Approved February 17, 1976

CHAPTER 1006

BEER AND LIQUOR CONTROL

S. F. 1283

AN ACT relating to and making an appropriation to the Iowa beer and liquor control 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 for the
2 fiscal year beginning July 1, 1976 and ending June 30, 1977 to the following
3 department, the following amount or so much thereof as is necessary to be used
4 for the purposes designated:

5		1976-1977
6		<u>Fiscal Year</u>
7	IOWA BEER AND LIQUOR CONTROL DEPARTMENT	
8	For salaries, support, maintenance and miscellaneous purposes.....	\$ 10,637,003

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

Approved May 20, 1976

CHAPTER 1007

CAPITOL PLANNING COMMISSION

H. F. 1037

AN ACT appropriating funds to the capitol planning 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 for the
 2 fiscal year beginning July 1, 1976 and ending June 30, 1977 to the capitol
 3 planning commission the following amount, or so much thereof as is necessary:
 4 CAPITOL PLANNING COMMISSION
 5 For per diem not to exceed forty dollars per day and expenses of the
 6 members in carrying out their duties under chapter eighteen A (18A) of
 7 the Code\$ 7,000

Approved March 1, 1976

CHAPTER 1008

TAX INFORMATION BOOKLET

S. F. 1087

AN ACT making an appropriation to the state comptroller for issuance of a current edition of a tax information booklet.

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 to the
 2 state comptroller for the fiscal year beginning July 1, 1976 and ending June 30,
 3 1977 the sum of three thousand five hundred (3,500) dollars, or so much thereof
 4 as is necessary, for the purpose of providing funds for the publication of a current
 5 edition of the booklet "Tax Levies, Expenditures, and Budgets".

Approved May 13, 1976

CHAPTER 1009

STATE COMPTROLLER

H. F. 1569

AN ACT making appropriations to the Iowa state comptroller's office for the purpose of providing funds for leasing data processing systems.

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 for the
 2 fiscal year beginning July 1, 1976 and ending June 30, 1977 the following amount,
 3 or so much thereof as is necessary to the state comptroller for lease of data
 4 processing systems:

5		1976-1977
6		<u>Fiscal Year</u>
7	STATE COMPTROLLER	
8	For the rental of data processing equipment consisting of two	
9	processing units	\$ 1,200,000

Approved June 23, 1976

CHAPTER 1010

COMMERCE COMMISSION

S. F. 1337

AN ACT making an appropriation for funding of staff for the utilities division of the Iowa state commerce 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 for the
2 fiscal year beginning July 1, 1976 and ending June 30, 1977 to the Iowa state
3 commerce commission, utilities division, the sum of one hundred fifty thousand
4 (150,000) dollars, or so much thereof as is necessary, for salaries, support,
5 maintenance, and miscellaneous purposes of staff in the utilities division. Funds
6 appropriated by this Act are in addition to any other funds appropriated to the
7 Iowa state commerce commission, utilities division.

Approved June 23, 1976

CHAPTER 1011

FEDERAL FUNDS LOST

S. F. 1329

AN ACT making an appropriation to the state comptroller to provide for federal fund loss.

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 to the
2 state comptroller the following amount, or so much thereof as may be necessary,
3 for the fiscal year beginning July 1, 1976 and ending June 30, 1977 to be used in
4 the manner designated: If federal action eliminates or delays into future fiscal
5 year periods certain federal funds previously anticipated as a part of various
6 departmental receipts, there is appropriated to the state comptroller the sum of
7 two million nine hundred thousand (2,900,000) dollars to be allocated to the
8 departments to supplement existing appropriations for losses of such federal
9 funds during the fiscal period. Any funds received which have been delayed and
10 received at a later date for existing programs shall be returned to the general
11 fund. No funds shall be allocated under this section without the approval of the
12 governor and the state comptroller.

13 It is intended that any funds allocated to the state board of regents in this Act
14 to supplement existing appropriations for loss of federal funds during the fiscal
15 year shall be for federal funds lost which were related to educational and
16 capitation grants to the institutions. It shall not be used to supplement federal
17 funds relating solely to sponsored research grants to the institutions.

Approved June 23, 1976

CHAPTER 1012

CAMPAIGN FINANCE COMMISSION

S. F. 1223

AN ACT making a supplemental appropriation to the campaign finance disclosure 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 to the
2 campaign finance disclosure commission for the fiscal year beginning July 1, 1975
3 and ending June 30, 1976, the following amount, or so much thereof as may be
4 necessary, to be used for the purposes designated:

5 For salaries, support, maintenance and miscellaneous purposes..... \$ 7,500

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

Approved June 13, 1976

I hereby certify that the foregoing Act, Senate File 1223, was published in The Hudson Herald,
Hudson, Iowa on June 17, 1976, and in The Anthon Herald, Anthon, Iowa on June 16, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1013

CONSERVATION COMMISSION

H. F. 1141

AN ACT appropriating funds to the state conservation commission to carry out various programs
under 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 and the
2 funds indicated to the state conservation commission and its divisions for the
3 fiscal year beginning July 1, 1976 and ending June 30, 1977 the following
4 amounts, or so much thereof as may be necessary, to be used for the following
5 purposes:

	1976-1977 <u>Fiscal Year</u>
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1. DIVISION OF LANDS AND WATERS

For deposit in the state conservation fund from the general fund of the state for salaries, support, maintenance, equipment and miscellaneous purposes of the division, maintenance of state parks, waters, and forests, prison labor programs and including not more than nine hundred seventy thousand one hundred (970,100) dollars which shall be available for the administration fund from the state conservation fund in compliance with the provisions of section one hundred seven point seventeen (107.17) of the Code \$ 3,545,639

2. DIVISION OF FISH AND GAME

From the state fish and game protection fund for salaries, support, maintenance, equipment and miscellaneous purposes, including not more than nine hundred seventy thousand one hundred (970,100) dollars, which shall be available from the state fish and game protection fund for the administration fund in compliance with the provisions of section one hundred seven point seventeen (107.17) of the Code \$ 6,258,100

3. STATE ADVISORY BOARD FOR PRESERVES

From the general fund of the state for salaries, support, maintenance, equipment and miscellaneous purposes for carrying out the duties of the board \$ 24,790

4. LAND SURVEYS

From the general fund of the state for land surveys to establish and identify the boundaries to state-owned land along the Missouri and Mississippi Rivers \$ 40,000

5. MISSOURI AND MISSISSIPPI RIVER BASIN COMMISSIONS

From the general fund of the state for the state's contribution for support of the Missouri and Mississippi River Basin Commissions \$ 44,850

SEC. 2. There is appropriated from the marine fuel tax fund for the fiscal year beginning July 1, 1976 and ending June 30, 1977 to the state conservation commission, division of lands and waters, such amounts of funds computed as provided in section three hundred twenty-four point eighty-four (324.84) of the Code, which funds shall be deposited in the state conservation fund for use in the state conservation commission recreational boating program as provided in subsections one (1) through five (5) of section three hundred twenty-four point seventy-nine (324.79) of the Code. The unencumbered or unobligated balances of funds specifically allocated for capital projects shall not revert to the fund from which appropriated until June 30, 1980.*

SEC. 3. All receipts and refunds and reimbursements related to activities funded by the administration fund are appropriated to the administration fund. All refunds and reimbursements relating to activities of the state fish and game protection fund shall be credited to the state fish and game protection fund.

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

SEC. 5. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred ten (110), section sixteen (16), is amended to read as follows:

Sec. 16. There is appropriated from the general fund of the state to the "green thumb" fund created in section two (2) of this Act, for the fiscal years beginning July 1, 1974 1975 and ending June 30, 1976 1977, the sum of two hundred fifty thousand (250,000) dollars, or so much thereof as is necessary, to be used according to the provisions of sections one (1) through five (5) of this Act.

*Remainder, see 66 G.A., Chapter 1205, §8

1 SEC. 6. Funds appropriated pursuant to sections one (1), two (2), and three (3)
2 of this Act shall be used to pay salaries and for support of not more than a total
3 of four hundred ninety-six permanent full-time positions.

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 set forth in
3 such federal grants or receipts.

Approved March 26, 1976

CHAPTER 1014

LAW ENFORCEMENT AGENCIES

H. F. 1588

AN ACT making appropriations to state agencies with responsibilities relating to law enforcement including the Iowa crime commission and the department of public safety, and relating to the administration and use of such 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 to the
2 Iowa crime commission for the fiscal year beginning July 1, 1976 and ending June
3 30, 1977 except as provided in subsection three (3) of section four (4) of this Act,
4 the following amounts, or so much thereof as is necessary, to be used for the
5 purposes designated:

	1976-1977
	<u>Fiscal Year</u>
6	
7	
8 1. For salaries, support, maintenance and miscellaneous purposes	
9	\$ 73,934
10 2. For the purpose of matching federal funds available to the Iowa	
11 crime commission through the Omnibus Crime Control and Safe	
12 Streets Act of 1968 as amended by the Omnibus Crime Control Acts	
13 of 1970, 1973 and additional amendments thereto enacted by the	
14 Second Session of the Ninety-fourth United States Congress	\$ 191,636
15 3. For the purpose of matching federal funds available to the Iowa	
16 crime commission for a discretionary grant award for the Iowa crime	
17 commission standards and goals project, for salaries, support,	
18 maintenance and miscellaneous purposes	\$ 4,000
19 4. For the purpose of matching federal funds available to the Iowa	
20 crime commission through the Juvenile Justice and Delinquency	
21 Prevention Act of 1974 for salaries, support, maintenance and	
22 miscellaneous purposes	\$ 4,394

1 SEC. 2. There is appropriated from the general fund of the state to the
2 department of public safety for the fiscal year beginning July 1, 1976 and ending
3 June 30, 1977, the following amounts, or so much thereof as is necessary, to be
4 used for funding the following programs for the purposes designated:

	1976-1977
	<u>Fiscal Year</u>
5	
6	
7 1. ADMINISTRATION	
8 a. For salaries, support, maintenance, and miscellaneous purposes	
9	\$ 319,000

10	b. For matching federal funds involving projects with no	
11	additional personnel and with the approval of the governor	\$ 100,000
12	2. DIVISION OF CRIMINAL INVESTIGATION AND BUREAU OF IDENTIFICATION	
13	For salaries, support, maintenance, and miscellaneous purposes	
14	including the state's contribution to the peace officers' retirement,	
15	accident, and disability system provided in chapter ninety-seven A	
16	(97A) of the Code in the amount of sixteen percent of the salaries for	
17	which the funds are appropriated	\$ 1,670,000
18	The division of criminal investigation and bureau of identification shall add an	
19	additional person to its table of organization and purchase supporting equipment	
20	in order to implement an identification system as a crime prevention program for	
21	the identification of farm equipment and other personal property.	
22	3. DRUG LAW ENFORCEMENT	
23	For salaries, support, maintenance, and miscellaneous purposes	
24	including the state's contribution to the peace officers' retirement,	
25	accident, and disability system provided in chapter ninety-seven A	
26	(97A) of the Code in the amount of sixteen percent of the salaries for	
27	which the funds are appropriated	\$ 427,000
28	4. DIVISION OF FIRE PROTECTION	
29	For salaries, support, maintenance, and miscellaneous purposes	\$ 336,300
30	5. DIVISION OF HIGHWAY SAFETY AND UNIFORMED FORCE	
31	For salaries, support, maintenance, and miscellaneous purposes	
32	including the state's contribution to the peace officers' retirement,	
33	accident, and disability system provided in chapter ninety-seven A	
34	(97A) of the Code in the amount of sixteen percent of the salaries for	
35	which the funds are appropriated	\$ 10,395,000
36	6. DIVISION OF RADIO COMMUNICATIONS	
37	For salaries, support, maintenance, and miscellaneous purposes	\$ 1,624,000
38	7. TRAFFIC RECORDS AND CRIMINAL INFORMATION SYSTEM	
39	For salaries, support, maintenance, and miscellaneous purposes	\$ 1,085,000
40	8. DIVISION OF BEER AND LIQUOR LAW ENFORCEMENT	
41	For salaries, support, maintenance, and miscellaneous purposes	
42	including the state's contribution to the peace officers' retirement,	
43	accident, and disability system provided in chapter ninety-seven A	
44	(97A) of the Code in the amount of sixteen percent of the salaries for	
45	which the funds are appropriated	\$ 411,000

1 SEC. 3.

2 1. The funds appropriated by subsection two (2) of section one (1) of this Act
3 constitute a portion of the federal statutory requirement to provide in the
4 aggregate not less than one-half of the nonfederal funding for projects conducted
5 by units of general local government or combinations of such units for the
6 development and implementation of programs and projects for the improvement
7 of law enforcement.

8 2. Any allocation of funds from funds appropriated by subsection two (2) of
9 section one (1) of this Act shall be approved by the state comptroller and the
10 governor.

11 3. All unencumbered or unobligated balances of funds appropriated by
12 subsection two (2) of section one (1) of this Act shall on September 30, 1980
13 revert to the general fund of this state. All unencumbered or unobligated balances
14 of funds appropriated by subsection four (4) of section one (1) of this Act shall
15 revert to the general fund of the state on December 31, 1977.

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

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

Approved June 23, 1976

CHAPTER 1015

BEER AND LIQUOR CONTROL

H. F. 1568

AN ACT appropriating funds to the Iowa beer and liquor control department for capital improvements.

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

1 SECTION 1. There is appropriated from the general fund of the state for the
2 fiscal period beginning July 1, 1976 to the Iowa beer and liquor control
3 department the following amounts or so much thereof as is necessary, to be used
4 for the purposes designated:

- 5 1. For the establishment of five new self-service stores\$ 58,000
- 6 2. For the relocation and conversion to self-service of sixteen existing
7 stores\$ 125,000
- 8 3. For the purchase and maintenance of new data registers\$ 740,400
- 9 4. For the purchase of fire extinguishers\$ 10,000

Approved June 23, 1976

CHAPTER 1016

ATTORNEY FEES IN ELECTION CONTEST

H. F. 918

AN ACT making an appropriation to pay attorney fees and expenses for counsel for the parties in the election contest of Spradling v. Stephens.

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 to the
2 following named law firms the amount set opposite their names, or so much
3 thereof as is necessary, in full payment of all claims they may have against the
4 state on account of services rendered and expenses incurred in the election
5 contest of Spradling v. Stephens:

- 6 1. Klay, Bastemeyer and Veldhuizen, P.C. Orange City, Iowa\$ 833.17
- 7 2. TePaske and Evans Sioux Center, Iowa\$ 850.00

1 SEC. 2. The state comptroller is authorized to issue warrants to the above
2 named parties in the amounts stated, or so much thereof as is necessary, and the
3 treasurer of state shall pay the same from the general fund of the state.

1 SEC. 3. The acceptance of funds appropriated by this Act by the named
2 parties shall be in full settlement of all claims against the state because of the
3 above described claims.

Approved March 1, 1976

CHAPTER 1017

ENERGY POLICY COUNCIL AND ENVIRONMENTAL QUALITY

H. F. 1036

AN ACT making an appropriation to agencies responsible for the administration of energy and environmental programs including the energy policy council and the department of environmental quality.

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 for the
 2 fiscal year beginning July 1, 1976 and ending June 30, 1977 to the following
 3 agencies the funds indicated to be used in the manner designated:

4	1. ENERGY POLICY COUNCIL	
5	For salaries and support for not more than seven full-time	
6	permanent positions, and maintenance, and miscellaneous purposes ...	\$ 210,000
7	2. DEPARTMENT OF ENVIRONMENTAL QUALITY	
8	For salaries and support of not more than one hundred forty-six	
9	full-time permanent positions, and maintenance, and miscellaneous	
10	purposes	\$ 1,618,231

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

Approved March 26, 1976

CHAPTER 1018

GENERAL SERVICES

H. F. 1217

AN ACT appropriating funds to the general services department for a central energy plant.

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 to the
 2 general services department the following amount, or so much thereof as may be
 3 necessary, to be used for the purposes designated:

4	For a central energy plant utilizing the two existing boilers and	
5	adding one new boiler, a new above ground three hundred thousand	
6	gallon fuel oil tank and for construction of an integrated loop for	
7	chilled water connecting all existing buildings in the capitol complex ..	\$ 2,282,657

1 SEC. 2. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty-
2 two (62), section one (1), subsection eight (8), paragraph b, unnumbered
3 paragraph one (1), is amended to read as follows:

4 b. To supplement funds appropriated in chapter one thousand fifty-
 5 seven (1057), section one (1), Acts of the Sixty-fifth General Assembly,
 6 1974 Session, and to provide sufficient funds for the completion of a
 7 state agricultural building to be known as the Henry A. Wallace
 8 building and to supplement funds appropriated in Acts of the Sixty-
 9 fifth General Assembly, 1973 Session, chapter ninety-seven (97),
 10 section one (1), subsection three (3), as amended by Acts of the Sixty-
 11 fifth General Assembly, 1974 Session, chapter one thousand fifty-eight
 12 (1058), section one (1), to provide sufficient funds for the completion
 13 of a state office building in accordance with plans developed, *to provide*
 14 *for the payment of moving expenses for the occupants of the Henry A.*
 15 *Wallace building and the state office building and to provide that funds*
 16 *may be used for the construction of a radio communications tower and the*
 17 *matching of federal funds, providing a total cost of construction of the*
 18 *Henry A. Wallace building, the payment of moving expenses, and state*
 19 *funds used for matching of federal funds for the construction of a radio*
 20 *communications tower and the state office building not to exceed*
 21 *twenty-three million three hundred thousand (23,300,000) dollars if the*
 22 *contracts for construction of the Henry A. Wallace building and the*
 23 *state office building are awarded no later than November 1, 1975 \$ 3,000,000*

1 SEC. 3. All unencumbered or unobligated balances of appropriations made by
 2 this Act shall on August 31, 1980 revert to the state treasury and to the credit of
 3 the fund from which appropriated.

1 SEC. 4. This Act, being deemed of immediate importance, shall take effect
 2 and be in force from and after its publication in The Woodbine Twiner, a
 3 newspaper published in Woodbine, Iowa, and in The Mediapolis New Era, a
 4 newspaper published in Mediapolis, Iowa.

Approved April 15, 1976

I hereby certify that the foregoing Act, House File 1217, was published in The Woodbine Twiner, Woodbine, Iowa on April 22, 1976, and in The Mediapolis New Era, Mediapolis, Iowa on April 22, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1019

GOVERNOR, LIEUTENANT GOVERNOR AND COUNCIL OF STATE GOVERNMENTS

S. F. 1030

AN ACT appropriating funds to the governor, lieutenant governor, 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 to the
 2 following departments for the fiscal year beginning July 1, 1976 and ending June
 3 30, 1977 the following amounts, or so much thereof as may be necessary, to be
 4 used for the following purposes:

5	1976-1977
6	<u>Fiscal Year</u>
7 1. GOVERNOR	
8 a. For salaries, support, maintenance and miscellaneous purposes ...	\$ 388,030
9 b. For governor's expense connected with office	\$ 5,000
10 2. LIEUTENANT GOVERNOR	
11 For the lieutenant governor's compensation and expenses as provided	
12 in subsection two (2) of section two point ten (2.10) of the Code	
13 including service as a member of the legislative council and for per diem	
14 and expenses incurred by him while performing duties of the lieutenant	
15 governor when the general assembly is not in session, including travel,	
16 postage and staff assistance	\$ 66,930
17 3. COUNCIL OF STATE GOVERNMENTS	
18 For support of the council of state governments	\$ 49,360
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 set forth in	
3 such federal grants or receipts.	

Approved February 12, 1976

CHAPTER 1020

EMPLOYMENT OF HANDICAPPED, HOUSING FINANCE AUTHORITY, MEDICAL EXAMINERS, NURSE EXAMINERS, BOARD OF PAROLE, PHARMACY EXAMINERS, SPANISH-AMERICAN WAR VETERANS AND COMMISSION ON STATUS OF WOMEN

S. F. 1029

AN ACT making appropriations to miscellaneous state agencies including the committee on the employment of the handicapped, the Iowa housing finance authority, the board of medical examiners, the board of nurse examiners, the board of parole, the board of pharmacy examiners, the Spanish-American war veterans and the commission on the status of women.

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 to the	
2 following agencies for the fiscal year beginning July 1, 1976 and ending June 30,	
3 1977 the following amounts, or so much thereof as is necessary to be used for the	
4 purposes designated:	
5	1976-77
6	<u>Fiscal Year</u>
7 1. COMMITTEE ON THE EMPLOYMENT OF THE HANDICAPPED	
8 For salaries, support, maintenance and miscellaneous purposes	\$ 100,685
9 2. IOWA HOUSING FINANCE AUTHORITY	
10 For salaries, support, maintenance and miscellaneous purposes	\$ 100,000
11 3. BOARD OF MEDICAL EXAMINERS	
12 For salaries, support, maintenance and miscellaneous purposes	\$ 102,488
13 4. BOARD OF NURSE EXAMINERS	
14 For salaries, support, maintenance and miscellaneous purposes	\$ 250,000
15 5. BOARD OF PAROLE	
16 For salaries, support, maintenance and miscellaneous purposes	\$ 178,328

- 17 6. BOARD OF PHARMACY EXAMINERS
- 18 For salaries, support, maintenance and miscellaneous purposes\$ 189,359
- 19 7. SPANISH-AMERICAN WAR VETERANS
- 20 For salaries, support, maintenance and miscellaneous purposes\$ 3,490
- 21 8. COMMISSION ON THE STATUS OF WOMEN
- 22 For salaries, support, maintenance and miscellaneous purposes\$ 50,010

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

1 SEC. 3. It is the intent of the general assembly in making the appropriation to
 2 the Spanish-American war veterans in subsection seven (7) of section one (1) of
 3 this Act that the department of general services supply the Spanish-American war
 4 veterans with an appropriate surplus state desk. It is also the intent of the general
 5 assembly that the agencies receiving funds under section one (1) of this Act shall
 6 use surplus state equipment to the maximum extent possible.

Approved February 17, 1976

CHAPTER 1021

HEALTH DEPARTMENT

H. F. 1142

AN ACT making appropriations to the state department of health for the funding of the state department of health and various programs under 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 to the
 2 state department of health for the programs designated the following amounts, or
 3 so much thereof as is necessary:

	1976-77
	<u>Fiscal Year</u>
6 1. CENTRAL ADMINISTRATION	
7 For salaries, support, maintenance, and miscellaneous purposes\$ 351,673	
8 2. HEALTH FACILITIES SERVICES	
9 For salaries, support, maintenance, and miscellaneous purposes 538,050	
10 3. PREVENTIVE MEDICAL SERVICE	
11 For salaries, support, maintenance, and miscellaneous services 467,944	
12 4. RECORDS AND STATISTICAL DIVISION	
13 For salaries, support, maintenance, and miscellaneous purposes 299,739	
14 5. LICENSING AND CERTIFICATION DIVISION	
15 a. For general administration 31,860	
16 b. For the board of barber examiners 74,964	
17 c. For the board of cosmetology examiners 97,098	
18 d. For the board of funeral director and embalmer examiners 12,300	
19 e. For the state board of examiners for nursing home administrators	
20 16,300	
21 f. For the board of dental examiners 26,100	
22 g. For the board of chiropractic examiners 21,075	
23 h. For the board of optometry examiners 13,240	
24 i. For the board of physical therapy examiners 5,650	

25	j. For the board of examiners for the licensing and regulation of	
26	hearing aid dealers	5,000
27	k. For the board of podiatry examiners	3,800
28	l. For the board of psychology examiners	5,000
29	6. GENERAL HEALTH SERVICES	
30	a. For salaries, support, maintenance, and miscellaneous purposes ...	370,560
31	b. For the renal disease program	365,817
32	c. For the family planning program	50,000
33	7. COMMUNITY HEALTH SERVICES	
34	a. For salaries, support, maintenance, and miscellaneous purposes ...	262,524
35	b. For service program for the deaf	20,000

1 SEC. 2. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter seven
 2 (7), section three (3), is repealed.

1 SEC. 3. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
 2 hundred ten (110), section twelve (12), is amended to read as follows:

3 Sec. 12. There is appropriated from the general fund of the state for the fiscal
 4 year ~~biennium~~ beginning July 1, 1975 and ending June 30, ~~1976~~ 1977 to the state
 5 department of health the sum of one hundred fifty thousand (150,000) dollars, or
 6 so much thereof as is necessary, to establish not more than five well-elderly
 7 demonstration clinics for the purpose of delivering health supervision services. At
 8 least two clinics shall be located in a rural area and shall offer services to a multi-
 9 county area. A well-elderly clinic is a clinic for the development of a program of
 10 preventive medicine to serve persons sixty years of age and older. The clinics may
 11 be staffed with physicians, as defined in section one hundred thirty-five C point
 12 one (135C.1) of the Code, or persons designated by physicians and shall provide
 13 referral services to skilled care. The department shall establish fees on a sliding
 14 scale for services provided through the clinics.

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 set forth in
 3 such federal grants or receipts.

Approved March 12, 1976

CHAPTER 1022

LICENSING SPEECH PATHOLOGISTS AND AUDIOLOGISTS

S. F. 1224

AN ACT to appropriate funds to the state department of health for licensing speech pathologists and audiologists.

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 to the
 2 state department of health, licensing and certification division, for the fiscal year
 3 beginning July 1, 1976 and ending June 30, 1977, the sum of five thousand (5,000)
 4 dollars, or so much thereof as is necessary, for the board of speech pathology and
 5 audiology examiners.

Approved April 7, 1976

CHAPTER 1023

I.P.E.R.S. SYSTEM APPROPRIATION

S. F. 1033

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' retirement
2 system fund for the fiscal year beginning July 1, 1976 and ending June 30, 1977 to
3 the employment security commission the sum of one million ninety-six thousand
4 two hundred thirty-eight (1,096,238) dollars, or so much thereof as may be
5 necessary, to be used for salaries, support, maintenance and miscellaneous
6 purposes.

Approved February 17, 1976

CHAPTER 1024

EMPLOYMENT SECURITY COMMISSION, INDUSTRIAL COMMISSIONER,
PUBLIC EMPLOYMENT RELATIONS BOARD

S. F. 1031

AN ACT appropriating funds for the financing of programs under the administration of the Iowa employment security commission, the industrial commissioner, and the public employment relations board.

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

1 SECTION 1. There is appropriated from the general fund of the state for the
2 following agencies the following amounts or so much thereof as is necessary, for
3 the fiscal year designated to be used in the manner designated:

4		1976-1977
5		<u>Fiscal Year</u>
6	1. IOWA EMPLOYMENT SECURITY COMMISSION	
7	For salaries, support, maintenance and miscellaneous purposes for the	
8	administration of chapter ninety-seven (97) and chapter ninety-seven C	
9	(97C) and section two hundred ninety-four point fifteen (294.15) of the	
10	Code	\$ 109,002
11	2. INDUSTRIAL COMMISSIONER	
12	For salaries, support, maintenance and miscellaneous purposes	\$ 297,490
13	3. PUBLIC EMPLOYMENT RELATIONS BOARD	
14	For salaries, support, maintenance and miscellaneous purposes	\$ 449,546

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 set forth in
3 such federal grants or receipts.

Approved March 1, 1976

CHAPTER 1025

I.P.E.R.S. PROFESSIONAL SERVICES

S. F. 1034

AN ACT making an appropriation to the employment security commission for Iowa public employees' retirement system administration for increased costs of professional services.

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

1 SECTION 1. There is appropriated from the Iowa public employees' retirement
2 system fund to the employment security commission for the fiscal year beginning
3 July 1, 1975 and ending June 30, 1976, the sum of seventy-five thousand forty
4 (75,040) dollars, or so much thereof as is necessary, to pay for increased costs of
5 professional services.

6 Funds appropriated by this Act are in addition to any other funds appropriated
7 for such purposes.

1 SEC. 2. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in the Iowa City Press-Citizen, a
3 newspaper published in Iowa City, Iowa, and in the Bettendorf News, a
4 newspaper published in Bettendorf, Iowa.

Approved February 17, 1976

I hereby certify that the foregoing Act, Senate File 1034, was published in the Iowa City Press-Citizen, Iowa City, Iowa, February 21, 1976, and in the Bettendorf News, Bettendorf, Iowa, February 25, 1976.

MELVIN D. SYNHORST, Secretary of State

CHAPTER 1026

MERIT EMPLOYMENT

S. F. 1252

AN ACT making appropriations to the bureau of labor and the Iowa merit employment 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 to the
2 following agencies the following amounts, or so much thereof as is necessary, for
3 the fiscal year commencing July 1, 1976 and ending June 30, 1977 to be used in
4 the manner designated:

5		1976-1977
6		<u>Fiscal Year</u>
7	1. BUREAU OF LABOR	
8	For salaries, support, maintenance and miscellaneous purposes	\$ 891,637
9	2. IOWA MERIT EMPLOYMENT DEPARTMENT	
10	For salaries, support, maintenance and miscellaneous purposes	\$ 804,004

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 set forth in
3 such federal grants or receipts.

Approved May 28, 1976

CHAPTER 1027

COMPUTERIZATION OF CODE OF IOWA

S. F. 1330

AN ACT to appropriate funds to the legislative council to finance the computerization of an accurate data base containing the Code of Iowa.

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

1 SECTION 1. There is appropriated to the legislative council from the general
2 fund of the state for the fiscal year beginning July 1, 1976 and ending June 30,
3 1977 the sum of fifty thousand (50,000) dollars, or so much thereof as is
4 necessary, to provide funds for contracting for the updating of the data base
5 containing the Code of Iowa.

Approved May 24, 1976

CHAPTER 1028

LEGISLATIVE COUNCIL AND FISCAL COMMITTEE

H. F. 1577

AN ACT appropriating funds to the legislative council and the legislative fiscal committee.

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

1 SECTION 1. There is appropriated to the following statutory legislative
2 agencies the funds indicated, or so much thereof as may be necessary, for the
3 fiscal year beginning July 1, 1976 and ending June 30, 1977, to be used for the
4 purposes designated:

5		1976-1977
6		<u>Fiscal Year</u>
7	1. To the legislative council for per diem, support, maintenance, and	
8	miscellaneous expenses of members and the legislative council	\$ 35,000
9	2. To the legislative fiscal committee for per diem, support,	
10	maintenance, and miscellaneous expenses of members and the legislative	
11	fiscal committee and its visitation committees	\$ 25,000

Approved May 27, 1976

CHAPTER 1029

LAW LIBRARY

S. F. 1323

AN ACT to provide funds to supplement funds appropriated to the law library for books, periodicals, and publications.

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

1 SECTION 1. There is appropriated to the Iowa library department, law library
 2 division, the sum of twelve thousand (12,000) dollars, or so much thereof as is
 3 necessary, to be used for the purchase of books, periodicals, and publications.
 4 Funds appropriated by this section shall be in addition to any other funds
 5 appropriated for the law library division. Notwithstanding section eight point
 6 thirty-three (8.33) of the Code the funds appropriated by this Act shall not revert
 7 to the general fund of the state, the intention of the general assembly being that
 8 all such funds shall be expended for the purposes for which appropriated.

Approved May 24, 1976

CHAPTER 1030

MONEYS AND CREDITS REPLACEMENT

S. F. 1089

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 to the
 2 moneys and credits replacement fund established in section four hundred twenty-
 3 two point seventy-eight (422.78) of the Code, for the fiscal year commencing July
 4 1, 1976 and ending June 30, 1977, the following amounts, or so much thereof as
 5 may be necessary to be used for the following purpose:

6		1976-77
7		<u>Fiscal Year</u>
8	For payments to counties as provided in section four hundred	
9	twenty-two point seventy-eight (422.78) of the Code	\$ 2,500,000

Approved March 11, 1976

CHAPTER 1031

NATURAL RESOURCES COUNCIL, SOIL CONSERVATION AND GEOLOGICAL SURVEY

H. F. 1094

AN ACT making appropriations to state agencies concerned with regulating use of the soil and water of this state including the Iowa natural resources council, the department of soil conservation, the state soil conservation committee, and the geological survey.

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

	1976-1977 <u>Fiscal Year</u>
4	
5	
6 1. IOWA NATURAL RESOURCES COUNCIL	
7 For salaries and support for not more than two full-time permanent	
8 positions, and maintenance for state comprehensive water planning ... \$	35,000
9 2. DEPARTMENT OF SOIL CONSERVATION	
10 For salaries and support for one full-time permanent position, and	
11 maintenance for state comprehensive water planning	21,000
12 3. STATE CONSERVATION COMMISSION	
13 For salaries and support for one full-time permanent position, and	
14 maintenance for state comprehensive water planning	17,000
15 4. GEOLOGICAL SURVEY	
16 For salaries and support for not more than five full-time permanent	
17 positions, and maintenance for state comprehensive water planning ...	120,000
18 5. The appropriation made by this section shall be used solely for programs	
19 designed for development of a statewide plan as provided for in section four	
20 hundred fifty-five A point seventeen (455A.17) of the Code.	

1 SEC. 2. There is appropriated from the general fund of the state the following
 2 amounts, or so much thereof as is necessary, for the fiscal year designated to be
 3 used for the following purposes:

	1976-1977 <u>Fiscal Year</u>
4	
5	
6 1. DEPARTMENT OF SOIL CONSERVATION	
7 a. General office	
8 For salaries and support for not more than fifteen permanent full-	
9 time positions, and maintenance and miscellaneous purposes including	
10 expenses necessary to discharge duties under chapter four hundred	
11 sixty-seven D (467D) of the Code	\$ 315,000
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,	
16 stationery, postage and other uses as they may be authorized by the	
17 state soil conservation committee, to be allocated on a need basis	140,000
18 (2) For salaries of one hundred sixty-eight positions for personnel,	
19 technicians and clerical staff and their necessary expenses, equipment,	
20 and materials to be assigned to the soil conservation districts by the	
21 state soil conservation committee on a need basis	1,340,000
22 (3) For participation in and conjunction with the federal	
23 government or any of its agencies in joint operations of watershed	
24 planning and development within this state	60,000

25	(4) For use and expenditures in participation and conjunction with	
26	the soil conservation service, United States department of agriculture,	
27	and state agencies in joint operations in conducting soil surveys on	
28	lands within this state	250,000
29	(5) For support for conservancy district planning	6,150
30	2. GEOLOGICAL SURVEY	
31	a. General office	
32	For salaries and support for not more than twenty-seven full-time	
33	permanent positions, and maintenance and miscellaneous purposes	
34	and stream gauging	742,000
35	b. Iowa coal exploration program	
36	For salaries and support for not more than four full-time permanent	
37	positions, and maintenance and miscellaneous purposes	113,500
38	c. Topographic mapping program	100,000
39	3. IOWA NATURAL RESOURCES COUNCIL	
40	a. For salaries and support for not more than twenty-six full-time	
41	permanent positions, and maintenance and miscellaneous purposes	430,000
42	b. Notwithstanding the provisions of section four hundred fifty-five A point	
43	seventeen (455A.17) of the Code, the Iowa natural resources council may perform	
44	its statutory duties relating to uses and developments of water sources of the state	
45	without meeting the provisions of a comprehensive statewide plan for the control,	
46	utilization, and protection of the water resources of the state until such time as	
47	the plan is prepared and completed.	

1 SEC. 3. Funds appropriated by this Act shall not be used for capital
2 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 set forth in
3 such federal grants or receipts.

Approved March 26, 1976

CHAPTER 1032

PLANNING AND PROGRAMMING, COMPTROLLER AND GENERAL SERVICES

S. F. 1335

AN ACT appropriating funds to the office for planning and programming, the state comptroller, and the department of general services and creating a rent revolving 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 to the
2 following departments for the fiscal year beginning July 1, 1976 and ending June
3 30, 1977 the following amounts, or so much thereof as may be necessary, to be
4 used for the following purposes:

5		1976-1977
6		<u>Fiscal Year</u>
7	1. OFFICE FOR PLANNING AND PROGRAMMING	
8	a. For salaries, support, maintenance and miscellaneous purposes	
9	except as provided in paragraph e of this subsection	\$ 408,960

10	b. For municipal planning assistance	\$ 25,000
11	c. Iowa comprehensive conference	\$ 20,000
12	d. Department of building codes including the salary of the	
13	building code commissioner to be set by the governor at a rate of not	
14	less than seventeen thousand dollars or more than twenty-three	
15	thousand one hundred dollars, except as provided in paragraph e of	
16	this subsection	\$ 146,040
17	e. If Senate File 1207 is not enacted by the 1976 Session of the Sixty-sixth	
18	General Assembly and does not become law the appropriation provided for by	
19	paragraph a of this subsection shall be five hundred fifty-five thousand (555,000)	
20	dollars and paragraph d of this subsection shall be void. If Senate File 1207 is	
21	enacted by the 1976 Session of the Sixty-sixth General Assembly the amounts	
22	appropriated by paragraphs a and d of this subsection shall be as provided in	
23	such paragraphs.	
24	f. Any balance of the appropriation for municipal planning assistance	
25	remaining at the end of the fiscal year shall carry forward to June 30, 1979.	
26	2. STATE COMPTROLLER	
27	a. General office	
28	For salaries, support, maintenance and miscellaneous purposes	\$ 709,406
29	b. Division of data processing	
30	(1) For salaries, support, maintenance and miscellaneous purposes	
31	.....	\$ 2,664,173
32	(2) For preparation, preservation and maintenance of voter	
33	registration records as required by Acts of the Sixty-sixth General	
34	Assembly, 1976 Session, House File one thousand eleven (1011),	
35	section twenty-two (22)	\$ 100,000
36	c. City finance committee	
37	For support and per diem of the committee	\$ 19,750
38	3. DEPARTMENT OF GENERAL SERVICES	
39	a. Office of the director	
40	For salaries, support, maintenance and miscellaneous purposes	\$ 188,349
41	b. General administration	
42	For salaries, support, maintenance and miscellaneous purposes	\$ 866,580
43	c. Buildings and grounds	
44	(1) For salaries, support, maintenance and miscellaneous purposes	
45	.....	\$ 1,767,814
46	(2) From the funds appropriated by subparagraph one (1) of this paragraph	
47	thirty thousand (30,000) dollars shall be used for a horticulturist-landscaper,	
48	landscaping and beautification, including the planting of flowers, of the capitol	
49	complex grounds.	
50	d. Printing division	
51	(1) For salaries, support, maintenance and miscellaneous purposes	
52	.....	\$ 101,602
53	(2) For printing, binding and professional and scientific services	
54	relative to printing the Iowa official register	\$ 52,200
55	(3) The Iowa official register shall be completed and ready for distribution by	
56	June 1, 1977.	
57	e. Communications division	
58	For salaries, support, maintenance and miscellaneous purposes	\$ 131,801

1 SEC. 2. Chapter eighteen (18), division one (I), Code 1975, is amended by
 2 adding the following new section:

3 **NEW SECTION. Rent revolving fund created—purpose.**

4 1. There is created a permanent rent revolving fund which shall be used by the
 5 department to pay the lease or rental costs of all buildings and office space
 6 necessary for the proper functioning of any state agency at the seat of state
 7 government as provided in section eighteen point twelve (18.12), subsection nine

8 (9) of the Code, except that this fund shall not be used to pay the rental or lease
9 costs of a state agency which has not received funds budgeted for rental or lease
10 purposes.

11 2. The director shall pay the lease or rental fees to the renter or lessor and
12 submit a monthly statement to each state agency for which building and office
13 space is rented or leased. The lease or rental cost shall be paid by the state agency
14 to the department of general services in the same manner as other expenses of the
15 state agency are paid and the payment shall be credited to the rent revolving
16 fund.

1 SEC. 3. Section eighteen point twelve (18.12), subsection nine (9), Code 1975,
2 is amended to read as follows:

3 9. Lease all buildings and office space necessary to carry out the provisions of
4 this chapter or necessary for the proper functioning of any state agency at the
5 seat of government, with the approval of the executive council if no specific
6 appropriation has been made and the annual cost of the lease will exceed one
7 hundred thousand dollars, inclusive of any necessary remodeling, renovation or
8 repair. The cost of any lease for which no specific appropriation has been made
9 shall be paid from the fund provided in section 19.29.

1 SEC. 4. There is appropriated from the general fund of the state to the
2 department of general services for the fiscal year beginning July 1, 1976 and
3 ending June 30, 1977, the sum of seventy thousand (70,000) dollars, which sum
4 shall be credited to the rent revolving fund and used for the purposes provided in
5 section one (1) of this Act.

1 SEC. 5. There is appropriated from the general fund of the state for the fiscal
2 year designated the following amounts, or so much thereof as is necessary, to the
3 following specified state agencies, for the rent or lease of buildings and office
4 space as provided in section one (1) of this Act:

	1976-1977
	<u>Fiscal Year</u>
7 1. Commission on Aging	\$ 13,686
8 2. Iowa State Arts Council	\$ 6,056
9 3. Iowa American Revolution Bicentennial Commission	\$ 5,118
10 4. Campaign Finance Disclosure Commission	\$ 4,541
11 5. Iowa Civil Rights Commission	\$ 13,077
12 6. Drug Abuse Authority	\$ 10,500
13 7. State Department of Health, Licensing and Certification Division	
14	\$ 10,189
15 8. Office of the Industrial Commissioner	\$ 19,016
16 9. Insurance Department of Iowa, Securities Division	\$ 4,669
17 10. Public Employment Relations Board	\$ 12,600
18 11. Board of Pharmacy Examiners	\$ 3,888
19 12. Commission on the Status of Women	\$ 6,784

1 SEC. 6. If sections two (2) through five (5) of this Act do not become law, the
2 appropriation provided for in paragraph b of subsection three (3) of section one
3 (1) of this Act shall be increased by a total of one hundred three thousand seven
4 hundred fifty-seven (103,757) dollars, to provide for a total appropriation of one
5 million three hundred sixty-two thousand five hundred thirty-seven (1,362,537)
6 dollars.

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 set forth in
3 such federal grants or receipts.

Approved June 23, 1976

CHAPTER 1033

PUBLIC SAFETY APPROPRIATION

S. F. 1090

AN ACT relating to the appropriation of the department of public safety made for the fiscal year beginning July 1, 1975.

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

1 SECTION 1. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
2 fifty-eight (58), section two (2), is amended by adding the following subsection:

3 9. Funds appropriated by paragraphs a of subsections two (2), three (3), five
4 (5), and eight (8) of this section include the state's contribution to the peace
5 officers' retirement, accident, and disability system provided in chapter ninety-
6 seven A (97A) of the Code in the amount of sixteen percent of the salaries for
7 which the funds are appropriated.

1 SEC. 2. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in the Cherokee Daily Times, a
3 newspaper published in Cherokee, Iowa, and in The Winterset Madisonian, a
4 newspaper published in Winterset, Iowa.

Approved March 11, 1976

I hereby certify that the foregoing Act, Senate File 1090, was published in the Cherokee Daily Times, Cherokee, Iowa, March 16, 1976, and in The Winterset Madisonian, Winterset, Iowa, March 17, 1976.

MELVIN D. SYNHORST, Secretary of State

CHAPTER 1034

LAW ENFORCEMENT ACADEMY, PUBLIC DEFENSE, PUBLIC SAFETY AND TRANSPORTATION

H. F. 1571

AN ACT making appropriations for capital improvements, land acquisition, and equipment purchase of the law enforcement academy, department of public defense, department of public safety, and department of transportation.

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 for the
2 fiscal period beginning July 1, 1976, to the following named agencies for the
3 purposes indicated, the following amounts, or so much thereof as are necessary:

- 4 1. LAW ENFORCEMENT ACADEMY
- 5 For a sewage system at the shooting range\$ 5,000
- 6 2. DEPARTMENT OF PUBLIC DEFENSE
- 7 a. For repair, replacement, alteration, equipment, and
- 8 rehabilitation of national guard armory facilities throughout the state,
- 9 including the maintenance and repair of equipment required for use of
- 10 such facilities, and for the rehabilitation and control of flags,
- 11 commemorating wars in which Iowans participated\$ 130,000

- 12 b. For repair, replacement, alteration, equipment, and
- 13 rehabilitation of buildings, grounds, roads and facilities located within
- 14 the Camp Dodge military reservation\$ 160,000
- 15 3. DEPARTMENT OF PUBLIC SAFETY
- 16 a. For radio equipment and related items pertaining to the
- 17 conversion of stations from low band to high band\$ 254,000
- 18 b. For land acquisition for communication tower sites\$ 28,000

1 SEC. 2. There is appropriated from the primary road fund for the fiscal period
 2 beginning July 1, 1976 to the department of transportation the following amounts
 3 or so much thereof as may be necessary to be used in the manner indicated:

- 4 1. Land and improvements for field operation facilities\$ 700,000
- 5 2. Ames area, to construct a steam line from Iowa state university
- 6 of science and technology\$ 1,300,000

1 SEC. 3. Unencumbered or unobligated funds remaining from appropriations
 2 made by this Act on June 30, 1980 shall revert to the fund from which
 3 appropriated on September 30, 1980.

Approved June 23, 1976

CHAPTER 1035

REAL ESTATE COMMISSION DIRECTOR

S. F. 1035

AN ACT providing a salary range for the director of the Iowa real estate commission.

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

1 SECTION 1. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 2 three (3), section two (2), is amended by adding the following subsection:

- 3 41. IOWA REAL ESTATE COMMISSION
- 4 Salary of the director\$ 15,000 to \$17,000

1 SEC. 2. This Act, being deemed of immediate importance, shall take effect
 2 and be in force from and after its publication in the Highland Park News, a
 3 newspaper published in Des Moines, Iowa, and in The Nashua Reporter, a
 4 newspaper published in Nashua, Iowa.

Approved February 17, 1976

I hereby certify that the foregoing Act, Senate File 1035, was published in the Highland Park
 News, Des Moines, Iowa, February 26, 1976, and in The Nashua Reporter, Nashua, Iowa, February 25,
 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1036

SEEDS LABORATORY

H. F. 1218

AN ACT making an appropriation to the state board of regents for a seeds laboratory.

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 to the
2 state board of regents the sum of one million eight hundred thousand (1,800,000)
3 dollars, or so much thereof as is necessary, to be used for the construction of a
4 seeds laboratory, and the purchase of necessary equipment for the laboratory, at
5 the Iowa state university of science and technology.

1 SEC. 2. Funds appropriated by this Act are in addition to any other funds
2 appropriated by the general assembly for this construction project. All
3 unencumbered or unobligated balances of funds appropriated by this Act
4 remaining on June 30, 1980 shall revert to the general fund of the state on
5 September 30, 1980.

1 SEC. 3. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in the Ames Daily Tribune, a
3 newspaper published in Ames, Iowa, and in The Boone News-Republican, a
4 newspaper published in Boone, Iowa.

Approved March 26, 1976

I hereby certify that the foregoing Act, House File 1218, was published in the Ames Daily Tribune, Ames, Iowa on March 30, 1976, and in The Boone News-Republican, Boone, Iowa on March 30, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1037

AUJESZKY'S DISEASE

S. F. 1243

AN ACT appropriating funds to the state board of regents for Aujeszky's disease research to be conducted by the Iowa State University of science and technology.

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 to the
2 state board of regents for the fiscal period commencing July 1, 1976 the following
3 amount to be used for the purposes designated:

4 a. For aujeszky's disease research to be conducted by the Iowa state
5 university of science and technology\$ 100,000

6 b. Funds appropriated by this section shall be expended in their entirety for
7 the purposes for which appropriated and shall not revert to the general fund of
8 the state.

Approved May 7, 1976

CHAPTER 1038

BOARD OF REGENTS

S. F. 1275

AN ACT appropriating and allocating funds to the state board of regents to supplement funds appropriated for the 1975-1976 fiscal year.

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 to the
2 state board of regents the sum of one million five hundred thousand (1,500,000)
3 dollars, or so much thereof as is necessary, for the purpose of supplementing
4 funds available to the state board of regents during the fiscal period commencing
5 July 1, 1975. The state board of regents shall allocate moneys from funds
6 appropriated by this section to institutions under its control to replace losses of
7 anticipated revenue resulting because federal educational and capitation grants
8 do not become available. Moneys shall not be allocated under this section unless
9 such allocation is first approved by the governor and the state comptroller. It is
10 not the intent of this section to supplement federal funds relating solely to
11 sponsored research grants to institutions under the jurisdiction of the board of
12 regents.

1 SEC. 2. Notwithstanding the provisions of the Acts of the Sixty-sixth General
2 Assembly, 1975 Session, chapter sixty (60), section seven (7), the state board of
3 regents may expend for the benefit of institutions under its control any funds
4 appropriated to the state board of regents by such act if such funds were
5 budgeted for fuel and electricity during the 1975-1976 fiscal year and it is
6 determined by the state board of regents that such funds will not be needed for
7 such purposes. The funds shall be expended for operating purposes.

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

Approved May 10, 1976

I hereby certify that the foregoing Act, Senate File 1275, was published in the Grinnell Herald-Register, Grinnell, Iowa on May 17, 1976, and in The Independent, Hawarden, Iowa on May 20, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1039

EDUCATIONAL AGENCIES

S. F. 1333

AN ACT making appropriations to various state educational agencies to provide for capital improvements, for reimbursement of state educational institutions for deficiencies in operating funds caused by funds pledged to finance academic and administrative buildings and facilities and utility services, for purchasing certain equipment, 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 for the
2 fiscal period beginning July 1, 1976, to the following state agencies the following
3 amounts or so much thereof as is necessary to be used for the purposes
4 designated:

	1976-1977 Fiscal Year
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1 SEC. 2.
2 1. Unobligated or unencumbered funds remaining on June 30, 1977, from
3 funds appropriated by paragraph a of subsection one (1) of section one (1) of this
4 Act shall revert to the general fund of the state on September 30, 1977.

- 5 2. Unobligated or unencumbered funds remaining on June 30, 1980 from funds
6 appropriated by the following provisions of this Act shall revert to the general
7 fund on September 30, 1980.
- 8 a. Paragraph b of subsection one (1) of section one (1).
9 b. Paragraph c of subsection one (1) of section one (1).
10 c. Paragraph d of subsection one (1) of section one (1).
11 d. Subsection two (2) of section one (1).
12 e. Subsection three (3) of section one (1).

1 SEC. 3. Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one
2 thousand thirty-one (1031), section four (4), is amended to read as follows:
3 Sec. 4. There is appropriated from the general fund of the state to the
4 department of general services for the use of the educational radio and television
5 facility board, the sum of five hundred thousand (500,000) dollars, or so much
6 thereof as is necessary, for the installation of translators to aid in providing
7 educational television coverage throughout the state. The educational radio and
8 television facility board shall determine the manner that the funds appropriated
9 by this section shall be expended; however, a translator shall not be purchased or
10 installed until a transmitter is in complete operation and there is a definite need
11 for a translator to supplement that transmitter. Unencumbered funds by this
12 section shall revert to the general fund of the state on August 31, 1976 1980.

1 SEC. 4. The department of public instruction, the educational radio and
2 television facility board, the state board of regents, the governor, and the state
3 comptroller may obtain federal grants for the state to be used in connection with
4 the funds appropriated by this Act.

Approved June 23, 1976

CHAPTER 1040

REVENUE DEPARTMENT

S. F. 1322

AN ACT making an appropriation to the Iowa department of revenue.

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 for the
2 fiscal year beginning July 1, 1976 and ending June 30, 1977 to the following
3 department, the following amount or so much thereof as is necessary to be used
4 for the purposes designated:

	1976-1977
	<u>Fiscal Year</u>
5 DEPARTMENT OF REVENUE	
6 For salaries, support, maintenance and miscellaneous purposes	\$ 8,355,925
7 For updating and revising of the Iowa real property appraisal	
8 manual	\$ 30,000
9 For the Iowa industrial property valuation program	\$ 200,000
10	
11	

Approved May 25, 1976

CHAPTER 1041

MOTOR VEHICLE USE TAX

S. F. 1284

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 fund to the
2 department of revenue for the fiscal year beginning July 1, 1976 and ending June
3 30, 1977, the sum of one million two hundred ninety-one thousand four hundred
4 sixty-two (1,291,462) dollars, or so much thereof as may be necessary, for salaries,
5 support, maintenance and miscellaneous purposes for administration and
6 enforcement of the provisions of chapter three hundred twenty-four (324) of the
7 Code and the motor vehicle use tax program.

Approved June 23, 1976

CHAPTER 1042

TITLE XX APPROPRIATION

H. F. 1565

AN ACT to appropriate to the department of social services funds to supplement federal funds allocated to Iowa, under the statute commonly referred to as title twenty (XX), to pay a portion of the cost of certain local human resource 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 to the
2 department of social services, for the fiscal year beginning July 1, 1976 and
3 ending June 30, 1977, the sum of one million (1,000,000) dollars, or so much
4 thereof as is needed, to be used by the department to match county or other
5 locally-generated public or private funds in the same manner, and for the same
6 purposes, as authorized for federal funds made available to this state pursuant to
7 United States public law ninety-three dash six hundred forty-seven (93-647) and
8 regulations adopted thereunder, hereafter referred to in this Act as title twenty
9 (XX). It is the intent of the general assembly that the funds appropriated by this
10 Act be used to pay up to seventy-five percent of the cost of local human resource
11 purchase-of-service arrangements and programs which are being or would have
12 been funded to the same extent with title twenty (XX) money, but for which
13 funds will not in fact be available from that source due to the anticipated
14 reduction in the allocation to Iowa of federal funds available under title twenty
15 (XX). It is further the intent of the general assembly that no funds appropriated
16 by this Act be used for administrative costs of the department of social services.

Approved June 20, 1976

CHAPTER 1043

CORRECTIONAL FACILITIES

H. F. 1539

AN ACT to appropriate funds for the purpose of providing a program to alleviate overcrowded conditions existing and anticipated in state correctional facilities.

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 to the
 2 department of social services, division of adult corrections, the following
 3 amounts, or so much thereof as is necessary, to be used in the manner designated:
 4 1. For replacement of federal funds for community-based correction
 5 programs, the establishment of residential halfway houses and pre-
 6 institutional residential facilities and for operating costs of such
 7 halfway houses and pre-institutional residential facilities, provided that
 8 if the department deems it appropriate up to one hundred thousand
 9 (100,000) dollars of the amount appropriated by this subsection may
 10 be used for such programs within state mental health institutes\$ 2,850,000
 11 2. For additional staff and remodeling of the Riverview Release
 12 Center in order to develop it to full capacity\$ 158,000
 13 3. To convert and improve the dormitory at farm 3 at the State
 14 Penitentiary, Fort Madison\$ 50,000
 15 4. For use, at the option of the department of social services, to
 16 convert the existing minimum security dormitory located outside the
 17 walls of the Fort Madison penitentiary to either a minimum or
 18 medium security facility\$ 250,000
 19 5. The sum of one million three hundred fifty thousand (1,350,000) dollars to
 20 be used for any one—but only one—of the three following options which the
 21 governor, in consultation with the commissioner of social services, may direct the
 22 department to implement:
 23 a. Conversion of the physical plant now occupied by the state training school
 24 for girls at Mitchellville to a medium security correctional facility, transfer of the
 25 persons under care and custody at that training school to the state juvenile home
 26 at Toledo or to an appropriate community facility pursuant to suitable
 27 arrangements to permit the transfer to be made as expeditiously as possible, and
 28 operation of the medium security correctional facility at the Mitchellville site; or
 29 b. Modification of building 20 at the mental health institute at Mount Pleasant
 30 for use as a medium security correctional facility, and operation of the facility,
 31 without discontinuing any of the mental health programs now offered at that
 32 institute and without intent on the part of the general assembly to influence or to
 33 restrict the scope of the recommendations relative to future utilization, conversion
 34 or discontinuation of the state mental health institutes which the department is
 35 required by this Act to prepare; or
 36 c. Conversion of the physical plant formerly occupied by Midwestern college at
 37 Denison to a medium security correctional facility, and operation of the facility.
 38 If the governor elects to direct the department to implement one of the
 39 foregoing options, the facility so converted or modified shall under no
 40 circumstances have a capacity in excess of one hundred fifty prisoners, and shall
 41 not be operated for more than two years after the effective date of this Act
 42 without specific extension by the general assembly of authority to operate the
 43 facility. Notwithstanding the provisions of section four (4) of this Act relative to
 44 reversion of capital funds, any unencumbered balance of the money appropriated
 45 by this subsection shall revert to the general fund on June 30, 1977.

46	6. For additional probation, parole and clerical staff	\$ 400,000
47	7. For additional personnel for the State Penitentiary at Fort	
48	Madison	\$ 537,000
49	8. For additional personnel for the State Reformatory at Anamosa	
50	.....	\$ 205,200

1 SEC. 2. There is appropriated from the general fund of the state to the Iowa
2 drug abuse authority the sum of two hundred ten thousand (210,000) dollars, or
3 so much thereof as is necessary, for the fiscal year beginning July 1, 1976 and
4 ending June 30, 1977 to be used to provide aid for the alternatives in drug abuse
5 prevention and treatment program.

1 SEC. 3. Within six months of the establishment of any residential halfway
2 house or pre-institutional residential facility pursuant to subsection one (1) of
3 section one (1) of this Act, the division of adult corrections shall, if at all
4 practicable, contract with the community-based correctional program as defined
5 in section two hundred seventeen point twenty-four (217.24) of the Code, in the
6 judicial district where established, for the control and operation of that house or
7 facility.

1 SEC. 4. Unobligated or unencumbered funds remaining on June 30, 1980 from
2 the funds appropriated by section one (1) of this Act for capital improvements
3 and used for such purposes shall revert to the general fund of the state on
4 September 30, 1980. Unobligated or unencumbered funds remaining on June 30,
5 1977 from funds appropriated by section one (1) of this Act for staff services, or
6 purposes other than capital improvements, shall revert to the general fund on
7 September 30, 1977.

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 set forth in
3 such federal grants or receipts.

1 SEC. 6.
2 1. It is the intent of the general assembly to seek an analysis of the state's total
3 adult and juvenile corrections system, independent of advice thus far received,
4 from qualified persons chosen by the judicial, executive and legislative branches
5 of state government, and to consider this analysis before deciding upon a long-
6 term program to update the state's prisons and make their capacity adequate for
7 the actual needs of the state.

8 2. To carry out the intent expressed in subsection one (1) of this section, there
9 is created as a temporary body the advisory commission on corrections relief
10 composed of six persons, none of whom shall be members of or candidates for
11 election to the general assembly during their tenure on the commission, two of
12 whom shall be appointed by the chief justice of the Iowa supreme court, two by
13 the governor and two by the legislative council. These appointments shall be
14 made within thirty days after the effective date of this Act. The members of the
15 commission who are not state employees shall be entitled to receive forty dollars
16 per diem for each day devoted to their duties as commission members. All
17 members shall receive reimbursement for expenses actually and necessarily
18 incurred in discharge of these duties. Staff assistance shall be provided to the
19 commission by the legislative service bureau.

20 To further carry out the intent expressed in subsection one (1) of this section,
21 the advisory commission shall hire professional corrections consultants to
22 evaluate the state's correctional needs. For that purpose there is appropriated
23 from the general fund of the state to the advisory commission on corrections
24 relief the sum of, or so much thereof as is necessary, one hundred thousand
25 (100,000) dollars. Unobligated or unencumbered funds remaining on March 1,
26 1977 from this appropriation shall revert to the general fund of the state
27 forthwith. The evaluation established by this subsection shall include, but need

28 not be limited to, the information sought by subsection three (3) of this section.
 29 This evaluation shall be completed and submitted to the legislative council by
 30 March 1, 1977, and it shall be submitted along with the final report required by
 31 subsection three (3) of this section.

32 3. The commission shall make such interim progress reports as the legislative
 33 council may request, and shall submit a final report not later than March 1, 1977.
 34 The final report shall include, but need not be limited to, information concerning:

35 a. Whether present major correctional facilities in the state are sufficient to
 36 contain and treat current and foreseeable populations of adult male and female
 37 offenders.

38 b. Whether present community corrections facilities are sufficient for male or
 39 female offenders.

40 c. The need for more medium security institutions in this state, in the form of
 41 either new construction or of modification of one or more existing state facilities,
 42 including those not now used as penal institutions.

43 d. The alternatives to construction as contemplated by paragraph b of this
 44 subsection.

45 e. The economic and other impacts of construction of new facilities or
 46 modification of existing ones on community corrections facilities and the
 47 philosophy of community placement in this state.

48 f. The appropriate actions for the legislative and executive branches of Iowa
 49 government in resolving the conflicting demands and proposals for relief of
 50 Iowa's corrections problems.

51 4. To help insure that the general assembly is knowledgeable of the
 52 commission's work and of the background of the report submitted by it, the joint
 53 human resources subcommittees of the senate and house committees on
 54 appropriations shall meet periodically with the commission. No more than four
 55 such meetings shall be held during the interval between adjournment of the 1976
 56 Session of the Sixty-sixth General Assembly and convening of the 1977 Session of
 57 the Sixty-seventh General Assembly. The joint human resources subcommittee
 58 shall not have authority to mandate, alter or reject any comment or
 59 recommendation in the report required of the commission by subsection three (3)
 60 of this section.

61 5. There is appropriated from the general fund of the state to the legislative
 62 service bureau for the fiscal period beginning July 1, 1976, to be used for the per
 63 diem and expenses of members of the advisory commission on corrections relief
 64 and for other expenses incidental for the study, the sum of ten thousand (10,000)
 65 dollars or so much thereof as may be necessary. The legislative service bureau
 66 may expend other funds available to it to carry out this Act. The commission is
 67 abolished July 1, 1977.

1 SEC. 7. The department of social services, division of mental health services,
 2 shall prepare and submit to the legislative council for transmission to the first
 3 session of the Sixty-seventh General Assembly recommendations relative to the
 4 future utilization, conversion or discontinuation and disposition of the state
 5 mental health institutes at Cherokee, Clarinda, Independence and Mount
 6 Pleasant.

1 SEC. 8. Anything in chapter two hundred forty-two (242) of the Code to the
 2 contrary notwithstanding, the department of social services may at its option
 3 initiate and maintain co-educational programs and services at the state training
 4 school at Eldora during the fiscal period for which appropriations for operating
 5 expenses are made by this Act. The legislative service bureau shall report to the
 6 legislative council prior to the convening of the first session of the Sixty-seventh
 7 General Assembly such amendments to chapter two hundred forty-two (242) of
 8 the Code and other statutes as may be needed to permit continuation of co-
 9 educational programs and services at the state training school at Eldora.

Approved June 18, 1976

CHAPTER 1044

SOCIAL SERVICES STUDY

S. F. 1124

AN ACT making an appropriation to carry out a study of operational aspects of the department of social services which relate to title XIX of the United States Social Security 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 to the
2 legislative council the sum of thirty thousand (30,000) dollars, or so much thereof
3 as is necessary, for the use of the joint senate-house appropriations subcommittees
4 on human resources for the purpose of carrying out a study and review of certain
5 operational aspects of the department of social services which relate to the title
6 nineteen (XIX) program of the United States Social Security Act. The joint
7 senate-house appropriation subcommittees on human resources may employ
8 consultants, request staff assistance from the legislative fiscal bureau, and use
9 other necessary legislative staff to aid in carrying out the study authorized by this
10 Act. Unencumbered or unobligated funds appropriated by this Act which remain
11 on June 30, 1977 shall revert to the general fund of the state.

12 Notice of meetings of the joint senate-house appropriation subcommittees on
13 human resources and copies of minutes shall be forwarded to the governor and to
14 the medical assistance advisory council on a timely basis.

15 A final report, accompanied by legislation designed to carry out
16 recommendations of the joint subcommittees shall be made to the governor, the
17 medical assistance advisory council, the appropriations committees of the house
18 and senate, and to the general assembly meeting in the year 1977. The final report
19 shall be made as soon as completed to each of the entities specified.

20 The secretary of the senate and chief clerk of the house shall in consultation
21 with the legislative council provide administrative services for the administration
22 of funds appropriated by this Act.

1 SEC. 2. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in the Quad-City Times, a
3 newspaper published in Davenport, Iowa, and in the Lake Mills Graphic, a
4 newspaper published in Lake Mills, Iowa.

Approved May 20, 1976

I hereby certify that the foregoing Act, Senate File 1124, was published in the Quad-City Times, Davenport, Iowa on May 25, 1976, and in the Lake Mills Graphic, Lake Mills, Iowa on May 26, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1045

MEDICAL ASSISTANCE APPROPRIATION

H. F. 1121

AN ACT making a supplemental appropriation to the department of social services for medical assistance.

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

1 SECTION 1. There is appropriated from the general fund of the state to the
2 department of social services for the fiscal year beginning July 1, 1975 and ending
3 June 30, 1976, the sum of thirteen million eight hundred thousand (13,800,000)
4 dollars to be used to supplement existing appropriations for medical assistance.

1 SEC. 2. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in the Kossuth County Advance, a
3 newspaper published in Algona, Iowa, and in the Quad-City Times, a newspaper
4 published in Davenport, Iowa.

Approved February 6, 1976

Pursuant to the authority vested in the undersigned, Secretary of State of Iowa, under the provisions of Section 3.9, Code of Iowa, 1975, there being no newspaper by the name of Kossuth County Advance, published in Algona, Iowa, I hereby designate Algona Kossuth County Advance, published in Algona, Iowa, to publish the foregoing Act, House File 1121.

MELVIN D. SYNHORST, Secretary of State

I hereby certify that the foregoing Act, House File 1121, was published in the Algona Kossuth County Advance, Algona, Iowa, February 16, 1976, and in the Quad-City Times, Davenport, Iowa, February 13, 1976.

MELVIN D. SYNHORST, Secretary of State

CHAPTER 1046

TRANSPORTATION DEPARTMENT

S. F. 1332

AN ACT making appropriations to the department of transportation for designated capital transportation 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 for the
2 fiscal period beginning July 1, 1976 to the department of transportation the
3 following amounts to be used in the manner designated.

- 4 1. For public transit purposes to implement a state assistance plan .. \$ 2,000,000
- 5 2. For railroad assistance for branchline improvement \$ 2,800,000
- 6 3. For terminal car control analysis \$ 200,000
- 7 4. For miscellaneous purposes to be determined by the state
- 8 transportation commission \$ 155,000

1 SEC. 2. There is appropriated from the general fund of the state for the fiscal
2 period beginning July 1, 1976 the sum of twelve million (12,000,000) dollars, or so
3 much thereof as is necessary, to be deposited in the road use tax fund. None of

4 the funds appropriated by this section shall be used for the construction of
5 diagonal highways in excess of five miles in length unless the state department of
6 transportation is advised in writing by the federal highway administration that
7 this policy will result in the loss of federal funds for any particular present or
8 future highway construction project.

1 SEC. 3. There is appropriated from the general fund of the state for the fiscal
2 period beginning July 1, 1976 the sum of four million (4,000,000) dollars which
3 sum shall be deposited by the treasurer of state in an interest bearing account and
4 the funds and interest earned thereon shall be held for the construction of
5 interstate bridges. This account shall be available to the department of
6 transportation to combine with other federal, state, local, or adjacent state
7 resources to design and construct new interstate bridges at locations and in the
8 priority order to be established by the department. Any portion of this account
9 remaining unused on June 30, 1980 shall revert to the general fund of the state as
10 provided in this Act.

1 SEC. 4. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter thirty-
2 six (36), section three (3), is amended to read as follows:

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

6 Funds shall be repaid to the department of transportation from loans to
7 counties under section two (2) of this Act between the period commencing July 1,
8 1976 and ending December 30, 1976 and shall ~~revert to the general fund of the~~
9 ~~state be remitted to the treasurer of state~~ upon receipt by the department of
10 transportation.

11 *The treasurer of state shall reallocate the funds repaid under this section to the*
12 *various counties of the state based upon the same ratio that funds are allocated to*
13 *counties under subsection one (1) of section three hundred twelve point three (312.3) of*
14 *the Code. Such funds shall be used for county bridge construction and repair.*

1 SEC. 5. All federal grants to and the federal receipts of the department of
2 transportation for projects provided for in this Act are appropriated for the
3 purposes set forth in such federal grants or receipts.

1 SEC. 6. Unencumbered or unobligated funds appropriated by this Act, except
2 funds appropriated for railroad assistance under section one (1), subsection two
3 (2) of this Act, remaining on June 30, 1980 shall revert to the general fund of the
4 state on September 30, 1980.

Approved June 18, 1976

CHAPTER 1047

TRANSPORTATION DEPARTMENT

S. F. 1343

AN ACT relating to the duties and financing of the department of transportation and appropriating from the road use tax fund, the primary road fund, the aeronautics fund, the general fund of the state 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 to the
2 state department of transportation for the fiscal year beginning July 1, 1976 and
3 ending June 30, 1977 the following amounts, or so much thereof as may be
4 necessary, to be used for the following purposes:

	1976-1977 Fiscal Year
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1 SEC. 2. There is appropriated from the road use tax fund to the state
2 department of transportation for the fiscal year beginning July 1, 1976 and ending
3 June 30, 1977 the following amounts, or so much thereof as may be necessary, to
4 be used for the following purposes:

5	1. For salaries, support, maintenance, and miscellaneous purposes	
6	.....	\$ 4,116,000
7	1	
8	2	
9	3	
10	4	
11	5	
12	6	
13	7	
14	8	
15	9	
16	10	
17	11	
18	12	
19	13	
20	14	
21	15	
22	16	

1 SEC. 3. There is appropriated from the primary road fund to the state
2 department of transportation for the fiscal year beginning July 1, 1976 and ending
3 June 30, 1977, the following amounts, or so much thereof as may be necessary, to
4 be used for the following purposes:

5	1. For salaries, support, maintenance, and miscellaneous purposes	
6	.....	\$ 76,028,000
7	2. Additional equipment to be purchased to supplement present	
8	inventory. All acquisitions, when acquired, will become a part of the	
9	state department of transportation materials and equipment revolving	
10	fund	\$ 350,000
11	3. To be deposited in the state department of transportation	
12	materials and equipment revolving fund established by section three	
13	hundred seven A point seven (307A.7) of the Code for funding the	
14	increased replacement cost of vehicles	\$ 400,000
15	4. For the purpose of making payments to the Iowa merit	
16	employment department for expenses incurred in administering the	
17	merit system on behalf of the state department of transportation, as	
18	required by chapter nineteen A (19A) of the Code	\$ 200,000
19	5. Unemployment compensation	\$ 95,000
20	6. To the industrial commission for payment of worker's	
21	compensation claims	\$ 240,000
22	7. General contingency fund	\$ 175,000

1 SEC. 4. There is appropriated from the aeronautics fund to the state
 2 department of transportation for the fiscal year beginning July 1, 1976 and ending
 3 June 30, 1977, the following amounts, or so much thereof as may be necessary, to
 4 be used for the following purposes:
 5 For salaries, support, maintenance, and miscellaneous purposes . . . \$ 302,000

1 SEC. 5. The department of transportation shall reimburse the traffic and
 2 criminal justice information system division of the department of public safety for
 3 not more than seven key punch positions for keypunching traffic accident data
 4 for the accident records system of the traxis traffic records system.

1 SEC. 6. Unless otherwise provided, the primary road fund is appropriated for
 2 highway construction.

1 SEC. 7. Unless otherwise provided, the aeronautics fund is appropriated for
 2 airport construction.

1 SEC. 8. For the fiscal year beginning July 1, 1976 and ending June 30, 1977,
 2 the funds in the primary road contingent fund, established under section three
 3 hundred thirteen point seventeen (313.17) of the Code, may be expended to pay
 4 claims for labor, freight, or other items which must be paid promptly by the state
 5 department of transportation. The primary road contingent fund shall be
 6 reimbursed for expenditures made by the state department of transportation from
 7 the fund to which the expenditure should properly be charged.

1 SEC. 9.

2 1. Notwithstanding the provisions of sections three hundred twenty-one point
 3 two hundred thirty-eight (321.238), three hundred twenty-two point twelve
 4 (322.12), three hundred twenty-five point thirty-six (325.36), three hundred
 5 twenty-seven point thirteen (327.13), three hundred twenty-seven A point
 6 nineteen (327A.19), and three hundred twenty-seven B point three (327B.3) of the
 7 Code, for the fiscal year beginning July 1, 1976 and ending June 30, 1977, the
 8 treasurer of state shall credit all fees collected pursuant to sections three hundred
 9 twenty-one point two hundred thirty-eight (321.238), three hundred twenty-two
 10 point twelve (322.12), three hundred twenty-five point thirty-six (325.36), three
 11 hundred twenty-seven point thirteen (327.13), three hundred twenty-seven A point
 12 nineteen (327A.19), and three hundred twenty-seven B point three (327B.3) of the
 13 Code to the road use tax fund, except that any refunds or other costs allowed
 14 under sections three hundred twenty-one point two hundred thirty-eight (321.238),
 15 three hundred twenty-two point twelve (322.12), three hundred twenty-five point
 16 thirty-six (325.36), three hundred twenty-seven point thirteen (327.13), three
 17 hundred twenty-seven A point nineteen (327A.19), and three hundred twenty-
 18 seven B point three (327B.3) of the Code shall be deducted by the treasurer of
 19 state from the funds to be credited to the road use tax fund.

20 2. Notwithstanding the provisions of section three hundred twenty-one point
 21 two hundred thirty-eight (321.238), subsection nine (9), and section three hundred
 22 twenty-two point twelve (322.12) of the Code, all unencumbered moneys on
 23 deposit in the motor vehicle inspection fund and the motor vehicle dealer license
 24 fee fund on July 31, 1976, shall be credited by the treasurer of state to the road
 25 use tax fund.

1 SEC. 10.

2 1. For the fiscal year beginning July 1, 1976 and ending June 30, 1977 the
 3 money, except fines and forfeitures, operator's and chauffeur's license fees,
 4 certificates of title fees and lien or encumbrance notation fees, collected pursuant
 5 to the provisions of chapter three hundred twenty-one (321) of the Code shall be
 6 credited by the treasurer of state to the road use tax fund.

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

11 Sections three hundred twenty-one point one hundred twenty-nine (321.129)
12 and three hundred twenty-one point one hundred forty-six (321.146) of the Code
13 shall not be effective for the fiscal year beginning July 1, 1976 and ending June
14 30, 1977.

1 SEC. 11. Notwithstanding the provisions of section three hundred twenty-one
2 point four hundred eighty (321.480) of the Code, for the fiscal year beginning July
3 1, 1976 and ending June 30, 1977, the limitations on expenditures under section
4 three hundred twenty-one point four hundred eighty (321.480) of the Code shall
5 apply to, and appropriations for the purposes of sections three hundred twenty-
6 one point four hundred seventy-six (321.476) to three hundred twenty-one point
7 four hundred eighty-one (321.481) of the Code shall be from the road use tax
8 fund as provided in this Act.

1 SEC. 12. Notwithstanding the provisions of section three hundred twenty-one
2 F point eleven (321F.11) of the Code, for the fiscal year beginning July 1, 1976
3 and ending June 30, 1977, all fees and funds accruing from the administration of
4 chapter three hundred twenty-one F (321F) of the Code shall be remitted monthly
5 to the treasurer of state for deposit in the road use tax fund.

1 SEC. 13. When any of the laws of this state are in conflict with this Act, the
2 provisions of this Act shall govern for the fiscal year 1976-1977.

1 SEC. 14. All federal grants to and the federal receipts of the agencies
2 appropriated funds under this Act are appropriated for the purposes set forth in
3 such federal grants or receipts.

Approved June 23, 1976

CHAPTER 1048

CLAIMS

S. F. 1331

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 reimbursement
2 fund of the state to the following persons the amount set opposite their respective
3 names in full settlement of all claims which they may have against the state of
4 Iowa:

5	Claimant	Claim No.	Nature of Claim	Amount
6	1. Cellox Corporation	2205-65-25	Permit fee re-	\$ 20.00
7	Reedsburg, Wisc.		fund	
8	2. Dolly Madison Dairies	2255-65-25	Fine and permit	25.00
9	LaCrosse, Wis.		fee refund	
10	3. Iowa Better Trucking	1085-66-25	Permit fee re-	10.00
11	Bureau		fund	
12	Sioux City, Iowa			

13	4. Marcella Cadwell	1633-66-25	Property loss	20.00
14	Cherokee, Iowa			
15	5. De Jong Trucking	1706-66-25	Fine refund	25.00
16	Orange City, Iowa			
17	6. Ryder Truck Rental,	1778-66-25	License refund	355.63
18	Inc.			
19	Des Moines, Iowa			
20	7. Eddie R. McKee	1973-66-25	Property damage	300.00
21	Toledo, Iowa			
22	8. Richardson Transfer	2220-65-25	Trip permit re-	75.00
23	& Storage Co, Inc.		fund	
24	Salina, Kansas			
25	9. Harvey L. Price	2032-66-25	Property damage	100.00
26	Montour, Iowa			

1 SEC. 2. The amounts of the claims against the state in subsections one (1), two
2 (2), three (3), five (5), six (6) and eight (8) of section one (1) of this Act shall be
3 paid from the reimbursement fund provided for in section three hundred twenty-
4 one point one hundred twenty-nine (321.129) of the Code. The remainder of the
5 claims listed in section one (1) of this Act shall be paid from the general fund of
6 the state.

Approved May 28, 1976

CHAPTER 1049

SOCIAL SERVICES

H. F. 1579

AN ACT making an appropriation to the department of social services for capital improvement 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 to the
2 department of social services for the fiscal year commencing July 1, 1976 and
3 ending June 30, 1977 the sum of two million nine hundred thousand (2,900,000)
4 dollars, nine hundred thousand of which is to be applied to the cost of
5 constructing at the Iowa veterans home a one hundred eighty bed nursing facility
6 and for renovating the Sheeler health care facility of the Iowa veterans home, and
7 the remainder, or so much thereof as is necessary, to be used for capital
8 improvement projects deemed necessary by the department for institutions under
9 its jurisdiction or for maintenance of such institutions.

10 It is the intent of the general assembly that the general assembly meeting in the
11 year 1977 shall appropriate an additional sum of two million five hundred
12 thousand (2,500,000) dollars for completion of the projects at the Iowa veterans
13 home provided for in this section.

1 SEC. 2. There is appropriated from the general fund of the state to the
2 department of social services the sum of four million five hundred thousand
3 (4,500,000) dollars such sum to be deposited in the hospital-schools revolving
4 fund. Funds appropriated by this section shall revert to the general fund in the
5 same manner as other funds deposited in the hospital-schools revolving fund.

1 SEC. 3. Unencumbered or unobligated funds remaining on June 30, 1980 from
2 funds appropriated by section one (1) of this Act for the projects at the Iowa
3 veterans home shall revert to the general fund of the state on September 30, 1980.

Approved June 28, 1976

CHAPTER 1050

GENERAL SERVICES

S. F. 1222

AN ACT appropriating funds to the department of general services for capital improvements.

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

1 SECTION 1. There is appropriated from the general fund of the state for fiscal
2 period beginning July 1, 1976 the following amounts or so much thereof as is
3 necessary to be used for the purposes designated:

- 4 1. GENERAL SERVICES—building and grounds for capital improvements
- 5 and repairs\$ 202,500
- 6 2. GENERAL SERVICES—communications division for conversion of the
- 7 centrex I system to a centrex II system\$ 50,000

Approved April 7, 1976

CHAPTER 1051

VETERANS ADMINISTRATION LANDS

S. F. 1050

AN ACT relating to the assumption of civil and criminal jurisdiction over veterans administration lands within the state.

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

1 SECTION 1. Chapter one (1), Code 1975, is amended by adding the following
2 new section:

3 **NEW SECTION. Assumption of jurisdiction.** At the time of the return of
4 jurisdiction over lands occupied by the veterans administration hospital located in
5 Knoxville, Marion County, Iowa and the Keokuk National Cemetery at Keokuk
6 located in Lee County, Iowa by the administrator of veterans affairs to the State
7 of Iowa, the State of Iowa assumes criminal and civil jurisdiction on both grounds
8 in the same manner as provided in section one point four (1.4) of the Code.

Approved May 20, 1976

CHAPTER 1052

LEGISLATIVE MEMBERS OF COMMITTEES

S. F. 507

AN ACT relating to the funding, compensation, expenses and membership of legislative members of committees and certain statutory or appointive boards, commissions, and councils.

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

1 SECTION 1. Section two point ten (2.10), subsection six (6), Code 1975, is
2 amended to read as follows:

3 6. In addition to the salaries and expenses ~~herein~~ authorized by this section,
4 members of the general assembly shall be paid forty dollars per day, except the
5 speaker of the house who shall be paid sixty dollars per day, and necessary travel
6 and actual expenses incurred in attending *meetings for which per diem or expenses*
7 *are authorized by law for members of the general assembly who serve on statutory*
8 *boards, commissions, or councils, and for standing or interim committee or*
9 *subcommittee meetings subject to the provisions of section 2.14, or when on*
10 ~~official state authorized legislative~~ business; when the general assembly is not in
11 session. *However, if a member of the general assembly or the lieutenant governor is*
12 *engaged in authorized legislative business at a location other than at the seat of*
13 *government during the time the general assembly is in session, payment may be made*
14 *for the actual transportation and lodging costs incurred because of the business. Such*
15 ~~salaries per diem or expenses shall be paid promptly from funds appropriated~~
16 ~~pursuant to section 2.12; unless otherwise provided by law.~~

1 SEC. 2. Section two point twelve (2.12), unnumbered paragraph two (2), Code
2 1975, is amended to read as follows:

3 There is hereby appropriated out of any funds in the state treasury not
4 otherwise appropriated, such sums as may be necessary, for each house of the
5 general assembly for the payment of any unpaid expense ~~filed after adjournment~~
6 ~~of each annual session~~ of the general assembly ~~or~~ incurred *during or* in the interim
7 between sessions of the general assembly, including but not limited to salaries *and*
8 *necessary travel and actual expenses* of members and expenses of standing and
9 interim committees *or subcommittees and per diem or expenses for members of the*
10 *general assembly who serve on statutory boards, commissions, or councils for which*
11 *per diem or expenses are authorized by law.* The state comptroller is hereby
12 authorized and directed to issue warrants for such items of expense upon
13 requisition of the president and secretary of the senate for senate expense or the
14 speaker and chief clerk of the house for house expense.

1 SEC. 3. Section two point forty-four (2.44), Code 1975, is amended to read as
2 follows:

3 **2.44 Expenses of council and special interim committees.** Members of the
4 legislative council shall be reimbursed for actual and necessary expenses incurred
5 in the performance of their duties, and shall receive a per diem of forty dollars for
6 each day in which engaged in the performance of such duties. However, such per
7 diem compensation and expenses shall not be paid when the general assembly is
8 actually in session at the seat of government. Such expenses and per diem shall be
9 paid in the manner provided for in section ~~2.66~~ *two point twelve (2.12) of the Code.*

10 Members of special interim study committees which may from time to time be
11 created and members of the legislative fiscal committee who are not members of
12 the legislative council shall be entitled to receive the same expenses and
13 compensation provided for the members of the legislative council. ~~Such expenses~~
14 ~~shall be paid in the manner provided for in section 2.66 within the limit of~~
15 ~~available funds. Upon motion approved by the legislative council, members of~~

16 such special interim study committees may be paid for their expenses and per
17 diem pursuant to the provisions of section 2.12.

1 SEC. 4. Section eighteen A point one (18A.1), Code 1975, is amended to read
2 as follows:

3 **18A.1 Commission created.** There is hereby created the capitol planning
4 commission composed of nine members: (1) four members of the general
5 assembly *serving as ex officio nonvoting members*, two thereof to be appointed by
6 the speaker of the house from the membership thereof, two to be appointed by
7 the lieutenant governor from the membership of the senate, and (2) three
8 residents of the state of Iowa to be appointed by the governor, and (3) the
9 director of the department of general services or his designee and the state
10 architect provided by section 218.58.

1 SEC. 5. Section eighteen A point five (18A.5), Code 1975, is amended to read
2 as follows:

3 **18A.5 Compensation and expenses.** The members of the commission shall be
4 reimbursed for their actual and necessary expenses and shall be paid a forty-
5 dollar per diem while in attendance at any meeting of the commission held at the
6 seat of government and shall be reimbursed for their expenses for going to and
7 from the seat of government to attend a meeting. All per diem and expense
8 moneys paid to the *nonlegislative* commissioners shall be paid from funds
9 appropriated to the commission. Service of the director of the department of
10 general services and the state architect upon this commission shall be an
11 additional duty conferred by statute. *Legislative members of the commission shall*
12 *receive payment pursuant to section two point ten (2.10) and section two point twelve*
13 *(2.12) of the Code.*

1 SEC. 6. Section eighty B point six (80B.6), subsections two (2) and three (3),
2 Code 1975, are amended to read as follows:

3 2. Two members of the senate *serving as ex officio nonvoting members*, not more
4 than one of whom will be from the same political party, appointed by the
5 lieutenant governor for a term of four years commencing on August 15, 1974.

6 3. Two members of the house of representatives *serving as ex officio nonvoting*
7 *members*, not more than one of whom will be from the same political party,
8 appointed by the speaker of the house for a term of two years commencing on
9 August 15, 1974.

1 SEC. 7. Section eighty B point eight (80B.8), Code 1975, is amended to read as
2 follows:

3 **80B.8 Compensation and expenses.** The members of the council, who are not
4 employees of the state or a political subdivision, shall be paid a forty-dollar per
5 diem. All members of the council shall be reimbursed for necessary and actual
6 expenses incurred in attending meetings and in the performance of their duties.
7 All per diem and expense moneys paid to *nonlegislative* members shall be paid
8 from funds appropriated to the Iowa law enforcement academy. *Legislative*
9 *members of the council shall receive payment pursuant to section two point ten (2.10)*
10 *and section two point twelve (2.12) of the Code.*

1 SEC. 8. Section ninety-three point five (93.5), Code 1975, is amended to read
2 as follows:

3 **93.5 Compensation and expenses.** Council members who are not employees
4 of the state shall receive a per diem at the rate of forty dollars for each day
5 devoted to council business and all *nonlegislative* members shall be reimbursed for
6 actual expenses incurred in carrying out their duties as members of the council.
7 *Legislative members shall receive payment pursuant to section two point ten (2.10)*
8 *and section two point twelve (2.12) of the Code.*

1 SEC. 9. Section two hundred thirty-five A point twenty-four (235A.24),
2 subsection two (2), Code 1975, is amended to read as follows:

3 2. The council shall meet at least annually and at any other time upon the call
4 of the chairman of the council, or any three of its members. Each *nonlegislative*
5 council member shall be entitled to reimbursement for actual and necessary
6 expenses incurred in the performance of official duties from funds appropriated
7 to the department of social services. *Each legislative member shall receive expenses*
8 *pursuant to section two point ten (2.10) and section two point twelve (2.12) of the*
9 *Code.*

1 SEC. 10. Section two hundred forty-nine B point one (249B.1), Code 1975, is
2 amended to read as follows:

3 **249B.1 Commission created.** There is hereby created the commission on the
4 aging of the state of Iowa which shall consist of ~~nine~~ *eleven* members. Two
5 members shall be appointed by the president of the senate from the members of
6 the senate *to serve as ex officio nonvoting members* with no more than one member
7 being appointed from the same political party. Two members shall be appointed
8 by the speaker of the house of representatives from the members of the house *to*
9 *serve as ex officio nonvoting members* with no more than one member being
10 appointed from the same political party. ~~Five~~ *Seven* members shall be appointed
11 by the governor.

1 SEC. 11. Section two hundred forty-nine B point six (249B.6), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the following:

3 **249B.6 Expenses.** Members of the commission while engaged in their official
4 duties shall be reimbursed for their actual and necessary expenses and be paid a
5 forty-dollar per diem. Legislative members of the commission shall receive
6 payment pursuant to section two point ten (2.10) and section two point twelve
7 (2.12) of the Code.

1 SEC. 12. Section two hundred sixty-one point one (261.1), subsections four (4)
2 and five (5), Code 1975, are amended to read as follows:

3 4. A member of the senate to be appointed by the president of the senate *to*
4 *serve as an ex officio nonvoting member* for a term of four years beginning on July
5 ~~+~~ *first* of the year of appointment.

6 5. A member of the house of representatives to be appointed by the speaker of
7 the house *to serve as an ex officio nonvoting member* for a term of four years
8 beginning on July ~~+~~ *first* of the year of appointment.

1 SEC. 13. Section two hundred sixty-one point four (261.4), Code 1975, is
2 amended to read as follows:

3 **261.4 Funds—comptroller—compensation and expenses of commission.** The
4 state comptroller shall keep an accounting of all funds received and expended by
5 the commission. The members of the commission, except those members who are
6 employees of the state, shall be paid a forty-dollar per diem and shall be
7 reimbursed for actual and necessary expenses. All per diem and expense moneys
8 paid to *nonlegislative* members shall be paid from funds appropriated to the
9 commission. *Legislative members of the commission shall receive payment pursuant*
10 *to section two point ten (2.10) and section two point twelve (2.12) of the Code.*

1 SEC. 14. Section two hundred seventy-two B point two (272B.2), Code 1975, is
2 amended to read as follows:

3 **272B.2 Education commission of the states.** The provisions of article III,
4 paragraph 1, of the compact notwithstanding, the members of the education
5 commission of the states representing this state shall consist of the governor, two
6 *nonlegislative* members appointed by the governor, two members of the senate
7 appointed by the president of the senate, and two members of the house of
8 representatives appointed by the speaker of the house of representatives. The
9 members shall serve four-year terms and for the initial appointments, half of the

10 membership shall be appointed to two-year terms and half shall be appointed to
11 four-year terms. ~~Members~~ *Nonlegislative members* shall serve on the education
12 commission of the states without compensation, but shall receive their actual and
13 necessary expenses and travel. *Legislative members shall receive actual and*
14 *necessary expenses and travel pursuant to section two point ten (2.10) and two point*
15 *twelve (2.12) of the Code.* Vacancies on the commission shall be filled for the
16 unexpired portion of the term in the same manner as the original appointment. If
17 a member ceases to be a member of the general assembly, he shall no longer serve
18 as a member of the education commission of the states.

1 SEC. 15. Section three hundred four point three (304.3), subsection six (6),
2 Code 1975, is amended to read as follows:

3 6. A member of the general assembly *serving as an ex officio nonvoting member*
4 appointed by the legislative council.

1 SEC. 16. Section three hundred four point four (304.4), Code 1975, is amended
2 by striking the section and inserting in lieu thereof the following:

3 The nonlegislative members of the commission shall serve without
4 compensation but may receive their actual expenses incurred in the performance
5 of their duties. Legislative members shall receive per diem and expenses pursuant
6 to section two point ten (2.10) and section two point twelve (2.12) of the Code.

1 SEC. 17. Section seven hundred forty-nine B point nineteen (749B.19),
2 unnumbered paragraphs one (1) and two (2), Code 1975, are amended to read as
3 follows:

4 There is hereby created a confidential records council consisting of nine regular
5 members. Two members shall be appointed from the house of representatives *to*
6 *serve as ex officio nonvoting members* by the speaker of the house, no more than
7 one of whom shall be from the same party. Two members shall be appointed
8 from the senate *to serve as ex officio nonvoting members* by the lieutenant
9 governor, no more than one of whom shall be from the same party. The other
10 members of the council shall be: A judge of the district court appointed by the
11 chief justice of the supreme court, one local law enforcement official, appointed
12 by the governor; the commissioner of public safety or his designee; and two
13 private citizens not connected with law enforcement, appointed by the governor.
14 The council shall select its own chairman. The members shall serve at the
15 pleasure of those by whom their appointments are made.

16 The council shall meet at least annually and at any other time upon the call of
17 the governor, the chairman of the council, or any three of its members. Each
18 *nonlegislative* council member shall be entitled to reimbursement for actual and
19 necessary expenses incurred in the performance of official duties from funds
20 appropriated to the department of public safety. *Each legislative member shall*
21 *receive expenses pursuant to section two point ten (2.10) and section two point twelve*
22 *(2.12) of the Code.*

Approved June 20, 1976

CHAPTER 1053

LEGISLATIVE FISCAL BUREAU

S. F. 1251

AN ACT making an appropriation to the legislative fiscal bureau for payment of actuarial 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 to the
2 legislative fiscal bureau the sum of ten thousand five hundred four dollars and
3 eight cents (\$10,504.08), or so much thereof as is necessary, for payment of
4 actuarial services and costs incurred on behalf of the general assembly for
5 development of legislation relating to retirement systems. Included in this total
6 shall be \$2,500 for actuarial services provided in House File 914. Unencumbered
7 or unobligated balances of funds appropriated by this Act remaining on
8 December 31, 1976 shall revert to the general fund of the state.

1 SEC. 2. NEW SECTION. Actuarial services. Any actuarial services and costs
2 to be incurred on behalf of the general assembly for development of legislation
3 relating to retirement systems shall not be incurred until after public bidding for
4 such services has been completed. However, it shall not be required that the
5 lowest bid be accepted.

Approved June 23, 1976

CHAPTER 1054

LEGISLATIVE AGENCIES, COMMISSION ON UNIFORM STATE LAWS
AND CITIZENS' AIDE

H. F. 1080

AN ACT relating to the appropriation of funds to legislative agencies and making appropriations to
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 for the
2 fiscal year beginning July 1, 1976 and ending June 30, 1977 the following
3 amounts, or so much thereof as is necessary to the following legislative agencies
4 and the commission on uniform state laws:

Table with 2 columns: Description and Fiscal Year (1976-1977). Rows include Legislative Fiscal Bureau (\$218,900), Legislative Service Bureau (\$534,905), Commission on Uniform State Laws (a. \$5,600, b. \$1,800).

16 4. CITIZENS' AIDE
17 For salaries, support, maintenance and miscellaneous purposes\$ 129,149

1 SEC. 2. Section two point fifty-nine (2.59), subsection three (3), Code 1975, is
2 amended to read as follows:

3 3. ~~He shall employ~~ *To employ*, with the approval of the legislative council or its
4 chairman, such temporary employees as may be required to provide research and
5 bill drafting services prior to and during sessions of the general assembly. Such
6 employees shall be under the supervision of the director and shall be paid from
7 ~~the appropriation made for the general assembly pursuant to section 2.12 funds~~
8 ~~appropriated to the bureau.~~

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 set forth in
3 such federal grants or receipts.

Approved March 1, 1976

CHAPTER 1055

CENSUS LIAISON COMMISSION

S. F. 1267

AN ACT to establish a census liaison commission, prescribing its duties, and authorizing certain cities to draw proposed precinct boundaries for submission to the commission.

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

1 SECTION 1. **Census preparations—commission established.**

2 1. There is established a census liaison commission, composed of the president
3 of the senate, the president pro tempore of the senate, the speaker of the house of
4 representatives, the speaker pro tempore of the house of representatives, the
5 majority and minority floor leaders of the senate, the majority and minority floor
6 leaders of the house of representatives, the governor, and the state chairpersons of
7 the two major political parties in the state, or their respective designees.
8 Necessary staff assistance shall be provided to the commission by the legislative
9 service bureau. The commission shall also be entitled to obtain upon request the
10 services of personnel of and the use of maps or other pertinent materials available
11 to the state commissioner of elections, and to the transportation inventory
12 division of the state department of transportation.

13 2. The census liaison commission shall:

14 a. Oversee preparations for and make decisions necessary to conclusion of
15 arrangements with the United States bureau of the census, pursuant to United
16 States public law ninety-four dash one hundred seventy-one (94-171), regarding
17 the plan and form for reporting population data from the 1980 federal decennial
18 census needed by the general assembly to fulfill its constitutional mandate to
19 redistrict the state for election of members of the United States house of
20 representatives and of the general assembly in 1982 and thereafter.

21 b. Obtain, prepare in appropriate form and provide to the United States bureau
22 of the census such maps of political subdivisions of this state as are necessary to
23 implement the arrangement concluded under paragraph a of this subsection.

24 c. Have authority to authorize expenditures of reasonable sums for purchase
25 and preparation of maps or copies of maps needed under paragraph b of this

26 subsection. The costs so incurred shall be paid as provided by section two point
27 twelve (2.12) of the Code.

28 3. This section shall expire December 31, 1980.

1 SEC. 2. **Cities authorized to draw proposed precincts.** The council of any city
2 which concludes that it is likely to be necessary or desirable to redraw precincts
3 in that city after the 1980 federal decennial census may cause proposed precinct
4 boundaries to be drawn not later than January 31, 1977, in accordance with all
5 applicable requirements of law except that more recent indicators of population
6 may be used in lieu of data from the 1970 federal decennial census. The proposed
7 precinct boundaries shall be of no current legal force or effect in administration
8 of elections or of any other governmental function, and drawing them shall not
9 constitute a violation of section forty-nine point three (49.3), unnumbered
10 paragraph one (1). Proposed precinct boundaries so drawn may be submitted to
11 the census liaison commission for use in developing a plan and form for reporting
12 of population data from the 1980 federal decennial census for districting
13 purposes.

14 Nothing in this section shall be construed to commit any city which has
15 prepared proposed precinct boundaries to adopt those boundaries in compliance
16 with sections forty-nine point three (49.3) and forty-nine point seven (49.7) of the
17 Code subsequent to the 1980 federal decennial census, nor to commit the general
18 assembly to follow the proposed precinct boundaries in any redistricting required
19 after that census.

Approved May 28, 1976

CHAPTER 1056

OMNIBUS CORRECTIONS

S. F. 1280

AN ACT relating to correcting erroneous, inconsistent and obsolete sections of the Code, and the duties of the Code editor.

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

1 SECTION 1. Section four point one (4.1), subsection one (1), Code 1975, is
2 amended to read as follows:

3 1. Repeal—effect of. The repeal of a statute, *after it becomes effective*, does not
4 revive a statute previously repealed, nor affect any right which has accrued, any
5 duty imposed, any penalty incurred, or any proceeding commenced, under or by
6 virtue of the statute repealed.

1 SEC. 2. Section eight point five (8.5), Code 1975, is amended by striking
2 subsection four (4).

1 SEC. 3. Section fourteen point twenty-one (14.21), Code 1975, is amended by
2 adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. Commencing July 1, 1977, the Code editor
4 shall cause to be compiled, indexed and published in loose leaf form all rules of
5 civil procedure, rules of criminal procedure, rules of appellate procedure, and
6 supreme court rules. The Code editor shall cause to be distributed supplements to
7 the compilation on or before the effective date of either new rules, or
8 amendments to or the repeal of existing rules. All expenses incurred by the Code
9 editor under this paragraph shall be defrayed under the provisions of section
10 fourteen point twenty-two (14.22) of the Code. There shall be established a price

11 for the compilation of rules, and a separate price for each supplement. The price
 12 of the compilation and of supplements shall represent the costs of compiling and
 13 indexing, plus the amounts charged for printing and distribution. A single copy of
 14 each compilation and of each supplement shall be distributed free of charge to
 15 each of the persons or agencies referred to in subsections one (1), two (2), five (5),
 16 six (6), seven (7), eight (8), and fifteen (15) of section eighteen point ninety-seven
 17 (18.97) of the Code.

1 SEC. 4. Section seventeen point five (17.5), Code 1975, is amended to read as
 2 follows:

3 **17.5 Governor.** The biennial report of the governor to the general assembly
 4 on reprieves, commutations, pardons, and remission of fines and forfeitures shall
 5 cover the two years ending with December ~~31~~ *thirty-first* immediately preceding
 6 the convening of the general assembly in regular session, *in odd-numbered years*,
 7 and shall be filed as soon as practicable after said date.

1 SEC. 5. Section seventeen point six (17.6), Code 1975, is amended to read as
 2 follows:

3 **17.6 Attorney general.** The biennial report of the attorney general shall cover
 4 the ~~period of his regular term~~ *two-year period ending with December thirty-first in*
 5 *even-numbered years* and shall be filed as soon as practicable after the expiration
 6 of said ~~term and period~~ but not later than ~~February 1~~ *March first*.

1 SEC. 6. Section eighteen point ninety-seven (18.97), unnumbered paragraph
 2 one (1), Code 1975, as amended by Senate File one thousand ninety-two (1092) as
 3 enacted by the Sixty-sixth General Assembly, 1976 Session, and signed by the
 4 governor and Senate File one thousand two hundred eighty-eight (1288) as
 5 enacted by the Sixty-sixth General Assembly, 1976 Session, is amended by
 6 striking the paragraph and inserting in lieu thereof the following:

7 The superintendent of printing shall make free distribution of the Code, rules
 8 of civil procedure, rules of appellate procedure, supreme court rules, the Acts of
 9 each general assembly, and, upon request, the Iowa administrative code as
 10 follows:

1 SEC. 7. Section twenty-six point six (26.6), Code 1975, is amended to read as
 2 follows:

3 **26.6 Population of counties, townships and cities.** Whenever the population
 4 of any county, township or city is referred to in any law of this state, it shall be
 5 determined by the last preceding certified federal census unless otherwise
 6 provided. Whenever a special federal census is taken by any city, the mayor and
 7 council shall certify the census as soon as possible to the secretary of state and to
 8 the treasurer of state as otherwise herein provided, and ~~failing upon the failure to~~
 9 do so, the treasurer of state shall, after six months from the date of the special
 10 census, withhold allocation of ~~such moneys from the city from the state to the city~~
 11 *of any moneys the amount of which is based on the population of the city*, and shall
 12 continue to do so until such time as certification by the mayor and council is
 13 made, or until the next decennial federal census. If there be a difference between
 14 the original certified record in the office of the secretary of state and the
 15 published census the former shall prevail.

1 SEC. 8. Section ninety-six point seven (96.7), subsection thirteen (13), Code
 2 1975, is amended to read as follows:

3 13. Group accounts. Two or more employers that have become liable for
 4 payments in lieu of contributions, in accordance with the provisions of
 5 subsection 9, paragraph "a", of this section ~~or in accordance with section 96.8,~~
 6 ~~subsection 3, paragraph "e",~~ may file a joint application to the commission for
 7 the establishment of a group account for the purpose of sharing the cost of
 8 benefits paid that are attributable to service in the employ of such employers.
 9 Each such application shall identify and authorize a group representative to act as

10 the group's agent for the purposes of this subsection. Upon its approval of the
 11 application, the commission shall establish a group account for such employers
 12 effective as of the beginning of the calendar quarter in which it receives the
 13 application and shall notify the group's representative of the effective date of the
 14 account. Such account shall remain in effect for not less than one year and
 15 thereafter until terminated at the discretion of the commission or upon
 16 application by the group. Upon establishment of the account, each member of the
 17 group shall be liable for payments in lieu of contributions with respect to each
 18 calendar quarter in the amount that bears the same ratio to the total benefits paid
 19 in such quarter that are attributable to service performed in the employ of all
 20 members of the group as the total wages paid for service in employment by such
 21 member in such quarter bear to the total wages paid during such quarter for
 22 service performed in the employ of all members of the group. The commission
 23 shall prescribe such regulations as it deems necessary with respect to applications
 24 for establishment, maintenance and termination of group accounts that are
 25 authorized by this subsection, for addition of new members to, and withdrawal of
 26 active members from, such accounts, and for the determination of the amounts
 27 that are payable under this subsection by members of the group and the time and
 28 manner of such payments.

1 SEC. 9. Section one hundred ten B point three (110B.3), Code 1975, as
 2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
 3 hundred thirteen (113), section three (3), is amended to read as follows:

4 **110B.3 Fee.** The fee for each stamp issued under this chapter shall be one
 5 dollar. Each stamp shall expire on the last day of February ~~December~~ 31
 6 following its issuance.

1 SEC. 10. Section one hundred twenty-seven point eleven (127.11), subsection
 2 one (1), Code 1975, is amended to read as follows:

3 1. Service of notice. The notice of hearing of forfeiture shall, in addition to
 4 the service provided in chapter 751, be published once a week for two weeks in
 5 some newspaper published in the city or county in which said conveyance was
 6 seized, and if the conveyance be a motor vehicle a copy of the aforesaid notice
 7 shall forthwith be mailed to the ~~commissioner of public safety~~ *director of*
 8 *transportation*.

1 SEC. 11. Section one hundred twenty-seven point twelve (127.12), Code 1975,
 2 as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 3 sixty-seven (67), section thirteen (13), is amended to read as follows:

4 **127.12 Duty of ~~commissioner~~ director.** The ~~commissioner of public safety~~
 5 *director of transportation*, upon receipt of the notice aforesaid, shall, if the owner
 6 appears of record in the office of the state department of transportation, notify
 7 such owner of the fact of seizure, and if not of record, ~~said commissioner~~ *the*
 8 *director* shall mail such description to the county treasurer of each county.

1 SEC. 12. Section two hundred forty-nine B point six (249B.6)*, Code 1975, is
 2 amended to read as follows:

3 **249B.6 Expenses.** Members of the commission while engaged in their official
 4 duties shall receive a per diem rate equal to that allowed members of the
 5 legislature pursuant to section ~~2-6 two point ten~~ (2.10) of the Code, subsection 6.
 6 Members of the commission and noncommission members serving on commission
 7 subcommittees shall be paid their actual and necessary travel and other expenses
 8 incurred in their official duties.

1 SEC. 13. Section two hundred forty-nine C point one (249C.1), subsection four
 2 (4), Code 1975, is amended to read as follows:

3 4. "Public assistance" means aid or assistance under chapter 239, ~~241A~~ or 249.

*Cannot be applied, see Chapter 1052, §11 hereof

1 SEC. 14. Section two hundred fifty-two point forty-three (252.43), unnumbered
2 paragraph three (3), Code 1975, is amended to read as follows:
3 The expense of support for the poor for Indians residing ~~on a reservation in~~
4 ~~this state in the settlement referred to in section one point twelve (1.12) of the Code~~
5 shall be paid from funds of the state division of child and family services of the
6 department of social services. To administer such support for Indians residing on
7 a ~~reservation settlement~~, such state division shall have the powers and duties
8 assigned to county officials by this chapter, or the state division or director of
9 same may designate the director of social welfare in the county where such
10 Indians reside to administer such relief.

1 SEC. 15. Section two hundred fifty-three point three (253.3), Code 1975, is
2 amended to read as follows:
3 **253.3 Annual published report.** The board of supervisors shall, during the
4 month of July of each year, publish in the official papers of the county as part of
5 its proceedings, a financial statement of the receipts of the county care facility, or
6 county farm, itemizing the same and stating the source thereof, which report shall
7 also set forth the total expenditures thereof and the value of the property on hand
8 on ~~January~~ July 1 of the year for which the report is made and a comparison with
9 the inventory of the previous year.

1 SEC. 16. Section two hundred seventy-eight point one (278.1), Code 1975, is
2 amended by striking subsection eight (8).

1 SEC. 17. Section two hundred eighty-five point four (285.4), Code 1975, is
2 amended by striking unnumbered paragraph one (1).

1 SEC. 18. Section three hundred six B point one (306B.1), subsection two (2),
2 Code 1975, is amended to read as follows:
3 2. "Interstate system" means the system of highways as defined in Title 23 USC
4 103, subsection "~~d~~" "e" or amendments thereto.

1 SEC. 19. Section three hundred seven point twenty-six (307.26), subsection ten
2 (10), Code 1975, is amended to read as follows:
3 10. Administer the provisions of ~~chapter 474, and~~ chapters 476 to 486.

1 SEC. 20. Section three hundred twenty-one point nineteen (321.19), subsection
2 one (1), Code 1975, is amended to read as follows:
3 1. All vehicles owned by the government and used in the transaction of official
4 business by the representatives of foreign powers or by officers, boards, or
5 departments of the government of the United States, and by the state of Iowa,
6 counties, municipalities and other subdivisions of government including vehicles
7 used by an urban transit company operated by a municipality and such self-
8 propelling vehicles as are used neither for the conveyance of persons for hire,
9 pleasure, or business nor for the transportation of freight other than those used by
10 an urban transit company operated by a municipality, and all fire trucks,
11 providing they are not owned and operated for a pecuniary profit, are hereby
12 exempted from the payment of the fees in this chapter prescribed, except as
13 provided for urban transit companies in subsection 2, but shall not be exempt
14 from the penalties herein provided. The department shall furnish, on application,
15 free of charge, distinguishing plates for vehicles thus exempted, which plates shall
16 bear the word "official," and the department shall keep a separate record thereof.
17 Provided that the director of general services or the ~~commissioner of public safety~~
18 ~~director of transportation~~ may order the issuance of regular registration plates, for
19 any such exempted vehicle, used by peace officers in the enforcement of the law
20 and persons enforcing chapter 204 and other laws relating to controlled
21 substances. For purposes of sale of vehicles exempted as herein indicated, the
22 exempted governmental body, upon the sale of the exempted vehicle, may issue
23 for in-transit purposes a pasteboard card bearing the words "Vehicle in Transit,"
24 the name of the official body from which the vehicle was purchased, together with

25 the date of the purchase plainly marked in minimal of one-inch letters, and other
 26 information which may be required by the department. The in-transit card shall
 27 be valid for use only within forty-eight hours after the purchase date as indicated
 28 on the bill of sale which shall be carried by the driver.

1 SEC. 21. Section three hundred twenty-one point two hundred thirty-eight
 2 (321.238), Code 1975, subsection twenty-one (21), paragraph "a" is amended to
 3 read as follows:

4 a. A senior officer of the Iowa highway safety patrol designated by the
 5 ~~commissioner~~ director.

1 SEC. 22. Section three hundred twenty-one point two hundred eighty-one
 2 (321.281), Code 1975, is amended by striking unnumbered paragraph four (4).

1 SEC. 23. Section three hundred seventy-two point thirteen (372.13), subsection
 2 eight (8), unnumbered paragraph one (1), Code 1975, as amended by Acts of the
 3 Sixty-sixth General Assembly, 1975 Session, chapter two hundred three (203),
 4 section twenty-three (23), is amended to read as follows:

5 By ordinance, the council shall prescribe the compensation of the mayor,
 6 councilmen, and other elected city officers, but a change in the compensation of
 7 the mayor shall not become effective during the term in which the ~~increase~~ *change*
 8 is adopted, and the council shall not adopt such an ordinance changing the
 9 compensation of the mayor or councilmen during the months of November and
 10 December immediately following a regular city election. A change in the
 11 compensation of councilmen shall become effective for all councilmen at the
 12 beginning of the term of the councilmen elected at the election next following the
 13 change in compensation.

1 SEC. 24. Section four hundred nineteen point thirteen (419.13), Code 1975, is
 2 amended to read as follows:

3 **419.13 Exception to budget law and certain bond provisions.** The provisions
 4 of sections 23.12 to 23.16, ~~inclusive, and of chapter 408A,~~ shall not apply to
 5 bonds issued under the provisions of this chapter.

1 SEC. 25. Section four hundred twenty point two hundred twenty (420.220),
 2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 ~~Anything in sections 420.263 or 420.275, or other provisions of law to the~~
 4 ~~contrary notwithstanding, no property~~ *Property* located in a city acting under
 5 special charter which collects its own taxes, shall *not*, after sale of such property
 6 to the county for taxes, be offered or sold at any sale for taxes or special
 7 assessments collectible by any such city except in the following events:

1 SEC. 26. Section four hundred fifty point thirteen (450.13), Code 1975, is
 2 amended by striking the section and inserting in lieu thereof the following:

3 **450.13 Inheritance tax and lien book.** The clerk of the district court shall
 4 provide and keep a suitable book to be known as the inheritance tax and lien
 5 book to show the following:

- 6 1. A complete copy of the inventory and any amendments.
- 7 2. A complete copy of any appraisal.
- 8 3. A record of waivers, releases, or payment of the tax and the amount and
 9 date.

1 SEC. 27. Section four hundred fifty point fifteen (450.15), Code 1975, is
 2 amended by striking the section and inserting in lieu thereof the following:

3 **450.15 Copy for department of revenue.** Upon the filing of such report the
 4 clerk of the district court shall immediately forward a true copy of such report
 5 and findings to the department of revenue.

1 SEC. 28. Section five hundred seven point one (507.1), Code 1975, is amended
 2 to read as follows:

3 **507.1 "Company" defined.** The word "company" as used in this chapter
 4 shall mean all companies or associations organized under the provisions of
 5 chapters 508, 510, 511, 512, 514, *five hundred fourteen B (514B) of the Code*, 515,
 6 515C, 518A, associations subject to the provisions of chapters 518 and 520, and
 7 all companies or associations admitted or seeking to be admitted to this state
 8 under the provisions of any of the chapters herein referred to.

1 SEC. 29. Section five hundred twelve point twenty-nine (512.29), Code 1975, is
 2 amended to read as follows:

3 **512.29 Permit Certificate of authority—fees.** If the commissioner shall
 4 approve the articles and also the bylaws or rules, he shall issue to the society,
 5 order, or association a ~~permit in writing~~ *certificate of authority*, authorizing it to
 6 transact business within this state for a period of one year from the first day of
 7 ~~April~~ *May* of the year of its issue, for which certificate and all proceedings in
 8 connection therewith, there shall be paid to the commissioner a fee of twenty-five
 9 dollars, and for each annual renewal thereof a like fee shall be paid.

1 SEC. 30. Section five hundred twelve point forty-five (512.45), unnumbered
 2 paragraph one (1), Code 1975, is amended to read as follows:

3 The certificate written by any domestic fraternal beneficiary association
 4 operating under the provisions of the foregoing mortality table shall be valued in
 5 the same manner as provided in section ~~508.12~~ *five hundred eight point thirty-six*
 6 *(508.36) of the Code*, except that such valuation shall be based upon the foregoing
 7 mortality table and four percent interest.

1 SEC. 31. Section five hundred twelve A point three (512A.3), Code 1975, is
 2 amended to read as follows:

3 **512A.3 Incorporation mandatory.** Before a benevolent association shall
 4 operate in this state it shall first incorporate in accordance with the laws of this
 5 state, and the articles of incorporation and bylaws shall be submitted to the
 6 commissioner. If he finds they conform to the requirements of the law and all
 7 rules and regulations promulgated under this chapter, he shall approve the articles
 8 of incorporation and file them with the secretary of state. Every benevolent
 9 association at the time of its incorporation shall submit its general plan of
 10 operation to the commissioner and if he finds it conforms to the requirements of
 11 the law and all reasonable rules and regulations promulgated under this chapter,
 12 he shall issue a license to expire on the ~~thirty-first~~ *first* day of ~~March~~ *May* after
 13 issuance. Said license shall be renewed from year to year upon application of the
 14 association, if the commissioner finds from his examination that it has conformed
 15 to the requirements of all laws and regulations applicable thereto.

1 SEC. 32. Section five hundred fifteen point forty-six (515.46), Code 1975, is
 2 amended to read as follows:

3 **515.46 Forfeiture of franchise certificate of authority.** Any dividend made
 4 contrary to the provisions of sections 515.44 and 515.45 shall subject the company
 5 making it to forfeiture of its ~~franchise~~ *certificate of authority*.

1 SEC. 33. Section five hundred eighteen point fifteen (518.15), unnumbered
 2 paragraph two (2), Code 1975, is amended to read as follows:

3 Such associations shall pay the same expenses of any examination made or
 4 ordered to be made by the commissioner of insurance and the same fees for the
 5 annual reports and annual certificates of authority as are required to be paid by
 6 domestic companies organized and doing business under chapter 515, which
 7 certificates shall expire ~~March 31~~ *May first* of the year following the date of issue.

1 SEC. 34. Section five hundred eighteen A point forty (518A.40), Code 1975, is
 2 amended to read as follows:

3 **518A.40 Annual fees.** Such associations shall pay the same fees for annual
 4 reports and annual certificates of authority as are required to be paid by domestic
 5 companies organized and doing business under chapter 515, which certificates
 6 shall expire ~~March 1~~ *May first* of the year following the date of issue.

1 SEC. 35. Section five hundred twenty-four point three hundred twelve
2 (524.312), subsection one (1), Code 1975, is amended to read as follows:

3 1. Every state bank originally incorporated pursuant to the provisions of this
4 chapter shall have its principal place of business within the confines of a
5 municipal corporation. The existence of a state bank shall not, however, be
6 affected by the subsequent discontinuance of the municipal corporation pursuant
7 to the provisions of sections 362.14 to 362.18. A state bank existing and operating
8 on January 1, 1970, which does not have its principal place of business within the
9 confines of a municipal corporation, shall be allowed to renew its corporate
10 existence pursuant to the provisions of section 524.106 without regard to this
11 section.

1 SEC. 36. Section six hundred seven point two (607.2), subsection two (2), Code
2 1975, is amended to read as follows:

3 2. Practicing attorneys, physicians, licensed embalmers, registered nurses,
4 chiropractors, osteopaths, veterinarians, registered pharmacists, dentists, and
5 clergymen; including Christian Science practitioners and readers.

1 SEC. 37. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
2 eighty-one (81), section eighty-one (81), amending section forty-nine point ninety
3 (49.90)*, Code 1975, is amended to read as follows:

4 Sec. 81. Section forty-nine point ninety (49.90), Code 1975, is amended to read
5 as follows:

6 **49.90 Assisting voter.** Any voter who may declare upon oath that he or she
7 cannot read the English language, or is, by reason of any physical disability other
8 than intoxication, unable to cast a vote without assistance, shall, upon request, be
9 assisted by said two officers, or alternately by any other person the voter may
10 select if the voter is blind, in casting the vote. Said officers, or person selected by
11 the blind voter, shall cast the vote of the voter requiring assistance, and shall
12 thereafter give no information regarding the same. If any elector because of a
13 handicap cannot enter the building where the polling place for the elector's
14 precinct of residence is located, the two officers shall take a paper ballot to the
15 vehicle occupied by the handicapped elector and allow the elector to cast the
16 ballot in the vehicle. If a handicapped elector cannot cast a ballot on a voting
17 machine the elector shall be allowed to cast a paper ballot. Paper ballots cast by
18 handicapped electors shall be cast according to section forty-nine point eighty-
19 one (49.81) of the Code, except they shall be marked "handicapped voter's
20 ballot", and shall be counted in the same manner as challenged ballots accepted
21 under section fifty point twenty-two (50.22) of the Code section eighty-seven (87),
22 the third "new section", of this Act.

1 SEC. 38. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
2 sixty-seven (67), section sixty-four (64), is amended to read as follow:

3 Sec. 64. Section fifty-three point twenty-two (53.22), subsection one (1), Code
4 1975, as amended by section one hundred nineteen (119) of House File seven
5 hundred (700) of the Sixty-sixth General Assembly, 1975 Session, is amended to
6 read as follows:

7 1. A qualified elector who has applied for an absentee ballot, in a manner other
8 than that prescribed by section fifty-three point eleven (53.11) of the Code, and
9 who is a resident or patient in a health care facility or hospital located in the
10 county to which the application has been submitted shall be delivered the
11 appropriate absentee ballot by two special precinct election officers, one of whom
12 shall be a member of each of the political parties referred to in section forty-nine
13 point thirteen (49.13) of the Code, who shall be appointed by the commissioner
14 from the election board panel for the special precinct established by section one
15 hundred three (103) eighteen (118) of this Act. The special precinct election
16 officers shall be sworn in the manner provided by section forty-nine point

*Cannot be applied, see Chapter 1075, §44 hereof

17 seventy-five (49.75) of the Code for election board members, shall receive
 18 compensation as provided in section forty-nine point twenty (49.20) of the Code,
 19 and shall perform their duties during the ten calendar days preceding the election
 20 and on election day if all ballots requested under section fifty-three point eight
 21 (53.8), subsection three (3), of the Code have not previously been delivered and
 22 returned. If a person who so requested an absentee ballot has been dismissed
 23 from the health care facility or hospital, the special precinct election officers may
 24 take the ballot to the elector if he or she is currently residing in the county. The
 25 special precinct election officers shall both notarize each absent voters affidavit as
 26 required by section fifty-three point sixteen (53.16) of the Code; any such officer
 27 who is not a notary public shall be provided with a stamp containing that
 28 person's name and the words "special precinct election officer" and may notarize
 29 the absentee affidavits so delivered by signing them and applying the stamp. The
 30 special precinct election officers shall travel together in the same vehicle and both
 31 shall be present when an applicant casts his or her absentee ballot. If either or
 32 both of the special election officers fails to appear at the time the duties set forth
 33 in this section are to be performed, the commissioner shall at once appoint some
 34 other person, giving preference to persons designated by the respective county
 35 chairpersons of the political parties described in section forty-nine point thirteen
 36 (49.13) of the Code, to carry out the requirements of this section. The persons
 37 authorized by this subsection to deliver an absentee ballot to an applicant may
 38 assist the applicant in filling out the ballot as permitted by section forty-nine
 39 point ninety (49.90) of the Code. The voted absentee ballots shall be deposited in
 40 a sealed container which shall be returned to the commissioner on the same day.

1 SEC. 39. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
 2 hundred fifty-one (151), section seven (7), paragraphs b and c, are amended to
 3 read as follows:

4 b. cases under chapter two hundred fifty-two A (252A), ~~Code 1975 of the Code,~~
 5 the Uniform Support of Dependents Law.

6 c. an information charging desertion under the provisions of chapter seven
 7 hundred thirty-one (731); ~~Code 1975 of the Code.~~

1 SEC. 40. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two
 2 hundred thirty-four (234), section one hundred two (102), subsection eleven (11),
 3 is amended to read as follows:

4 11. "Securities Act of 1933", "Securities Exchange Act of 1934", "Public Utility
 5 Holding Company Act of 1935", "Investment Company Act of 1940", "Internal
 6 Revenue Code of 1954" and "Agricultural Marketing Act" mean the federal
 7 statutes of those names, as amended before ~~or~~ after the effective date of this Act.

1 SEC. 41. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two
 2 hundred forty (240), section fifteen (15), third new subsection, is amended to read
 3 as follows:

4 NEW SUBSECTION. A ~~savings and loan association~~ *credit union* shall be liable
 5 to each of its customers for all losses incurred by such customer as a result of the
 6 transmission or recording of electronic impulses as a part of a transaction not
 7 authorized by such customer or to which the customer was not a party, provided,
 8 however, that liability pursuant to this subsection shall be limited to losses in
 9 excess of fifty dollars in the event the ~~savings and loan association~~ *credit union*
 10 has provided the customer with a physical object or other method of engaging in
 11 a transaction utilizing electronic impulses which is unique to the customer and the
 12 physical object or other method of engagement has been lost, stolen or otherwise
 13 compromised without the customer having notified the ~~savings and loan~~
 14 ~~association~~ *credit union* of such loss, theft or compromise prior to the time of the
 15 transaction causing the loss to the customer.

1 SEC. 42. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two
2 hundred forty (240), section seventeen (17), second new subsection, is amended to
3 read as follows:

4 NEW SUBSECTION. A ~~credit union~~ *savings and loan association* shall be liable to
5 each of its customers for all losses incurred by such customer as a result of the
6 transmission or recording of electronic impulses as a part of a transaction not
7 authorized by such customer or to which the customer was not a party, provided,
8 however, that liability pursuant to this subsection shall be limited to losses in
9 excess of fifty dollars in the event the ~~credit union~~ *savings and loan association* has
10 provided the customer with a physical object or other method of engaging in a
11 transaction utilizing electronic impulses which is unique to the customer and the
12 physical object or other method of engagement has been lost, stolen or otherwise
13 compromised without the customer having notified the ~~credit union~~ *savings and*
14 *loan association* of such loss, theft or compromise prior to the time of the
15 transaction causing the loss to the customer.

1 SEC. 43. Section forty-seven point three (47.3), Code 1975, as amended by
2 Acts of the Sixty-sixth General Assembly, 1976 Session, House File one thousand
3 eleven (1011), section eighteen (18), is amended by striking unnumbered
4 paragraph one (1) and inserting in lieu thereof the following:

5 The costs of conducting a special election called by the governor, general
6 election, and the primary election held prior to the general election shall be paid
7 by the county.

1 SEC. 44. Section forty-nine point seventy-three (49.73), subsection two (2),
2 Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1976
3 Session, House File one thousand eleven (1011), section forty (40), is amended to
4 read as follows:

5 2. The commissioner shall not shorten voting hours for any election if there is
6 filed in the commissioner's office, at least twenty-five days before the election, a
7 petition signed by at least fifty eligible electors of the school district or city, as the
8 case may be, requesting that the polls be opened not later than seven o'clock a.m.
9 All polling places where the candidates of or any public question submitted by
10 any one political subdivision are being voted upon shall be opened at the same
11 hour, except that this requirement shall not apply to merged areas established
12 under chapter two hundred eighty A (280A) of the Code. The hours at which the
13 respective precinct polling places are to open shall not be changed after
14 publication of the notice required by section 49.53. The polling places shall be
15 closed at nine o'clock p.m. for state primary and general elections and other
16 partisan elections, *and for any other election held concurrently therewith*, and at
17 eight o'clock p.m. for all other elections.

1 SEC. 45.

2 1. Sections two hundred fifty-two point forty-four (252.44), two hundred eighty-
3 six A point three (286A.3), two hundred ninety-two point five (292.5) through two
4 hundred ninety-two point eight (292.8), four hundred fifty point sixteen (450.16),
5 four hundred fifty point thirty-five (450.35), four hundred fifty point seventy-four
6 (450.74) through four hundred fifty point eighty (450.80), four hundred fifty point
7 eighty-two (450.82), four hundred fifty point eighty-three (450.83), five hundred
8 eighteen A point thirty-eight (518A.38), five hundred fifty-one point three (551.3),
9 five hundred ninety-nine point six (599.6), and section six hundred seven point
10 two (607.2), subsections three (3), four (4), and five (5), Code 1975, and Acts of
11 the Sixty-sixth General Assembly, 1975 Session, chapter sixty (60), section eight
12 (8), are repealed.

13 2. Chapters one hundred twenty-one (121), one hundred seventy-five (175), two
14 hundred eleven (211), two hundred thirty-six (236), two hundred forty (240), two
15 hundred fifty-four (254), two hundred fifty-six (256), two hundred fifty-nine B
16 (259B), four hundred sixty-eight (468), five hundred fifty-two (552), five hundred

17 ninety-three (593), five hundred ninety-four (594), and seven hundred thirty-three
18 (733), Code 1975, are repealed.

Approved June 26, 1976

CHAPTER 1057

STATE EMPLOYEES WORKMEN'S COMPENSATION

S. F. 1304

AN ACT relating to the administration of workmen's compensation claims of state employees.

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

1 SECTION 1. Section eight point six (8.6), Code 1975, is amended by adding the
2 following new subsections:

3 NEW SUBSECTION. To employ appropriate staff to handle and adjust claims of
4 state employees for workmen's compensation benefits pursuant to chapters
5 eighty-five (85), eighty-five A (85A), and eighty-six (86) of the Code, or with the
6 approval of the executive council contract for such services or purchase
7 workmen's compensation insurance coverage for state employees or selected
8 groups of state employees. The state comptroller shall quarterly determine an
9 appropriate amount, based upon the cost of workmen's compensation insurance,
10 that shall be collected from the agencies, departments or divisions which have not
11 received an appropriation for the payment of workmen's compensation insurance
12 and which operate from moneys other than from the general fund and such
13 payments shall be deposited in the general fund.

1 SEC. 2. Section eight point thirteen (8.13), subsection one (1), Code 1975, is
2 amended to read as follows:

3 1. Three months limit. No claim shall be allowed by the state comptroller's
4 office when such claim is presented after the lapse of three months from its
5 accrual. *Claims by state employees for benefits pursuant to chapters eighty-five (85),*
6 *eighty-five A (85A) and eighty-six (86) of the Code shall be subject to limitations*
7 *provided in such chapters.*

1 SEC. 3. Section eighty-five point twenty-two (85.22), subsection three (3), Code
2 1975, is amended to read as follows:

3 3. Before a settlement shall become effective between an employee or an
4 employer and such third party who is liable for the injury, it must be with the
5 written consent of the employee, in case the settlement is between the employer
6 or insurer and such third person; and the consent of the employer or insurer, in
7 case the settlement is between the employee and such third party; or on refusal of
8 consent, in either case, then upon the written approval of the industrial
9 commissioner. ~~The industrial commissioner may compromise and settle on behalf~~
10 ~~of the state of Iowa any workmen's compensation cases of doubtful liability.~~

1 SEC. 4. Section eighty-five point fifty-nine (85.59), Code 1975, is amended to
2 read as follows:

3 **85.59 Payment of state employees.** The state comptroller is hereby
4 authorized and directed to draw warrants on the state treasury for any and all
5 amounts due state employees under the provisions of this chapter ~~upon there~~
6 ~~being filed in his office, either a memorandum of settlement approved by the~~
7 ~~industrial commissioner or of an award made by a board of arbitration, for which~~
8 ~~no review is pending, or an order of the industrial commissioner from which~~

9 judicial review has not been sought, or a judgment of any court of the state
10 accompanied by a certificate of the industrial commissioner setting forth the
11 amount of compensation due and the statutory provisions under which the same
12 should be paid.

1 SEC. 5. Section eighty-five point sixty (85.60), Code 1975, is repealed.

Approved May 28, 1976

CHAPTER 1058

BANKING, SECRETARY OF STATE, PIONEER LAWMAKERS AND OSHA

S. F. 1221

AN ACT relating to and appropriating funds to the department of banking, the office of the secretary of state, the pioneer lawmakers and the occupational safety and health review 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 to the
2 following departments for the fiscal year beginning July 1, 1976, and ending June
3 30, 1977, the following amounts, or so much thereof as may be necessary, to be
4 used for the following purposes:

	1976-1977 Fiscal Year
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1 SEC. 2. Section nine point four (9.4), subsection two (2), Code 1975, is
2 amended to read as follows:

3 2. For a copy of any law or record, upon the request of any private person or
4 corporation, *fifty a fee to be determined by the secretary of state not to exceed ten*
5 *cents per page.*

1 SEC. 3. Section five hundred twenty-four point two hundred one (524.201),
2 Code 1975, is amended to read as follows:

3 **524.201 Superintendent of banking.**

4 1. The governor shall, within sixty days following the convening of the regular
5 session of the general assembly in 1973, and each four years thereafter, appoint,
6 with the approval of two-thirds of the members of the senate, a superintendent of
7 banking. Such appointee shall be selected solely with regard to his *or her*
8 qualification and fitness to discharge the duties of his office, and no person shall
9 be appointed who has not had at least five years *executive* experience in a state
10 bank *in this state or in the regulation or examination of banks.*

*See item veto message at end of Act

11 2. The superintendent shall have his *or her* office at the seat of government. ~~His~~
 12 ~~The~~ regular term of office shall be four years from the first day of July of the year
 13 of ~~his~~ appointment.

1 s/ R.D.R. *[SEC. 4. Section five hundred fifty-four point nine thousand four
 2 hundred seven (554.9407), Code 1975, is amended to read as follows:

3 **554.9407 Information from filing officer.**

4 *1. If the person filing any financing statement, termination statement,
 5 statement of assignment, or statement of release, furnishes the filing officer a
 6 copy thereof, the filing officer shall upon request note upon the copy the file
 7 number and date and hour of the filing of the original and deliver or send the
 8 copy to such person.

9 *2. Upon *written* request of any person, the filing officer shall issue his *or her*
 10 certificate showing whether there is on file on the date and hour stated therein,
 11 any presently effective financing statement naming a particular debtor and any
 12 ~~financing statement of assignment thereof changes~~ and if there is, giving the date
 13 and hour of filing of each such ~~statement~~ *filing* and the names and addresses of
 14 each secured party therein. The uniform fee for such a certificate shall be two
 15 dollars if the request for the certificate is on a form conforming to standards
 16 prescribed by the secretary of state; otherwise, three dollars. Upon request and
 17 the payment of the appropriate fee the filing officer shall furnish a certified copy
 18 of any filed financing statement or *financing statement of assignment changes* for
 19 a uniform fee of one dollar per page.

20 *3. *Upon telephone request of any person, the filing officer in the office of the*
 21 *secretary of state shall respond by phone stating whether there is on file on the date*
 22 *and hour upon which the request is made any presently effective financing statement*
 23 *naming a particular debtor and any financing statement changes and if there is,*
 24 *stating the date and hour of filing of each such filing and the names and addresses of*
 25 *each secured party therein. The uniform fee for this telephone search service shall be*
 26 *four dollars per each debtor name searched. All fees must be prepaid before a person*
 27 *may utilize this telephone search service. A certificate confirming the information*
 28 *given to the person making the request shall be sent to that person by the filing officer*
 29 *upon request and payment of a fee of one dollar per debtor name searched. Upon*
 30 *request and the payment of the appropriate fee, the filing officer shall furnish a*
 31 *certified copy of any filed financing statement or financing statement changes for a*
 32 *uniform fee of one dollar per page. The method of payment of fees imposed by this*
 33 *subsection shall be established by the secretary of state.*

34 *3 4. Charging no more than a reasonable estimate of cost, in his *or her*
 35 discretion the secretary of state may adopt one or more of the following methods
 36 of providing information concerning public filings in his *or her* office to persons
 37 with an interest in this information that is related exclusively to the purposes of
 38 this Article:

39 a. ~~subscription telephone service;~~

40 b. ~~subscription~~

41 a. *Subscription* daily, weekly or monthly written summaries; *or*

42 e. ~~granting suitable space for the preparation of written summaries and the~~
 43 ~~provision of telephone service by those persons deemed by the secretary of state~~
 44 ~~to have a legitimate interest in regular examination of the secretary of state's~~
 45 ~~public files; and~~

46 d. ~~any~~

47 b. *Any other appropriate method of disseminating information.*

48 *However, the secretary of state shall not make space or services available to any*
 49 *person for examination and preparation of summaries of the secretary of state's*
 50 *public files except the space and services made available under chapter sixty-*
 51 *eight A (68A) of the Code.*

52 *5. *Charging no more than a reasonable estimate of cost, in his or her discretion a*
 53 *county recorder may adopt one or more of the following methods of providing*

54 information concerning public filings in his or her office to persons with an interest in
55 this information that is related exclusively to the purposes of this Article:

- 56 a. Subscription telephone service;
57 b. Subscription daily, weekly or monthly written summaries;
58 c. Granting suitable space for the preparation of written summaries and the
59 provision of telephone service; or
60 d. Any other appropriate method of disseminating information.

61 *6. Except with respect to willful misconduct, the state of Iowa, the secretary of
62 state, a county, a county recorder, and their employees and agents are immune
63 from liability as a result of errors or omissions in information or assistance
64 concerning the secretary of state's or a county recorder's public files supplied
65 pursuant to this subsection by them to any person.

66 *7. Fees collected by the secretary of state pursuant to this section shall be remitted
67 by the secretary of state to the treasurer of state for deposit in the general fund of the
68 state.]* s/ R.D.R.

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 set forth in
3 the federal grants or receipts.

1 SEC. 6. Funds appropriated by this Act shall not be used for capital
2 improvements.

*Approved June 28, 1976 except the two items designated as paragraph "b",
Subsection 2, Section 1 thereof and all of Section 4, both of which are herein
bracketed in ink and initialed by me and which are delineated in my item veto
message delivered to the Secretary of State this same date, the original of which is
attached hereto.

Senate File 1221 is approved June 28, 1976, with the following exceptions which I
hereby disapprove.

I am unable to approve the item designated in the Act as paragraph "b" of
Subsection 2 of Section 1 which reads as follows:

"b. For salaries, support, maintenance and miscellaneous purposes of the uniform
commercial code division in performing records searches . . . \$38,700."

I am unable to approve the item designated as Section 4 which reads as follows:

"Sec. 4. Section five hundred fifty-four point nine thousand four hundred seven
(554.9407), Code 1975, is amended to read as follows:

554.9407 Information from filing officer.

1. If the person filing any financing statement, termination statement, statement of
assignment, or statement of release, furnishes the filing officer a copy thereof, the
filing officer shall upon request note upon the copy the file number and date and
hour of the filing of the original and deliver or send the copy to such person.

2. Upon written request of any person, the filing officer shall issue his or her
certificate showing whether there is on file on the date and hour stated therein,
any presently effective financing statement naming a particular debtor and any
financing statement of assignment thereof changes and if there is, giving the date
and hour of filing of each such statement filing and the names and addresses of
each secured party therein. The uniform fee for such a certificate shall be two
dollars if the request for the certificate is on a form conforming to standards
prescribed by the secretary of state; otherwise, three dollars. Upon request and
the payment of the appropriate fee the filing officer shall furnish a certified copy
of any filed financing statement or financing statement of assignment changes for
a uniform fee of one dollar per page.

3. Upon telephone request of any person, the filing officer in the office of the
secretary of state shall respond by phone stating whether there is on file on the date
and hour upon which the request is made any presently effective financing statement
naming a particular debtor and any financing statement changes and if there is,
stating the date and hour of filing of each such filing and the names and addresses of

each secured party therein. The uniform fee for this telephone search service shall be four dollars per each debtor name searched. All fees must be prepaid before a person may utilize this telephone search service. A certificate confirming the information given to the person making the request shall be sent to that person by the filing officer upon request and payment of a fee of one dollar per debtor name searched. Upon request and the payment of the appropriate fee, the filing officer shall furnish a certified copy of any filed financing statement or financing statement changes for a uniform fee of one dollar per page. The method of payment of fees imposed by this subsection shall be established by the secretary of state.

3 4. Charging no more than a reasonable estimate of cost, in his or her discretion the secretary of state may adopt one or more of the following methods of providing information concerning public filings in his or her office to persons with an interest in this information that is related exclusively to the purposes of this Article:

- a. subscription telephone service;
- b. subscription
 - a. Subscription daily, weekly or monthly written summaries; or
- e. granting suitable space for the preparation of written summaries and the provision of telephone service by those persons deemed by the secretary of state to have a legitimate interest in regular examination of the secretary of state's public files; and

- d. any
 - b. Any other appropriate method of disseminating information. However, the secretary of state shall not make space or services available to any person for examination and preparation of summaries of the secretary of state's public files except the space and services made available under chapter sixty-eight A (68A) of the Code.

5. Charging no more than a reasonable estimate of cost, in his or her discretion a county recorder may adopt one or more of the following methods of providing information concerning public filings in his or her office to persons with an interest in this information that is related exclusively to the purposes of this Article:

- a. Subscription telephone service;
- b. Subscription daily, weekly or monthly written summaries;
- c. Granting suitable space for the preparation of written summaries and the provision of telephone service; or
- d. Any other appropriate method of disseminating information.

6. Except with respect to willful misconduct, the state of Iowa, the secretary of state, a county, a county recorder, and their employees and agents are immune from liability as a result of errors or omissions in information or assistance concerning the secretary of state's or a county recorder's public files supplied pursuant to this subsection by them to any person.

7. Fees collected by the secretary of state pursuant to this section shall be remitted by the secretary of state to the treasurer of state for deposit in the general fund of the state."

The substantive portion of these items imposes a new duty upon the Secretary of State's Uniform Commercial Code (UCC) Division filing officer in the form of a telephone search service and provides an appropriation of \$38,700 to perform the service. In addition, the items prohibit the Secretary of State from making space or services available to any person for examination and preparation of summaries of the UCC files other than the space and services required under the Open Records Law.

Presently, the filing officer of the UCC Division of the Secretary of State's Office does not provide a telephone search service. Instead, the Secretary of State's Office has contracted with a private firm, Iowa Public Records Search, Inc., to provide the telephone search service and subsequent written confirmations. If Senate File 1221 is signed into law without exception, state government will assume the telephone search task presently being accomplished

by the private enterprise.

For a number of reasons it appears unlikely that state government would be able to provide service in this area in an improved manner over what is now available by private enterprise.

The items in Senate File 1221 direct that a uniform fee of \$4 be charged for each individual telephone search. This compares with the \$3 fee presently being charged by the private firm.

The items in Senate File 1221 mandate that all fees must be prepaid before a person may utilize the telephone search service. The private firm requires no prepayment.

Since the Secretary of State and his employees are immune from liability by law, except for willful negligence, the users of the telephone search service will no longer have the protection of the errors and omissions insurance presently maintained by the private firm.

The UCC Division filing officer will not provide as much information, e.g. collateral itemization, to telephone search requests as the private firm currently does.

I understand the primary reason for the move to preempt the private firm from continuing its activities was the dissatisfaction felt by some with the service being provided. While this once may have been the case, the concern over the quality of service has apparently been resolved. The Secretary of State's Office informs me that they are pleased with the capable and efficient service being provided by the private firm. In addition, I am told that no complaints about the service have been received by the Secretary of State's Office for more than a year. Even one of the chief sponsors of the effort to replace the private firm admits that the complaints about the poor service have subsided to a large extent.

Therefore, I see little reason for the changes contained in these items. Accordingly, I disapprove these two items of Senate File 1221 in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 1221 are hereby approved this date.

s/ ROBERT D. RAY, Governor

CHAPTER 1059

ATTORNEY GENERAL

S. F. 1190

AN ACT relating to the financing and administration of the office of the attorney general and making an appropriation.

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

1 SECTION 1. There is appropriated from the general fund of the state to the
2 following department for the fiscal year beginning July 1, 1976, and ending June
3 30, 1977, the following amounts, or so much thereof as may be necessary, to be
4 used for the following purposes:

	1976-1977
	<u>Fiscal Year</u>
5	
6	
7	DEPARTMENT OF JUSTICE—OFFICE OF THE ATTORNEY GENERAL
8	1. For salaries, support, maintenance and miscellaneous purposes ... \$ 1,105,812
9	2. For court cost and the employment of private counsel \$ 80,000
10	3. For matching funds for the area prosecutor program \$ 157,735

1 SEC. 2. Section thirteen point three (13.3), Code 1975, is amended to read as
2 follows:

3 **13.3 Disqualification—substitute.** If, for any reason, the attorney general be
4 disqualified from appearing in any action or proceeding, the executive council
5 shall appoint some suitable person for that purpose and defray the reasonable
6 expense thereof from any unappropriated funds in the state treasury. *The*
7 *department involved in the action or proceeding shall be requested to recommend a*
8 *suitable person to represent it and when the executive council concurs in the*
9 *recommendation the person recommended shall be appointed.*

1 SEC. 3. Section thirteen point seven (13.7), Code 1975, is amended to read as
2 follows:

3 **13.7 Special counsel.** No compensation shall be allowed to any person for
4 services as an attorney or counselor to any *executive* department of the state
5 government, or the head thereof, or to any state board or commission, but the
6 executive council may employ legal assistance, at a reasonable compensation, in
7 any pending action or proceeding to protect the interests of the state, but only
8 upon a sufficient showing, in writing, made by the attorney general, that ~~his~~ *the*
9 *department of justice* cannot for reasons stated by ~~him~~ *the attorney general*
10 perform said service, which reasons and action of the council shall be entered
11 upon its records. *When the attorney general determines that the department of justice*
12 *cannot perform legal service in an action or proceeding, the executive council shall*
13 *request the department involved in the action or proceeding to recommend legal*
14 *counsel to represent the department. If the attorney general concurs with the*
15 *department that the person recommended is qualified and suitable to represent the*
16 *department, the person recommended shall be employed. If the attorney general does*
17 *not concur in the recommendation, the department shall submit a new*
18 *recommendation. This section shall not affect the office of the commerce counsel,*
19 *the transportation regulation board counsel, or the legal counsel of the Iowa*
20 *employment security commission.*

1 SEC. 4. Section nineteen point ten (19.10), Code 1975, as amended by Acts of
2 the Sixty-sixth General Assembly, 1975 Session, chapter seventy-five (75), section
3 one (1), is amended to read as follows:

4 **19.10 Court costs.** ~~The~~ *If sufficient funds for court costs have not been*
5 *appropriated to a state department, or if sufficient funds are not otherwise available*
6 *for such purposes within the budget of a state department, the executive council may*
7 *pay, out of any money in the state treasury not otherwise appropriated, expenses*
8 *incurred, or costs taxed to the state, in any proceeding brought by or against any*
9 *of the state departments or in which the state is a party or is interested. This*
10 *section shall not be construed to authorize the payment of travel or other*
11 *personal expenses of state officers or employees.*

1 SEC. 5. Section twenty-five point four (25.4), Code 1975, is amended to read
2 as follows:

3 **25.4 Assistant attorney general—salary.** The attorney general shall appoint a
4 special assistant attorney general for claims who shall, under the direction of the
5 attorney general, investigate and report on all claims between the state and other
6 parties, which may be referred to the state appeal board, and on any other claims
7 or matters which the state appeal board or the attorney general may direct. ~~He~~
8 ~~shall receive such compensation as shall be fixed by the state appeal board and~~
9 ~~approved by the governor, and be paid his reasonable and necessary expenses~~
10 ~~incurred in connection with the performance of his duties, said compensation and~~
11 ~~expenses to be paid out of any funds in the state treasury not otherwise~~
12 ~~appropriated.~~

1 SEC. 6. All federal grants to and the federal receipts of the agency
2 appropriated funds under this Act are appropriated for the purposes set forth in
3 the federal grants or receipts except as limited by this Act.

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

Approved May 21, 1976

CHAPTER 1060

ELECTION LAWS PRINTED

H. F. 1520

AN ACT directing the Code editor and the superintendent of printing to prepare and publish a compilation of the Iowa election laws, as amended, and providing for distribution thereof and for payment of the cost of preparing, publishing and distributing the compilation from the appropriation for publication of the Code and portions thereof.

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

1 SECTION 1. The Code editor in consultation with the state commissioner of
2 elections shall prepare a compilation of the election laws of this state as soon as
3 reasonably possible after the effective date of this Act. The superintendent of
4 printing shall cause not less than ten thousand copies of the compilation to be
5 printed. The cost of preparing and printing the compilation shall be paid from the
6 appropriation provided by section fourteen point twenty-two (14.22) of the Code.

1 SEC. 2. The compilation of election laws printed pursuant to section one (1) of
2 this Act shall be distributed by the superintendent of printing as follows:

3 1. Sufficient copies shall be provided on a priority basis to county
4 commissioners of elections to permit them to distribute one to each precinct
5 election board in their respective counties. Every effort shall be made to complete
6 this distribution in advance of the June, 1976, primary election.

7 2. Each county commissioner of elections shall be provided with a sufficient
8 number of copies, in addition to those furnished under subsection one (1) of this
9 section, to distribute one copy to each political party county central committee
10 chairperson, the secretary of each school board for which the commissioner
11 conducts an election, each city clerk, each public library, each secondary school
12 library, and each candidate who qualifies for the June, 1976 primary election
13 ballot in the commissioner's county. These respective persons and parties shall be
14 informed in some suitable manner that they may obtain a copy of the compilation
15 free of charge from the county commissioner's office.

16 3. All copies remaining after the requirement of subsections one (1) and two (2)
17 of this section have been satisfied shall be distributed free of charge in reasonable
18 quantities to persons so requesting.

1 SEC. 3. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in the Iowa City Press-Citizen, a
3 newspaper published in Iowa City, Iowa, and in The Marion Sentinel, a
4 newspaper published in Marion, Iowa.

Approved May 25, 1976

I hereby certify that the foregoing Act, House File 1520, was published in the Iowa City Press-Citizen, Iowa City, Iowa, on May 28, 1976, and in The Marion Sentinel, Marion, Iowa on May 27, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1061

SPANISH-SPEAKING PEOPLES COMMISSION

S. F. 1336

AN ACT relating to and appropriating funds to defray the expenses of a Spanish-speaking peoples commission, created by this Act and certain other ad hoc committees, councils and task forces.

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 to the
2 office of the governor for the fiscal year commencing July 1, 1976 and ending
3 June 30, 1977, the following amount or so much thereof as is necessary, to be
4 used for the purposes designated:

5 1. For payment of expenses of the Spanish-speaking peoples
6 commission established by sections three (3) through eight (8) of this
7 Act, including employment of a director and clerical staff and payment
8 of forty dollars per diem and actual expenses of commission members...\$ 35,000

9 2. For the payment of expenses of other ad hoc committees, councils
10 and task forces appointed by the governor to research and analyze a
11 particular subject area relevant to the problems and responsibilities of
12 state and local government, including the employment of professional,
13 technical and administrative staff and the payment of per diem, not
14 exceeding forty dollars, and actual expenses of committee, council or
15 task force members\$ 100,000

1 SEC. 2. NEW SECTION. The governor shall within ten days following the
2 establishment of any ad hoc committee, council or task force give written notice
3 of such action to the general assembly. The written notice shall describe the
4 objectives and the scope of proposed activities of the ad hoc committee, council
5 or task force. If the ad hoc committee, council or task force is established while
6 the general assembly is in session, the written notice shall be transmitted to the
7 lieutenant governor and the speaker of the house and shall be printed in the
8 journals of the senate and the house of representatives. If the ad hoc committee,
9 council or task force is established when the general assembly is not in session the
10 written notice shall be transmitted to the legislative council.

1 SEC. 3. NEW SECTION. **Commission created—terms—compensation.** There
2 is created a Spanish-speaking peoples commission which shall consist of nine
3 members, appointed by the governor from a list of nominees submitted by the
4 governor's Spanish-speaking peoples task force. The members of the commission
5 shall be appointed during the month of June and shall serve for terms of two
6 years commencing July first of each odd-numbered year. However members of
7 the initial commission shall be appointed not later than July 31, 1976 and shall
8 serve until July 1, 1979. Members appointed in 1976 or in an odd-numbered year
9 shall continue to serve until their respective successors are appointed. Vacancies
10 in the membership of the commission shall be filled by the original appointing
11 authority and in the manner of the original appointments. Members shall receive
12 forty dollars per diem and actual and necessary expenses incurred while serving
13 in their official capacity.

1 SEC. 4. NEW SECTION. **Organization.** The commission shall select from its
2 membership a chairperson and other officers as it deems necessary and shall meet
3 not less than six times a year. A majority of the members of the commission shall
4 constitute a quorum.

1 SEC. 5. NEW SECTION. **Commission employees.** The commission may
2 employ a director and clerical staff who shall be qualified by experience to

3 assume the responsibilities of their several offices. The director shall be the
 4 administrative officer of the commission and shall serve the commission by
 5 gathering and disseminating information, forwarding proposals and evaluations to
 6 the governor, the general assembly, and state agencies, carrying out public
 7 education programs, conducting hearings and conferences, and performing other
 8 duties necessary for the proper operation of the commission.

1 SEC. 6. NEW SECTION. **Duties.** The commission shall:

2 1. Coordinate, assist, and cooperate with the efforts of state departments and
 3 agencies to serve the needs of Spanish-speaking persons in the fields of education,
 4 employment, health, housing, welfare, and recreation.

5 2. Develop, coordinate, and assist other public organizations which serve
 6 Spanish-speaking persons.

7 3. Evaluate existing programs and proposed legislation affecting Spanish-
 8 speaking persons, and propose new programs.

9 4. Stimulate public awareness of the problems of Spanish-speaking persons by
 10 conducting a program of public education and encouraging the governor and the
 11 general assembly to develop programs to deal with these problems.

12 5. Conduct training programs for Spanish-speaking persons to enable them to
 13 assume leadership positions on the community level.

14 6. Conduct a survey of the Spanish-speaking people in Iowa in order to
 15 ascertain their needs.

16 7. Work to establish a Spanish-speaking information center in the state of
 17 Iowa.

1 SEC. 7. NEW SECTION. **Powers.** The commission shall have all powers
 2 necessary to carry out the functions and duties specified in this Act, including,
 3 but not limited to the power to establish advisory committees on special studies,
 4 to solicit and accept gifts and grants, promulgate rules according to chapter
 5 seventeen A (17A) of the Code, and to contract with public and private groups to
 6 conduct its business. All departments, divisions, agencies and offices of the state
 7 shall make available upon request of the commission information which is
 8 pertinent to the subject matter of the study and which is not by law confidential.

1 SEC. 8. NEW SECTION. **Report.** The commission shall make a detailed
 2 report of its activities, studies, findings, conclusions and recommendations to the
 3 general assembly not later than February fifteenth of each odd-numbered year.

1 SEC. 9. NEW SECTION. **Commission termination.** Without affirmative action
 2 by the general assembly the Spanish-speaking people's commission shall expire on
 3 June 30, 1979.

1 SEC. 10. In order for the said commission to continue beyond the date certain
 2 set for its expiration, a bill must pass both houses of the general assembly and be
 3 approved by the governor. Said bill shall reestablish the commission, make any
 4 necessary modifications in its structure and operation and provide an operational
 5 budget.

Approved June 23, 1976

CHAPTER 1062

PRINTING, PURCHASING DEPARTMENTS, VEHICLE DISPATCHER AND PRICE OF CODE

S. F. 1226

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 funds
2 established under chapter eighteen (18) of the Code for the fiscal year beginning
3 July 1, 1976 and ending June 30, 1977 the following amounts, or so much thereof
4 as may be necessary:

5 1. a. From the centralized printing permanent revolving fund
6 established by section eighteen point fifty-seven (18.57) of the Code for
7 salaries, support, maintenance and miscellaneous purposes\$ 435,047

8 b. The remainder of the permanent revolving fund is appropriated for the
9 expense incurred in supplying paper stock, offset printing, copy preparation,
10 binding, distribution costs, original payment of printing and binding claims and
11 contingencies arising during the fiscal year beginning July 1, 1976 which are
12 legally payable from this fund.

13 2. a. From the general service revolving fund established by section eighteen
14 point nine (18.9) of the Code for salaries, support, maintenance and miscellaneous
15 purposes \$299,261

16 b. The remainder of the revolving fund is appropriated for the payment of
17 expenses incurred through purchases by various state departments and for
18 contingencies arising during the fiscal year beginning July 1, 1976 which are
19 legally payable from this fund.

20 3. a. From the vehicle dispatcher revolving fund established by section
21 eighteen point one hundred nineteen (18.119) of the Code for salaries,
22 support, maintenance and miscellaneous purposes\$ 256,440

23 b. The remainder of the fund is appropriated for the purchase of gasoline, oil,
24 tires, repairs and all other maintenance expenses incurred in the operation of
25 state-owned motor vehicles and for contingencies arising during the fiscal year
26 beginning July 1, 1976 which are legally payable from this fund.

1 SEC. 2.

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

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

14 3. If a contingency arises or could reasonably be foreseen during the time the
15 general assembly is in session, expenditures for the contingency must be
16 authorized by the general assembly.

1 SEC. 3. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
2 twenty-nine (29), section two (2), amending section seventeen point twenty-two
3 (17.22) of the Code, is amended to read as follows:

4 Sec. 2. Section seventeen point twenty-two (17.22), *unnumbered paragraph one*
5 *(1)*, Code 1975, is amended to read as follows:

6 **17.22 Price.** Said publications shall be sold at a price to be established by
7 dividing the ~~total cost only~~, of printing, binding, *distribution* and paper stock by
8 the total number printed of each edition.

Approved April 7, 1976

CHAPTER 1063

IOWA ADMINISTRATIVE CODE

S. F. 1288

AN ACT relating to the economic impact of an administrative rule modifying provisions of the Iowa administrative procedure Act, limiting the duration of an emergency rule, relating to the duties of the Code editor in publishing the Iowa administrative code, relating to the duties of the superintendent of printing in distributing the Iowa administrative code, and providing staff for the administrative rules review committee.

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

1 SECTION 1. Section seventeen A point four (17A.4), subsections one (1) and
2 two (2), Code 1975, are amended to read as follows:

3 1. Prior to the adoption, amendment, or repeal of any rule an agency shall:

4 a. Give notice of its intended action by ~~causing a notice~~ *submitting two copies of*
5 *the notice to the Code editor* to be published in the "Iowa Administrative Code"
6 *created pursuant to section seventeen A point six (17A.6) of the Code.* Any notice of
7 intended action shall be published at least thirty-five days in advance of the
8 action. The notice shall include a statement of either the terms or substance of the
9 intended action or a description of the subjects and issues involved, and the time
10 when, the place where, and the manner in which interested persons may present
11 their views thereon.

12 b. Afford all interested persons ~~reasonable opportunity~~ *not less than twenty days*
13 *to submit data, views or arguments in writing.* If timely requested in writing by
14 twenty-five interested persons, by a governmental subdivision, by the
15 administrative rules review committee, by an agency, or by an association having
16 not less than twenty-five members, the agency must give interested persons an
17 opportunity to make oral presentation according to agency rules which give the
18 public ~~adequate~~ *not less than twenty days* notice of the time when and the place
19 where oral presentation may be made, and which provide for the presentation
20 prior to agency action on the rule which is the subject of the proceeding. The
21 agency shall consider fully all written and oral submissions respecting the
22 proposed rule. Within one hundred eighty days following either the notice
23 published according to the provisions of subsection 1, paragraph "a" or *within one*
24 *hundred eighty days after* the last date of the oral presentations on the proposed
25 rule, whichever is later, the agency shall adopt a rule pursuant to the rule-making
26 proceeding or shall terminate the proceeding *by publishing notice of termination in*
27 *the Iowa Administrative Code.* If requested to do so by an interested person, either
28 prior to adoption or within thirty days thereafter, the agency shall issue a concise
29 statement of the principal reasons for and against the rule it adopted,
30 incorporating therein the reasons for overruling considerations urged against the
31 rule.

32 c. Upon the request of at least two members of the administrative rules review
 33 committee publish in the "Iowa Administrative Code" an estimate of the economic
 34 impact of the proposed rule adoption, amendment, or repeal upon all persons affected
 35 by it and upon the agency itself. If the agency determines that such an estimate
 36 cannot be formulated the reasons for impossibility of formulation shall be published
 37 instead of the estimate. An estimate shall be published at least fifteen days in advance
 38 of the adoption, amendment or repeal of the rule. In the case of a rule issued under
 39 subsection two (2) or made effective under the provisions of section seventeen A point
 40 five (17A.5), subsection two (2), paragraph b of the Code, an estimate, or the reasons
 41 for the impossibility of formulating an estimate shall be published within thirty days of
 42 the request.

43 2. When an agency for good cause finds that notice and public participation
 44 would be impracticable, unnecessary, or contrary to the public interest, the
 45 provisions of subsection 1 shall be inapplicable if the rule which is so adopted
 46 provides by its own terms that it shall be effective for only one hundred eighty
 47 specified days. If an agency for good cause finds that notice and public participation
 48 would be unnecessary, subsection one (1) shall be inapplicable. The agency shall
 49 incorporate in each rule issued in reliance upon this provision either the finding
 50 and a brief statement of the reasons therefor, or a statement that the rule is within
 51 a very narrowly tailored category of rules whose issuance has previously been
 52 exempted from subsection 1 by a special rule relying on this provision and
 53 including such a finding and statement of reasons for the entire category. In any
 54 action contesting a rule adopted pursuant to this subsection, the burden of proof
 55 shall be on the agency to show that the procedures of subsection 1 were
 56 impracticable, unnecessary, or contrary to the public interest and that, if a
 57 category of rules was involved, the category was very narrowly tailored.

1 SEC. 2. Section seventeen A point four (17A.4), Code 1975, is amended by
 2 adding the following new subsection:

3 5. Upon the vote of two-thirds of its members the administrative rules review
 4 committee may delay the effective date of a rule seventy days beyond that
 5 permitted in section seventeen A point five (17A.5), unless the rule was
 6 promulgated under section seventeen A point five (17A.5), subsection two (2),
 7 paragraph "b". This provision shall be utilized by the committee only if further
 8 time is necessary to study and examine the rule. Notice of an effective date that
 9 was delayed under this provision shall be published in the Iowa Administrative
 10 Code.

1 SEC. 3. Section seventeen A point five (17A.5), Code 1975, is amended to read
 2 as follows:

3 **17A.5 Filing and taking effect of rules.**

4 1. Each agency shall file in the office of the secretary of state a *three* certified
 5 ~~copy~~ *copies* of each rule adopted by it, ~~including all rules as defined in this~~
 6 ~~chapter existing on July 1, 1975. Two copies of each rule shall be forwarded to the~~
 7 ~~Code editor.~~ The secretary of state shall keep a permanent register of the rules
 8 open to public inspection. ~~Rules presently on file in the office of the secretary of~~
 9 ~~state need not be refiled.~~

10 2. Each rule hereafter adopted is effective thirty-five days after filing, as
 11 required in this section, and indexing and publication as required by section
 12 17A.6, except that:

13 a. If a later date is required by statute or specified in the rule, the later date is
 14 the effective date.

15 b. Subject to applicable constitutional or statutory provisions, a rule becomes
 16 effective immediately upon filing with the secretary of state, or at a subsequent
 17 stated date prior to indexing and publication, or at a stated date less than thirty-
 18 five days after filing, indexing and publication, if the agency finds:

19 (1) That a statute so provides;

20 (2) That the rule confers a benefit or removes a restriction on the public or
21 some segment thereof; or

22 (3) That this effective date is necessary because of imminent peril to the public
23 health, safety or welfare. In any subsequent action contesting the effective date of
24 a rule promulgated under this paragraph, the burden of proof shall be on the
25 agency to justify its finding. The agency's finding and a brief statement of the
26 reasons therefor shall be filed with and made a part of the rule. Prior to indexing
27 and publication, the agency shall make reasonable efforts to make known to the
28 persons who may be affected by it a rule made effective under the terms of this
29 paragraph.

1 SEC. 4. Section seventeen A point six (17A.6), subsections one (1) and three
2 (3), Code 1975, are amended to read as follows:

3 1. The Code editor shall cause to be compiled, indexed and published in loose
4 leaf form all rules adopted by each agency and notice of all proposed rule-making
5 by each agency. The Code editor further shall cause to be ~~distributed~~ *published*
6 supplements to this publication at least every other week which supplements shall
7 contain, in such a form that they may be filed in the appropriate places in the
8 compilation, all rules and notice of proposed rules filed for publication in the
9 prior two weeks. The Code editor shall devise a uniform numbering system for
10 rules and may renumber rules before publication to conform with the system.

11 3. This publication, which shall be known as the "Iowa Administrative Code",
12 shall be made available upon request to all persons who subscribe ~~thereto~~ *to it*
13 *through the state printing division. Copies of this Code so made available shall be kept*
14 *current by the division.*

1 SEC. 5. Section seventeen A point eight (17A.8), Code 1975, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. Notwithstanding section thirteen point seven (13.7) of the
4 Code, the committee may employ necessary legal and technical staff.

1 SEC. 6. Section eighteen point ninety-seven (18.97), Code 1975, as amended by
2 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter seventy-two (72),
3 is amended by striking unnumbered paragraph one (1), and inserting in lieu
4 thereof the following:

5 The superintendent of printing shall make free distribution of the Code, rules
6 of civil procedure, supreme court rules, the Acts of each general assembly, and
7 upon request, the Iowa Administrative Code as follows:

1 SEC. 7. Chapter one hundred forty-seven (147), Code 1975, is amended by
2 adding the following new section:

3 NEW SECTION. The examining boards for the various professions shall
4 promulgate all necessary and proper rules to implement and interpret the
5 provisions of this chapter and chapters one hundred forty-eight (148), one
6 hundred forty-eight A (148A), one hundred forty-eight B (148B), one hundred
7 forty-nine (149), one hundred fifty (150), one hundred fifty A (150A), one
8 hundred fifty-one (151), one hundred fifty-two (152), one hundred fifty-three
9 (153), one hundred fifty-four (154), one hundred fifty-four A (154A), one hundred
10 fifty-four B (154B), one hundred fifty-five (155), and one hundred fifty-six (156)
11 of the Code.

Approved June 23, 1976

CHAPTER 1064

CAPITOL SECURITY

H. F. 1570

AN ACT transferring the responsibilities for security of the state capitol complex from the department of general services to the department of public safety and making an appropriation.

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

1 SECTION 1. Section eighteen point three (18.3), subsection four (4), Code 1975,
2 is amended to read as follows:

3 4. Providing for the proper maintenance ~~and protection~~ of the state capitol,
4 grounds, and equipment and all other state buildings, grounds, and equipment at
5 the seat of government, except those referred to in section 601B.6, subsection 9.

1 SEC. 2. Section eighteen point twelve (18.12), subsection two (2), Code 1975, is
2 amended to read as follows:

3 2. Have at all times, charge of and supervision over the ~~capitol security force,~~
4 janitors, and other employees of ~~his~~ *the* department in and about the capitol and
5 other state buildings, except the buildings and grounds referred to in section
6 601B.6, subsection 9, at the seat of government. ~~The capitol security force when~~
7 ~~serving in and about the capitol and other state buildings at the seat of~~
8 ~~government are hereby designated as peace officers.~~

1 SEC. 3. Section eighty point nine (80.9), subsection two (2), Code 1975, is
2 amended by adding the following new lettered paragraph:

3 NEW LETTERED PARAGRAPH. Provide protection and security for persons and
4 property on the grounds of the state capitol complex.

1 SEC. 4. Section eighty point seventeen (80.17), Code 1975, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. Division of capitol security.

1 SEC. 5. Chapter eighty (80), Code 1975, is amended by adding the following
2 new section:

3 NEW SECTION. **Transition.** Persons employed by the department of general
4 services as capitol security force officers shall be transferred to the division of
5 capitol security of the department of public safety on the effective date of this
6 Act. Persons transferred pursuant to this section shall retain their positions as
7 capitol security officers, shall not be subject to the requirements and conditions of
8 section eighty point fifteen (80.15) of the Code, and shall remain under the Iowa
9 public employees' retirement system. Persons employed after the effective date of
10 this Act by the department of public safety as capitol security officers within the
11 division of capitol security shall be subject to the requirements and conditions of
12 section eighty point fifteen (80.15) of the Code, except those requirements relating
13 to age, and shall be subject to the Iowa public employees' retirement system. The
14 minimum age for persons employed by the division of capitol security shall be
15 eighteen.

1 SEC. 6. There is appropriated from the general fund of the state to the
2 department of public safety, division of capitol security, for the fiscal year
3 beginning July 1, 1976 and ending June 30, 1977 the sum of three hundred ninety-
4 two thousand two hundred (392,200) dollars, or so much thereof as is necessary,
5 for salaries, support, maintenance, and miscellaneous purposes.

Approved June 23, 1976

CHAPTER 1065

EXECUTIVE COUNCIL, AUDITOR, TREASURER AND INSURANCE DEPARTMENT

H. F. 1216

AN ACT appropriating funds to certain executive agencies including the executive council, the auditor of state, treasurer of state, and insurance 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 to the
2 following departments for the fiscal year beginning July 1, 1976, and ending June
3 30, 1977, the following amounts, or so much thereof as may be necessary, to be
4 used for the following purposes:

	1976-77
	<u>Fiscal Year</u>
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
	1. EXECUTIVE COUNCIL
	For salaries, support, maintenance and miscellaneous purposes\$ 16,710
	2. AUDITOR OF STATE
	For salaries, support, maintenance and miscellaneous purposes\$ 1,091,309
	3. TREASURER OF STATE
	For salaries, support, maintenance and miscellaneous purposes\$ 296,000
	4. INSURANCE DEPARTMENT OF IOWA
	For salaries, support, maintenance and miscellaneous purposes\$ 1,362,309

1 SEC. 2. Section nineteen point seven (19.7)*, unnumbered paragraph two (2),
2 Code 1975, is amended to read as follows:

3 The proceeds of such loan shall be applied toward the payment of costs and
4 obligations necessitated by such actual or potential disaster and the
5 reimbursement of local funds from which such expenditures have been made.
6 Any such project for repair, rebuilding or restoration of state property for which
7 no specific appropriation has been made, shall, before work is begun thereon, be
8 subject to approval or rejection by the executive council. *The executive council
9 may incur expenses necessary to perform or cause to be performed duties imposed on
10 the council by this section and may pay such expenses from money in the state
11 treasury not otherwise appropriated.*

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 set forth in
3 such federal grants or receipts.

1 SEC. 4. Funds appropriated by this Act shall not be used for capital
2 improvements.

Approved June 23, 1976

*Repealed by Ch 1074, §31 hereof

CHAPTER 1066

INTERMITTENT EMPLOYMENT UNDER MERIT

S. F. 1285

AN ACT relating to limiting intermittent employment under the merit employment system to a period of not more than one hundred twenty calendar days out of any twelve-month period, temporarily exempting the department of social services from certain restrictions relative to duration of employment of intermittent employees and providing for retroactive application of the provisions of the Act.

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

1 SECTION 1. Section nineteen A point nine (19A.9), subsection nine (9), Code
2 1975, is amended to read as follows:

3 9. For emergency employment for not more than sixty calendar days in any
4 twelve-month period without examination, and for intermittent employment for
5 not more than one hundred ~~eighty~~ *twenty* calendar days in any twelve-month
6 period. For intermittent employment the employee must have had a probationary,
7 permanent, or temporary appointment.

1 SEC. 2. The provisions of section nineteen A point nine (19A.9), subsection
2 nine (9), of the Code restricting employment of intermittent employees to not
3 more than a specified number of calendar days in any twelve-month period shall
4 not apply, during the period beginning on March 15, 1976 and ending on June 30,
5 1977, to intermittent employees who are employed in field offices by the
6 department of social services. It is the intent of the general assembly to authorize
7 the continued employment during fiscal 1977 of persons employed to assist in
8 meeting the current high demand for income maintenance and related services
9 and thereby to permit the department to avoid the cost of training new
10 employees.

1 SEC. 3. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in the Lake Mills Graphic, a
3 newspaper published in Lake Mills, Iowa, and in the Grinnell Herald-Register, a
4 newspaper published in Grinnell, Iowa.

Approved May 20, 1976

I hereby certify that the foregoing Act, Senate File 1285, was published in the Lake Mills Graphic, Lake Mills, Iowa on May 26, 1976, and in the Grinnell Herald-Register, Grinnell, Iowa on May 24, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1067

PROPERTY TAX RELIEF AND POLITICAL BUDGET LIMITATIONS

S. F. 1062

AN ACT relating to the financing of political subdivisions of this state by providing budget limitations for certain political subdivisions, providing property tax credits for certain property owners and renters, making changes in the procedures for the assessment and valuation of certain taxable property, by amending the school foundation law, creating a task force for the study of local government finance and services, making certain provisions of the Act retroactive, and making appropriations.

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

DIVISION I

BUDGET LIMITATIONS FOR FISCAL YEARS 1976-77, 1977-78, AND 1978-79

1 SECTION 1. **Definitions.** As used in this division:

2 1. "Base year" means the preceding fiscal year.

3 2. "Political subdivision" means a county, a city having a population of more
4 than seven hundred fifty persons or any other local public body or corporation
5 having a property tax budget subject to limitation under sections two (2) through
6 five (5) of this division.

7 3. "Total budget" means the budget including amendments for all funds or
8 programs of a political subdivision.

9 4. "Property tax budget" means those parts of the total budget of a political
10 subdivision to be derived from property taxation and subject to the maximum
11 dollar levy limitations under sections two (2) through five (5) of this division.

12 5. "Person" means eligible elector as defined in section thirty-nine point three
13 (39.3) of the Code.

14 6. "State appeal board" means the state appeal board created under section
15 twenty-four point twenty-six (24.26) of the Code.

1 SEC. 2. **City levy limitation.** The maximum amount in dollars which may be
2 levied by a city with a population of more than seven hundred fifty over the
3 amount in dollars levied for the base year shall be limited to an aggregate
4 increase of nine percent for the fiscal year beginning July 1, 1976 and seven
5 percent for the fiscal years beginning July 1, 1977 and July 1, 1978 for the
6 following designated property tax levies, except as otherwise provided in this
7 division:

8 1. The general fund levy authorized pursuant to section three hundred eighty-
9 four point one (384.1) of the Code.

10 2. The tax levy for the purpose of carrying out the terms of a contract for the
11 use of a bridge by a city situated on a river over which a bridge has been built
12 authorized pursuant to section three hundred eighty-four point twelve (384.12),
13 subsection eight (8), of the Code.

14 3. The tax levy for the operation and maintenance of a municipal transit
15 system and for the creation of a reserve fund for the system authorized pursuant
16 to section three hundred eighty-four point twelve (384.12), subsection ten (10), of
17 the Code.

18 4. The tax levy for the lease of a building or complex of buildings to be
19 operated as a civic center authorized pursuant to section three hundred eighty-
20 four point twelve (384.12), subsection eleven (11), of the Code.

21 5. The tax levy for operating and maintaining a civic center owned by a city
22 authorized pursuant to section three hundred eighty-four point twelve (384.12),
23 subsection twelve (12), of the Code.

24 6. The tax levy for planning a sanitary disposal system authorized pursuant to
25 section three hundred eighty-four point twelve (384.12), subsection thirteen (13),
26 of the Code.

27 7. The tax levy for an aviation authority authorized pursuant to section three
28 hundred eighty-four point twelve (384.12), subsection fourteen (14), of the Code.

29 8. The tax levy for an authority for a joint city-county building authorized
30 pursuant to section three hundred eighty-four point twelve (384.12), subsection
31 fifteen (15), of the Code.

32 9. The tax levy for a levee improvement fund authorized pursuant to section
33 three hundred eighty-four point twelve (384.12), subsection sixteen (16), of the
34 Code.

35 10. The tax levy to aid a railway authorized pursuant to section three hundred
36 eighty-four point twelve (384.12), subsection seventeen (17), of the Code.

37 11. The tax levy to maintain an institution received by gift or devise authorized
38 pursuant to section three hundred eighty-four point twelve (384.12), subsection
39 eighteen (18), of the Code.

40 12. The tax levy for the emergency fund authorized pursuant to section three
41 hundred eighty-four point eight (384.8) of the Code.

1 SEC. 3. **County levy limitation.** The maximum amount in dollars which may
2 be levied by a county over the amount in dollars levied for the base year shall be
3 limited to an aggregate increase of nine percent for the fiscal year beginning July
4 1, 1976 and seven percent for the fiscal years beginning July 1, 1977 and July 1,
5 1978, for the following designated property tax levies, except as otherwise
6 provided in this division:

7 1. The tax levy for the emergency fund authorized pursuant to section twenty-
8 four point six (24.6) of the Code.

9 2. The tax levy for the development, operation, and maintenance of a memorial
10 building or monument authorized pursuant to section thirty-seven point eight
11 (37.8) of the Code.

12 3. The tax levy for the purchase of voting machines authorized pursuant to
13 section fifty-two point three (52.3) of the Code.

14 4. The tax levy for the county conservation board authorized pursuant to
15 section one hundred eleven A point six (111A.6) of the Code.

16 5. The tax levy for indemnity payments and the inspection and testing program
17 relating to bovine brucellosis eradication authorized pursuant to section one
18 hundred sixty-four point twenty-three (164.23) of the Code.

19 6. The tax levy for the bovine tuberculosis eradication fund authorized
20 pursuant to section one hundred sixty-five point eighteen (165.18) of the Code.

21 7. The tax levy for the fairground fund authorized pursuant to sections one
22 hundred seventy-four point thirteen (174.13) and one hundred seventy-four point
23 seventeen (174.17) of the Code.

24 8. The tax levy for the purpose of maintaining a county or multicounty juvenile
25 home authorized pursuant to section two hundred thirty-two point twenty-two
26 (232.22) of the Code.

27 9. The tax levy for the veteran affairs fund authorized pursuant to section two
28 hundred fifty point one (250.1) of the Code.

29 10. The tax levy for secondary road construction and maintenance authorized
30 pursuant to section three hundred nine point seven (309.7) of the Code.

31 11. The tax levy for the road clearing fund authorized pursuant to section three
32 hundred seventeen point nineteen (317.19) of the Code.

33 12. The tax levy for the purchase of weed eradicating equipment and materials
34 authorized pursuant to section three hundred seventeen point twenty (317.20) of
35 the Code.

36 13. The tax levy for an aviation authority authorized pursuant to section three
37 hundred thirty A point fifteen (330A.15) of the Code.

38 14. The tax levy for the maintenance and improvement of cemeteries in the
39 county authorized pursuant to section three hundred thirty-two point three (332.3)
40 of the Code.

41 15. The tax levy for public disposal grounds authorized pursuant to section
42 three hundred thirty-two point thirty-two (332.32) of the Code.

43 16. The tax levy for the operation, control, maintenance, and management of
44 health centers authorized pursuant to section three hundred forty-six A point two
45 (346A.2) of the Code.

46 17. The tax levy for the payment of claims for bounties on wild animals
47 authorized pursuant to section three hundred fifty point eight (350.8) of the Code.

48 18. The tax levy for the maintenance of a county library authorized pursuant to
49 section three hundred fifty-eight B point thirteen (358B.13) of the Code.

50 19. The tax levy for the entering of contracts for the use of city libraries
51 authorized pursuant to section three hundred fifty-eight B point eighteen
52 (358B.18) of the Code.

53 20. The tax levy for ordinary county revenue and the election expense fund
54 authorized pursuant to section four hundred forty-four point nine (444.9) of the
55 Code.

56 21. The tax levy for the county orphan fund authorized pursuant to section
57 four hundred forty-four point eleven (444.11) of the Code.

58 22. The tax levy for the purpose of planning a sanitary disposal project or of
59 paying interest and principal on bonds issued pursuant to section three hundred
60 forty-six point twenty-three (346.23) of the Code which levy is authorized
61 pursuant to section four hundred fifty-five B point eighty-one (455B.81) of the
62 Code.

63 23. The tax levy for flood and erosion control projects authorized pursuant to
64 section four hundred sixty-seven B point nine (467B.9) of the Code.

65 24. The tax levy for the maintenance of property received by a county by gift
66 or devise authorized pursuant to section five hundred sixty-five point eight (565.8)
67 of the Code.

1 ***[SEC. 4. Special district levy limitation.** The maximum amount in dollars
2 which may be levied by a special purpose district over the amount in dollars
3 levied for the base year shall be limited to an aggregate increase of nine percent
4 for the fiscal year beginning July 1, 1976 and seven percent for the fiscal years
5 beginning July 1, 1977 and July 1, 1978, for the following designated property tax
6 levies, except as otherwise provided in this division:

7 1. The tax levy by a benefited water district for the maintenance of the water
8 system authorized pursuant to section three hundred fifty-seven point twenty-five
9 (357.25) of the Code.

10 2. The tax levy by a benefited fire district to provide fire protection within the
11 district authorized pursuant to section three hundred fifty-seven B point three
12 (357B.3) of the Code and the levy authorized pursuant to section three hundred
13 fifty-seven B point five (357B.5) of the Code which permits the county board of
14 supervisors to continue the levy upon dissolution of the district until all debts and
15 obligations of the dissolved district are paid.

16 3. The tax levy by a benefited street lighting district authorized pursuant to
17 section three hundred fifty-seven C point seven (357C.7) and three hundred fifty-
18 seven C point eleven (357C.11) of the Code.

19 4. The tax levy authorized pursuant to section four hundred sixty-six point four
20 (466.4) of the Code permitting a levy sufficient to raise the amount necessary for
21 maintenance of a system to provide internal drainage necessary by the
22 construction of a levee along a navigable stream forming a part of the boundary
23 of the state.

24 5. The tax levy for a soil conservation district authorized pursuant to section
25 four hundred sixty-seven A point twenty (467A.20) of the Code.

*See item veto message at end of Act

26 6. The tax levy authorized pursuant to section four hundred eighty-three point
27 one (483.1) of the Code to provide aid to railroads.]

1 **SEC. 5. Agricultural education levy limitation.** The maximum amount in
2 dollars which may be levied for the county agricultural extension education
3 program authorized pursuant to section one hundred seventy-six A point ten
4 (176A.10) of the Code over the amount in dollars levied for the base year shall be
5 limited to an increase of nine percent for the fiscal year beginning July 1, 1976
6 and seven percent for the fiscal years beginning July 1, 1977 and July 1, 1978,
7 except as otherwise provided in this division.

1 **SEC. 6. Duties of state comptroller.**

2 1. As soon as practicable after the effective date of this division, the state
3 comptroller shall give notice of the requirements of this division and distribute
4 such forms as required to the governing bodies of the political subdivisions of this
5 state.

6 2. The state comptroller shall review the certified total budget of each political
7 subdivision and calculate the dollar amount and percentage increase of the
8 property tax budget for the fiscal years beginning July 1, 1976, July 1, 1977 and
9 July 1, 1978 over the property tax budget for the base year.

10 3. If the property tax budget of a political subdivision for the fiscal year
11 beginning July 1, 1976, July 1, 1977, or July 1, 1978 exceeds the property tax
12 budget of such political subdivision for the base year by more than nine percent,
13 the state comptroller shall reduce the certified total budget to provide a property
14 tax budget increase of nine percent and return the certified total budget to the
15 governing body with notification that, following a public hearing as provided in
16 section eight (8) of this division, the total budget shall be recertified with a
17 property tax budget increase not exceeding nine percent or that, without a public
18 hearing, the certified total budget shall be submitted to the state appeal board for
19 approval as provided in section seven (7) of this division if the increase of more
20 than nine percent is needed.

21 4. If the property tax budget of a political subdivision for the fiscal year
22 beginning July 1, 1977 or July 1, 1978 exceeds the property tax budget of such
23 political subdivision for the base year by more than seven percent but not more
24 than nine percent, the state comptroller shall reduce the certified total budget to
25 provide a property tax budget increase of seven percent and return the certified
26 total budget to the governing body with notification that a public hearing must be
27 held as provided in section eight (8) of this division.

1 **SEC. 7. Approval of state appeal board.**

2 1. Upon receipt of the notification from the state comptroller as provided in
3 section six (6), subsection three (3) of this division, the governing body of such
4 political subdivision shall petition the state appeal board to approve the total
5 budget of the political subdivision not later than seven days following receipt of
6 notification if the increase of more than nine percent is needed. However, if the
7 governing body, upon receipt of such notification, finds that an increase in the
8 property tax budget above nine percent is not justified, the governing body shall
9 publish notice of and conduct a public hearing for the purpose of approving a
10 total budget which includes a property tax budget increase of nine percent or less.
11 The public hearing shall be carried out according to the provisions of section
12 eight (8) of this division except that, for the total budget for the fiscal year
13 beginning July 1, 1976, the public hearing shall be held within twenty days after
14 the receipt of notification.

15 2. A petition to the state appeal board under this division shall be submitted in
16 writing on forms furnished by the state comptroller citing the unusual
17 circumstances as outlined in subsection three (3) of this section, which create the
18 need for property tax budget expenditures in excess of nine percent of the base
19 year's property tax budget expenditures and accompanied by such supporting

20 documents as required by the state appeal board. The state appeal board shall
 21 conduct a public hearing on the petition in the county or in one of the counties in
 22 which the political subdivision is located and may request additional information.
 23 The state appeal board shall hear and consider any appeal made by persons
 24 affected by the total budget of a political subdivision at the same time the petition
 25 of the governing board of such political subdivision is heard and considered.

26 3. If a political subdivision has unusual circumstances, creating a need for
 27 additional budget expenditures in excess of nine percent of the base year's
 28 property tax expenditures, the following unusual circumstances shall be the basis
 29 for justifying a property tax budget increase exceeding nine percent:

30 a. Any unusual increase in population as determined by the preceding certified
 31 federal census.

32 b. Natural disaster or other emergencies.

33 c. Unusual problems relating to major new functions required by state law.

34 d. Unusual staffing problems.

35 e. Unusual need for additional funds to permit continuance of a program
 36 which provides substantial benefit to its residents.

37 f. Unusual need for a new program which will provide substantial benefit to
 38 residents, if the political subdivision establishes the need and the amount of
 39 necessary increased cost.

40 g. Need for increased expenditures by a political subdivision having unusually
 41 low total budget expenditures for the base year because of property tax levy
 42 limitations otherwise provided by law.

43 4. The state appeal board may approve or modify the base year's total budget
 44 expenditures of any political subdivision which changes accounting procedures.

45 5. The state appeal board shall approve the total budget as requested or reduce
 46 the amount of increased expenditures. All decisions of the board under this
 47 division shall be made in accordance with reasonable and uniform policies which
 48 shall be consistent to carry out the provisions of this division. The board shall
 49 take into account the intent of this division to provide property tax relief and to
 50 provide reasonable control of costs of the political subdivisions of this state.

51 6. Upon decision of the board, the state comptroller shall make the necessary
 52 changes in the total budget of the political subdivision and certify the total budget
 53 to the governing body of the political subdivision and the appropriate county
 54 auditors.

1 **SEC. 8. Additional public hearing—fiscal years 1977-78 and 1978-79.**

2 Upon receipt of the notification from the state comptroller that the property
 3 tax budget of the certified total budget of a political subdivision for the fiscal year
 4 beginning July 1, 1977 or July 1, 1978 exceeds seven percent but not more than
 5 nine percent of the property tax budget of such political subdivision for the base
 6 year, the governing body of such political subdivision shall publish notice of and
 7 conduct a public hearing not later than April fifteenth. The date, time and
 8 location of the public hearing and the information required to be published under
 9 section nine (9) of this division, shall be published in a newspaper having general
 10 circulation throughout the political subdivision not less than five days before the
 11 date of hearing. Thereafter, the total budget shall be recertified, with or without
 12 changes that may be made after the hearing, to the county auditor and the state
 13 comptroller not later than April fifteenth. If, after such hearing, the property tax
 14 budget for the fiscal year beginning July 1, 1977 or July 1, 1978 exceeds the
 15 property tax budget of the base year by more than nine percent, such budget shall
 16 be subject to the approval of the state appeal board as provided in section seven
 17 (7) of this division.

1 **SEC. 9. Budget process—notice of public hearing.** In addition to the
 2 requirements of chapters twenty-four (24) and three hundred eighty-four (384),
 3 division two (II), of the Code relating to the publication of notice and public
 4 hearing on a budget of a political subdivision, the public notice of a hearing on a
 5 total budget shall include the following information:

6 1. The percentage and the dollar amount increase or decrease for the total
7 budget and the property tax budget of the political subdivision.

8 2. The percentage and the dollar amount increase or decrease of each fund
9 included in the proposed total budget and the property tax budget.

10 3. A statement showing the allowable growth percentages established by the
11 general assembly and the dollar amount of increase represented by such
12 percentages for the proposed total budget and the property tax budget of the
13 political subdivision.

14 4. A statement of the major reasons for the proposed increases in the proposed
15 total budget and the property tax budget.

16 5. A comparison of the percentages and dollar amounts proposed to be
17 expended with the percentages and dollar amounts expended or proposed to be
18 expended during the current fiscal year as amended to the date of publication
19 which information shall be displayed in the publication in the form of a pie
20 graph. The graphs shall be prepared for both fiscal years with one pie graph for
21 each fiscal year showing the sources of anticipated revenue and one pie graph for
22 each fiscal year showing the proposed budget expenditures by category of
23 services.

24 The provisions of this section shall not apply to publication of notice for a
25 hearing on a total budget for the fiscal year beginning July 1, 1976 required under
26 section twenty-four point nine (24.9) or three hundred eighty-four point sixteen
27 (384.16) of the Code if the notice of hearing has been published before the
28 effective date of this division, but it shall apply to any other notice for a hearing
29 on a total budget or amendment to a total budget required by this division or
30 other provision of law for the fiscal years beginning July 1, 1976, July 1, 1977,
31 and July 1, 1978.

1 **SEC. 10. Exception to dates for budget appeal.** Notwithstanding sections
2 twenty-four point twenty-seven (24.27) through twenty-four point thirty-two
3 (24.32), inclusive, and three hundred eighty-four point nineteen (384.19) of the
4 Code, persons affected by a certified total budget of a political subdivision which
5 conducts a public hearing as provided in section eight (8) of this division, shall
6 have ten days following recertification of such budget to file a petition to protest
7 to the state appeal board. All other time limitations or dates specified in sections
8 twenty-four point twenty-seven (24.27) through twenty-four point thirty-two
9 (24.32), inclusive, and section three hundred eighty-four point nineteen (384.19) of
10 the Code shall be correspondingly changed or extended to allow the same amount
11 of time for the protest hearing and the decision of the state board that would exist
12 had the appeal to the state appeal board been filed as provided in section twenty-
13 four point twenty-seven (24.27) or three hundred eighty-four point nineteen
14 (384.19) of the Code.

1 **SEC. 11. Property tax carryover.** If a political subdivision adopts a total
2 budget for the fiscal year beginning July 1, 1976, which does not include an
3 increase in the amount of property tax levy for the property tax budget computed
4 in dollars which exceeds or is equal to nine percent, the political subdivision may
5 levy property taxes for the succeeding fiscal year in excess of a seven percent
6 increase and be exempt from the provisions of sections seven (7) and eight (8) of
7 this division. Also, if a political subdivision adopts a total budget for the fiscal
8 year beginning July 1, 1977, which does not include an increase in the amount of
9 property tax levy for the property tax budget computed in dollars which exceeds
10 or is equal to seven percent, the political subdivision may levy property taxes for
11 the succeeding fiscal year in excess of a seven percent increase and be exempt
12 from the provisions of sections seven (7) and eight (8) of this division. However,
13 the exemption from the provisions of sections seven (7) and eight (8) of this
14 division shall be applicable only if the additional property tax levy for the
15 property tax budget does not raise in dollars an amount which exceeds the seven

16 percent increase for the fiscal year beginning July 1, 1977 or July 1, 1978 and the
 17 difference between the amount in dollars which the political subdivision levied
 18 during the base year and the amount in dollars which the political subdivision
 19 could have levied during the base year under this division.

1 **SEC. 12. Property tax levy limitation not affected.** The provisions of this
 2 division shall not be construed as removing or otherwise affecting the property
 3 tax levy limitations otherwise provided by law for any fund, account, or program
 4 in the total budget of a political subdivision.

1 **SEC. 13. Budget appeal not affected.** The provisions of this division shall not
 2 be construed to prohibit or affect a protest filed with the state appeal board by
 3 persons affected by the total budget of a political subdivision.

1 **SEC. 14. Special chartered cities.** It is the intention of the general assembly
 2 that the provisions of this division shall apply to special chartered cities. The state
 3 appeal board may adopt such rules relating to budget forms and procedures as
 4 the state appeal board deems necessary to carry out the provisions of this division
 5 regarding special chartered cities.

1 **SEC. 15.** Section twenty-four point twenty-seven (24.27), Code 1975, is
 2 amended to read as follows:

3 **24.27 Protest to budget.** Not later than the first Tuesday in April, a number
 4 of persons in any municipality equal to one-fourth of one percent of those voting
 5 for the office of president of the United States or governor, as the case may be, at
 6 the last general election in said municipality, but ~~in no event the number shall not~~
 7 ~~be less than ten and the number need not be more than one hundred persons,~~ who are
 8 affected by any proposed budget, expenditure or tax levy, or by any item thereof,
 9 may appeal from any decision of the certifying board or the levying board, as the
 10 case may be, by filing with the county auditor of the county in which such
 11 municipal corporation is located, a written protest setting forth their objections to
 12 such budget, expenditure or tax levy, or to one or more items thereof, and the
 13 grounds for such objections; ~~provided that at least three of such persons shall~~
 14 ~~have filed a joint written objection; at or before the time of the meeting~~
 15 ~~contemplated in section 24.11 which shall include a detailed statement of the~~
 16 ~~objections to said budget, expenditures or tax levy for each and every fund, or the~~
 17 ~~items therein to which objection is taken and an analysis of the fund or funds, or~~
 18 ~~items therein showing grounds for such objections or shall have appeared and~~
 19 ~~made objection, either general or specific, as provided by section 24.11.~~ Upon the
 20 filing of any such protest, the county auditor shall immediately prepare a true and
 21 complete copy of said written protest, together with the budget, proposed tax levy
 22 or expenditure to which objections are made, and shall transmit the same
 23 forthwith to the state board, and shall also send a copy of such protest to the
 24 certifying board or to the levying board, as the case may be.

1 **SEC. 16.** Section three hundred eighty-four point nineteen (384.19),
 2 unnumbered paragraph one (1), Code 1975, as amended by Acts of the Sixty-sixth
 3 General Assembly, 1975 Session, chapter one hundred ninety-seven (197), section
 4 twenty-eight (28), is amended to read as follows:

5 Within a period of ten days after the final date that a budget or amended
 6 budget may be certified to the county auditor, persons affected by the budget
 7 may file a written protest with the county auditor, specifying their objections to
 8 the budget or any part of it. A protest must be signed by qualified electors equal
 9 in number to one-fourth of one percent of the votes cast for governor in the last
 10 preceding general election in the city, but ~~not the number shall not be~~ less than ten
 11 persons; and at least three of the signers must have filed a written objection or
 12 appeared and objected to the budget at the budget hearing held by the council
 13 and the number need not be more than one hundred persons.

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DIVISION II
VALUATION OF AGRICULTURAL PROPERTY

*[SEC. 17. **Agricultural property valuation.** Notwithstanding the provisions of section four hundred forty-one point twenty-one (441.21) of the Code, for assessments made as of January 1, 1976, the actual value of each tract of agricultural property consisting of more than ten acres shall be computed by multiplying the valuations established by the assessor and approved by the board of review by the percentage which the 1975 income value per acre bears to the 1975 actual value per acre of the agricultural property both as determined by the director. The county auditor shall proceed to make the necessary adjustments on the tax lists. If the valuation of the agricultural property is increased in a county, the county auditor shall notify by ordinary mail the owners of agricultural property affected by the adjustment made pursuant to this section. The local board of review shall reconvene for a period of thirty days following the notification to the taxpayer in counties where valuations have been increased under this section. The notice shall include the adjusted value of the property, the dates during which the board of review is reconvened, and that a protest may be filed within twenty days from the date the local board of review is reconvened. The protest shall be limited to the adjustment made pursuant to this section. The provisions of this section shall apply only to valuations of agricultural property valued as of January 1, 1976.]

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*[SEC. 18. Notwithstanding the provisions of section four hundred forty-one point twenty-one (441.21) of the Code, for assessments made as of January 1, 1977, in assessing and determining the actual value of agricultural land, except structures located thereon, the value shall be computed on the basis of the productivity and net earning capacity of the land determined on the basis of the use for agricultural purposes capitalized at a rate representing a fair return on the investment, such rate to be established by the state board of tax review and applied uniformly among counties and among classes of property. The actual value of a structure located on agricultural land shall be the fair and reasonable market value of the structure. The provisions of this section shall apply only to valuations of agricultural property valued as of January 1, 1977.]

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*[SEC. 19. **Effective date.** The provisions of section seventeen (17) of this Act shall be effective to January 1, 1976 for valuations of agricultural property assessed as of January 1, 1976 and to this extent the provisions of section seventeen (17) are retroactive.]

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DIVISION III
CREDIT FOR RESIDENTIAL PROPERTY

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SEC. 20. **Homestead tax credit.** Notwithstanding the provisions of section four hundred twenty-five point one (425.1), subsections two (2), three (3), and four (4) of the Code, the homestead tax credit shall be computed so as to give a credit against the tax on each eligible homestead in the state in an amount equal to the actual levy on the first four thousand five hundred dollars of actual value for each homestead. The provisions of this section shall only be applicable for each homestead tax credit claimed between January 1, 1975 and July 1, 1975 and approved.

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SEC. 21. **Administration.** Not later than August 1, 1976, the county auditor shall recompute the amount of credit allowed on each eligible homestead claimed between January 1, 1975 and July 1, 1975, and approved and certify the amount of the homestead tax credits claimed in the county to the county treasurer and the department of revenue. The department shall reimburse each county in the manner and at such time as is presently provided by law.

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SEC. 22. **Effective date.** The provisions of sections twenty (20) and twenty-one (21) of this Act are effective to January 1, 1975 for credits claimed and

*See item veto message at end of Act

3 approved in 1975 under chapter four hundred twenty-five (425) of the Code for a
4 homestead tax credit on eligible homesteads which claims are payable during the
5 fiscal year beginning July 1, 1976 ending June 30, 1977 and to this extent the
6 provisions of sections twenty (20) and twenty-one (21) of this Act are retroactive.

1 ***[SEC. 23.** Notwithstanding the provisions of section four hundred twenty-five
2 point one (425.1), subsections two (2), three (3), and four (4) of the Code, the
3 homestead tax credit shall be computed so as to give a credit against the tax on
4 each eligible homestead in the state in an amount equal to the actual levy on the
5 first five thousand dollars of actual value for each homestead. The provisions of
6 this section shall only be applicable for each homestead tax credit claimed
7 between January 1, 1976 and July 1, 1976 and approved and for each homestead
8 tax credit claimed between January 1, 1977 and July 1, 1977 and approved except
9 as provided in sections forty (40) and forty-one (41) of this Act.]

1 ***[SEC. 24. Effective date.** The provisions of section twenty-three (23) of this
2 Act are effective to January 1, 1976 for credits claimed on or after January 1,
3 1976 and approved under chapter four hundred twenty-five (425) of the Code for
4 a homestead tax credit on an eligible homestead and to this extent the provisions
5 of section twenty-three (23) of this Act are retroactive.]

6 DIVISION IV

7 AGRICULTURAL LAND CREDIT FUND

1 **SEC. 25. Appropriation.** There is appropriated for the fiscal year beginning
2 July 1, 1976 and ending June 30, 1977 to the agricultural land credit fund the sum
3 of twenty-four million (24,000,000) dollars which shall be in addition to moneys
4 appropriated pursuant to section four hundred twenty-six point one (426.1) of the
5 Code.

1 **SEC. 26. Administration.** Not later than May 1, 1976, the state comptroller
2 shall recertify to the county auditors of the respective counties the pro rata
3 percentage of reimbursement from the agricultural land credit fund which shall be
4 distributed by the state comptroller on or before September 15, 1976.

5 DIVISION V

6 STATE SCHOOL FOUNDATION PROGRAM

1 **SEC. 27.** Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
2 seventy-nine (79), section nineteen (19), subsection two (2), unnumbered
3 paragraph one (1), amending section four hundred forty-two point seven (442.7),
4 Code 1975, is amended to read as follows:

5 2. For school years subsequent to the school year beginning July 1, 1975, a
6 state percent of growth for the budget year shall be computed by the state
7 comptroller prior to February fifteenth of each year and forwarded to the
8 superintendent of public instruction. The state percent of growth shall be an
9 average of the following ~~six~~ four percentages of growth.

1 **SEC. 28.** Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
2 seventy-nine (79), section nineteen (19), subsection two (2), amending section four
3 hundred forty-two point seven (442.7), Code 1975, is amended by striking
4 paragraph b.

1 **SEC. 29.** The provisions of sections twenty-seven (27) and twenty-eight (28) of
2 this Act are effective July 1, 1976.

3 DIVISION VI

4 PROPERTY TAX REIMBURSEMENT

1 **SEC. 30.** Section four hundred twenty-five point seventeen (425.17), subsection
2 ten (10), Code 1975, as amended by Acts of the Sixty-sixth General Assembly,
3 1975 Session, chapter two hundred thirteen (213), section one (1), is amended to
4 read as follows:

*See item veto message at end of Act

5 10. "Property taxes paid" means property taxes *including one-half of any special*
6 *assessments, but* exclusive of ~~special assessments~~, delinquent interest, and charges
7 for services, paid on a claimant's homestead in this state, but includes only
8 property taxes for which the claimant was liable and which were actually paid by
9 the claimant. If the property taxes have actually been paid, they shall be deemed
10 to have been paid when due, regardless of the date of actual payment. "Property
11 taxes paid" shall be computed with no deduction for any credit under this
12 division or for any homestead credit allowed under section 425.1. Claims for
13 property tax reimbursement filed in 1974 shall be based upon the property taxes
14 paid in 1973. Claims for property tax reimbursement filed in 1975 shall be limited
15 to two-thirds of the property taxes paid in 1974 and the first one-half of 1975.
16 Each year thereafter, each claim shall be based upon the taxes paid during the
17 base year. If a homestead is owned by two or more persons as joint tenants or
18 tenants in common, and one or more persons are not a member of claimant's
19 household, "property taxes paid" is that part of property taxes paid on the
20 homestead which equals the ownership percentage of the claimant and his
21 household. The county treasurer shall include with the tax receipt a statement
22 that if the owner of the property is sixty-five years of age or over or is totally
23 disabled or is a surviving spouse of such person who is over the age of fifty-five
24 years of age, the person may be eligible for the credit allowed under this division.
25 If a claimant changes his homestead, this shall not prevent him from filing a
26 claim based on property taxes for which the claimant was liable and which were
27 actually paid by the claimant, but duplication of claims shall not be allowed. If a
28 homestead is an integral part of a farm, the claimant may use the total property
29 taxes paid for the larger unit, but not exceeding forty acres of land. If a
30 homestead is an integral part of a multidwelling or multipurpose building the
31 property taxes paid for the purpose of this subsection shall be prorated to reflect
32 the portion which the value of the property that the household occupies as its
33 homestead is to the value of the entire structure. For purposes of this subsection,
34 "unit" refers to that parcel of property covered by a single tax statement of which
35 the homestead is a part.

1 SEC. 31. Section four hundred twenty-five point seventeen (425.17), Code
2 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. "Special assessment" means special assessments made
4 pursuant to sections three hundred eighty-four point thirty-seven (384.37) through
5 three hundred eighty-four point seventy-nine (384.79) of the Code. The amount of
6 a special assessment which may be included in the amount of property taxes paid
7 for one year shall be an amount equal to one-twentieth of the total amount of the
8 special assessment levied against the homestead of the claimant, if the claimant
9 elected to pay the total amount of the special assessment in one payment. If the
10 claimant elects to pay the special assessment in ten annual installments as
11 provided by law, the claimant may include as a portion of the property taxes paid
12 during the base year an amount equal to one-half of the special assessment,
13 including interest, paid during that same base year.

1 SEC. 32. Section four hundred twenty-five point twenty-three (425.23),
2 subsection one (1), Code 1975, as amended by Acts of the Sixty-sixth General
3 Assembly, 1975 Session, chapter two hundred thirteen (213), section three (3), is
4 amended by striking paragraph a and inserting in lieu thereof the following:

5 a. The amount shall be determined in accordance with the following schedule:
6
7 Percent of property taxes
8 If the household income paid or rent constituting
9 is: property taxes paid allowed
10 as a reimbursement:
11 \$ 0 - 999.99 100%
12 1,000 - 1,999.99 95
13 2,000 - 2,999.99 85

13	3,000 - 3,999.99	70
14	4,000 - 4,999.99	55
15	5,000 - 5,999.99	45
16	6,000 - 6,999.99	35
17	7,000 - 7,999.99	30
18	8,000 - 8,999.99	25

1 SEC. 33. The provisions of sections thirty (30), thirty-one (31) and thirty-two
 2 (32) of this Act shall become effective January 1, 1977 for all claims for property
 3 taxes paid and rent constituting property taxes paid filed on or after January 1,
 4 1977.

5 DIVISION VII
 6 TASK FORCE

1 SEC. 34. **Task force created.** There is established a local government task
 2 force composed of sixteen members. Of the sixteen members, two shall be
 3 members of the senate and two shall be members of the house of representatives
 4 who shall be nonvoting members, and twelve members who are interested and
 5 knowledgeable in affairs of local government. All members of the task force shall
 6 be appointed by the governor. Of the members appointed from the senate, the
 7 governor shall appoint one member from the majority party and one member
 8 from the minority party each of whom are members of the senate committee on
 9 ways and means. Of the members appointed from the house of representatives,
 10 the governor shall appoint one member from the majority party and one member
 11 from the minority party each of whom are members of the house committee on
 12 ways and means. Of the remaining twelve members, the governor shall appoint
 13 two members from each congressional district, who shall not be members of the
 14 same political party. The members appointed by the governor shall serve at the
 15 pleasure of the governor. Any vacancy in the membership of the task force shall
 16 be filled by appointment in the same manner as the original appointments.

17 The nonlegislative members of the task force shall receive their actual and
 18 necessary expenses to be audited by the state comptroller. Members of the task
 19 force who are members of the general assembly shall receive a per diem of forty
 20 dollars and their actual and necessary expenses.

1 SEC. 35. **Duties.** The local government task force shall conduct a study of
 2 local government services and finance. The following suggested study guidelines
 3 are provided for reference only and should not be considered in order of priority
 4 or inclusive of all matters that may be properly included in the research and
 5 study necessary to carry out the intent of this Act:

- 6 1. The nature of local government services.
- 7 2. Which level of government should provide specific services?
- 8 3. Who should pay for these services?
- 9 4. How should different types and kinds of property be valued and equalized
 10 for assessment purposes?
- 11 5. What budget limitations, if any, should be imposed?
- 12 6. Which local services, if any, should be financed by state aid?
- 13 7. The economics and effectiveness of the delivery of services to people.
- 14 8. The merits of local option taxation.
- 15 9. The budgeting procedures and mechanisms of local governments.
- 16 10. The development of a method of "recapturing" taxes on agricultural land if
 17 agricultural land is assessed at other than market value.

1 SEC. 36. **Staff.** The governor may employ such professional, technical, and
 2 administrative assistance as shall be necessary to accomplish the purpose of this
 3 Act.

1 SEC. 37. **Report.** The governor shall transmit the recommendations of the
 2 local government task force, accompanied by proposed legislation necessary to

3 carry out the recommendations, to the Sixty-seventh General Assembly not later
4 than January 10, 1977. Copies of the recommendations and of the recommended
5 legislation shall be transmitted to the president of the senate and the speaker of
6 the house of representatives who shall, within ten days after the date of receipt,
7 assign the proposed legislation to the appropriate standing committee.

1 **SEC. 38. Acquiring data.** The state comptroller may request the county
2 auditor, an assessor, or any other public official to provide the valuations of each
3 class of property in each city, county, school district, or other political subdivision
4 of the state, and any other information which the task force deems necessary to
5 properly perform its duties. The county auditors, assessors, and other public
6 officials shall cooperate with the state comptroller and provide such information
7 as is requested.

1 **SEC. 39. Appropriation.** There is appropriated from the general fund of the
2 state to the office of the governor the sum of one hundred thousand (100,000)
3 dollars, or so much thereof as may be necessary, for the fiscal year beginning
4 July 1, 1976 and ending June 30, 1977, for the purpose of the employment of such
5 professional, technical and administrative staff and assistance on such basis as
6 shall be determined by the governor and for such other expenses as shall be
7 necessary to accomplish the purpose of this Act, including per diem and actual
8 expenses incurred by task force members as provided in section thirty-four (34) of
9 this Act.

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DIVISION VIII

1 ***[SEC. 40.** If the unencumbered balance of the general fund of the state on
2 June 30, 1976 does not exceed fifty million dollars, the homestead tax credit
3 computed in the manner provided in section twenty-three (23) of this Act shall
4 not apply and the homestead tax credit for claims filed in 1976 shall be computed
5 so as to give a credit against the tax on each eligible homestead in the state in an
6 amount equal to the actual levy on the first four thousand five hundred dollars of
7 actual value for each homestead. The county auditor shall compute the
8 homestead tax credit in the manner provided in section twenty-three (23) of this
9 Act and if the general fund balance does not exceed fifty million dollars, the
10 department of revenue shall reduce the amount of each homestead tax credit
11 claim certified to the department by ten percent and recertify the amount of the
12 credit to be allowed on each eligible homestead to the county treasurers of the
13 respective counties.

14 If the unencumbered balance of the general fund of the state on June 30, 1976,
15 does not exceed fifty million dollars, there is appropriated for the fiscal year
16 beginning July 1, 1977 and ending June 30, 1978 an amount equal to thirteen
17 million (13,000,000) dollars, or so much thereof as may be necessary, to the
18 agricultural land credit fund and the provisions of section four hundred twenty-
19 six point one (426.1) of the Code shall not apply for the fiscal year beginning
20 July 1, 1977 and ending June 30, 1978.

21 If the provisions of this section become effective and the amount of funds
22 appropriated to the agricultural land credit fund is the amount specified in this
23 section, the state comptroller shall recertify to the county auditors of the
24 respective counties the pro rata percentage of reimbursement from the
25 agricultural land credit fund which shall be distributed by the state comptroller.]

1 ***[SEC. 41.** If the unencumbered balance of the general fund of the state on
2 June 30, 1977 does not exceed fifty million dollars, the homestead tax credit
3 computed in the manner provided in section twenty-three (23) of this Act shall
4 not apply and the homestead tax credit for claims filed in 1977 shall be computed
5 so as to give a credit against the tax on each eligible homestead in the state in an
6 amount equal to the actual levy on the first four thousand five hundred dollars of
7 actual value for each homestead. The county auditor shall compute the
8 homestead tax credit in the manner provided in section twenty-three (23) of this

*See item veto message at end of Act

9 Act and if the general fund balance does not exceed fifty million dollars, the
10 department of revenue shall reduce the amount of each homestead tax credit
11 claim certified to the department by ten percent and recertify the amount of the
12 credit to be allowed on each eligible homestead to the county treasurers of the
13 respective counties.

14 If the unencumbered balance of the general fund of the state on June 30, 1977,
15 does not exceed fifty million dollars, there is appropriated for the fiscal year
16 beginning July 1, 1978 and ending June 30, 1979 an amount equal to thirteen
17 million (13,000,000) dollars, or so much thereof as may be necessary, to the
18 agricultural land credit fund and the provisions of section four hundred twenty-
19 six point one (426.1) of the Code shall not apply for the fiscal year beginning
20 July 1, 1978 and ending June 30, 1979.

21 If the provisions of this section become effective and the amount of funds
22 appropriated to the agricultural land credit fund is the amount specified in this
23 section, the state comptroller shall recertify to the county auditors of the
24 respective counties the pro rata percentage of reimbursement from the
25 agricultural land credit fund which shall be distributed by the state comptroller.]

1 SEC. 42. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in the *Globe-Gazette*, a newspaper
3 published in Mason City, Iowa, and in *The Perry Daily Chief*, a newspaper
4 published in Perry, Iowa.

*Approved April 26, 1976, except the items designated as Sections 4, 17, 18, 19, 23,
24, 40 and 41 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 hereto.

During the past decade, considerable public debate has centered on property tax
and the burdens it imposes. When concern over property taxes was at a fever pitch in
1971, we developed and passed the school foundation program. This long-term plan,
which shifted the funding of increased school costs from property taxes to state
revenues, has been a key to our success in recent years in stabilizing previously
skyrocketing property taxes.

That property tax stability was jolted with the equalization order issued by the
Director of Revenue in October, 1975. Required by law, and necessary to make our
tax system an equitable one, the equalization order reflected the inordinate increase in
property valuations across Iowa. As a result of the average increase of 30% in
property valuations, Iowans faced the very real prospect of a substantial shift in
school funding from state aid to property taxes and the possibility of local
governments increasing their budgets to take advantage of the higher valuations.

In mid-January, we presented to the General Assembly our proposals to cushion
what we believed would be an undesirable and unnecessary shock if no action were
taken. Our proposals included a substantial increase in state aid to schools,
reasonable limits on the additional property tax dollars that could be raised by local
governments, and—very important—a task force on local government services and
funding sources. This task force could amass the information so a more refined
analytical approach could be developed for the rendition and funding of local
government services. We offered these recommendations to the General Assembly,
willing to accept improvements that might be made during the law-making session.

Now, after more than 90 days and after a cascade of words of emotional debate in
both Houses, we are convinced of the soundness of our approach—to limit property
tax increases by having the state bear the major share of increased school costs.

Before we submitted our recommendations, the General Assembly had begun to
wrestle with the property tax problem. Property tax deliberations by the General
Assembly during the past six months have followed a tortuous trail beginning with an
inconclusive interim study committee, progressing to lengthy Ways and Means
Committee sessions, heated and protracted floor debates and intricate off-the-floor

negotiations, and culminating in extraordinary conference committee deliberations and decisions.

From the time the Senate Ways and Means Committee first approved Senate File 1062 for debate on January 27 to the final vote by the House on April 13, the members of the General Assembly studied and considered a wide range of alternatives. Various budget limits, changes in our school aid formula, new property tax credits and exemptions, local option taxation and property valuation rollback and weightings are only some of the major options seriously debated by the legislature.

The final version of Senate File 1062 is a reflection and product of the often painful deliberations by the legislature on this subject. Its numerous provisions are an amalgam of the various proposals doggedly pursued throughout the deliberations. The raw political fact that no single approach enjoyed the support of a majority of both Houses, when combined with the exigencies of time, resulted in a bill where much—perhaps too much—was sacrificed for compromise. The many doubts expressed by so many of those who voted for the measure underscore the unusual odyssey of Senate File 1062.

Any bill of this scope and magnitude will contain both positive and negative provisions. Indeed Senate File 1062 contains several meritorious sections.

It improves our elderly tax credit program by providing more relief to our senior citizens.

The temporary property tax growth limitations of Senate File 1062 for local governments may prevent some otherwise potentially large increases in property tax levies during the next three years. An appeals process is established to accomodate [sic] unusual and exceptional needs.

Throughout the debate on Senate File 1062, it was apparent that the data and research needed to pursue the comprehensive and long-range changes being proposed were lacking. This is the reason why we proposed a task force to answer many of the presently unanswerable questions and give us a surer footing to develop a more permanent solution.

Provision for a task force is contained in Senate File 1062. Unfortunately it is restricted in its structure and capabilities. The geographic and partisan restrictions on the task force's membership will make it difficult to secure members with the kind of stature and the varied talents and backgrounds we feel essential for a top-notch task force. And the early reporting date for the task force to make its recommendations may inhibit comprehensive review and analysis of the complex issues at stake.

The most inexplicable and indefensible provision in the task force section is the requirement that public members work without pay while the legislative members receive \$40 per day.

While the task force is a far cry from what we had recommended, we intend to make it work.

It is imperative that in important, far-ranging bills that the meritorious features outweigh the countervailing negative aspects. Regrettably, I find this is not the case in Senate File 1062. There are several very serious considerations that weigh strongly against complete acceptance of this bill.

One consideration of paramount concern to all Iowans is the eventual cost of this legislation. It is estimated by the Revenue Department and State Comptroller that the total cost of the first year of Senate File 1062 (FYE 77) is approximately \$7 million more than we recommended. But the real spending problem is in the second year (FYE 78) when it is estimated that the bill will cost approximately \$21 million more than we originally recommended.

Even these substantial cost estimates are conservative. We have reason to believe that with the weaker limitations on property tax increases by local governments, the cost of new homestead credits in Senate File 1062 may be considerably more than estimated.

One would have to view Senate File 1062 with much hesitation and trepidation solely because of its cost, especially since we do not know what other spending measures this legislature may adopt. Should the State be required to seek new or

increased taxes in two or three years because of this bill, Iowans would have the kind of tax relief they can hardly afford.

Senate File 1062 makes a long-term commitment with two marked departures from our present taxing system—a changed and greatly enlarged homestead credit and the use of 100% productivity for the assessment of agricultural land with a twist that could be detrimental to some farmers. While these departures may be desirable, Senate File 1062 initiates them based on little more than cursory knowledge of their impact on our tax system, long-term implications, and desirability vis-a-vis future alternatives. Further, the task force should not be preempted from considering all alternatives.

The deviation from existing policies contained in Senate File 1062 is demonstrated in its effect on state aid for schools. For the first time in many years, and contrary to the direction we have been pursuing, state aid for schools will actually decrease next year—from about \$383 million to \$378 million. Considering that school costs next year will be in excess of \$55 million more than this year, the decrease in state aid for schools is a radical shift from our present policy of increased school costs being financed primarily from state revenues. The approach we have had is a proven method of property tax relief—and has equalized education for our young people.

While Senate File 1062 would soften the blow of increased property taxes in some areas more than our proposal, it provides no relief for Iowans who rent. It is estimated that roughly one-fifth of all homes in the residential class of property in the State are rental units. Since the homestead credit is available only to owner-occupants, renters will receive no benefits under the bill even though their rental payments will reflect increased property taxes.

Finally, I point out that Senate File 1062 does little to keep industrial, personal, and utility property from enjoying a reduction in taxes while agricultural and residential property taxes increase - a point often criticized during the debate on this bill.

As we have reviewed Senate File 1062, it has become more and more apparent that this measure is poorly conceived and ill-designed. The bill is so fraught with uncertainties and difficulties that we have found few legislators willing to sing its praises. It is indeed surprising that a bill of such consequence would elicit so little support following passage while generating, from members of both parties, so many requests for a full or item veto.

If I were to veto Senate File 1062 in total, for which a good argument can be made, the General Assembly would be compelled to reconsider the bill, start all over, or return in special session in order to keep Iowans from being unduly hit by excessive property tax increases. Yet as legislators continue to tell me, there is little reason to believe this legislature could turn out a better product. The same differences and the same problems frustrating the General Assembly during the development of Senate File 1062 still exist.

While there is no assurance that the legislature would give us an improved bill should I veto Senate File 1062, there would be a guarantee of more lost time in the local budgetary process. Should this occur, local units of government would be delayed in their tax collections and would incur extra interest costs of some \$2 million a month.

While I am tempted to veto Senate File 1062, the prospect of havoc, little or no improvement, and added expense for local governments persuades me to sign into law the first year of this bill. Iowans must have some help and the first year under Senate File 1062 does send state revenues back to give some relief to some taxpayers.

The same considerations do not hold true for the second and third years of Senate File 1062. Next year we will have better information relative to the amount of money available from state resources for financing a property tax package for future years. We also will have the benefit of the efforts of the task force and can act upon its recommendations after they are made—instead of before. The new General Assembly will be in a position to consider improvements in or alternatives to the second and third year provisions of Senate File 1062 in a timely fashion. It could, of course, accept the second and third year provisions of Senate File 1062 if the data, statistics,

and judgment accumulated during the interim warrant it.

Because of these considerations, I have decided to item veto from Senate File 1062 the homestead credits for FYE 1978 and FYE 1979, the change in assessment procedures for agricultural property for the same two years, and the automatic surplus triggers which are operative only because of the second and third years of the bill.

By vetoing the second and third years of this bill, I realize that prompt action will have to be taken to achieve a fair and equitable tax program when the next legislative session convenes.

This item veto should not be construed as opposition on my part to the establishment of additional productivity for agricultural land or assessment changes for other classes of property. It does mean that there are unknowns contained in this tax package that, if uncorrected, could do more harm than good to many taxpayers who are hoping for some relief.

I am also item vetoing the property tax limitations for special districts. It was intended that these special purpose districts be under the property tax limitations, but further study convinces us that the administration of and compliance with the limitations would be virtually impossible.

While I recognize there is always risk in an action such as I am taking today with this item veto, I truly believe that the risk is well worth it when we consider the definite possibility of writing into law next session a far superior plan—one that will be supported by fact and which will help the farmer and the residential dweller. It is hard to imagine that next year's effort will not produce something at least as good and hopefully much better than Senate File 1062.

It must now be apparent that an equitable solution to the basic problem—how local government services can be supplied to our people and how the costs of these services should be allocated—is not simple to develop—but neither is it impossible. The combination of better data and the dedication of people to improve the existing system can surely result in the evolution of a program that can meet the tests of time.

For these reasons, I hereby disapprove the aforementioned eight items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 1062 are hereby approved this date.

s/ ROBERT D. RAY, *Governor*

I hereby certify that the foregoing Act, Senate File 1062, and Governor Robert D. Ray's item veto message were published in entirety in the *Globe-Gazette*, Mason City, Iowa on May 4, 1976, and in *The Perry Daily Chief*, Perry, Iowa on May 3, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1068

JOB SERVICE DEPARTMENT

H. F. 1593

AN ACT relating to the department of job service, including unemployment compensation, providing for a delay until 1978 of an emergency tax of two and seven-tenths percent, extending the six thousand dollar wage base until January 1, 1978, imposing a nine-tenths of one percent add-on tax for all employers, providing a contingent emergency twenty-five hundredths of one percent add-on tax for the calendar year 1977, eliminating the one week waiting period for unemployment compensation benefits, increasing the requirements for attachment to the work force, eliminating vacation pay in excess of one week as a deduction from unemployment compensation benefits under certain circumstances, excluding from unemployment compensation eligibility public school employees under contract for the following year, changing benefit eligibility for employees voluntarily quitting without good cause, eliminating the employment security commission and establishing the department of job service with a director, an appeal board and an advisory council and prescribing their duties, organization and responsibilities.

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

1 SECTION 1. Section twenty-eight C point one (28C.1), Code 1975, is amended
2 to read as follows:

3 **28C.1 Committee created—duties.** The commissioner of the department of
4 social services, the board of regents, the commissioner of health, the
5 commissioner of the department of public instruction, vocational rehabilitation
6 and ~~employment security commission~~ *the director of job service* shall meet together
7 annually the first week in April. Such meetings shall be called by the
8 commissioner of health acting as chairman of the annual meeting, for the purpose
9 of co-ordinating and integrating activities which involve the personnel of two or
10 more divisions, and shall designate one representative from each of their agencies
11 as a member of an interagency liaison committee. This committee shall meet at
12 least quarterly to consider areas of mutual joint interest and responsibility.
13 Minutes shall be kept of such meetings and made available to the legislature. It
14 shall select a ~~chairman~~ *chairperson* who shall be responsible to implement
15 decisions reached by the committee. All activities, which would involve personnel
16 from two or more of these agencies, shall be presented to each board concerned
17 by the committee representative of that board or administrative head at any
18 regular meeting or at the annual joint meeting. When approved by the board or
19 administrative head of each agency involved, the activities will be implemented
20 by the ~~chairman~~ *chairperson* of the interagency liaison committee which, however,
21 may delegate responsibility to the most appropriate person for carrying out the
22 work.

1 SEC. 2. Section ninety-two point twenty-one (92.21), unnumbered paragraph
2 one (1), Code 1975, is amended to read as follows:

3 There is hereby established a committee on child labor. The committee shall
4 consist of the labor commissioner who shall act as ~~chairman~~ *chairperson*, the
5 superintendent of public instruction or ~~his~~ *a* designee, a ~~representative~~ *director* of
6 the Iowa ~~employment security commission~~ *selected by the commission* ~~department~~
7 *of job service or a designee*, and two persons representing the public and interested
8 in child labor, to be appointed by the governor, without regard to political
9 affiliation. The public representatives shall serve for a term of four years from
10 July 1, 1970, and until their successors are appointed and qualify. The governor
11 shall fill any public member's vacancy for any unexpired term. Public members
12 shall receive a per diem of thirty dollars and actual and necessary expenses
13 incurred in the performance of their official duties.

1 SEC. 3. Section ninety-four point two (94.2), unnumbered paragraph one (1),
2 Code 1975, is amended to read as follows:

3 It shall be the duty of the ~~commissioner~~ *director of the department of job service*
4 through the free employment service to:

1 SEC. 4. Section ninety-six point three (96.3), subsection one (1), Code 1975, is
2 amended to read as follows:

3 1. Payment. Twenty-four months after the date when contributions first accrue
4 under this chapter, benefits shall become payable from the fund; provided, that
5 wages earned for services defined in section 96.19, subsection 7, paragraph "g"
6 (3), irrespective of when performed, shall not be included for purposes of
7 determining eligibility, under section 96.4 or full-time weekly wages, under
8 subsection 4 of this section, for the purposes of any benefit year commencing on
9 or after July 1, 1939, nor shall any benefits with respect to unemployment
10 occurring on and after July 1, 1939, be payable under subsection 5 of this section
11 on the basis of such wages. All benefits shall be paid through employment offices
12 in accordance with such regulations as the ~~commission~~ *department of job service*
13 may prescribe.

1 SEC. 5. Section ninety-six point four (96.4), subsection four (4), Code 1975, as
2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
3 ninety-two (92), section four (4), is amended by striking the subsection.

1 SEC. 6. Section ninety-six point four (96.4), subsection five (5), Code 1975, is
2 amended to read as follows:

3 5. He has been paid wages for insured work of not less than ~~two~~ *four* hundred
4 dollars in that calendar quarter in his base period in which his wages were the
5 highest, and also he has been paid wages for insured work of not less than ~~one~~
6 *two* hundred dollars in a calendar quarter in his base period other than the
7 calendar quarter in which his wages were the highest; and provided further if he
8 has drawn benefits in any benefit year, he must during or subsequent to that year,
9 be paid wages in insured work totaling ~~one~~ *two* hundred dollars as a condition to
10 receive benefits in the next benefit year.

1 SEC. 7. Section ninety-six point five (96.5), Code 1975, the new subsection
2 added by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter ninety-
3 two (92), section eleven (11), is amended to read as follows:

4 NEW SUBSECTION. Administrative penalty. If the ~~commission~~ *department* finds
5 that, with respect to any week of an insured worker's unemployment for which
6 such person claims ~~waiting week~~ credit or benefits, such person has, within the
7 thirty-six calendar months immediately preceding such week, with intent to
8 defraud by obtaining any benefits not due under this chapter, willfully and
9 knowingly made a false statement or misrepresentation, or willfully and
10 knowingly failed to disclose a material fact; such person shall be disqualified for
11 the week in which the ~~commission~~ *department* makes such determination, and
12 forfeit all benefit rights under the unemployment compensation law for a period
13 of not more than the remaining benefit period as determined by the ~~commission~~
14 *department* according to the circumstances of each case. Any penalties imposed
15 by this subsection shall be in addition to those otherwise prescribed in this
16 chapter.

1 SEC. 8. Section ninety-six point five (96.5), subsection one (1), paragraphs g, h
2 and i, Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975
3 Session, chapter ninety-two (92), section seven (7), are amended to read as
4 follows:

5 g. In the case where he left his work voluntarily without good cause
6 attributable to his employer under circumstances which did or would disqualify
7 him for benefits, except as provided in paragraph a of subsection one (1) of
8 section ninety-six point five (96.5) of the Code under this subsection he,
9 subsequent to such leaving, worked in and was paid wages for insured work ~~in an~~
10 ~~amount not less than nine times the claimant's weekly benefit amount for not less~~
11 *than six consecutive weeks*, provided he is otherwise eligible.

12 h. In the event extended benefits are in effect as provided for by this chapter,
 13 then benefits shall not be withheld after twelve consecutive weeks of
 14 unemployment from the date he quits, during which time he shall be actively and
 15 earnestly seeking employment.

16 i. "Principal support" shall mean exclusive of the earnings of any child of the
 17 wage earner.

1 SEC. 9. Section ninety-six point five (96.5), subsection seven (7), Code 1975, is
 2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. Notwithstanding the provisions of paragraphs a, b and c of
 4 this subsection, if an individual is separated from employment and is scheduled to
 5 receive vacation payments during the period of unemployment attributable to the
 6 employer and if the individual is not scheduled to return to work within a period
 7 of four consecutive weeks or less then payments made by an employer to an
 8 individual or an obligation to make a payment by an employer to an individual
 9 for vacation pay, vacation pay allowance or pay in lieu of vacation for any period
 10 in excess of one week shall not be deemed wages as defined in section ninety-six
 11 point nineteen (96.19), subsection thirteen (13), of the Code, and such payments
 12 in excess of that amount received for one week or the value of such obligations
 13 for one week shall not be deducted from the unemployment benefits an employee
 14 is otherwise entitled to receive under this chapter.

1 SEC. 10. Section ninety-six point six (96.6), subsections two (2) and three (3),
 2 Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975
 3 Session, chapter ninety-two (92), section twelve (12), are amended to read as
 4 follows:

5 2. Initial determination. A representative designated by the ~~commission~~ director
 6 shall promptly notify all interested parties to the claim of the filing thereof, and
 7 said parties shall have seven days from the date of mailing the notice of the filing
 8 of said claim by ordinary mail to the last known address to protest payment of
 9 benefits to said claimant. The representative shall promptly examine the claim
 10 and any protest thereto and, on the basis of the facts found by ~~him~~ the
 11 representative, shall either determine whether or not such claim is valid, the week
 12 with respect to which benefits shall commence, the weekly benefit amount
 13 payable and the maximum duration thereof, and whether any disqualification
 14 shall be imposed; ~~or shall refer such claim or any question involved therein to an~~
 15 ~~appeal tribunal or to the commission, which shall make its determination with~~
 16 ~~respect thereto in accordance with the procedure described in subsection 3 of this~~
 17 ~~section.~~ Unless the claimant or other interested party, after notification or within
 18 ten calendar days after such notification was mailed to ~~his~~ the claimant's last
 19 known address, files an appeal from such decision, such decision shall be final
 20 and benefits shall be paid or denied in accordance therewith. If ~~an appeal~~
 21 ~~tribunal~~ a hearing officer affirms a decision of the representative, or the
 22 ~~commission appeal board~~ affirms a decision of ~~an appeal tribunal~~ the hearing
 23 officer, allowing benefits, such benefits shall be paid regardless of any appeal
 24 which may thereafter be taken, but if such decision is finally reversed, no
 25 employer's account shall be charged with benefits so paid.

26 3. Appeals. Unless such appeal is withdrawn, ~~an appeal tribunal~~ a hearing
 27 officer, after affording the parties reasonable opportunity for fair hearing, shall
 28 affirm or modify the findings of fact and decision of the ~~deputy representative~~.
 29 *The hearing shall be conducted pursuant to the provisions of chapter seventeen A*
 30 *(17A) of the Code relating to hearings for contested cases.* The parties shall be duly
 31 notified of ~~such tribunal's~~ the hearing officer's decision, together with ~~its~~ the
 32 *hearings officer's* reasons therefor, which shall be deemed to be the final decision
 33 of the ~~commission department~~, unless within fifteen days after the date of
 34 notification or mailing of such decision, further appeal is initiated pursuant to
 35 subsection 5 of this section.

1 SEC. 11. Section ninety-six point six (96.6), subsection four (4), Code 1975, is
2 amended by striking the subsection and inserting in lieu thereof the following:

3 4. Appeal board. To hear and decide disputed claims, there is established an
4 appeal board. The appeal board shall consist of three members appointed by the
5 governor with the approval of two-thirds of the members of the senate. One
6 member shall be a representative of employers, one member shall be a
7 representative of employees, and one member who shall be impartial and shall
8 represent the general public. The members shall serve six-year terms beginning on
9 July first. For the initial board, the member representing employers shall serve a
10 two-year term, the member representing employees shall serve a four-year term,
11 and the member representing the general public shall serve a term of six years.
12 No more than two members of the appeal board shall be members of the same
13 political party. Any vacancy in the membership occurring during a session of the
14 general assembly shall be filled in the same manner as the original appointment.
15 Any vacancy in the membership occurring while the general assembly is not in
16 session shall be filled by appointment by the governor which appointment shall
17 expire thirty days after the general assembly next convenes. Within the thirty-day
18 period, the governor shall transmit an appointment to the senate.

19 The members of the appeal board shall select a chairperson and vice
20 chairperson from their membership.

21 The appeal board shall meet as often as deemed necessary, but not less than
22 one time per month. Meetings shall be set by a majority of the appeal board or
23 upon the call of the chairperson and vice chairperson.

24 Members of the appeal board shall each be paid twenty-one thousand seven
25 hundred fifty dollars annually until July 1, 1978 and shall receive actual and
26 necessary expenses. Thereafter each member shall be paid forty dollars per day
27 for each day of official business of the appeal board and shall receive actual and
28 necessary expenses, including travel, from funds appropriated to the department.

1 SEC. 12. Section ninety-six point six (96.6), subsections five (5), six (6), seven
2 (7), and eight (8), Code 1975, are amended to read as follows:

3 5. ~~Commission~~ Appeal board review. The ~~commission~~ appeal board may on its
4 own motion affirm, modify, or set aside any decision of an appeal tribunal a
5 hearing officer on the basis of the evidence previously submitted in such case, or
6 direct the taking of additional evidence, or may permit any of the parties to such
7 decision to initiate further appeals before it. The ~~commission~~ appeal board shall
8 permit such further appeal by any of the parties interested in a decision of an
9 appeal tribunal a hearing officer and by the deputy representative whose decision
10 has been overruled or modified by an appeal tribunal the hearing officer. The
11 ~~commission~~ may remove to itself or transfer to another appeal tribunal the
12 proceedings on any claim pending before an appeal tribunal. Any proceeding so
13 removed to the commission shall be heard in accordance with the requirements of
14 subsection 3, by the full membership of the commission, or, in the absence or
15 disqualification of the labor representative or the employer representative on the
16 commission, by the public representative acting alone. The appeal board shall
17 review the case pursuant to rules adopted by the appeal board. The ~~commission~~
18 appeal board shall promptly notify the interested parties of its findings and
19 decision.

20 6. Procedure. The manner in which disputed claims shall be presented, the
21 reports thereon required from the claimant and from employers, and the conduct
22 of hearings and appeals shall be in accordance with rules prescribed by the
23 ~~commission for determining the rights of the parties, whether or not such rules~~
24 ~~conform to common law or statutory rules of evidence and other technical rules~~
25 ~~of procedure department under chapter seventeen A (17A) of the Code.~~ A full and
26 complete record shall be kept of all proceedings in connection with a disputed
27 claim. All testimony at any hearing upon a disputed claim shall be recorded, but
28 need not be transcribed unless the disputed claim is further appealed. *The record*

29 shall be retained for sixty days following the final date for appeal of a disputed claim
30 and may be destroyed thereafter.

31 7. Witness fees. Witnesses subpoenaed pursuant to this section shall be allowed
32 fees and necessary traveling expenses at a rate fixed by the ~~commission~~ director,
33 which fees shall be charged to the unemployment compensation administration
34 fund of the ~~commission~~ department.

35 8. Judicial review. A decision of the ~~commission~~ appeal board shall become
36 final ten days after the date of notification or mailing thereof. Judicial review of
37 any decision of the ~~commission~~ appeal board may be sought in accordance with
38 the terms of the Iowa administrative procedure Act. The ~~commission~~ department
39 may be represented in any such judicial review proceeding by any qualified
40 attorney who is a regular salaried employee of the ~~commission~~ department or who
41 has been designated by the ~~commission~~ department for that purpose, or at the
42 ~~commission's~~ department's request, by the attorney general. Notwithstanding the
43 terms of the Iowa administrative procedure Act, petitions for judicial review may
44 be filed in the district court of the county in which the claimant was last
45 employed or resides, provided that if the claimant does not reside in the state of
46 Iowa the action shall be brought in the district court of Polk county, Iowa, and
47 any other party to the proceeding before the ~~commission~~ appeal board shall be
48 named in the petition. The ~~commission~~ department may also, in its discretion,
49 certify to such courts, questions of law involved in any decision by it. Petitions
50 for judicial review and the questions so certified shall be given precedence over all
51 other civil cases except cases arising under the workmen's compensation law of
52 this state. No bond shall be required for entering an appeal from any final order,
53 judgment or decree of the district court to the supreme court.

1 SEC. 13. Section ninety-six point seven (96.7), subsection one (1), paragraph b,
2 Code 1975, is amended to read as follows:

3 b. Such contributions shall become due and be paid to the ~~commission~~
4 department for the fund at such times and in such manner as the ~~commission~~
5 director by regulation prescribes.

1 SEC. 14. Section ninety-six point seven (96.7), subsection three (3), paragraph
2 a, subparagraph six (6), Code 1975, is amended to read as follows:

3 (6) As soon as practicable after the close of each calendar quarter, and in any
4 event within forty days after the close of such quarter, the ~~commission~~ department
5 shall notify each employer of the amount that has been charged to his the
6 employer's account for benefits paid during such quarter. This statement to the
7 employer shall show the name of each claimant to whom such benefit payments
8 were made, the claimant's social security number, and the amount of benefits
9 paid to such claimant. Any employer who has not been notified as provided in
10 section 96.6, subsection 2, of the allowance of benefits to such claimants may
11 within thirty days after the receipt of such statement appeal to the ~~commission~~
12 director for a hearing to determine the eligibility of the claimant to receive such
13 benefits. The ~~commission~~ may hear the case or may director shall refer the same
14 to an appeal tribunal a hearing officer for hearing. In either case and both the
15 employer and the claimant shall receive notice of the time and place of such
16 hearing.

1 SEC. 15. Section ninety-six point seven (96.7), subsection three (3),
2 paragraph e, Code 1975, as amended by Acts of the Sixty-sixth General
3 Assembly, 1975 Session, chapter ninety-two (92), section fourteen (14), and
4 chapter ninety-three (93), section one (1), is amended to read as follows:

5 e. Notwithstanding any other provisions of this Act, on and after January 1,
6 1977 1978 no employer's rate shall be less than two point seven percent with
7 respect to any calendar quarter unless the total assets of the fund, excluding
8 contributions not yet paid, as of the first day of such calendar quarter exceed the
9 total benefits paid from the fund within the first four of the last five complete

10 calendar quarters immediately preceding the first day of such calendar quarter;
 11 and no employer's rate shall be less than one point eight percent with respect to
 12 any calendar quarter unless the total assets of the fund, excluding contributions
 13 not yet paid, as of the first day of such calendar quarter exceeds an amount equal
 14 to twice the amount of total benefits paid from the fund within the first four of
 15 the last five complete calendar quarters immediately preceding the first day of
 16 such calendar quarter.

1 SEC. 16. Section ninety-six point seven (96.7), Code 1975, as amended by Acts
 2 of the Sixty-sixth General Assembly, 1975 Session, is amended by adding the
 3 following new subsection:

4 NEW SUBSECTION. The department shall, with respect to the calendar year
 5 beginning January 1, 1977, add to the contribution rate assigned each employer
 6 based upon the effective table a percentage equal to nine-tenths of one percent.
 7 The department shall monitor the total trust funds available for payment of
 8 benefits. If this total available becomes less than twenty percent of the total
 9 benefit payments paid in the previous calendar year recording the highest benefit
 10 payments, for a period longer than two weeks, an additional tax equal to twenty-
 11 five hundredths of one percent shall be added to the rate of each employer
 12 assigned a contribution rate under the effective rate table. The twenty-five
 13 hundredths of one percent add-on tax shall be collected on all taxable wages paid
 14 by an employer during the calendar year beginning January 1, 1977. The add-on
 15 tax shall be paid on all taxable wages paid by the employer prior to the effective
 16 date of the tax with the quarterly contributions following the effective date of the
 17 tax, and on all taxable wages for the remainder of calendar year 1977. Following
 18 assignment of the additional tax notice of a rate increase shall be enclosed in the
 19 quarterly reports sent by the department to each employer.

1 SEC. 17. Section ninety-six point nine (96.9), subsection six (6), Code 1975, is
 2 amended to read as follows:

3 6. Management of funds in the event of discontinuance of unemployment trust
 4 fund. The provisions of subsections 1, 2, and 3 to the extent that they relate to the
 5 unemployment trust fund shall be operative only so long as such unemployment
 6 trust fund continues to exist and so long as the secretary of the treasury of the
 7 United States continues to maintain for this state a separate book account of all
 8 funds deposited therein by this state for benefit purposes, together with this state's
 9 proportionate share of the earnings of such unemployment trust fund, from which
 10 no other state is permitted to make withdrawals. If and when such unemployment
 11 trust fund ceases to exist, or such separate book account is no longer maintained,
 12 all moneys, properties, or securities therein, belonging to the unemployment
 13 compensation fund of this state shall be transferred to the treasurer of the
 14 unemployment compensation fund, who shall hold, invest, transfer, sell, deposit,
 15 and release such moneys, properties, or securities in a manner approved by the
 16 ~~commission~~ director, treasurer of state, and governor, in accordance with the
 17 provisions of this chapter: Provided, that such moneys shall be invested in the
 18 following readily marketable classes of securities; such securities as are authorized
 19 by the laws of the state of Iowa for the investment of trust funds. The treasurer
 20 shall dispose of securities and other properties belonging to the unemployment
 21 compensation fund only under the direction of the ~~commission~~ director, treasurer
 22 of state, and governor.

1 SEC. 18. Section ninety-six point ten (96.10), Code 1975, is amended by
 2 striking this section and inserting in lieu thereof the following:

3 **96.10 Department of employment security.** There is established an Iowa
 4 department of job service. The chief executive officer of the department is the
 5 director of job service who shall be appointed by the governor with the approval
 6 of two-thirds of the members of the senate and shall serve at the pleasure of the
 7 governor. The director shall be selected solely on the ability to administer the

8 duties and functions granted to the department and shall devote full time to the
 9 duties of director. If the office of director becomes vacant during a session of the
 10 general assembly, the vacancy shall be filled in the same manner as the original
 11 appointment. Any vacancy in the office of director occurring while the general
 12 assembly is not in session shall be filled by appointment by the governor which
 13 appointment shall expire thirty days after the general assembly next convenes.
 14 Within the thirty-day period, the governor shall transmit an appointment to the
 15 senate.

16 The salary of the director shall be set by the general assembly.

17 The director of the department may establish, consolidate, and abolish
 18 divisions of the department when necessary for the efficient performance of the
 19 various functions and duties of the department of employment security.

1 SEC. 19. Section ninety-six point eleven (96.11), subsections one (1), two (2),
 2 and three (3), Code 1975, are amended to read as follows:

3 1. Duties and powers of ~~commission~~ director. It shall be the duty of the
 4 ~~commission~~ director to administer this chapter; and ~~it~~ the director shall have
 5 power and authority to adopt, amend, or rescind *pursuant to chapter seventeen A*
 6 *(17A) of the Code* such rules and regulations, to employ such persons, make such
 7 expenditures, require such reports, make such investigations, and take such other
 8 action as it deems necessary or suitable to that end. ~~Such rules and regulations~~
 9 ~~shall be effective upon compliance with chapter 17A.~~ Not later than the fifteenth
 10 day of December of each year, the ~~commission~~ director shall submit to the
 11 governor a report covering the administration and operation of this chapter
 12 during the preceding fiscal year and shall make such recommendations for
 13 amendments to this chapter as the ~~commission~~ director deems proper. Such report
 14 shall include a balance sheet of the moneys in the fund. Whenever the
 15 ~~commission~~ director believes that a change in contribution or benefit rates will
 16 become necessary to protect the solvency of the fund, ~~it~~ the director shall
 17 promptly so inform the governor and the legislature, and make recommendations
 18 with respect thereto.

19 2. General and special rules. ~~General and special rules may be adopted,~~
 20 ~~amended, or rescinded by the commission only after public hearing or~~
 21 ~~opportunity to be heard thereon, of which proper notice has been given. Special~~
 22 ~~rules shall become effective ten days after notification to or mailing to the last~~
 23 ~~known address of the individuals or concerns affected thereby. Regulations may~~
 24 ~~be adopted, amended, or rescinded by the commission.~~ Each employer shall post
 25 and maintain printed statements of all ~~regulations~~ rules of the department in places
 26 readily accessible to individuals in ~~his~~ the employer's service, and shall make
 27 available to each such individual at the time ~~he~~ the individual becomes
 28 unemployed a printed statement of such ~~regulations~~ rules relating to the filing of
 29 claims for benefits. Such printed statements shall be supplied by the ~~commission~~
 30 department to each employer without cost to him.

31 3. Publication. The ~~commission~~ director shall cause to be printed for
 32 distribution to the public the text of this chapter, the ~~commission's~~ regulations
 33 ~~and department's~~ general rules, its annual reports to the governor, and any other
 34 material the ~~commission~~ director deems relevant and suitable and shall furnish the
 35 same to any person upon application therefor.

1 SEC. 20. Section ninety-six point eleven (96.11), subsections four (4) and five
 2 (5), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975
 3 Session, chapter ninety-two (92), section twenty (20), are amended by striking the
 4 subsections and inserting in lieu thereof the following:

5 4. Personnel. The director shall provide for the employment of such personnel
 6 as are necessary to carry out the functions of the department. Personnel shall be
 7 employed under the provisions of chapter nineteen A (19A) of the Code. The
 8 director, a deputy director, a confidential secretary, the members of the appeal
 9 board, and a secretary for each member if deemed necessary, shall be exempt

10 from the merit system under the provisions of section nineteen A point three
11 (19A.3) of the Code.

12 The director may bond any employee handling moneys or signing checks.

13 5. Advisory council.

14 a. There is established a job service advisory council composed of nine
15 members appointed by the governor and approved by two-thirds of the members
16 of the senate. Three members shall be appointed to represent employees; three
17 members shall be appointed to represent employers; and three members shall be
18 appointed to represent the general public. Not more than five members of the
19 advisory council shall be members of the same political party. The term of office
20 shall be six years beginning on the first day of July following their appointment,
21 except that for the initial board three members representing all three categories
22 shall be appointed for two-year terms; three members representing all three
23 categories shall be appointed for four-year terms; and three members representing
24 all three categories shall be appointed for six-year terms. Members shall serve
25 without compensation, but shall be reimbursed for actual and necessary expenses,
26 including travel, incurred for official meetings of the advisory council from funds
27 appropriated to the department.

28 Vacancies shall be filled for the unexpired term in the same manner as the
29 original appointment.

30 b. The advisory council shall meet with the director at least quarterly to discuss
31 problems relating to the administration of this chapter and may meet more often
32 upon the call of the director.

33 The advisory council annually shall elect a chairperson.

1 SEC. 21. Section ninety-six point eleven (96.11), subsections six (6) through ten
2 (10), and twelve (12), Code 1975, are amended to read as follows:

3 6. Employment stabilization. The ~~commission~~ director with the advice and aid
4 of ~~such the~~ advisory ~~councils~~ as it may appoint ~~council~~, and through ~~its the~~
5 appropriate divisions of the department, shall take all appropriate steps to reduce
6 and prevent unemployment; to encourage and assist in the adoption of practical
7 methods of vocational training, retraining and vocational guidance; to investigate,
8 recommend, advise, and assist in the establishment and operation, by
9 municipalities, counties, school districts, and the state, of reserves for public
10 works to be used in times of business depression and unemployment; to promote
11 the re-employment of unemployed workers throughout the state in every other
12 way that may be feasible; and to these ends to carry on and publish the results of
13 investigations and research studies.

14 7. Records and reports. Each employing unit shall keep true and accurate work
15 records, containing such information as the ~~commission~~ department may
16 prescribe. Such records shall be open to inspection and be subject to being copied
17 by the ~~commission~~ department or its authorized representatives at any reasonable
18 time and as often as may be necessary. The ~~commission~~ director may require from
19 any employing unit any sworn or unsworn reports, with respect to persons
20 employed by ~~it the~~ department, which the ~~commission~~ director deems necessary for
21 the effective administration of this chapter. Information thus obtained shall not
22 be published or be open to public inspection, other than to public employees in
23 the performance of their public duties or to an agent of the ~~commission~~
24 department designated as such in writing for the purpose of accomplishing certain
25 functions of the ~~commission~~ department, in any manner revealing the employing
26 unit's identity, but any claimant at a hearing before ~~an appeal tribunal or the~~
27 ~~commission~~ a hearing officer or the appeal board shall be supplied with information
28 from such records to the extent necessary for the proper presentation of ~~his the~~
29 claim. Any employee ~~or member~~ of the ~~commission~~ department or member of the
30 appeal board who violates any provision of this section shall be fined not less than
31 twenty dollars nor more than two hundred dollars, or imprisoned for not longer
32 than ninety days, or both.

33 8. Oaths and witnesses. In the discharge of the duties imposed by this chapter,
 34 the chairman of ~~an~~ *the* appeal ~~tribunal~~ *board* and any duly authorized
 35 representative ~~or member~~ of the ~~commission~~ *department* shall have power to
 36 administer oaths and affirmations, take depositions, certify to official acts, and
 37 issue subpoenas to compel the attendance of witnesses and the production of
 38 books, papers, correspondence, memoranda, and other records deemed necessary
 39 as evidence in connection with a disputed claim or the administration of this
 40 chapter.

41 9. Subpoenas. In case of contumacy by, or refusal to obey a subpoena issued to
 42 any person, any court of this state within the jurisdiction of which the inquiry is
 43 carried on or within the jurisdiction of which said person guilty of contumacy or
 44 refusal to obey is found or resides or transacts business, upon application by the
 45 ~~commission, or appeal tribunal~~ *appeal board*, or any member or duly authorized
 46 representative thereof, shall have jurisdiction to issue to such person an order
 47 requiring such person to appear before the ~~commission, or an appeal tribunal~~
 48 *board*, there to produce evidence if so ordered or there to give testimony touching
 49 the matter under investigation or in question; any failure to obey such order of
 50 the court may be punished by said court as a contempt thereof. Any person who
 51 shall without just cause fail or refuse to attend and testify or to answer any lawful
 52 inquiry or to produce books, papers, correspondence, memoranda, and other
 53 records, if it is in his power to do so, in obedience to a subpoena, shall be
 54 punished by a fine of not more than two hundred dollars or by imprisonment, for
 55 not longer than sixty days, or by both such fine and imprisonment, and each day
 56 such violation continues shall be deemed to be a separate offense.

57 10. Protection against self-incrimination. No person shall be excused from
 58 attending and testifying or from producing books, papers, correspondence,
 59 memoranda, and other records before the ~~commission department, or an appeal~~
 60 ~~tribunal~~ *the appeal board*, or in obedience to a subpoena in any cause or
 61 proceeding provided for in this chapter, on the ground that the testimony or
 62 evidence, documentary or otherwise, required of ~~him~~ *the person* may tend to
 63 incriminate ~~him~~ *the person* or subject ~~him~~ *the person* to a penalty for forfeiture;
 64 but no individual shall be prosecuted or subjected to any penalty of forfeiture for
 65 or on account of any transaction, matter, or thing concerning which ~~he~~ *the*
 66 *individual* is compelled, after having claimed ~~his~~ *his* privilege against self-
 67 incrimination, to testify or produce evidence, documentary or otherwise, except
 68 that such individual so testifying shall not be exempt from prosecution and
 69 punishment for perjury committed in so testifying.

70 12. Destruction of records. The Iowa ~~employment security commission~~
 71 *department of job service* may destroy or dispose of such original reports or records
 72 as have been properly recorded or summarized in the permanent records of the
 73 ~~commission department~~ and are deemed by the ~~commission director~~ and the state
 74 records commission to be no longer necessary to the proper administration of this
 75 chapter. Wage records of the individual worker or transcripts therefrom may be
 76 destroyed or disposed of, if approved by the state records commission, two years
 77 after the expiration of the period covered by such wage records or upon proof of
 78 the death of the worker. Such destruction or disposition shall be made only by
 79 order of the ~~Iowa employment security commission director~~ in consultation with
 80 the state records commission ~~and such order shall be spread on the minutes of the~~
 81 ~~Iowa employment security commission.~~ Any moneys received from the
 82 disposition of such records shall be deposited to the credit of the employment
 83 security administration fund, *subject to rules promulgated by the department.*

1 SEC. 22. Section ninety-six point twelve (96.12), subsection one (1), Code
 2 1975, is amended to read as follows:

3 1. Duties of ~~commission department.~~ The ~~employment security commission~~
 4 *department* shall establish and maintain free public employment offices in such
 5 number and in such places as may be necessary for the proper administration of

6 this chapter and for the purpose of performing such duties as are within the
 7 purview of the Act of Congress entitled "An Act to provide for the establishment
 8 of a national employment system and for co-operation with the states in the
 9 promotion of such system, and for other purposes", approved June 6, 1933, as
 10 amended, and known as the Wagner-Peyser Act (48 Stat. L. 113;29 USC49). All
 11 duties and powers conferred upon any other department, agency, or officer of this
 12 state relating to the establishment, maintenance, and operation of free
 13 employment offices shall be vested in the ~~commission~~ department. The provisions
 14 of the said Act of Congress, as amended, are hereby accepted by this state, in
 15 conformity with section 4 of said Act, and this state will observe and comply with
 16 the requirements thereof. The ~~commission~~ department is hereby designated and
 17 constituted the agency of this state for the purpose of said Wagner-Peyser Act. If
 18 this chapter shall become inoperative for the reason prescribed in section 96.21,
 19 the Iowa state employment division shall not be affected thereby, but such
 20 division shall, upon the happening of such contingency, be deemed to be a
 21 division of the bureau of labor of the state of Iowa, with the same force and effect
 22 as if this chapter had not been passed, and that all funds and property made
 23 available to the Iowa state employment service division under this chapter shall
 24 under such contingency become, and shall be declared to be, the funds and
 25 property of the Iowa state employment service of the bureau of labor of Iowa.
 26 The ~~commission~~ department may co-operate with or enter into agreements with
 27 the railroad retirement board with respect to the establishment, maintenance, and
 28 use of employment service facilities. The railroad retirement board shall
 29 compensate the ~~commission~~ department for such services or facilities in the
 30 amount determined by the ~~commission~~ department to be fair and reasonable.

1 SEC. 23. Section ninety-six point fourteen (96.14), subsection three (3),
 2 unnumbered paragraph eleven (11), Code 1975, is amended to read as follows:

3 The courts of this state shall recognize and enforce liabilities for unemployment
 4 contributions, penalties, interest and benefit overpayments imposed by other
 5 states which extend a like comity to this state. The ~~commission~~ is hereby
 6 empowered to department may sue in the courts of any other jurisdiction which
 7 extends such comity to collect unemployment contributions, penalties, interest
 8 and benefit overpayments due this state. The officials of other states which, by
 9 statute or otherwise, extend a like comity to this state may sue in the district court
 10 to collect for such contributions, penalties, interest and benefit overpayments. In
 11 any such case the chairman of the ~~commission~~ director of the department of this
 12 state, as agent for and on behalf of any other state, may institute and conduct
 13 such suit for such other state. Venue of such proceedings shall be the same as for
 14 actions to collect delinquent contributions, penalties, interest and benefit
 15 overpayments due under this chapter. A certificate by the secretary of any such
 16 state attesting the authority of such official to collect the contributions, penalties,
 17 interest and benefit overpayments, is conclusive evidence of such authority. The
 18 requesting state shall pay the court costs.

1 SEC. 24. Section ninety-six point nineteen (96.19), subsection seven (7),
 2 paragraph d*, Code 1975, as created by Acts of the Sixty-sixth General Assembly,
 3 1975 Session, chapter ninety-two (92), section twenty-nine (29), is amended to
 4 read as follows:

5 (d) Benefits based on services in employment as provided in this subparagraph
 6 seven (7) shall be payable in the same amount, on the same terms, and subject to
 7 the same conditions as compensation payable on the basis of other service in this
 8 chapter, except that benefits based on service in an instructional, research or
 9 principal administrative capacity in a school operated by a political subdivision or
 10 an instrumentality thereof shall not be paid to an individual for any week of
 11 unemployment which begins during the period between two successive years or
 12 during similar periods between two regular terms whether or not successive, or
 13 during the period of paid sabbatical leave provided for in the individual's

*Paragraph "a", subparagraph (7), sub-subparagraph (d) probably intended

14 contract, if the individual has a contract or contracts to perform services in this
 15 capacity for any school or schools for both such academic years or for both such
 16 terms. For the purpose of this provision "school" means an educational
 17 institution operated by a political subdivision or an instrumentality thereof which
 18 is not an institution of higher education as defined in subsection twenty-four (24)
 19 of section ninety-six point nineteen (96.19) of the Code.

1 SEC. 25. Section ninety-six point nineteen (96.19), subsection ten (10),
 2 paragraph b, Code 1975, as amended by Acts of the Sixty-sixth General
 3 Assembly, 1975 Session, chapter ninety-two (92), section thirty-two (32), is
 4 amended by striking the paragraph and inserting in lieu thereof the following:

5 b. An individual shall be deemed partially unemployed in any week in which,
 6 while employed at his then regular job, he works less than the regular full-time
 7 week and in which he earns less than his weekly benefit amount plus fifteen
 8 dollars.

9 An individual shall be deemed partially unemployed in any week in which he,
 10 having been separated from his regular job, earns at odd jobs less than his weekly
 11 benefit amount plus fifteen dollars.

1 SEC. 26. Section ninety-six point nineteen (96.19), subsection twenty-one (21),
 2 Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975
 3 Session, chapter ninety-three (93), section three (3), is amended to read as follows:

4 21. "Taxable wages". For the purposes of section 96.7, subsections 1 and 2 and
 5 subsequent to December 31, 1971, taxable wages shall not include that part of
 6 remuneration which, after remuneration equal to four thousand two hundred
 7 dollars has been paid in a calendar year to an individual by an employer or his
 8 predecessor with respect to employment during any calendar year, is paid to such
 9 individual by such employer during such calendar year unless that part of the
 10 remuneration is subject to a tax under a federal law imposing a tax against which
 11 credit may be taken for contributions required to be paid into a state
 12 unemployment fund, except that for the calendar ~~year~~ years 1976 and 1977 the
 13 remuneration figure shall be six thousand dollars.

14 For the purposes of this subsection, the term "employment" includes service
 15 constituting employment under any unemployment compensation law of another
 16 state provided such other state will consider service performed in Iowa in
 17 determining the contribution base.

1 SEC. 27. Section ninety-seven point fifty-one (97.51), subsection one (1),
 2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 The treasurer of state is hereby made the custodian and trustee of this fund
 4 and shall administer the same in accordance with the directions of the Iowa
 5 ~~employment security commission, hereafter referred to as the "commission"~~
 6 *department of job service*. It shall be the duty of the trustee:

1 SEC. 28. Section ninety-seven point fifty-two (97.52), Code 1975, is amended
 2 to read as follows:

3 **97.52 Administration agreements.** The Iowa ~~employment security~~
 4 ~~commission department of job service~~ is authorized to enter into arrangements with
 5 the *appropriate federal bureau of employment security agency* whereby services
 6 performed by the ~~commission department~~ and its employees both under sections
 7 97.50 to 97.53 and under the Iowa employment security chapter shall be equitably
 8 apportioned between the funds provided for the administration of said chapters.
 9 The money spent for rentals, supplies, and equipment used by the ~~commission~~
 10 *department* in administering both chapters shall be equitably apportioned and
 11 charged against said funds.

1 SEC. 29. Section ninety-seven B point three (97B.3), Code 1975, is amended to
 2 read as follows:

3 **97B.3 Administration.** The Iowa employment security commission,
4 hereinafter called the "commission", department of job service shall be vested with
5 authority to administer the Iowa public employees' retirement system.

1 SEC. 30. Section ninety-seven B point six (97B.6), Code 1975, is amended to
2 read as follows:

3 **97B.6 Old records.** The Iowa employment security commission department
4 may destroy or dispose of such original reports or records as have been properly
5 recorded or summarized in the permanent records of the commission department
6 and are deemed by the commission director and state records commission to be
7 no longer necessary to the proper administration of this chapter. Such destruction
8 or disposition shall be made only by order of the Iowa employment security
9 commission and such order shall be spread on the minutes of the Iowa
10 employment security commission director. Any moneys received from the
11 disposition of such records shall be deposited to the credit of the public
12 employees' retirement fund, subject to rules promulgated by the department.

1 SEC. 31. Section ninety-seven B point twenty-five (97B.25), Code 1975, is
2 amended to read as follows:

3 **97B.25 Applications for benefits.** A representative designated by the
4 commission director and hereinafter referred to as a deputy, shall promptly
5 examine applications for retirement benefits and on the basis of facts found by
6 him shall either determine whether or not such claim is valid and if valid, the
7 month with respect to which benefits shall commence, the monthly benefit
8 amount payable, and the maximum duration thereof. The deputy shall promptly
9 notify the applicant and any other interested party of the decision and the reasons
10 therefor. Unless the applicant or other interested party, within thirty calendar
11 days after such notification was mailed to his last known address, files an appeal
12 from such decision, to the appeal referee a hearing officer as provided in section
13 97B.26, such decision shall be final and benefits shall be paid or denied in accord
14 therewith.

1 SEC. 32. Section ninety-seven B point twenty-six (97B.26), Code 1975, is
2 amended to read as follows:

3 **97B.26 Referee Hearing officer.** Unless such appeal is withdrawn, an appeal
4 referee a hearing officer to be designated by the commission department for this
5 purpose, after affording the parties reasonable opportunity for fair hearing, shall
6 affirm or modify the findings of fact and decision of the deputy. At said hearing
7 all of the evidence taken and the proceedings had shall be taken and fully
8 reported by a certified shorthand reporter. Said reporter shall promptly transcribe
9 said evidence and proceedings and certify to same. The said transcript shall then
10 be made available for use by the commission appeal board and by the courts at
11 subsequent judicial review proceedings under the Iowa administrative procedure
12 Act, if any. The parties shall be duly notified of such referee's the hearing officer's
13 decision, together with his reasons therefor, which shall be deemed to be the final
14 decision of the commission department unless, within thirty days after the date of
15 notification or mailing of such decision, further appeal is initiated pursuant to
16 section 97B.27.

1 SEC. 33. Section ninety-seven B point twenty-seven (97B.27), Code 1975, is
2 amended to read as follows:

3 **97B.27 Review of decision.** Anyone aggrieved by the decision of the appeal
4 referee hearing officer may, at any time before such appeal referee's the hearing
5 officer's decision becomes final, petition the commission department for review
6 before the appeal board established in section ninety-six point six (96.6) of the Code
7 of such appeal referee's the hearing officer's decision. The commission appeal
8 board shall review the record made before the appeal referee hearing officer, but
9 no additional evidence shall be heard. On the basis of such record the
10 commission appeal board shall either affirm, modify, or reverse the decision of the

11 ~~appeal referee~~ *hearing officer* and shall determine the rights of the appellant on
 12 the basis of such record. It shall promptly notify the appellant and any other
 13 interested party by written decision.

1 SEC. 34. Section ninety-seven B point forty-three (97B.43), unnumbered
 2 paragraph two (2), Code 1975, as amended by Acts of the Sixty-sixth General
 3 Assembly, 1975 Session, chapter fifty (50), section fourteen (14), is amended to
 4 read as follows:

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

1 SEC. 35. Section ninety-seven B point sixty-eight (97B.68), subsection one (1),
 2 Code 1975, is amended to read as follows:

3 1. From and after July 4, 1959, any person who is a member of the federal civil
 4 service retirement program shall not be eligible for membership in the Iowa
 5 public employees' retirement system, and the provisions of this chapter shall not
 6 apply to such employee. Any employee whose membership in the federal civil
 7 service retirement program is subsequently terminated shall immediately notify
 8 his or her employer and the Iowa ~~employment security commission~~ *department of*
 9 *job service* of such fact, and the employee shall become subject to the provisions
 10 of this chapter on the date the notification is received by the ~~commission~~
 11 *department*.

12 Any employee as defined in this chapter who is a member of the federal civil
 13 service retirement program on July 4, 1959, shall notify his employer and the
 14 Iowa employment security commission of such fact. The employee's membership
 15 in the Iowa public employees' retirement system shall automatically terminate on
 16 July 4, 1959.

1 SEC. 36. Section ninety-seven C point fourteen (97C.14), Code 1975, is
 2 amended to read as follows:

3 **97C.14 Elected officials—retroactive payments.** Any elective official of the
 4 state of Iowa, or any of its political subdivisions, who becomes subject to federal
 5 social security coverage under the provisions of the agreement referred to in
 6 section 97C.3 shall, not later than October 1, 1953, pay into the contribution fund
 7 established by section 97C.12 a tax sufficient to pay in ~~his~~ *the elective official's*
 8 behalf an amount equal to three percent of his or her compensation received as a
 9 public official for each year or portion thereof that ~~he~~ *the public elective official*
 10 has served as a public elective official since January 1, 1951, not to exceed thirty-
 11 six hundred dollars for any year of service. The ~~employment security commission~~

12 *state agency* shall collect the tax hereby imposed and the proceeds from such tax
 13 shall be used for the purpose of obtaining retroactive federal social security
 14 coverage for elective officials, for the period beginning January 1, 1951, in the
 15 same manner as is provided in the case of other public employees by the
 16 provisions in subsection 2 of section 97.51 in order to obtain retroactive federal
 17 social security coverage during this period of time, such contribution to be
 18 collected and guaranteed by the employer. The ~~employment security commission~~
 19 *state agency* will pay any such amount contributed to provide for retroactive
 20 federal social security coverage for the individual in question in the same manner
 21 as other payments are made for retroactive coverage of public employees.
 22 Provided that no member of a county board of supervisors shall be deemed to be
 23 an elective official in a part-time position, but every member of a county board of
 24 supervisors shall be deemed to be an employee within the purview of this chapter
 25 and shall be eligible to receive all of the benefits provided by this chapter to
 26 which ~~he~~ *the member* may be entitled as an employee.

1 SEC. 37. Section six hundred one F point three (601F.3), subsection eight (8),
 2 Code 1975, is amended by striking the subsection and inserting in lieu thereof the
 3 following:

4 8. The director of the Iowa department of job service.

1 SEC. 38. Sections thirteen point seven (13.7); sixty-eight B point two (68B.2),
 2 subsection four (4); eighty-five point thirty-one (85.31); eighty-five point thirty-
 3 four (85.34), subsection two (2); eighty-five point thirty-seven (85.37); ninety-six
 4 point twenty-five (96.25); ninety-six point twenty-six (96.26); ninety-seven point
 5 fifty-one (97.51), subsection one (1), paragraph c; ninety-seven point fifty-one
 6 (97.51), subsection three (3); ninety-seven C point two (97C.2), subsection five (5);
 7 two hundred forty-nine C point fourteen (249C.14); and two hundred ninety-four
 8 point fifteen (294.15), unnumbered paragraph two (2), Code 1975, are amended
 9 by striking from such sections the words "employment security commission" and
 10 inserting in lieu thereof the words "department of job service".

1 SEC. 39. Sections ninety-six point three (96.3), subsection four (4), as amended
 2 by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter ninety-two
 3 (92), section two (2); ninety-six point three (96.3), subsection five (5), as amended
 4 by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter ninety-two
 5 (92), section three (3); ninety-six point three (96.3), subsection six (6), paragraph
 6 b; ninety-six point four (96.4), subsection seven (7), as amended by Acts of the
 7 Sixty-sixth General Assembly, 1975 Session, chapter ninety-two (92), section four
 8 (4); ninety-six point seven (96.7), subsection three (3), paragraph a, subparagraph
 9 four (4); and ninety-six point seven (96.7), subsection three (3), paragraph b,
 10 unnumbered paragraph five (5), Code 1975, are amended by striking from such
 11 sections the word "commission" and inserting in lieu thereof the word "director".

1 SEC. 40. Sections ninety-six point four (96.4), unnumbered paragraph one (1)
 2 and subsections one (1) and seven (7), as amended by Acts of the Sixty-sixth
 3 General Assembly, 1975 Session, chapter ninety-two (92), section four (4); ninety-
 4 six point five (96.5), subsection one (1), unnumbered paragraph one (1), and
 5 paragraphs a and f, as amended by Acts of the Sixty-sixth General Assembly,
 6 1975 Session, section five (5)*; ninety-six point five (96.5), subsection three (3),
 7 paragraph a; ninety-six point five (96.5), subsection four (4), unnumbered
 8 paragraph one (1), ninety-six point five (96.5), subsection five (5), paragraph c
 9 and unnumbered paragraph two (2); ninety-six point five (96.5), subsection seven
 10 (7), paragraph b, ninety-six point six (96.6), subsection one (1); ninety-six point
 11 seven (96.7), subsection two (2), paragraph a; ninety-six point seven (96.7),
 12 subsection three (3), paragraph a, subparagraph one (1); ninety-six point seven
 13 (96.7), subsection three (3), paragraph b, unnumbered paragraph six (6); ninety-
 14 six point seven (96.7), subsection three (3), paragraph d, unnumbered paragraph
 15 one (1) and paragraph f; ninety-six point seven (96.7), subsection four (4), as

*Chapter 92 probably intended

16 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 17 ninety-two (92), section fifteen (15); ninety-six point seven (96.7), subsections five
 18 (5), six (6), and seven (7); ninety-six point seven (96.7), subsection eight (8), as
 19 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 20 ninety-two (92), section sixteen (16); ninety-six point seven (96.7), subsection nine
 21 (9); ninety-six point seven (96.7), subsection ten (10), as amended by Acts of the
 22 Sixty-sixth General Assembly, 1975 Session, chapter ninety-two (92), section
 23 seventeen (17); ninety-six point seven (96.7), subsections eleven (11) through
 24 thirteen (13); ninety-six point eight (96.8), as amended by Acts of the Sixty-sixth
 25 General Assembly, 1975 Session, chapter ninety-two (92), sections eighteen (18)
 26 and nineteen (19); ninety-six point nine (96.9), subsections one (1) through four
 27 (4) and eight (8); ninety-six point eleven (96.11), subsection eleven (11); ninety-six
 28 point twelve (96.12), subsection two (2); ninety-six point thirteen (96.13); ninety-
 29 six point fourteen (96.14), subsections one (1) and two (2); ninety-six point
 30 fourteen (96.14), subsection three (3), unnumbered paragraphs three (3) through
 31 ten (10); ninety-six point fourteen (96.14), subsection five (5); ninety-six point
 32 fifteen (96.15), subsection two (2); ninety-six point sixteen (96.16), subsection four
 33 (4); ninety-six point seventeen (96.17), as amended by Acts of the Sixty-sixth
 34 General Assembly, 1975 Session, chapter ninety-two (92), section twenty-six (26);
 35 ninety-six point eighteen (96.18); ninety-six point nineteen (96.19), subsection six
 36 (6), paragraphs g and j; ninety-six point nineteen (96.19), subsection seven (7),
 37 paragraphs d and f; ninety-six point nineteen (96.19), subsection seven (7),
 38 paragraph g, subparagraphs two (2) and three (3); ninety-six point nineteen
 39 (96.19), subsection thirteen (13), as amended by Acts of the Sixty-sixth General
 40 Assembly, 1975 Session, chapter ninety-two (92), section thirty-four (34); ninety-
 41 six point nineteen (96.19), subsections fourteen (14), eighteen (18), twenty-nine
 42 (29), thirty (30), and thirty-one (31); ninety-six point twenty (96.20); ninety-six
 43 point twenty-one (96.21); ninety-six point twenty-four (96.24); ninety-six point
 44 twenty-nine (96.29); ninety-seven point fifty-one (97.51), subsection one (1),
 45 paragraph b; ninety-seven point fifty-one (97.51), subsections two (2), four (4)
 46 and six (6); ninety-seven B point four (97B.4); ninety-seven B point five (97B.5);
 47 ninety-seven B point seven (97B.7), subsection two (2), unnumbered paragraph
 48 one (1); ninety-seven B point seven (97B.7), subsection two (2), paragraphs b, c,
 49 d, e, and f and subsection three (3); ninety-seven B point eight (97B.8); ninety-
 50 seven B point nine (97B.9); ninety-seven B point ten (97B.10); ninety-seven B
 51 point fourteen (97B.14) through ninety-seven B point twenty (97B.20); ninety-
 52 seven B point twenty-two (97B.22); ninety-seven B point twenty-three (97B.23);
 53 ninety-seven B point twenty-six (97B.26); ninety-seven B point twenty-eight
 54 (97B.28); ninety-seven B point twenty-nine (97B.29); ninety-seven B point thirty-
 55 three (97B.33); ninety-seven B point thirty-four (97B.34); ninety-seven B point
 56 thirty-six (97B.36); ninety-seven B point thirty-seven (97B.37); ninety-seven B
 57 point thirty-eight (97B.38); ninety-seven B point forty-one (97B.41), subsection
 58 one (1), paragraph a, as amended by Acts of the Sixty-sixth General Assembly,
 59 1975 Session, chapter fifty (50), section four (4); ninety-seven B point forty-one
 60 (97B.41), subsection three (3), paragraph a, subparagraphs two (2) and three (3);
 61 ninety-seven B point forty-one (97B.41), subsections seventeen (17) and nineteen
 62 (19); ninety-seven B point forty-three (97B.43), unnumbered paragraph three (3),
 63 as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 64 fifty (50), section fourteen (14); ninety-seven B point forty-five (97B.45), as
 65 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter fifty
 66 (50), section fifteen (15); ninety-seven B point forty-six (97B.46), as amended by
 67 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter fifty (50), section
 68 sixteen (16); ninety-seven B point forty-seven (97B.47); ninety-seven B point
 69 forty-eight (97B.48), subsection two (2); ninety-seven B point forty-nine (97B.49),
 70 subsections one (1) and two (2), as amended by Acts of the Sixty-sixth General
 71 Assembly, 1975 Session, chapter fifty (50), section eighteen (18); ninety-seven B
 72 point fifty-one (97B.51); ninety-seven B point fifty-two (97B.52), as amended by

73 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter fifty (50), section
 74 twenty (20); ninety-seven B point fifty-three (97B.53), as amended by Acts of the
 75 Sixty-sixth General Assembly, 1975 Session, chapter fifty (50), section twenty-one
 76 (21); ninety-seven B point fifty-four (97B.54); ninety-seven B point fifty-five
 77 (97B.55); ninety-seven B point fifty-seven (97B.57) through ninety-seven B point
 78 sixty (97B.60); ninety-seven B point sixty-one (97B.61), as amended by Acts of
 79 the Sixty-sixth General Assembly, 1975 Session, chapter fifty (50), section twenty-
 80 two (22); ninety-seven B point sixty-four (97B.64); ninety-seven B point seventy
 81 (97B.70); ninety-seven B point seventy-one (97B.71); Acts of the Sixty-sixth
 82 General Assembly, 1975 Session, chapters ninety-two (92), sections eleven (11),
 83 twenty-one (21) and twenty-four (24), and ninety-three (93), section two (2), are
 84 amended by striking from such sections the word "commission" and inserting in
 85 lieu thereof the word "department" and by striking from such sections the word
 86 "commission's" and inserting in lieu thereof the word "department's".

1 SEC. 41. Sections ninety-four point one (94.1), ninety-four point three (94.3),
 2 and ninety-seven B point sixty-six (97B.66), Code 1975, are repealed.

1 SEC. 42. The terms of office of persons appointed to serve as members of the
 2 employment security commission shall expire on June 30, 1976.

1 SEC. 43. The annual salary of the director of the department of job service
 2 shall be within the range of twenty-six thousand dollars to thirty-one thousand
 3 dollars for the fiscal year beginning July 1, 1976 and ending June 30, 1977. The
 4 governor shall specify the salary to be paid to the person indicated at a rate
 5 within the salary range indicated from funds appropriated by the general
 6 assembly for such purpose.

1 SEC. 44. If the projected total trust funds available for payment of
 2 unemployment compensation benefits through April 1, 1977, is insufficient to
 3 meet projected claims for unemployment compensation benefits, the director of
 4 the Iowa department of jobs service shall prepare and adopt such procedures for
 5 advance payment of a portion of the employer's unemployment contributions
 6 projected due for the first quarter of calendar 1977.

1 SEC. 45. The provisions of the section amending section ninety-six point
 2 nineteen (96.19), subsection seven (7), paragraph d, Code 1975, shall become
 3 effective March 31, 1977.

Approved June 23, 1976

CHAPTER 1069

PUBLIC WORKS JOINT FINANCING

S. F. 1321

AN ACT relating to the status and power of an entity created under chapter twenty-eight F (28F) of the Code to accomplish joint financing of public works and facilities.

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

1 SECTION 1. Section twenty-eight F point one (28F.1), Code 1975, is amended
 2 to read as follows:

3 **28F.1 Scope of chapter.** This chapter is intended to provide a means for the
 4 joint financing by public agencies of works or facilities useful and necessary for
 5 the collection, treatment, purification and disposal in a sanitary manner of liquid

6 and solid waste, sewage, and industrial waste, also swimming pools or golf
 7 courses. The provisions of this chapter shall be deemed to apply to the
 8 acquisition, construction, reconstruction, *ownership*, operation, repair, extension or
 9 improvement of such works or facilities, by a separate administrative or legal
 10 entity created pursuant to chapter 28E. *When the legal entity created under this*
 11 *chapter is comprised solely of cities, counties, and sanitary districts established under*
 12 *chapter three hundred fifty-eight (358) of the Code, or any combination thereof, the*
 13 *entity shall be both a corporation and a political subdivision with the name under*
 14 *which it was organized. The legal entity may sue and be sued, contract, acquire and*
 15 *hold real and personal property necessary for corporate purposes, adopt a corporate*
 16 *seal and alter the same at pleasure, and execute all the powers conferred in this*
 17 *chapter.*

1 SEC. 2. Section twenty-eight F point three (28F.3), Code 1975, is amended to
 2 read as follows:

3 **28F.3 Revenue bonds.** An entity created to carry out an agreement
 4 authorizing the joint exercise of those governmental powers enumerated in section
 5 28F.1 shall have power to construct, acquire, *own*, repair, improve, expand,
 6 operate and maintain a project or projects necessary to carry out the purposes of
 7 such agreement, and to issue from time to time revenue bonds payable from the
 8 revenues derived from such project or projects, or any combination of such
 9 projects, to finance the cost or part of the cost of the acquisition, construction,
 10 reconstruction, repair, extension or improvement of such project or projects,
 11 including the acquisition for the purposes of such agreement, of any property, real
 12 or personal or mixed therefor. The power of the entity to issue revenue bonds
 13 shall not be exercised until authorized by resolution or ordinance duly adopted by
 14 each of the public agencies participating in such agreement. Public agencies
 15 participating in such an agreement may not withdraw or in any way terminate,
 16 amend, or modify in any manner to the detriment of the bondholders said
 17 agreement if revenue bonds or obligations issued in anticipation of the issuance of
 18 said revenue bonds have been issued and are then outstanding and unpaid as
 19 provided for herein. Any revenue bonds for the payment and discharge of which,
 20 upon maturity or upon redemption prior to maturity, provision has been made
 21 through the setting apart in a reserve fund or special trust account created
 22 pursuant to this chapter to insure the payment thereof, of moneys sufficient for
 23 that purpose or through the irrevocable segregation for that purpose in a sinking
 24 fund or other fund or trust account of moneys sufficient therefor, shall be deemed
 25 to be no longer outstanding and unpaid within the meaning of any provision of
 26 this chapter.

1 SEC. 3. Chapter twenty-eight F (28F), Code 1975, is amended by adding the
 2 following new section:

3 **NEW SECTION. Additional powers of the entity.** If the entity is comprised
 4 solely of cities, counties, and sanitary districts established under chapter three
 5 hundred fifty-eight (358) of the Code, or any combination thereof, the entity shall
 6 have in addition to all the powers enumerated in this chapter, the powers which a
 7 county has with respect to solid waste disposal projects referred to in section three
 8 hundred thirty-two point forty-four (332.44) of the Code despite any contrary
 9 provision of this chapter.

Approved June 23, 1976

CHAPTER 1070

WATER SUPPLY SYSTEMS

H. F. 1129

AN ACT relating to the joint financing of water supply systems by public agencies.

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

1 SECTION 1. Section twenty-eight F point one (28F.1), Code 1975, is amended
 2 to read as follows:
 3 **28F.1 Scope of chapter.** This chapter is intended to provide a means for the
 4 joint financing by public agencies of works or facilities useful and necessary for
 5 the collection, treatment, purification and disposal in a sanitary manner of liquid
 6 and solid waste, sewage, and industrial waste, also *water supply systems*, swimming
 7 pools or golf courses. The provisions of this chapter shall be deemed to apply to
 8 the acquisition, construction, reconstruction, operation, repair, extension or
 9 improvement of such works or facilities, by a separate administrative or legal
 10 entity created pursuant to chapter 28E.

Approved March 23, 1976

CHAPTER 1071

CITY REVENUES

H. F. 1403

AN ACT relating to cities and specifically to authorization for issuance of revenue bonds, to payment of tax revenues to cities, and to time limits for submission of certain investment reports to the auditor of state.

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

1 SECTION 1. Section twenty-eight F point three (28F.3), Code 1975, is amended
 2 to read as follows:
 3 **28F.3 Revenue bonds.** An entity created to carry out an agreement
 4 authorizing the joint exercise of those governmental powers enumerated in section
 5 28F.1 shall have power to construct, acquire, repair, improve, expand, operate
 6 and maintain a project or projects necessary to carry out the purposes of such
 7 agreement, and to issue from time to time revenue bonds payable from the
 8 revenues derived from such project or projects, or any combination of such
 9 projects, to finance the cost or part of the cost of the acquisition, construction,
 10 reconstruction, repair, extension or improvement of such project or projects,
 11 including the acquisition for the purposes of such agreement, of any property, real
 12 or personal or mixed therefor. The power of the entity to issue revenue bonds
 13 shall not be exercised until authorized by resolution ~~or ordinance~~ duly adopted by
 14 each of the public agencies participating in such agreement. Public agencies
 15 participating in such an agreement may not withdraw or in any way terminate,
 16 amend, or modify in any manner to the detriment of the bondholders said
 17 agreement if revenue bonds or obligations issued in anticipation of the issuance of
 18 said revenue bonds have been issued and are then outstanding and unpaid as
 19 provided for herein. Any revenue bonds for the payment and discharge of which,
 20 upon maturity or upon redemption prior to maturity, provision has been made

21 through the setting apart in a reserve fund or special trust account created
 22 pursuant to this chapter to insure the payment thereof, of moneys sufficient for
 23 that purpose or through the irrevocable segregation for that purpose in a sinking
 24 fund or other fund or trust account of moneys sufficient therefor, shall be deemed
 25 to be no longer outstanding and unpaid within the meaning of any provision of
 26 this chapter.

1 SEC. 2. Section three hundred eighty-four point eleven (384.11), Code 1975, is
 2 amended to read as follows:

3 **384.11 Tax revenues paid.** On or before the third Monday of each month,
 4 the county treasurer shall pay to each city the tax revenues collected *specifying the*
 5 *amount collected* for each city fund up to the first day of that month; ~~and the.~~ *The*
 6 city shall credit the revenues to the proper fund and shall issue a receipt to the
 7 county treasurer.

1 SEC. 3. Section four hundred fifty-three point thirteen (453.13), Code 1975, as
 2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two
 3 hundred twenty-five (225), section one (1), is amended to read as follows:

4 **453.13 Investment report to state auditor.** The treasurer, or other financial
 5 officer designated by the governing body, of each political subdivision except
 6 townships shall submit an investment report to the auditor of state on forms
 7 provided within ~~fifteen~~ *thirty* days following the close of each fiscal year of the
 8 political subdivision. The report shall be comprised of the following information,
 9 all of which shall relate to the previous fiscal year: Total demand deposits placed
 10 in depositories; total funds invested; description and disposition of investments;
 11 dates of investment; rates of interest earned or return on the investments; and
 12 such other information as the auditor of state may reasonably require pertaining
 13 to public funds.

Approved May 7, 1976

CHAPTER 1072

UNIFIED LAW ENFORCEMENT

S. F. 1210

AN ACT relating to unified law enforcement, including the duration of agreements, a property tax levy for unified law enforcement purposes and the establishment of a public safety fund.

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

1 SECTION 1. NEW SECTION. **Definition.** For the purpose of this Act, the term
 2 "unified law enforcement district" means a district established by agreement
 3 under the provisions of chapter twenty-eight E (28E) of the Code by counties, or
 4 portions thereof, or cities to provide law enforcement within the boundaries of the
 5 member political subdivisions.

1 SEC. 2. NEW SECTION. **Referendum for tax.** In every county that
 2 establishes a unified law enforcement district, the board of supervisors may, and
 3 upon receipt of a petition signed by five percent of the qualified electors residing
 4 in the unified law enforcement district shall, submit a proposition to the county
 5 electorate residing in the unified law enforcement district at any countywide
 6 election providing for the establishment of a public safety fund and the levy of a
 7 tax on taxable property located in the unified law enforcement district at rates
 8 not exceeding the rate specified in section three (3) of this Act for the purpose of

9 providing additional moneys for the operation of the unified law enforcement
10 district. At the election the ballot shall be prepared in substantially the form for
11 submitting special questions at general elections and the form of the proposition
12 shall be substantially as follows:

13 "Shall a tax the amount of which will not exceed the amount which would be
14 raised by a uniform one dollar and sixty-two cents per thousand dollars of
15 assessed value of the taxable property in the unified law enforcement district be
16 authorized for a period of not exceeding five years?"

17 Yes _____ No _____

18 Such moneys collected pursuant to the tax levy shall be in addition to other
19 federal, state, and local moneys available for law enforcement purposes to the
20 county and cities located in the unified law enforcement district. A county or city
21 which is included in a unified law enforcement district shall not reduce the
22 percent of its total general fund budget used for law enforcement purposes
23 because of additional moneys collected pursuant to the voted levy.

24 If a majority of the qualified electors voting on the proposition approve the
25 proposition, the board of supervisors shall levy the tax as provided in section
26 three (3) of this Act.

1 SEC. 3. NEW SECTION. **Budget.** The auditor of each county in which a
2 unified law enforcement district is located shall, in conjunction with the county
3 sheriff, or administrative director of the law enforcement agency, on or before
4 January tenth of each year make an estimate of the amount of revenue deemed
5 necessary for the operation of the unified law enforcement district and in
6 conjunction with the county board of supervisors and the city councils of the
7 unified law enforcement district determine the amount of revenue available from
8 sources other than the tax levy authorized by this Act and determine the amount
9 of revenue needed to be raised by the tax levy authorized by this Act under the
10 terms of an agreement executed under the provisions of chapter twenty-eight E
11 (28E) of the Code. The auditor of each such county shall then transmit the budget
12 estimate in dollars to the county board of supervisors and to the city councils
13 located within the unified law enforcement district.

14 The amount of the tax shall not exceed the amount which would be raised by a
15 uniform one dollar and sixty-two cents per thousand dollars of assessed value on
16 all taxable property in the unified law enforcement district. The method of
17 computing the tax levy shall be determined by the county board of supervisors
18 unless the agreement under chapter twenty-eight E (28E) of the Code specifies a
19 method.

20 The county board of supervisors and the council of each city located within the
21 unified law enforcement district shall review the proposed budget and anticipated
22 revenue and certify a tax levy to the county auditor on the assessed value of the
23 taxable property in the unified law enforcement district which shall be determined
24 by one of the following methods:

25 1. Levies based upon population computed as follows:

26 a. Compute the per capita cost by dividing the anticipated total cost to the
27 unified law enforcement district as determined pursuant to this section into the
28 total population of the district.

29 b. Separate levies for the public safety fund shall be computed for all of the
30 unincorporated area and for each incorporated area in the unified law
31 enforcement district. The levies shall in each case be that amount which, when
32 applied to the assessed value in the area for which the levy is computed, will raise
33 an amount equal to the per capita cost of the unified law enforcement to the
34 unified law enforcement district multiplied by the population of the district; or

35 2. Different levies for each city and the unincorporated area of the county
36 located in the unified law enforcement district based upon the percentage of
37 service to be provided to each political subdivision in the district.

38 The council of any city or the county board of supervisors may veto the budget
39 and the auditor and county sheriff shall revise the budget until it has the approval
40 of the county board of supervisors and councils of all cities in the unified law
41 enforcement district. The taxes collected pursuant to the tax levy and other funds
42 available to the unified law enforcement district shall be placed in the public
43 safety fund and used only for unified law enforcement purposes.

1 SEC. 4. NEW SECTION. **Expansion of district.** Cities may join an established
2 unified law enforcement district upon the affirmative vote of the city council and
3 a tax may be levied for unified law enforcement purposes only upon the
4 affirmative vote of qualified electors of the city voting in the manner provided in
5 this Act. A city joining a unified law enforcement district shall contract with the
6 unified law enforcement district for services until the beginning of a fiscal year
7 when the city may become a member.

8 A unified law enforcement district may encompass more than one county.

1 SEC. 5. NEW SECTION. **City civil service and retirement.** The inclusion of a
2 city in a unified law enforcement district shall not affect the prior establishment
3 of a civil service system under chapter four hundred (400) of the Code or a
4 pension or retirement system under either chapter four hundred ten (410) or four
5 hundred eleven (411) of the Code.

1 SEC. 6. Chapter twenty-eight E (28E), Code 1975, is amended by adding the
2 following new section:

3 NEW SECTION. **Duration of agreements for law enforcement purposes.** An
4 agreement under this chapter to provide joint or cooperative services or facilities
5 for law enforcement purposes shall not be executed for less than a three-year
6 period.

Approved May 24, 1976

CHAPTER 1073

COMMERCE COMMISSION AND DEPARTMENT OF PUBLIC DEFENSE

H. F. 1081

AN ACT relating to the funding of the Iowa state commerce commission and the department of public defense and making appropriations.

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 for the
2 fiscal year beginning July 1, 1976 and ending June 30, 1977 the following sums, or
3 so much thereof as may be necessary, to be used by the following agencies for the
4 purposes designated:

	1976-77
	<u>Fiscal Year</u>
5	
6	
7	
8	
9	
10	
11	
12	
13	

1. IOWA STATE COMMERCE COMMISSION

a. General administration

For salaries, support, maintenance, and miscellaneous purposes\$ 320,634

b. Warehouse division

For salaries, support, maintenance, and miscellaneous purposes 290,650

c. Utilities division

For salaries, support, maintenance, and miscellaneous purposes 1,230,000

14 2. DEPARTMENT OF PUBLIC DEFENSE

15 a. Military division

16 For salaries except salaries provided for in paragraph b of this
17 subsection, support, maintenance, and miscellaneous purposes 1,721,000

18 b. For salaries, of the adjutant general and members of his staff who
19 are on full-time active state service, and for their support and
20 maintenance 195,000

21 However, if section two (2) of this Act does not become law, this paragraph is
22 void. The amount set for any cost of living adjustment provided by the general
23 assembly for employees of the state shall not apply to persons subject to this
24 paragraph, however funds appropriated for salary adjustments may be expended
25 for adjusting the salaries of persons subject to this paragraph if the funds
26 provided in this paragraph are not sufficient for such purpose.

27 c. Civil defense division

28 For salaries, support, maintenance, and miscellaneous purposes 90,750

1 SEC. 2. Section twenty-nine A point twenty-nine (29A.29), Code 1975, is
2 amended to read as follows:

3 **29A.29 Payment from treasury.** When in active state service, the
4 compensation of officers and enlisted men and expenses of the national guard
5 and claims for death, injury and illness of the members thereof, incurred in line of
6 duty, shall be paid out of any funds in the state treasury not otherwise
7 appropriated. *However, if funds for compensation and expenses have been*
8 *appropriated for compensation and expenses of persons on full-time active state service*
9 *pursuant to a specific Act of the general assembly, such persons shall be paid from*
10 *funds appropriated pursuant to such 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 set forth in
3 such federal grants or receipts.

Approved March 12, 1976

CHAPTER 1074

DISASTER SERVICES AND PUBLIC DISORDERS

H. F. 1346

AN ACT relating to disaster services and public disorders, specifying the powers and duties of the governor, creating an office of disaster services and joint county-municipal disaster services and emergency planning administrations, specifying the powers and duties of such offices, and adopting the interstate civil defense and disaster compact.

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

1 SECTION 1. Chapter twenty-nine C (29C), Code 1975, is amended by striking
2 the chapter and inserting in lieu thereof sections two (2) through twenty-two (22)
3 of this Act.

1 SEC. 2. NEW SECTION. **Statement of policy.** Because of existing and
2 increasing possibility of the occurrence of disasters, and in order to insure that
3 preparations of this state will be adequate to deal with such disasters, and to
4 provide for the common defense and to protect the public peace, health and
5 safety, and to preserve the lives and property of the people of the state, it is the
6 policy of this state:

7 1. To establish a state office of disaster services and to authorize the
8 establishment of local organizations for disaster services in the political
9 subdivisions of the state.

10 2. To confer upon the governor and upon the executive heads or governing
11 bodies of the political subdivisions of the state the emergency powers provided in
12 this Act.

13 3. To provide for the rendering of mutual aid among the political subdivisions
14 of the state and with other states and to cooperate with the federal government
15 with respect to the carrying out of disaster services functions.

1 SEC. 3. NEW SECTION. **Definitions.** "Disaster" means man-made
2 catastrophes and natural occurrences such as fire, flood, earthquake, tornado,
3 windstorm, which threaten the public peace, health, and safety of the people or
4 which damage and destroy public or private property. The term includes enemy
5 attack, sabotage, or other hostile action from without the state.

6 "Public disorder" means such substantial interference with the public peace as
7 to constitute a significant threat to the health and safety of the people or a
8 significant threat to public or private property. The term includes insurrection,
9 rioting, looting, and persistent violent civil disobedience.

1 SEC. 4. NEW SECTION. **Proclamation of state of public disorder by governor.**

2 1. The governor may, after finding a state of public disorder exists, proclaim a
3 state of public disorder emergency. This proclamation shall be in writing, indicate
4 the area affected and the facts upon which it is based, be signed by the governor,
5 and be filed with the secretary of state.

6 2. Notice of a proclamation of a state of public disorder emergency shall be
7 given by the secretary of state by publication in a newspaper of general
8 circulation in the area affected, by broadcast through radio and television serving
9 the area affected, and by posting signs at conspicuous places within this area. The
10 exercise of the special powers by the governor under this section shall not be
11 precluded by the lack of giving notice if the giving of notice has been diligently
12 attempted. All orders and rules promulgated under the proclamation shall be
13 given public notice by the governor in the area affected.

14 3. A state of public disorder emergency shall continue for ten days, unless
15 sooner terminated by the governor. The general assembly may, by concurrent
16 resolution, rescind a proclamation of a state of public disorder emergency. If the
17 general assembly is not in session, the legislative council may, by a majority vote,
18 rescind this proclamation. Rescission shall be effective upon filing of the
19 concurrent resolution or resolution of the legislative council with the secretary of
20 state.

21 4. The governor may, during the existence of a state of public disorder
22 emergency, prohibit:

23 a. Any person being in a public place during the hours declared by the
24 governor to be a period of curfew if this period does not exceed twelve hours in
25 any one day and if its area of its application is specifically designated.

26 b. Public gatherings of a designated number of persons within a designated
27 area.

28 c. The manufacture, use, possession, or transportation of any device or object
29 designed to explode or produce uncontained combustion.

30 d. The possession of any flammable or explosive liquids or materials in a glass
31 or uncapped container, except in connection with normal operation of motor
32 vehicles or normal home and commercial use.

33 e. The possession of firearms or any other deadly weapon by a person other
34 than at that person's place of residence or business, except by law enforcement
35 officers.

36 f. The sale, purchase, or dispensing of alcoholic beverages.

37 g. The sale, purchase, or dispensing of such other commodities as are
38 designated by the governor.

39 h. The use of certain streets or highways by the public.

40 i. Such other activities as the governor reasonably believes should be
41 prohibited to help maintain life, health, property, or the public peace.

1 SEC. 5. NEW SECTION. **Judicial protections.** The supreme court shall
2 promulgate rules for emergency proceedings to be effective upon the declaration
3 of a state of public disorder emergency in order that the constitutional rights of
4 all persons taken into custody shall be adequately protected.

1 SEC. 6. NEW SECTION. **Office of disaster services.** There is created an office
2 of disaster services within the department of public defense. The office of disaster
3 services shall be responsible for the administration of emergency planning
4 matters, including emergency resource planning in this state, cooperation with
5 and support of the civil air patrol, and coordination of available services in the
6 event of a disaster.

1 SEC. 7. NEW SECTION. **Proclamation of disaster emergency by governor.** In
2 exercising the governor's powers and duties under this Act and to effect the policy
3 and purpose, the governor may:

4 1. After finding a disaster exists or is imminently threatened, proclaim a state
5 of disaster emergency. This proclamation shall be in writing, indicate the area
6 affected and the facts upon which it is based, be signed by the governor, and be
7 filed with the secretary of state. A state of disaster emergency shall continue for
8 thirty days, unless sooner terminated or extended in writing by the governor. The
9 general assembly may, by concurrent resolution, rescind this proclamation. If the
10 general assembly is not in session, the legislative council may, by majority vote,
11 rescind this proclamation. Rescission shall be effective upon filing of the
12 concurrent resolution or resolution of the legislative council with the secretary of
13 state. A proclamation of disaster emergency shall activate the disaster response
14 and recovery aspect of the state, local and interjurisdictional disaster emergency
15 plans applicable to the political subdivision or area in question and be authority
16 for the deployment and use of any forces to which the plan applies, and for use or
17 distribution of any supplies, equipment, and materials and facilities assembled,
18 stockpiled, or arranged to be made available.

19 2. When, at the request of the governor, the president of the United States has
20 declared a major disaster to exist in this state, enter into purchase, lease, or other
21 arrangements with any agency of the United States for temporary housing units
22 to be occupied by disaster victims and to make such units available to any
23 political subdivision of the state, to assist any political subdivision of this state
24 which is the locus of temporary housing for disaster victims, to acquire sites
25 necessary for such temporary housing and to do all things required to prepare
26 such sites to receive and utilize temporary housing units, by advancing or lending
27 funds available to the governor from any appropriation made by the legislature or
28 from any other source, allocating funds made available by any agency, public or
29 private, or becoming a copartner with the political subdivision for the execution
30 and performance of any temporary housing for disaster victims project. Any
31 political subdivision of this state is expressly authorized to acquire, temporarily or
32 permanently, by purchase, lease, or otherwise, sites required for installation of
33 temporary housing units for disaster victims, and to enter into whatever
34 arrangements are necessary to prepare or equip such sites to utilize the housing
35 units. The governor may temporarily suspend or modify, for not to exceed sixty
36 days, any public health, safety, zoning, transportation, or other requirement of
37 law or regulation within this state when by proclamation, he deems such
38 suspension or modification essential to provide temporary housing for disaster
39 victims.

40 3. When the president of the United States has declared a major disaster to
41 exist in the state and upon the governor's determination that a local government
42 of the state will suffer a substantial loss of tax and other revenues from a major
43 disaster and has demonstrated a need for financial assistance to perform its
44 governmental functions, apply to the federal government, on behalf of the local
45 government for a loan, receive and disburse the proceeds of any approved loan to
46 any applicant local government, determine the amount needed by any applicant
47 local government to restore or resume its governmental functions, and certify the
48 same to the federal government; however, no application amount shall exceed
49 twenty-five percent of the annual operating budget of the applicant for the fiscal
50 year in which the major disaster occurs. The governor may recommend to the
51 federal government, based upon his review, the cancellation of all or any part of
52 repayment when, in first three full fiscal year period following the major disaster,
53 the revenues of the local government are insufficient to meet its operating
54 expenses, including additional disaster-related expenses of a municipal operation
55 character.

56 4. When a disaster emergency is proclaimed, notwithstanding any other
57 provision of law, through the use of state agencies or the use of any of the
58 political subdivisions of the state, clear or remove from publicly or privately
59 owned land or water, debris and wreckage which may threaten public health or
60 safety or public or private property. The governor may accept funds from the
61 federal government and utilize such funds to make grants to any local
62 government for the purpose of removing debris or wreckage from publicly or
63 privately owned land or water. Authority shall not be exercised by the governor
64 unless the affected local government, corporation, organization or individual shall
65 first present an additional authorization for removal of such debris or wreckage
66 from public and private property and, in the case of removal of debris or
67 wreckage from private property, such corporation, organization or individual shall
68 first agree to hold harmless the state or local government against any claim
69 arising from such removal. When the governor provides for clearance of debris or
70 wreckage, employees of the designated state agencies or individuals appointed by
71 the state may enter upon private land or waters and perform any tasks necessary
72 to the removal or clearance operation. Any state employee or agent complying
73 with orders of the governor and performing duties pursuant to such orders under
74 this Act shall be considered to be acting within the scope of his employment
75 within the meaning specified in chapter twenty-five A (25A) of the Code.

76 5. When the president of the United States has declared a major disaster to
77 exist in the state and upon the governor's determination that financial assistance
78 is essential to meet disaster-related necessary expenses or serious needs of
79 individuals or families adversely affected by a major disaster that cannot be
80 otherwise adequately met from other means of assistance, accept a grant by the
81 federal government to fund such financial assistance, subject to such terms and
82 conditions as may be imposed upon the grant and enter into an agreement with
83 the federal government pledging the state to participate in the funding of the
84 financial assistance authorized in an amount not to exceed twenty-five percent
85 thereof, and, if state funds are not otherwise available to the governor, accept an
86 advance of the state share from the federal government to be repaid when the
87 state is able to do so.

88 6. Suspend the provisions of any regulatory statute prescribing the procedures
89 for conduct of state business, or the orders, rules, or regulations of any state
90 agency, if strict compliance with the provisions of any statute, order, rule, or
91 regulation would in any way prevent, hinder, or delay necessary action in coping
92 with the emergency by stating in a proclamation such reasons. Upon the request
93 of a local governing body, the governor may also suspend statutes limiting local
94 governments in their ability to provide services to aid disaster victims.

95 7. On behalf of this state, enter into mutual aid arrangements with other states
96 and to coordinate mutual aid plans between political subdivisions of this state.

97 8. Delegate any administrative authority vested in him under this Act and
98 provide for the subdelegation of any such authority.

99 9. Cooperate with the president of the United States and the heads of the
100 armed forces, the disaster services and emergency planning agencies of the United
101 States and other appropriate federal officers and agencies and with the officers
102 and agencies of other states in matters pertaining to disaster recovery and
103 emergency planning of the state and nation.

104 10. Utilize all available resources of the state government as reasonably
105 necessary to cope with the disaster emergency and of each political subdivision of
106 the state.

107 11. Transfer the direction, personnel, or functions of state departments and
108 agencies or units thereof for the purpose of performing or facilitating disaster
109 services.

110 12. Subject to any applicable requirements for compensation, commandeer or
111 utilize any private property if he finds this necessary to cope with the disaster
112 emergency.

113 13. Direct the evacuation of all or part of the population from any stricken or
114 threatened area within the state if he deems this action necessary for the
115 preservation of life or other disaster mitigation, response, or recovery.

116 14. Prescribe routes, modes of transportation, and destinations in connection
117 with evacuation.

118 15. Control ingress and egress to and from a disaster area, the movement of
119 persons within the area, and the occupancy of premises in such area.

120 16. Suspend or limit the sale, dispensing, or transportation of alcoholic
121 beverages, firearms, explosives, and combustibles.

1 SEC. 8. NEW SECTION. **Powers and duties of adjutant general.** The adjutant
2 general, as the executive director of the department of public defense and under
3 the direction and control of the governor, shall have supervisory direction and
4 control of the office of disaster services and shall be responsible to the governor
5 for the carrying out of the provisions of this Act. In the event of disaster beyond
6 local control, the adjutant general may assume direct operational control over all
7 or any part of the disaster services and emergency planning functions within this
8 state.

1 SEC. 9. NEW SECTION. **Powers and duties of director.**

2 1. The office of disaster services shall be under the management of a director
3 appointed by the governor.

4 2. The director shall be vested with the authority to administer disaster services
5 and emergency planning affairs in this state and shall be responsible for preparing
6 and executing the disaster services and emergency planning programs of this state
7 subject to the direction of the adjutant general.

8 3. The director, upon the direction of the governor and supervisory control of
9 the executive director of the department of public defense, shall:

10 a. Prepare a comprehensive plan and program for the disaster recovery,
11 emergency operation, and emergency resource management of this state. The plan
12 and program shall be integrated into and coordinated with the emergency plans
13 of the federal government and of other states to the fullest possible extent and
14 coordinate the preparation of plans and programs for disaster services and
15 emergency operations and planning by the political subdivisions and various state
16 departments of this state. The plans shall be integrated into and coordinated with
17 a comprehensive state emergency program for this state as coordinated by the
18 director of the office of disaster services to the fullest possible extent.

19 b. Make such studies and surveys of the industries, resources and facilities in
20 this state as may be necessary to ascertain the capabilities of the state for disaster
21 recovery, disaster planning and operations, and emergency resource management,
22 and to plan for the most efficient emergency use thereof.

23 c. Provide technical assistance to any joint county-municipal disaster services
24 and emergency planning administration requiring such assistance in the
25 development of a disaster services and recovery plan and program.

26 4. The director, with the approval of the governor and upon recommendation
27 of the adjutant general, may employ a deputy director and such technical,
28 clerical, stenographic and other personnel and make such expenditures within the
29 appropriation or from other funds made available to the department of public
30 defense for purposes of disaster services and emergency planning, as may be
31 necessary to carry out the purposes of this Act.

1 SEC. 10. NEW SECTION. **Joint county-municipal administration.**

2 1. The county boards of supervisors, city councils and boards of directors of
3 school districts shall cooperate with the office of disaster services to carry out the
4 provisions of this Act. Boards of supervisors and city councils shall form a joint
5 county-municipal disaster services and emergency planning administration. Such
6 joint administration shall be composed of a member of the county board of
7 supervisors and the mayor or his representative of the city governments within the
8 county and the sheriff of such county. One member of the joint administration
9 shall be designated as chairperson and one as vice chairperson. The joint
10 administration shall appoint a coordinator who possesses such qualifications as
11 established by rule of the director of the office of disaster services as provided in
12 chapter seventeen A (17A) of the Code. The coordinator shall be responsible to
13 the joint administration for the administration and coordination of all disaster
14 services and emergency planning matters throughout the county, subject to the
15 direction and control of the joint administration. The disaster services and
16 emergency planning coordinator shall prepare a comprehensive countywide
17 disaster plan that shall be subject to the approval of the state office of disaster
18 services. The plan shall be integrated into and coordinated with the disaster plans
19 of the state office of disaster services and other political subdivisions within the
20 state. Each county and city located within the county may appropriate money
21 from the general fund of the county or city for the purpose of paying expenses
22 relating to disaster services and emergency planning matters of such joint
23 administration and establish a joint county-municipal disaster services fund in the
24 office of the county treasurer. The county and cities located in that county may
25 deposit moneys in such fund, which fund shall be for the purpose of paying
26 expenses relating to disaster services and emergency planning matters of such
27 joint administration. Any reimbursement, matching funds, or moneys received
28 from sale of property obtained through the surplus property program or moneys
29 obtained from any source in connection with the disaster services and emergency
30 planning program, shall be deposited in the joint disaster services fund.
31 Withdrawal of moneys from the joint county-municipal disaster services fund
32 may be made on warrants drawn by the county auditor, supported by claims and
33 vouchers signed by the chairperson or vice chairperson of the joint administration
34 and the coordinator of the joint county-municipal disaster services and emergency
35 planning administration.

36 2. No later than November fifteenth of each year the joint county-municipal
37 disaster services coordinator and the joint administration shall prepare a proposed
38 budget of all expenses for the ensuing fiscal year. The proposed budget shall
39 include estimated expenses that might be incurred in the event of a natural
40 disaster including, but not limited to, hurricanes, tornadoes, windstorms, or
41 floods, and the necessary training, warning, protection facilities and equipment
42 necessary to minimize the loss of life in the event of acts of aggression. The
43 budget shall contain an itemized list of the proposed salaries of disaster services
44 and emergency planning personnel, their number and their compensation, the
45 estimated amount needed for personnel benefits, travel and transportation,
46 transportation of equipment, rent, communications and utilities, printing and

47 reproduction, supplies and material, equipment, and other services needed. Each
 48 year, the chairperson of the joint administration shall, by written notice, call a
 49 meeting of the joint administration to consider such proposed budget. The joint
 50 administration shall adopt a budget for the ensuing federal fiscal year not later
 51 than January fifteenth. At such meeting, the joint administration shall authorize:

52 a. The number of personnel for disaster services and emergency planning
 53 activities, full-time and part-time employment;

54 b. The salaries and compensation of disaster services and emergency planning
 55 employees. Those employees coming under the merit system will include salary
 56 scheduled for various classes in which the salary of a class is adjusted to the
 57 responsibility and difficulty of the work;

58 c. The amount of operating expenses as contained in the proposed budget.
 59 All expenditures shall be subject to the provisions of chapter twenty-four (24) of
 60 the Code, and the chairperson or vice chairperson of the joint administration are
 61 declared to be the certifying officials.

62 3. The joint administration shall be responsible for the direction,
 63 administration, and coordination of disaster services and emergency planning
 64 matters in the county. The joint administration shall coordinate its services in the
 65 event of a disaster. The coordinator may, with the approval of the joint
 66 administration, employ such technical, clerical and administrative personnel as
 67 may be required and necessary to carry out the purposes of this section. The joint
 68 administration shall fix the compensation of such persons so employed to be paid
 69 out of the disaster services and emergency planning fund created by this Act.

70 4. If an approved comprehensive countywide disaster plan has not been
 71 prepared within one year after the effective date of this Act and the director of
 72 the office of disaster services finds that satisfactory progress is not being made
 73 toward the completion of such plan, or if the director finds that a joint county-
 74 municipal disaster services and emergency planning administration has failed to
 75 appoint a qualified coordinator as provided in this Act, the director shall notify
 76 the governing bodies of the counties and cities affected by the failure and the
 77 governing bodies shall not appropriate any moneys to the joint county-municipal
 78 disaster services fund until the disaster plan is prepared and approved or a
 79 qualified coordinator is appointed. If the director finds that a city or county has
 80 appointed an unqualified coordinator, the director shall notify the governing
 81 body of such city or county citing the qualifications which are not met and the
 82 governing body shall not approve the payment of the salary or expenses of the
 83 unqualified coordinator, unless appointed under subsection three (3) of section
 84 eleven (11) of this Act.

1 **SEC. 11. NEW SECTION. County or city coordinator.**

2 1. Each board of supervisors and city council shall appoint a coordinator of
 3 disaster services and emergency planning for that county or city, who shall
 4 possess such qualifications as established by rule of the director of the office of
 5 disaster services as provided in chapter seventeen A (17A) of the Code. The
 6 coordinator shall serve as the coordinator of disaster services and emergency
 7 planning for that city or county and shall also serve as an operations officer for
 8 the joint administration.

9 2. The county boards of supervisors in any two or more adjacent counties may,
 10 by mutual agreement, act as a joint board to appoint one coordinator qualified as
 11 established by rule of the director of the office of disaster services, who shall be
 12 the official coordinator of disaster services and emergency planning for each of
 13 the counties, shall work with any joint county-municipal disaster services and
 14 emergency planning administrations which may have been formed within any of
 15 the counties, and shall provide such services as may be carried on jointly to the
 16 mutual benefit of all counties involved. Such agreement shall be in writing, shall
 17 be approved by the office of disaster services director, and shall be entered in the
 18 respective minutes of each county board. The coordinator so appointed shall be

19 appointed for a term of one to two years, but in no event longer than the period
 20 of time the mutual agreement by the boards is to be in effect. The written
 21 agreement shall provide for the determination of the cost of the joint program
 22 and the manner of allocation of such cost to each board for inclusion in the
 23 budget of the respective boards. For the payment of the salary and expenses of
 24 the coordinator and such other necessary expenses as may be incurred, the boards
 25 shall designate one board to make such payments and be reimbursed by the other
 26 board or boards pursuant to the joint agreement. The boards may meet together
 27 for the transaction of joint business.

28 3. The coordinator employed by the county boards of supervisors may also
 29 serve as a joint county-municipal disaster services coordinator for any joint
 30 county-municipal disaster services administration if a joint administration has
 31 been formed in any of the counties in which the coordinator is serving. Where the
 32 coordinator also serves as a joint county-municipal disaster services coordinator,
 33 any city included in the joint administration may appropriate funds for the
 34 payment of the salary and expenses of the coordinator in the same manner the
 35 city may appropriate money under the joint administration. The joint county-
 36 municipal disaster services and emergency planning administration, a city council,
 37 or a board of supervisors may by a unanimous vote appoint a coordinator who
 38 does not meet the qualifications established by the director. Such appointment
 39 shall be interim in nature. An interim coordinator shall not hold office for more
 40 than one year unless he or she shall have met the qualifications established by the
 41 director.

1 **SEC. 12. NEW SECTION. Local mutual aid arrangements.**

2 1. The coordinator of each local organization for disaster services shall, in
 3 collaboration with other public and private agencies within this state, develop
 4 mutual aid arrangements for reciprocal disaster services and recovery aid and
 5 assistance in case of disaster too great to be dealt with unassisted. Such
 6 arrangements shall be consistent with the office of disaster services plan and
 7 program, and in time of emergency it shall be the duty of each local organization
 8 for disaster services preparedness to render assistance in accordance with the
 9 provisions of such mutual aid arrangements.

10 2. The coordinator of each local organization for disaster services may, subject
 11 to the approval of the governor, enter into mutual aid arrangements with disaster
 12 services agencies or organizations in other states for reciprocal disaster services
 13 and recovery aid and assistance in case of disaster too great to be dealt with
 14 unassisted.

1 **SEC. 13. NEW SECTION. Use of existing facilities.** In carrying out the
 2 provisions of this Act, the governor and the executive director of the department
 3 of public defense, and the executive officers or governing boards of political
 4 subdivisions of the state shall utilize, to the maximum extent practicable, the
 5 services, equipment, supplies and facilities of existing departments, officers, and
 6 agencies of the state and of political subdivisions at their respective levels of
 7 responsibility.

1 **SEC. 14. NEW SECTION. Funds by grants or gifts.**

2 1. If the federal government or any agency or officer thereof shall offer to the
 3 state or through the state to any political subdivision of the state, services,
 4 equipment, supplies, materials, or funds by way of gift, grant or loan, for
 5 purposes of disaster services and emergency planning, the governor or such
 6 political subdivision, acting with the consent of the governor and through its
 7 executive officer or governing body, may authorize any officer of the state or of
 8 the political subdivision to receive such services, equipment, supplies, materials,
 9 or funds on behalf of the state or such political subdivision, and subject to the
 10 terms of the offer and rules of the agency making the offer.

11 2. If any person shall offer to the state or to any political subdivision of the
 12 state, services, equipment, supplies, materials, or funds by way of gift, grant, or
 13 loan, for purposes of disaster services and emergency planning, the governor or
 14 executive officer of such political subdivision, may accept such offer and, upon
 15 such acceptance, the governor of the state or executive officer or governing body
 16 of such political subdivision may authorize any officer of the state or of the
 17 political subdivision to receive such services, equipment, supplies, materials, or
 18 funds on behalf of the state or such political subdivision, and subject to the terms
 19 of the offer.

1 SEC. 15. NEW SECTION. **Comptroller to issue warrants.** The state
 2 comptroller shall draw warrants on the treasurer of state for the purposes
 3 specified in this Act, upon duly itemized and verified vouchers that have been
 4 approved by the director of the office of disaster services.

1 SEC. 16. NEW SECTION. **Tax exempt purchases.** All purchases under the
 2 provisions of this chapter shall be exempt from the taxes imposed by sections four
 3 hundred twenty-two point forty-three (422.43) and four hundred twenty-three
 4 point two (423.2) of the Code.

1 SEC. 17. NEW SECTION. **Political activity prohibited.**

2 1. A person employed by any organization for disaster services or emergency
 3 resources management established under this Act shall not:

4 a. During working hours or when performing official duties or when using
 5 public equipment or at any time on public property, take part in any way in
 6 soliciting any contribution for any political party or any person seeking political
 7 office. The provisions of this section do not preclude any employee from holding
 8 any nonpartisan elective office for which no pay is received or any office for
 9 which only token pay is received.

10 b. Seek or attempt to use any political endorsement in connection with any
 11 appointment to a position created under this Act.

12 c. Use any official authority or influence for the purpose of interfering with an
 13 election or affecting the results thereof.

14 2. Any employee of an organization for disaster services or emergency resource
 15 management shall not become a candidate for any partisan elective office.

1 SEC. 18. NEW SECTION. **Oath of members and employees.** Each person who
 2 is appointed to serve in an organization for disaster services shall, before entering
 3 upon his duties, take an oath in writing, before a person authorized to administer
 4 oaths in this state, which oath shall be substantially as follows:

5 I,, do solemnly swear (or affirm) that I will support and defend the
 6 Constitution of the United States and the Constitution of the state of Iowa,
 7 against all enemies, foreign or domestic; that I will bear true faith and allegiance
 8 to the same; that I take this obligation freely, without any mental reservation or
 9 purpose of evasion; and that I will well and faithfully discharge the duties upon
 10 which I am about to enter.

1 SEC. 19. NEW SECTION. **Enforcement duties.**

2 1. It shall be the duty of every organization for disaster services and emergency
 3 planning pursuant to this Act and of the officers thereof to execute
 4 and enforce such orders or rules made by the governor, or under his authority
 5 and the orders or rules made by subordinate organizations and not contrary or
 6 inconsistent with the orders or rules of the governor.

7 2. A peace officer, when in full and distinctive uniform or displaying a badge
 8 or other insignia of authority, may arrest without a warrant any person violating
 9 or attempting to violate in such officer's presence any order or rule, made
 10 pursuant to this Act. This authority shall be limited to those rules which affect the
 11 public generally.

1 SEC. 20. NEW SECTION. **Rules and order exempted.** Any order issued or
2 rule promulgated by a state agency during a declared disaster emergency and
3 pursuant to the provisions of this Act shall be exempt from being issued or
4 promulgated as provided in chapter seventeen A (17A) of the Code.

1 SEC. 21. NEW SECTION. **Contingent fund—governmental subdivisions disaster**
2 **aid.**

3 1. A contingent fund is created in the state treasury for the use of the executive
4 council which may be expended for the purpose of paying the expenses of
5 suppressing any insurrection or riot, actual or threatened, when state aid has been
6 rendered by order of the governor, and for repairing, rebuilding, or restoring any
7 state property injured, destroyed, or lost by fire, storm, theft, or unavoidable
8 cause, and for aid to any governmental subdivision in an area declared by the
9 governor to be a disaster area due to natural disasters or to expenditures
10 necessitated by the governmental subdivision toward averting or lessening the
11 impact of such potential disaster, where the effect of such disaster or such action
12 on the governmental subdivision is the immediate financial inability to meet the
13 continuing requirements of local government. Upon application by a
14 governmental subdivision in such an area, accompanied by a showing of
15 obligations and expenditures necessitated by such actual or potential disaster in
16 such form and with such further information as the executive council may
17 require, such aid may be made in the discretion of the executive council and, if
18 made, shall be in the nature of a loan up to a limit of seventy-five percent of the
19 showing of such obligations and expenditures. The loan, without interest, shall be
20 repaid by the maximum annual emergency levy as authorized by section twenty-
21 four point six (24.6) of the Code. The aggregate total of such loans shall not
22 exceed one million dollars during any fiscal year. A loan shall not be for any
23 obligation or expenditure occurring more than two years previous to the
24 application.

25 2. The proceeds of such loan shall be applied toward the payment of costs and
26 obligations necessitated by such actual or potential disaster and the
27 reimbursement of local funds from which such expenditures have been made.
28 Any such project for repair, rebuilding or restoration of state property for which
29 no specific appropriation has been made, shall, before work is begun, be subject
30 to approval or rejection by the executive council.

31 3. If the president, at the request of the governor, has declared a major disaster
32 to exist in this state, the executive council may make financial grants to meet
33 disaster-related necessary expenses or serious needs of individuals or families
34 adversely affected by a major disaster which cannot otherwise adequately be met
35 from other means of assistance. The amount of a financial grant shall not exceed
36 five thousand dollars in the aggregate to an individual or family in any single
37 major disaster declared by the president. All grants authorized to individuals and
38 families will be subject to the federal government providing no less than seventy-
39 five percent of each grant and the declaration of a major disaster in the state by
40 the president of the United States.

41 4. If the president, at the request of the governor, has declared a major disaster
42 to exist in this state, the executive council may lease or purchase sites and develop
43 such sites to accommodate temporary housing units for disaster victims.

44 5. For the purposes of this section, "governmental subdivision" means any
45 political subdivision of this state.

1 SEC. 22. NEW SECTION. **Interstate civil defense and disaster compact**
2 **authorized.** The interstate civil defense and disaster compact, shall be in effect
3 with all jurisdictions which have joined or which may join in the form
4 substantially as contained in this section, provided that other jurisdictions have
5 signified their joinder with this state by enactment without limitation as to parties
6 or in some other manner sufficient in law to make it clear that joinder has been
7 effected with this state.

8 The contracting states solemnly agree:

9 Article 1. The purpose of this compact is to provide mutual aid among the
10 states in meeting any emergency or disaster. The prompt, full, and effective
11 utilization of the resources of the respective states, including the resources as may
12 be available from the United States government or any other source, are essential
13 to the safety, care, and welfare of the people in the event of disaster, and any
14 other resources, including personnel, equipment, or supplies, shall be incorporated
15 into a plan or plans of mutual aid to be developed among the civil defense
16 agencies or similar bodies of the states that are parties to this contract. The
17 directors of civil defense of all party states shall constitute a committee to
18 formulate plans to take all necessary steps for the implementation of this contract.

19 Art. 2. It shall be the duty of each party state to formulate civil defense plans
20 and programs for application within such state. There shall be frequent
21 consultation between the representatives of the states and with the United States
22 government and the free exchange of information and plans, including inventories
23 of any materials and equipment available for civil defense. In carrying out civil
24 defense plans and programs the party states shall so far as possible provide and
25 follow uniform standards, practices and rules in regard to:

26 1. Insignia, arm bands and any other distinctive articles to designate and
27 distinguish the different civil defense services;

28 2. Blackouts and practice blackouts, air-raid drills, mobilization of civil defense
29 forces and other tests and exercises;

30 3. Warnings and signals for drills or attacks and the mechanical devices to be
31 used in connection therewith;

32 4. The effective screening or extinguishing of all lights and lighting devices and
33 appliances;

34 5. Shutting off water mains, gas mains, electric power connections and the
35 suspension of all other utility services;

36 6. All materials or equipment used or to be used for civil defense purposes in
37 order to assure that such materials and equipment will be easily and freely
38 interchangeable when used in or by any other party state;

39 7. The conduct of civilians and the movement and cessation of movement of
40 pedestrians and vehicular traffic, prior, during and subsequent to drills or attacks;

41 8. The safety of public meetings or gatherings; and

42 9. Mobile support units.

43 Art. 3. Any party state requested to render mutual aid shall take such action as
44 is necessary to provide and make available the resources covered by this compact
45 in accordance with terms of the contract; but the state rendering aid may
46 withhold resources to the extent necessary to provide reasonable protection for
47 such state. Each party state shall extend to the civil defense forces of any other
48 party state, while operating within its state limits under the terms and conditions
49 of this compact, the same powers (except that of arrest unless specifically
50 authorized by the receiving state), duties, rights, privileges and immunities as if
51 they were performing their duties in the state in which normally employed or
52 rendering services. Civil defense forces will continue under the command and
53 control of their regular leaders but the organizational units will come under the
54 operational control of the civil defense authorities of the state receiving
55 assistance.

56 Art. 4. Whenever a person holds a license, certificate, or other permit issued by
57 a state evidencing the meeting of qualifications for professional, mechanical or
58 other skills, such person may render aid involving such skill in any party state to
59 meet an emergency or disaster and the state shall give due recognition to such
60 license, certificate or other permit as if issued in the state in which aid is
61 rendered.

62 Art. 5. No party state or its officers or employees rendering aid in another state
63 pursuant to this compact shall be liable on account of any act or omission in
64 good faith on the part of such forces while so engaged or on account of the

65 maintenance or use of any equipment or supplies used in connection with
66 rendering aid.

67 Art. 6. If the pattern and detail of the machinery for mutual aid among two or
68 more states differs from that appropriate among other party states, this
69 instrument contains elements of a broad base common to all states, and nothing
70 contained in it shall preclude any state from entering into supplementary
71 agreements with another state or states. Such supplementary agreements may
72 comprehend, but shall not be limited to, provisions for evacuation and reception
73 of injured and other persons, and the exchange of medical, fire, police, public
74 utility, reconnaissance, welfare, transportation and communications personnel,
75 equipment and supplies.

76 Art. 7. Each party state shall provide for the payment of compensation and
77 death benefits to injured members of the civil defense forces of that state and the
78 representatives of deceased members of such forces if members sustain injuries or
79 are killed while rendering aid pursuant to this compact, in the same manner and
80 on the same terms as if the injury or death were sustained within such state.

81 Art. 8. A party state rendering aid in another state pursuant to this compact
82 shall be reimbursed by the party state receiving such aid for any loss or damage
83 to, or expense incurred in the operation of any equipment answering a request for
84 aid, and for the cost incurred in connection with such requests; but any aiding
85 party state may assume in whole or in part such loss, damage, expense, or other
86 cost, or may loan such equipment or donate the services to the receiving party
87 state without charge or cost and any two or more party states may enter into
88 supplementary agreements establishing a different allocation of costs as among
89 those states. The party state receiving aid may accept relief from the federal
90 government from any liability and the party state supplying civil defense forces
91 may accept reimbursement from the federal government for the compensation
92 paid to and the transportation, subsistence, and maintenance expenses and
93 supplies of such forces during the time of the rendition of such aid or assistance
94 outside the state.

95 Art. 9. Plans for the orderly evacuation and reception of the civilian population
96 as the result of an emergency or disaster shall be worked out from time to time
97 between representatives of the party states and the various local civil defense
98 areas. Such plans shall include the manner of transporting evacuees, the number
99 of evacuees to be received in different areas, the manner in which food, clothing,
100 housing, and medical care will be provided, the registration of the evacuees, the
101 providing of facilities for the notification of relatives or friends and the
102 forwarding of such evacuees to other areas or the bringing in of additional
103 materials, supplies, and all other relevant factors. The plans shall provide that the
104 party state receiving evacuees shall be reimbursed generally for the actual and
105 necessary expenses incurred in receiving and caring for evacuees, for expenditures
106 for transportation, food, clothing, medicines and medical care, and like items. The
107 expenditures shall be reimbursed by the party state of which the evacuees are
108 residents, or by the United States government under plans approved by it. After
109 the termination of the emergency or disaster the party state of which the evacuees
110 are resident shall assume the responsibility for the ultimate support or
111 repatriation of such evacuees.

112 Art. 10. This compact shall be available to any state, territory or possession of
113 the United States, and the District of Columbia. The term "state" may also
114 include any neighboring foreign country or province or state thereof.

115 Art. 11. The committee established pursuant to article one (1) of this compact
116 may request the civil defense agency of the United States government to act as an
117 informational and coordinating body under this compact, and representatives of
118 such agency of the United States government may attend meetings of the
119 committee.

120 Art. 12. This compact shall become operative immediately upon its ratification
121 by any state as between it and any other state or states so ratifying and shall be
122 subject to approval by Congress unless prior congressional approval has been
123 given. Duly authenticated copies of this compact and of supplementary
124 agreements entered into by the party states shall, at the time of their approval, be
125 deposited with each of the party states and the civil defense agency and other
126 appropriate agencies of the United States government.

127 Art. 13. This compact shall continue in force and remain binding on each party
128 state until the legislature or the governor of the party state takes action to
129 withdraw. The action shall not be effective until thirty days after notice has been
130 sent by the governor of the party state desiring to withdraw to the governors of all
131 other party states.

132 Art. 14.

133 1. This article shall be in effect only as among those states which have enacted
134 it into law or in which the governors have adopted it pursuant to constitutional or
135 statutory authority sufficient to give it the force of law as part of this compact.
136 Nothing contained in this article or in any supplementary agreement made in
137 implementation thereof shall be construed to abridge, impair or supersede any
138 other provision of this compact or any obligation undertaken by a state pursuant
139 thereto, except that if its terms so provide, a supplementary agreement in
140 implementation of this article may modify, expand or add to any such obligation
141 as among the parties to the supplementary agreement.

142 2. In addition to the occurrences, circumstances and subject matters to which
143 preceding articles of this compact make it applicable, this compact and the
144 authorizations, entitlements and procedures thereof shall apply to:

145 a. Searches for and rescue of persons who are lost, marooned, or otherwise in
146 danger;

147 b. Action useful in coping with disasters arising from any cause or designed to
148 increase capability to cope with any such disasters;

149 c. Incidents, or the imminence thereof, which endanger the health or safety of
150 the public and which require the use of special equipment, trained personnel or
151 personnel in larger numbers than are locally available in order to reduce,
152 counteract or remove the danger;

153 d. The giving and receiving of aid by subdivisions of party states;

154 e. Exercises, drills or other training or practice activities designed to aid
155 personnel to prepare for, cope with, or prevent any disaster or other emergency to
156 which this compact applies.

157 3. Except as expressly limited by this compact or a supplementary agreement in
158 force pursuant thereto, any aid authorized by this compact or such supplementary
159 agreement may be furnished by any agency of a party state, a subdivision of such
160 state, or by a joint agency of any two or more party states or of their subdivisions.
161 Any joint agency providing such aid shall be entitled to reimbursement therefor
162 to the same extent and in the same manner as a state. The personnel of such a
163 joint agency, when rendering aid pursuant to this compact, shall have the same
164 rights, authority and immunity as personnel of party states.

165 4. Nothing in this article shall be construed to exclude from the coverage of
166 articles one (1) through thirteen (13) of this compact any matter which, in the
167 absence of this article, could reasonably be construed to be covered thereby.

1 SEC. 23. Section twenty-four point six (24.6), Code 1975, is amended to read
2 as follows:

3 **24.6 Emergency fund—levy.** Each municipality as defined herein, may
4 include in the estimate herein required, an estimate for an emergency fund. Each
5 such municipality shall have power to assess and levy a tax for such emergency
6 fund at a rate not to exceed twenty-seven cents per thousand dollars of assessed
7 value of taxable property of the municipality, provided that no such emergency
8 tax levy shall be made until such municipality shall have first petitioned the state

9 board to make such levy and received its approval thereof. Transfers of moneys
 10 may be made from the emergency fund to any other fund of the municipality for
 11 the purpose of meeting deficiencies in any such fund arising from any cause,
 12 provided, however, that no such transfer shall be made except upon the written
 13 approval of the state board, and then only when such approval is requested by a
 14 two-thirds vote of the governing body of said municipality. Approval may be
 15 granted by the state board upon an application approved by a two-thirds vote of
 16 the board of supervisors of a county to use this fund for the purpose of matching
 17 funds available to such county from federal programs including, but not limited
 18 to, crime control, public health, ~~civil defense~~ *disaster services*, highway safety,
 19 juvenile delinquency, narcotics control and pollution.

1 SEC. 24. Section twenty-nine point one (29.1), Code 1975, is amended to read
 2 as follows:

3 **29.1 Military and civil forces co-ordinated.** There shall be an agency of the
 4 state government to be known as the department of public defense of the state of
 5 Iowa, which shall be composed of the military agency as provided in the laws of
 6 this state and the ~~civil defense~~ *agency office of disaster services* as provided in the
 7 laws of the state. The adjutant general, state of Iowa, shall be executive director
 8 of the department of public defense.

1 SEC. 25. Section twenty-nine point three (29.3), Code 1975, is amended to
 2 read as follows:

3 **29.3 ~~Civil division~~ *Disaster services.*** There shall be within the department of
 4 public defense of the state government, as a division thereof, a ~~state civil defense~~
 5 ~~agency an office of disaster services~~ which shall be styled and known as the "~~civil~~
 6 ~~defense division~~ *office of disaster services*, department of public defense", with a
 7 director of ~~civil defense~~ *the office of disaster services* who shall be the head thereof.
 8 The adjutant general, as the executive director of the department of public
 9 defense shall exercise supervisory authority over the division.

1 SEC. 26. Section twenty-nine A point seven (29A.7), Code 1975, is amended to
 2 read as follows:

3 **29A.7 Commander in chief.** The governor shall be the commander in chief of
 4 the military forces, except so much thereof as may be in federal service. The
 5 governor may employ the military forces of the state for the defense or relief of
 6 the state, the enforcement of its laws, ~~and~~ the protection of life and property
 7 ~~therein and he shall have the power, in cases of insurrection, invasion, or breaches~~
 8 ~~of peace, or imminent danger thereof, to order into active state service such of the~~
 9 ~~military forces of the state as he may deem proper, under the command of such~~
 10 ~~officer as he may designate, and emergencies resulting from disasters or public~~
 11 ~~disorders as defined in this Act.~~

1 SEC. 27. Section twenty-nine A point eight (29A.8), Code 1975, is amended to
 2 read as follows:

3 **29A.8 Active service.** The governor shall have the power to order into active
 4 state service such of the military forces of the state, including retired national
 5 guardsmen, both army and air, ~~who are willing to return to service~~, as he may
 6 deem proper, under command of such officer as he may designate, ~~in cases of~~
 7 ~~insurrection or invasion, or imminent danger thereof, or for the purpose of aiding the~~
 8 ~~civil authorities of any political subdivision of the state in maintaining law and~~
 9 ~~order in such subdivision in cases of breaches of the peace or imminent danger~~
 10 ~~thereof, if the law enforcement officers of such subdivision are unable to maintain~~
 11 ~~law and order, and the civil authorities request such assistance. If circumstances~~
 12 ~~necessitate the establishment of a military district under martial law and the general~~
 13 ~~assembly is not convened, such district shall be established only after the governor has~~
 14 ~~issued a proclamation convening an extraordinary session of the general assembly.~~

1 SEC. 28. Section twenty-nine A point nine (29A.9), unnumbered paragraph
2 one (1), Code 1975, is amended to read as follows:

3 The governor may order the national guard into camp for field training for
4 such period or periods as he may direct. He may, in his discretion, order such
5 organizations or personnel of the national guard, or persons who have retired
6 from the national guard, both army and air, ~~and are willing to return to service,~~
7 as he may deem proper, to active state service, or duty, or to assemble for
8 purposes of drill, instruction, parade, ceremonies, guard and escort duty, and
9 schools of instruction, and prescribe all regulations and requirements therefor.

1 SEC. 29. Section twenty-nine A point forty-one (29A.41), Code 1975, is
2 amended to read as follows:

3 **29A.41 Exemption from jury and other exemptions.** Every officer and
4 enlisted person of the national guard *while in active state service* shall be exempt
5 from jury duty. No member of the national guard shall be arrested, or served with
6 any summons, order, warrant or other civil process after having been ordered to
7 any duty, or while going to, attending, or returning from, any place to which the
8 officer or enlisted person is required to go for military duty. Nothing herein shall
9 prevent the officer's or enlisted person's arrest by order of a military officer or for
10 a felony or breach of the peace committed while not in the actual performance of
11 the officer's or enlisted person's duty. The articles of equipment personally owned
12 by such members shall be exempt from seizure or sale for debt. Every member of
13 the national guard who has faithfully served the full term of the member's
14 commission, warrant or enlistment, shall, upon application, be entitled to an
15 honorable discharge, exempting the member from military duty except in time of
16 war or public danger.

1 SEC. 30. Section three hundred thirty-two point three (332.3), subsection
2 twenty-five (25), Code 1975, is amended to read as follows:

3 25. To appropriate funds from the general fund to match any grant to the
4 county under any state or federal program for the purpose of matching funds
5 available to such county from federal programs including, but not limited to,
6 crime control, public health, ~~civil defense~~ *disaster services*, highway safety, juvenile
7 delinquency, narcotics control and pollution.

1 SEC. 31. Section nineteen point seven (19.7), Code 1975, is repealed.

Approved June 23, 1976

CHAPTER 1075

ELECTION LAWS

H. F. 1011

AN ACT to amend the election laws of the state of Iowa by specifying the times when special elections may be called and held, clarifying the requirement that nominating petitions for candidates for public office be accompanied by an eligible elector's affidavit, clarifying the manner in which ballots cast by challenged or handicapped electors are to be received, handled and canvassed, requiring that county election commissioners notify the state commissioner when a recount of primary election ballots is granted, requiring that candidates nominated by write-in votes in certain elections affirm their candidacy, specifying how nominations for certain special elections are to be certified, changing the manner of filling vacancies on city primary election ballots in special charter cities, changing the time when the number of delegates to be elected to county political party conventions by each precinct caucus must be designated, stating the functions of state political party conventions, changing the time when petitions for certain candidates nominated under chapter forty-four (44) of the Code must be filed, revising the manner in which voter registration records are required to be kept and designating a state registrar of voters, clarifying the permissible uses of voter registration records, altering the procedures for certain registered voters to record a change of name or address, clarifying the relationship between county supervisor district boundaries and election precincts, specifying certain hours when the office of the county commissioner of elections must be open or make alternative arrangements to receive registration material from mobile deputy registrars, clarifying the time and method of holding and canvassing and the formula for determining who is nominated or elected in certain city elections, clarifying the number of voting machines or booths to be furnished each precinct polling place, clarifying the requirements for publishing notice of elections, clarifying the manner in which printed ballots are to be identified, clarifying the hours when the polls must be open for certain elections, revising the law relative to tallying votes cast in certain precincts, clarifying and revising certain requirements relative to the manner of delivery of absentee ballots to certain voters, providing for contesting elections on public measures, clarifying when a contested election may be set aside, clarifying when vacancies in certain elective offices must be filled by election, changing the time when candidates in school elections may withdraw, clarifying the requirements relative to canvassing of school elections, deleting an obsolete reference to elected school district treasurers, clarifying the manner of administering merged area elections, changing the manner of electing sanitary district trustees, ending the requirement that the township clerk's annual financial statement be posted at each polling place in the township, clarifying the law relative to certain elections conducted for the city development board, correcting a reference in Acts of the Sixty-sixth General Assembly, 1976 session, House File 1033, and providing that this Act shall take effect upon publication.

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

1 SECTION 1. Section thirty-nine point two (39.2), Code 1975, as amended by
2 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81),
3 section two (2), is amended to read as follows:

4 **39.2 Special elections.**

5 1. All special elections which are authorized or required by law, unless the
6 applicable law otherwise requires, shall be held on Tuesday. No special election
7 may be held on the first or second Tuesday preceding and following the primary
8 and the general elections.

9 2. *A special election may be held on the same day as a regularly scheduled election*
10 *if the two elections are not in conflict within the meaning of Acts of the Sixty-sixth*
11 *General Assembly, 1975 Session, chapter eighty-one (81), section forty-four (44),*
12 *subsection two (2). A special election may be held on the same day as a regularly*
13 *scheduled election with which it does so conflict if the commissioner who is responsible*
14 *for conducting the elections concludes that to do so will cause no undue difficulties.*

15 3. *When voting is to occur on the same day in any one precinct for two or more*
16 *elections, they shall be considered one election for purposes of administration*
17 *including but not limited to publishing notice of the election, preparation of the*
18 *precinct election register and completion of tally sheets after the polling place has*
19 *closed.*

1 SEC. 2. Section thirty-nine point three (39.3), Code 1975, is amended by
2 adding the following new subsections:

3 NEW SUBSECTION. "Registrar" means the state registrar of voters designated
4 by section twenty-two (22) of this Act.

5 NEW SUBSECTION. "Registration commission" means the state voter
6 registration commission established by section twenty-two (22) of this Act.

1 SEC. 3. Section forty-three point seventeen (43.17), Code 1975, is amended to
2 read as follows:

3 **43.17 Affidavit to nomination papers.** The affidavit of an eligible elector;
4 ~~other than the candidate~~, shall be appended to each such nomination paper, or
5 papers, if more than one for any candidate, stating that to the best of his or her
6 knowledge and belief all the persons who have signed the paper or papers are
7 electors of that county or legislative district; that they signed the same with full
8 knowledge of the contents thereof; that their respective residences are truly stated
9 therein; and that each signer signed the same on the date stated opposite his or
10 her name. *The candidate being nominated by the paper or papers may sign the
11 affidavit only if he or she personally circulated the paper or papers. If the affiant also
12 signed the nomination paper, that signature shall not be counted toward the total
13 required by section forty-three point twenty (43.20) of the Code.*

1 SEC. 4. Section forty-three point forty-six (43.46), Code 1975, as amended by
2 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81),
3 section thirteen (13), is amended to read as follows:

4 **43.46 Delivering returns.** The precinct election officials shall deliver all
5 election supplies, by noon of the day after the close of the polls, to the
6 commissioner who shall carefully preserve them and deliver the returns and
7 envelopes containing ballots, in the condition in which received *except as is
8 otherwise required by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
9 eighty-one (81), section eighty-seven (87)*, to the county board of supervisors.

1 SEC. 5. Section forty-three point fifty-eight (43.58), Code 1975, is amended to
2 read as follows:

3 **43.58 Recount granted.** If such showing is made to the satisfaction of the
4 board, it shall thereupon recount the ballots cast in any such precinct for the
5 office for which the contestant was a candidate, and if the result reached by the
6 board on the recount of the ballots as to such office be different from that
7 returned by the judges of election, it shall be substituted therefor as the true and
8 correct return and so regarded in all subsequent proceedings. The action of the
9 board shall be final and no other contest of any kind shall be permitted. *The
10 commissioner shall promptly notify the state commissioner of any recount the board
11 decides to make and shall subsequently, at the earliest practicable time, inform the
12 state commissioner whether any change in the outcome of the election resulted from
13 the recount.*

1 SEC. 6. Section forty-three point sixty-seven (43.67), Code 1975, is amended to
2 read as follows:

3 **43.67 Nominee's right to place on ballot.** Each candidate so nominated shall
4 be entitled to have his or her name printed on the official ballot to be voted at the
5 general election without other certificate, *except that a candidate whose name was
6 not printed on the official primary election ballot must execute and deliver to the
7 commissioner or the state commissioner, as the case may be, an affidavit in
8 substantially the following form:*

9 "I,, being duly sworn, say that I reside at
10 street, city of, county of in the state of Iowa; that I
11 am a candidate for election to the office of at the election to be
12 held on, as the candidate of the (name of political
13 party) and hereby request that my name be so printed upon the official ballot for that
14 election as provided by law. I furthermore declare that I am eligible to the office for
15 which I am a candidate and that if I am elected I will qualify as such officer.

16 I am aware that I am required to organize a candidate's committee which shall file
17 an organization statement and disclosure reports if it receives contributions, makes
18 expenditures, or incurs indebtedness in excess of one hundred dollars for the purpose
19 of supporting my candidacy for public office.

20 (Signed)
21 Subscribed and sworn to (or affirmed) before me by ... on this ... day of ..., 19 ...
22
23 (Name)
24
25 (Official title)"

26 Each candidate required to execute the foregoing affidavit shall be so notified by
27 the commissioner immediately upon completion of the canvass held under section
28 forty-three point forty-nine (43.49) of the Code, or by the state commissioner
29 immediately upon completion of the canvass held under section forty-three point sixty-
30 three (43.63) of the Code, as the case may be. If the candidate does not execute and
31 deliver the affidavit by five o'clock p.m. on the seventh day following completion of
32 such canvass, the commissioner or state commissioner shall not cause that candidate's
33 name to be placed upon the official general election ballot.

1 SEC. 7. Section forty-three point seventy-three (43.73), Code 1975, is amended
2 by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The state commissioner shall similarly
4 certify to the appropriate commissioner or commissioners at the earliest
5 practicable time the names of nominees for a special election, called under section
6 sixty-nine point fourteen (69.14) of the Code, submitted to the state commissioner
7 pursuant to Acts of the Sixty-sixth General Assembly, 1976 Session, House File
8 one thousand thirty-three (1033), section one (1).

1 SEC. 8. Section forty-three point seventy-eight (43.78), Code 1975, as amended
2 by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one
3 (81), section twenty-five (25), is amended by striking from subsection one (1) all
4 of paragraphs f and g and inserting in lieu thereof the following:

5 f. For any other partisan office filled by the voters of a subdivision of a county,
6 by those members of the party's county central committee who represent the
7 precincts lying within that district, who shall be convened or reconvened as
8 appropriate by the county party chairperson. However this paragraph shall not
9 apply to partisan city offices in special charter cities for which candidates are
10 nominated under this chapter, but such ballot vacancies shall be filled as
11 provided by section twelve (12) of this Act.

1 SEC. 9. Section forty-three point seventy-eight (43.78), subsection three (3),
2 Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975
3 Session, chapter eighty-one (81), section twenty-five (25), is amended to read as
4 follows:

5 3. The name of any candidate designated to fill a vacancy on the general
6 election ballot in accordance with subsection one (1), paragraphs d, e, f or g f of
7 this section shall be submitted in writing to the commissioner not later than five
8 o'clock p.m. on the fifty-fifth day prior to the date of the general election.

1 SEC. 10. Section forty-three point ninety (43.90), Code 1975, is amended to
2 read as follows:

3 **43.90 Delegates.** The county convention shall be composed of delegates
4 elected at the last preceding precinct caucus. Delegates shall be persons who are
5 or will by the date of the next general election become eligible electors and who
6 are residents of the precinct. The number of delegates from each voting precinct
7 shall be determined by a ratio adopted by the respective party county central
8 committees, and a statement designating the number from each voting precinct in
9 the county shall be filed by such committee at least ~~fifty-five days~~ before the
10 ~~primary election~~ not later than the time the list of precinct caucus meeting places

11 *required by section forty-three point four (43.4) of the Code is filed* in the office of
 12 the commissioner. If the required statement is not filed, the commissioner shall fix
 13 the number of delegates from each voting precinct.

1 SEC. 11. Section forty-three point one hundred seven (43.107), Code 1975, is
 2 amended to read as follows:

3 **43.107 State convention.** Each political party shall hold a state convention
 4 either preceding or following the primary election. The state central committee of
 5 each political party shall designate the time and place of the state convention,
 6 *which shall transact such business as is required or permitted by the party's state*
 7 *constitution or bylaws or by the rules of the convention.*

1 SEC. 12. Chapter forty-three (43), Code 1975, is amended by inserting after
 2 section forty-three point one hundred fifteen (43.115) the following new section:

3 **NEW SECTION. Ballot vacancies in special charter city elections.**

4 1. A vacancy on the ballot for an election at which city officers are to be
 5 chosen, and for which candidates have been nominated under this chapter, exists
 6 when any political party lacks a candidate for an office to be filled at that
 7 election because:

8 a. No person filed at the time required by section forty-three point one
 9 hundred fifteen (43.115) as a candidate for the party's nomination for that office
 10 in the city primary election held under section forty-three point one hundred
 11 twelve (43.112) of the Code, or all persons who did so subsequently withdrew as
 12 candidates, were found to lack the requisite requirements for the office or died
 13 before the date of the city primary election, and no candidate received a number
 14 of write-in votes sufficient for nomination under section forty-three point fifty-
 15 three (43.53) of the Code; or

16 b. The person nominated in the city primary election as the party's candidate
 17 for that office withdrew by giving written notice to that effect to the city clerk not
 18 later than five o'clock p.m. on the day of the canvass of that city primary election.

19 2. A ballot vacancy as defined by this section may be filled by the city central
 20 committee of the party on whose ticket the vacancy exists or, in the case of an
 21 officer elected by the voters of a district within the city, by those members of the
 22 committee who represent the precincts lying within that district. The name of a
 23 candidate so designated to fill such a ballot vacancy shall be submitted in writing
 24 to the city clerk not later than five o'clock p.m. on the seventh day following the
 25 city primary election.

1 SEC. 13. Section forty-four point nine (44.9), subsections three (3), four (4)
 2 and five (5), Code 1975, are amended to read as follows:

3 3. In the office of the proper *school board secretary* or city clerk, at least ~~thirty~~
 4 *thirty-five* days before the day of ~~the~~ *a regularly scheduled school or city* election.

5 4. In the office of the state commissioner, in case of a special election to fill
 6 vacancies; ~~at least sixteen days before the day of election in congress or the general~~
 7 *assembly, not more than:*

8 a. *Twenty days after the date on which the governor issues the call for a special*
 9 *election to be held on at least forty days' notice.*

10 b. *Five days after the date on which the governor issues the call for a special*
 11 *election to be held on at least ten but less than forty days' notice.*

12 5. In the office of the proper commissioner, *school board secretary* or city clerk,
 13 in case of a special election to fill vacancies, at least ~~thirty~~ *twenty-five* days before
 14 the day of election.

1 SEC. 14. Section forty-four point eleven (44.11), Code 1975, is amended to
 2 read as follows:

3 **44.11 Vacancies filled.** If a candidate named under this chapter declines a
 4 nomination, or dies before election day, or should any certificate of nomination
 5 be held insufficient or inoperative by the officer with whom it is required to be
 6 filed, or in case any objection made to any certificate of nomination, or to the

7 eligibility of any candidate therein named, is sustained by the board appointed to
 8 determine such questions, the vacancy or vacancies thus occasioned may be filled
 9 by the convention, or caucus, or in such manner as such convention or caucus
 10 has previously provided. The vacancy or vacancies shall be filled not less than
 11 sixty days prior to the election in the case of nominations required to be filed
 12 with the state commissioner, not less than fifty days prior to the election in the
 13 case of nominations required to be filed with the commissioner, and not less than
 14 ~~thirty~~ *thirty-five* days prior to the election in the case of nominations required to
 15 be filed in the office of the *school board secretary or city clerk*.

1 SEC. 15. Section forty-four point fourteen (44.14), Code 1975, as amended by
 2 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81),
 3 section thirty-nine (39), is amended to read as follows:

4 **44.14 Filing of certificates.** Certificates of nominations made to fill
 5 vacancies, as required by section forty-four point thirteen (44.13) of the Code,
 6 shall be filed with the officer designated and at the time required by section forty-
 7 four point eleven (44.11) of the Code. ~~In the case of a special election to fill a~~
 8 ~~vacancy in an office for which nomination papers must be filed with the state~~
 9 ~~commissioner, such certificates must be filed with the state commissioner not less~~
 10 ~~than fifteen days before the date of the special election. In the case of a special~~
 11 ~~election to fill a vacancy in an office for which nomination papers must be filed~~
 12 ~~with an officer other than the state commissioner, such certificates must be filed~~
 13 ~~with the appropriate officer not less than twelve days before the date of the~~
 14 ~~special election.~~

1 SEC. 16. Section forty-five point three (45.3), subsection one (1), Code 1975, as
 2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 3 eighty-one (81), section forty-one (41), is amended to read as follows:

4 1. The affidavit of at least one of ~~the signers of the petition~~ *eligible elector*,
 5 stating that each of the persons who signed the petition did so voluntarily and is
 6 an eligible elector of the state, as defined by section thirty-nine point three (39.3)
 7 of the Code, who is (or would be, if registered) entitled to vote for the candidate
 8 nominated by the petition; ~~and. The candidate being nominated by the petition may~~
 9 ~~sign the affidavit only if he or she personally circulated the petition. If the affiant also~~
 10 ~~signed the nominating petition, that signature shall not be counted toward the total~~
 11 ~~required by section forty-five point one (45.1) of the Code.~~

1 SEC. 17. Section forty-seven point one (47.1), Code 1975, as amended by Acts
 2 of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81),
 3 section forty-two (42), is amended to read as follows:

4 **47.1 State commissioner of elections.** The secretary of state is designated as
 5 the state commissioner of elections and shall supervise the activities of the county
 6 commissioners of elections. There is established within the office of the secretary
 7 of state a division of elections which shall be under the direction of the state
 8 commissioner of elections. The state commissioner of elections may appoint a
 9 person to be in charge of the division of elections who shall perform such duties
 10 as may be assigned by the state commissioner of elections. The state
 11 commissioner of elections shall prescribe uniform election practices and
 12 procedures, shall prescribe the necessary forms required for ~~voter registration and~~
 13 the conduct of elections, and shall adopt rules, pursuant to chapter 17A, to carry
 14 out the provisions of this section.

1 SEC. 18. Section forty-seven point three (47.3), unnumbered paragraph one
 2 (1), Code 1975, is amended to read as follows:

3 The costs of conducting a special election called by the governor *to fill a*
 4 *vacancy in the United States house of representatives*, general election, and the
 5 primary election held prior to the general election shall be paid by the county.

1 SEC. 19. Section forty-seven point three (47.3), Code 1975, is amended by
2 adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The cost of maintenance of voter
4 registration records and of preparation of election registers and any other voter
5 registration lists required by the commissioner in the discharge of the duties of
6 that office shall be paid by the county. Administrative and clerical costs, incurred
7 by the registrar in discharging the duties of that office shall be paid by the state.

1 SEC. 20. Section forty-seven point five (47.5), Code 1975, is amended to read
2 as follows:

3 **47.5 Purchasing by competitive bidding.**

4 1. The commissioner shall take bids for ~~any~~ goods and services *which are*
5 *needed in connection with registration of voters or preparation for or administration of*
6 *elections and which will be performed or provided by persons who are not*
7 *employees of the commissioner and where the costs of such services exceed five*
8 *thousand dollars per contract in the case of contracts for the printing of ballots*
9 *or, in the case of other services, two thousand five hundred dollars per contract.*
10 *under the following circumstances:*

11 *a. In any case where it is proposed to purchase data processing services. The*
12 *commissioner shall give the registrar written notice in advance on each occasion when*
13 *it is proposed to have data processing services, necessary in connection with the*
14 *administration of elections, performed by any person other than the registrar or an*
15 *employee of the county. Such notice shall be made at least thirty days prior to*
16 *publication of the specifications.*

17 *b. In the case of arrangements for printing of ballots, where the cost of the printing*
18 *will exceed five thousand dollars.*

19 *c. In all other cases, where the cost of the goods or services to be purchased will*
20 *exceed one thousand dollars.*

21 *d. No bids shall be required for legal services. ~~The~~*

22 *2. When it is proposed to purchase any goods or services, other than data processing*
23 *services, in connection with administration of elections, the commissioner shall*
24 *publish notice to bidders, including specifications regarding the goods or services*
25 *to be purchased or a description of the nature and object of the services to be*
26 *retained, in a newspaper of general circulation in the county not less than fifteen*
27 *days before the final date for submission of bids. The commissioner shall also file*
28 *a copy of the bid specifications in the office of the state commissioner for a*
29 *period of not less than twenty days prior to the such final date the bid is let. When*
30 *competitive bidding procedures are used, the purchase of goods or services shall*
31 *be made from the lowest responsible bidder which meets the specifications or*
32 *description of the services needed or the commissioner may reject all bids and*
33 *readvertise. In determining the lowest responsible bidder, various factors may be*
34 *considered, including but not limited to the past performance of the bidder*
35 *relative to quality of product or service, the past experience of the purchaser in*
36 *relation to the product or service, the relative quality of products or services, the*
37 *proposed terms of delivery and the best interest of the county.*

38 *A county shall not enter into an intergovernmental agreement with any other*
39 *political subdivision of the state for acquisition of goods or performance of*
40 *services until an audit has been conducted by the auditor of state or an*
41 *independent certified public accountant not in the regular employ of the counties*
42 *executing an agreement which sets forth the costs of each county for providing*
43 *goods and services.*

44 *3. The procedure for purchasing data processing services in connection with*
45 *administration of elections shall be the same as prescribed in subsection two (2) of this*
46 *section, except that the required copy of the bid specifications shall be filed with the*
47 *registrar rather than the state commissioner. The specifications for data processing*
48 *contracts relative to voter registration records shall be specified by the registration*
49 *commission. The registrar shall, not later than the final date for submission of bids,*

50 *inform the commissioner in writing whether the state comptroller's data processing*
 51 *facilities are currently capable of furnishing the services the county proposes to*
 52 *purchase, and if so the cost to the county of so obtaining the services as determined in*
 53 *accordance with the standard charges therefor adopted by the registration commission.*
 54 *The commissioner, with approval of the board of supervisors, may reject all bids and*
 55 *enter into an arrangement with the registrar for the services to be furnished by the*
 56 *state. The commissioner may recommend and the board of supervisors may approve*
 57 *purchasing the needed services from the lowest responsible bidder, however if the*
 58 *needed services could be obtained through the registrar at a lower cost, the board shall*
 59 *publish notice twice in a newspaper of general circulation in the county of its intent to*
 60 *accept such bid and of the difference in the amount of the bid and the cost of*
 61 *purchasing the needed services from the state comptroller's data processing facilities*
 62 *through the registrar. Each contract for the furnishing of data processing services,*
 63 *necessary in connection with the administration of elections, by any person other than*
 64 *the registrar or an employee of the county shall be executed with the contractor by the*
 65 *board of supervisors of the county purchasing the services, but only after the contract*
 66 *has been reviewed and approved by the registration commission. Such contract shall*
 67 *be of not more than one year's duration. Each county exercising the option to*
 68 *purchase such data processing services from a provider other than the registrar shall*
 69 *provide the registrar, at the county's expense, original and updated voter registration*
 70 *lists in a form and at times prescribed by rules promulgated by the registration*
 71 *commission.*

72 4. Any election or registration data or records which may be in the possession
 73 of a contractor shall remain the property of the commissioner. *Contracts with a*
 74 *private person relating to the maintenance and use of voter registration data, which*
 75 *were properly entered into in compliance with this section and with all other laws*
 76 *relating to bidding on such contracts, shall remain in force only until the most recently*
 77 *negotiated termination date of that contract. A new contract with the same provider*
 78 *may be entered into in accordance with subsection three (3) of this section.*

1 SEC. 21. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 2 eighty-one (81), section forty-four (44), subsection one (1), is amended to read as
 3 follows:

4 1. The governing body of any political subdivision which has authorized a
 5 special election to which section thirty-nine point two (39.2) of the Code is
 6 applicable shall by written notice inform the commissioner who will be
 7 responsible for conducting the election of the proposed date of the special
 8 election. ~~The~~ *If the proposed date of the special election coincides with the date of a*
 9 *regularly scheduled election, the notice shall be given no later than five o'clock p.m.*
 10 *on the last day on which nomination papers may be filed for the regularly scheduled*
 11 *election. Otherwise, the notice shall be given at least thirty days in advance of ~~that~~*
 12 *the date of the proposed ~~date~~ special election. Upon receiving the notice, the*
 13 *commissioner shall promptly give written approval of the proposed date unless it*
 14 *appears that the special election, if held on that date, would conflict with a*
 15 *regular election or with another special election previously scheduled for that*
 16 *date.*

1 SEC. 22. Chapter forty-seven (47), Code 1975, is amended by adding the
 2 following new sections:

3 **NEW SECTION. State registrar of voters.**

4 1. The senior administrator of data processing services in the office of the state
 5 comptroller is designated the state registrar of voters, and shall regulate the
 6 preparation, preservation and maintenance of voter registration records, the
 7 preparation of precinct election registers for all elections administered by the
 8 commissioner of any county, and the preparation of other data on voter
 9 registration and participation in elections as shall be requested and purchased at
 10 actual cost of preparation and production by a political party or any resident of
 11 this state, except as otherwise provided by section forty-eight point five (48.5),

12 subsection two (2), paragraph d of the Code. The registrar shall maintain a log,
13 which shall be a public record, showing all lists and reports which have been
14 requested or generated or which are capable of being generated by existing
15 programs of the data processing services in the office of the state comptroller.

16 2. The registrar shall offer to each county in the state the opportunity to
17 arrange for performance of all functions referred to in subsection one (1) of this
18 section by the data processing facilities of the state comptroller's office,
19 commencing at the earliest practicable time, at a cost to the county determined in
20 accordance with the standard charges for those services adopted by the
21 registration commission. A county may accept this offer without taking bids
22 under section forty-seven point five (47.5) of the Code.

23 3. Any county may use its own data processing facilities for voter registration
24 record keeping and utilization functions, if the system design and the form in
25 which the registration records are kept conform to specifications established by
26 rules promulgated by the registration commission. Each county exercising the
27 option to maintain its own voter registration records under this subsection shall
28 provide the registrar, at the county's expense, original and updated voter
29 registration lists in a form and at times prescribed by the registrar.

30 **NEW SECTION. Voter registration commission—composition—duties.**

31 1. There is established a state voter registration commission which shall meet at
32 least once each month to make and review policy, promulgate rules and establish
33 procedures to be followed by the registrar in discharging the duties of that office.
34 The commission shall consist of the state commissioner of elections or his or her
35 designee and the state chairpersons of the two political parties whose candidates
36 for president of the United States or governor, as the case may be, received the
37 greatest and next greatest number of votes in the most recent general election, or
38 their respective designees, who shall serve without additional salary or
39 reimbursement.

40 2. The registration commission shall prescribe the forms required for voter
41 registration by rules promulgated pursuant to chapter seventeen A (17A) of the
42 Code.

43 3. The registrar shall provide staff services to the commission and shall make
44 available to it all information relative to the activities of the registrar's office in
45 connection with the registration of voters in this state which may be requested by
46 any commission member. The commission may authorize the registrar to employ
47 such additional staff personnel as it deems necessary to permit the duties of the
48 registrar's office to be adequately and promptly discharged. Such personnel shall
49 be employed pursuant to chapter nineteen A (19A) of the Code.

50 4. The registration commission shall annually adopt a set of standard charges
51 to be made for the services the registrar is required to offer to the several
52 commissioners, and for furnishing of voter registration records which are
53 requested by persons other than the registrar, the state commissioner or any
54 commissioner pursuant to section forty-eight point five (48.5), subsection two (2)
55 of the Code. These charges shall be sufficient to reimburse the state for the actual
56 cost of furnishing such services or information, and shall be specified by unit
57 wherever possible. The standard charges shall be adopted by the commission by
58 January fifteenth of each calendar year.

1 **SEC. 23.** Section forty-eight point four (48.4), Code 1975, as amended by Acts
2 of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81),
3 section forty-eight (48), is amended to read as follows:

4 **48.4 Commissioner of registration—duties.** The commissioner of registration
5 shall ~~have complete charge of, under the direction of the registration commission and~~
6 ~~the registrar, supervise~~ the registration of all eligible electors within the county,
7 and shall appoint such deputies and clerks as may be necessary, from the two
8 political parties receiving the highest vote at the last general election. The number
9 of such deputies and clerks ~~for all precinct registration places, and at the central~~

10 registration office, shall be equally divided between the members of the two said
 11 political parties. These appointments shall be subject to the approval of the
 12 county board of supervisors. The commissioner of registration shall provide such
 13 printed forms and blanks as may be necessary, together with such other supplies
 14 and equipment as are necessary to properly carry out the provisions of this
 15 chapter. Registration places shall be established throughout the cities and county.

1 SEC. 24. Section forty-eight point five (48.5), Code 1975, as amended by Acts
 2 of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81),
 3 section forty-nine (49), is amended to read as follows:

4 **48.5 Registration records.**

5 1. The county commissioner of registration shall ~~safely maintain at his or her~~
 6 ~~office or other designated locations the original~~ registration records of all
 7 qualified electors in the county. ~~The original registration in accordance with rules~~
 8 ~~promulgated by the registration commission.~~ Registration records shall not be
 9 removed from that office or other designated locations except upon court order.
 10 ~~Duplicate registration records, and~~ shall be open to inspection by the public at
 11 reasonable times.

12 2. Any person may request of the ~~commissioner registrar~~ and shall receive,
 13 upon payment of the cost of preparation, a list of all qualified electors ~~in the~~
 14 ~~county and other data on registration and participation in elections,~~ in accordance
 15 with the following requirements and limitations:

16 a. ~~The commissioner shall draw up each~~ *Each list shall be produced* in the order
 17 and form specified by the requestor, so long as that order and form are within the
 18 ~~capability~~ *capacity* of the system used by the ~~commissioner registrar~~.

19 b. Each list shall reflect all additions, changes and deletions made prior to the
 20 fifth day before the list was prepared.

21 c. The ~~commissioner registrar~~ shall not be required to provide lists ~~or data~~
 22 during the fifteen days prior to the date of ~~any~~ *the primary election, the general*
 23 *election, the regular city election held pursuant to section three hundred seventy-six*
 24 *point one (376.1) of the Code, or the annual school* election in any order or form
 25 other than that utilized to conduct the election, if the preparation of a list in any
 26 other order or form requested would impede the preparation of the election
 27 registers for that election.

28 d. The county chairperson of each political party, as defined in section forty-
 29 eight point four (48.4) of the Code, ~~and the chairperson of each state political party~~
 30 ~~central committee~~ may ~~each~~ request and shall receive without charge three lists ~~or~~
 31 ~~reports~~ during the two-year period prior to each general election, in the order and
 32 form requested. ~~The lists or data requested by the county chairpersons shall pertain~~
 33 ~~only to qualified electors of that county.~~ The lists ~~or reports~~ requested under this
 34 paragraph shall be delivered on or before the date specified by the requestor, if
 35 the requestor gives the ~~commissioner~~ at least thirty days advance notice of that
 36 date and the timing of the request and the order and form specified do not
 37 conflict with the restrictions of paragraph ~~a or c~~ of this subsection.

38 e. ~~The commissioner shall upon request provide, to any person who has within~~
 39 ~~the previous year obtained a list of all qualified electors in the county under this~~
 40 ~~section, a~~ *A* periodic updating of the registration lists showing all additions,
 41 changes and deletions since the previous updating of the ~~registration list.~~ ~~The~~
 42 ~~updated list shall be provided at least once each fourteen days except during the~~
 43 ~~two weeks prior to the close of registration before any election, when it shall be~~
 44 ~~provided daily if requested.~~ Each requestor under this paragraph shall receive the
 45 updating data at the same time ~~and in the same order and form,~~ which shall be
 46 determined by the ~~commissioner registrar, but in an order and form specified by the~~
 47 ~~requestor.~~ Each requestor, except those who obtain the initial list of qualified
 48 electors under paragraph d of this subsection, shall pay the cost of duplicating the
 49 updating data before receiving a copy thereof.

50 3. Neither the duplicate registration records open to public inspection nor any
 51 list obtained under subsection two (2) of this section shall be used for any
 52 purpose of any kind or nature, other than to request a registrant's vote at a
 53 ~~primary or general election~~, or any other bona fide political purpose. The
 54 commissioner or registrar shall keep a list of the name, address, telephone
 55 number, and social security number of each person who copies or obtains copies
 56 of the registration lists. Any person that uses such lists in violation of this section
 57 shall, upon conviction, be imprisoned in the county jail, not to exceed one year,
 58 or be fined not to exceed one thousand dollars, or by both such fine and
 59 imprisonment, for each violation.

60 4. *Beginning not later than January 1, 1977, every voter registration record shall be*
 61 *maintained in computer readable form according to the specifications of the registrar.*

1 SEC. 25. Section forty-eight point seven (48.7), Code 1975, as amended by
 2 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81),
 3 section fifty-one (51), is amended to read as follows:

4 **48.7 Notice of change of name or address.** The commissioner of registration
 5 shall make available forms for use by qualified electors in giving notice of a legal
 6 change of name or a change of address within the county, or both. The notice
 7 shall provide space for the qualified elector's current name in full and the address
 8 of the exact location where he or she currently resides, the full name under which
 9 the elector was previously registered, if a legal change of name has occurred, the
 10 previous residence address of the elector, if a change of address has occurred, and
 11 the elector's signature. If the commissioner of registration receives written
 12 notification of a change of name or address from any qualified elector in the
 13 county and the notice does not contain the required information, the
 14 commissioner shall immediately send by forwardable mail to the elector at his or
 15 her last known address notice that the elector's registration is defective. Upon
 16 receipt of any valid change of name or address notice, on or before the last day of
 17 registration before any election, the commissioner of registration shall make entry
 18 of the change, as necessary, on the original and duplicate registration lists and the
 19 elector shall be qualified to vote under the new name or in the new election
 20 precinct, or both, as the case may be. If a qualified elector fails to notify the
 21 commissioner of registration of a change of legal name or of residence address
 22 before the close of registration for any election the elector shall not be qualified
 23 to vote at that election, except that if a change of residence address or *change of*
 24 *name* does not require printing the qualified elector's name in a different election
 25 register for that election, the qualified elector shall be allowed to vote. A precinct
 26 election official shall have such an elector complete a ~~change of address card~~
 27 *registration form of the type prescribed for use by electors registering under Acts of*
 28 *the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section*
 29 *forty-seven (47), at the polls and shall return the card to the commissioner with the*
 30 *election supplies. Upon receipt of the registration form, if the election was conducted*
 31 *for a political subdivision located in more than one county and the elector has listed a*
 32 *new address which is outside the commissioner's own county, the commissioner shall*
 33 *forward the form to the commissioner of the elector's county of residence.*

1 SEC. 26. Section forty-eight point eleven (48.11), unnumbered paragraph two
 2 (2), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975
 3 Session, chapter eighty-one (81), section fifty-two (52), is amended to read as
 4 follows:

5 Registration shall close in a precinct at five o'clock p.m., ten days before an
 6 election, except as provided in *Acts of the Sixty-sixth General Assembly, 1975*
 7 *Session, chapter eighty-one (81), section forty-seven (47) of this Act. The*
 8 *commissioner's office shall be open from eight o'clock a.m. until at least six o'clock*
 9 *p.m. on the day registration closes prior to each regularly scheduled election.*

1 SEC. 27. Section forty-eight point sixteen (48.16), Code 1975, is amended to
2 read as follows:

3 **48.16 Penalties.** Any officer or employee, or any person who has contracted
4 with a commissioner to perform services in the implementation of this chapter, who
5 shall willfully fail to perform or enforce any of the provisions of this chapter, or
6 who shall unlawfully or fraudulently remove any registration card or record from
7 its proper compartment in the registration records, or who shall willfully destroy
8 any record provided by this chapter, or any person who shall willfully or
9 fraudulently register more than once, or register under any but his or her true
10 name, or votes or attempts to vote by impersonating another who is registered, or
11 who willfully or fraudulently registers in any election precinct where he or she is
12 not a resident at the time of registering, or who adds a name or names to a page
13 or pages, or who violates any of the provisions of this chapter, shall be guilty of
14 felony and, upon conviction, shall be imprisoned in the state penitentiary for not
15 less than one year.

16 *For the purposes of this section, the alteration or destruction of any machine*
17 *readable compilation of voter registration records which has not been replaced by a*
18 *more recent revision of the same record shall constitute destruction of a record*
19 *provided by this chapter.*

1 SEC. 28. Section forty-eight point twenty-seven (48.27), subsection four (4),
2 paragraph d, Code 1975, as amended by Acts of the Sixty-sixth General
3 Assembly, 1975 Session, chapter eighty-one (81), section fifty-seven (57), is
4 amended to read as follows:

5 d. Mobile deputy registrars shall return all completed registration records at
6 least weekly to the county commissioner of registration except that completed
7 registration records shall be turned in at least every two working days during the
8 last ten days of registration. All completed and unused material must be turned in
9 no later than six o'clock on the day registration closes for the election. The
10 commissioner shall make suitable arrangements for registration material to be
11 received from mobile deputy registrars until that hour on the day registration closes
12 for each election which is not a regularly scheduled election unless the
13 commissioner's office shall remain remains open until at least six o'clock p.m. on
14 that day, unless it is a Sunday or a legal holiday. Failure to return registration
15 materials as required by this paragraph shall be a misdemeanor.

1 SEC. 29. Section forty-eight point twenty-seven (48.27), subsection four (4),
2 Code 1975, is amended by striking paragraph f.

1 SEC. 30. Section forty-eight point twenty-seven (48.27), subsection five (5),
2 Code 1975, is amended to read as follows:

3 5. ~~The~~ Each mobile deputy registrar shall be responsible to the county
4 commissioner of registration for properly registering electors in accordance with the
5 requirements and the restrictions of this chapter. The commissioner may terminate
6 the appointment of a mobile deputy registrar who is not properly registering
7 electors, and shall immediately terminate the appointment upon the written
8 request of the county chairman chairperson of the party from whose list of
9 nominees the mobile deputy registrar was selected. When an appointment is
10 terminated the county commissioner of registration shall promptly notify the
11 county chairman chairperson of the political party which nominated the mobile
12 deputy registrar whose appointment has been terminated, and shall appoint
13 another person within five days from a list of substitute nominees provided by
14 that county chairman chairperson. A mobile deputy registrar whose appointment
15 is terminated shall immediately return all his or her supplies to the county
16 commissioner of registration. If a mobile deputy registrar's appointment is
17 terminated within thirty days of an election, other than by request of the county
18 chairman chairperson of the party from whose list of nominees the mobile deputy
19 registrar was appointed, a replacement shall be appointed within twenty-four

20 hours from a list of substitute nominees provided by the appropriate county
21 ~~chairman~~ chairperson.

1 SEC. 31. Section forty-eight point twenty-nine (48.29), Code 1975, is amended
2 by striking the section and inserting in lieu thereof the following:

3 **48.29 Removal of registration.** Upon registration in any county of an eligible
4 elector who was previously a resident of another county, if that individual was a
5 qualified elector in the former county of residence, his or her name shall be struck
6 from the record of voters currently registered in the former county of residence. If
7 the registrar at any time discovers that the same individual is registered at more
8 than one residence location, the commissioner or commissioners involved shall be
9 informed and shall follow the procedure prescribed by section forty-eight point
10 thirty-one (48.31), subsection eight (8) of the Code.

1 SEC. 32. Section forty-eight point thirty-one (48.31), Code 1975, is amended
2 by striking subsection seven (7).

1 SEC. 33. Section forty-eight point thirty-two (48.32), Code 1975, is amended to
2 read as follows:

3 **48.32 Annual report.** The county commissioner of elections shall make
4 reports as required by the ~~state commissioner of elections registrar~~. On August 1
5 of each year the ~~state commissioner of elections registrar~~ shall report the number
6 of persons registered in each political party in each county.

1 SEC. 34. Section forty-nine point four (49.4), subsection two (2), Code 1975, is
2 amended to read as follows:

3 2. Counties using alternative supervisor representation plans two or three, as
4 described in section 331.8, shall be apportioned into single-member supervisor
5 districts on the basis of population. ~~The~~ *In counties using representation plan three,*
6 *the* boundaries of supervisor districts shall follow the boundaries of election
7 precincts.

1 SEC. 35. Section forty-nine point nineteen (49.19), Code 1975, is amended to
2 read as follows:

3 **49.19 Unpaid officials, paper ballots optional authority for certain city**
4 **elections.** The commissioner may appoint unpaid election precinct officials to
5 election boards, as provided by sections 49.15, 49.16 and 49.20, or elect not to use
6 voting machines even though they are available, as permitted by section 49.26,
7 ~~and direct that the polls be opened at twelve o'clock noon, as permitted by~~
8 ~~section 49.73 or both, for any election held for a city, regardless of the city's~~
9 ~~population even if the city has a population of more than three thousand five hundred,~~
10 if there is no contest for any office on the ballot and no public question is being
11 submitted to the voters at that election.

1 SEC. 36. Section forty-nine point twenty-five (49.25), subsection two (2) and
2 subsection three (3), unnumbered paragraph one (1), Code 1975, as amended by
3 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81),
4 section sixty-four (64), are amended to read as follows:

5 2. The commissioner shall furnish to each precinct ~~where voting machines are~~
6 ~~to be used for any election~~, in advance of ~~that each~~ election, ~~one~~ voting machine
7 machines meeting the requirements of chapter fifty-two (52) of the Code ~~or voting~~
8 ~~booths, as the case may be, in the following number:~~

9 a. At each regularly scheduled election, at least one for every three hundred fifty
10 voters ~~or major fraction thereof~~ who voted in the last preceding similar election
11 held in the precinct.

12 b. At any special election at which the ballot contains only a single public measure
13 or only candidates for a single office or position, the number determined by the
14 commissioner.

15 3. The commissioner shall furnish to each precinct where paper ballots are to
 16 be used for any election, in advance of that election, the necessary ballot boxes,
 17 suitably equipped with locks and keys, and shall insure that the ~~number,~~
 18 ~~arrangement,~~ and construction of voting booths at the polling place in each
 19 precinct are as follows:

1 SEC. 37. Section forty-nine point twenty-five (49.25), subsection three (3),
 2 Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975
 3 Session, chapter eighty-one (81), section sixty-four (64), is amended by striking
 4 paragraph d.

1 SEC. 38. Section forty-nine point fifty-three (49.53), Code 1975, as amended
 2 by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one
 3 (81), section seventy-three (73), is amended to read as follows:

4 **49.53 Publication of ballot and notice.** The commissioner shall not less than
 5 four nor more than twenty days prior to the day of each election, except those for
 6 which different publication requirements are prescribed by law, publish notice of
 7 the election. The notice shall contain a ~~sample facsimile of the portion of the ballot~~
 8 ~~of containing~~ the first rotation as prescribed by section 49.31, subsection two (2),
 9 and shall show the names of all candidates or nominees and the office each seeks,
 10 and all public questions, to be voted upon at the election. The sample ballot
 11 published as a part of the notice may *at the discretion of the commissioner* be
 12 reduced in size *relative to the extent permitted by the rules of the state*
 13 ~~commissioner~~ *actual ballot but such reduction shall not cause upper case letters*
 14 *appearing on the published sample ballot to be less than five-thirty-sixth of an inch*
 15 *high in candidates' names or in summaries of public measures.* The notice shall also
 16 state the date of the election, the hours the polls will be open, the location of each
 17 polling place at which voting is to occur in the election, and the names of the
 18 precincts voting at each polling place, *but the statement need not set forth any fact*
 19 *which is apparent from the portion of the ballot appearing as a part of the same*
 20 *notice.* The notice shall be published in at least one newspaper, as defined in
 21 section 618.3, which is published in the county or other political subdivision in
 22 which the election is to occur or, if no newspaper is published there, in at least
 23 one newspaper of substantial circulation in the county or political subdivision.
 24 For the general election or the primary election the foregoing notice shall be
 25 published in at least two newspapers published in the county representing, if
 26 possible, the two political parties whose candidates for president of the United
 27 States or for governor, as the case may be, received the largest and next largest
 28 number of votes in the county at the last preceding general election. However, if
 29 there is only one newspaper published in the county, publication in one
 30 newspaper shall be sufficient.

1 SEC. 39. Section forty-nine point fifty-seven (49.57), subsection five (5), Code
 2 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session,
 3 chapter eighty-one (81), section seventy-four (74), is amended to read as follows:

4 5. On the outside of the ballot, so as to appear when folded, shall be printed
 5 the words "Official ballot", ~~followed by the name and location of the polling~~
 6 ~~place for which the ballot is prepared~~ *a designation of the ballot rotation, if any,* the
 7 date of the election, and a facsimile of the signature of the commissioner who has
 8 caused the ballot to be printed pursuant to section forty-nine point fifty-one
 9 (49.51) of the Code.

1 SEC. 40. Section forty-nine point seventy-three (49.73), Code 1975, as
 2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 3 eighty-one (81), section seventy-six (76), is amended to read as follows:

4 **49.73 Time of opening and closing polls.**

5 1. At all elections, except as otherwise permitted by this section, the polls shall
 6 be opened at seven o'clock a.m., or as soon thereafter as vacancies on the precinct
 7 election board have been filled. ~~The commissioner may direct that the polls be~~

8 opened at twelve o'clock noon for any election conducted for a city of three
 9 thousand five hundred or less population or any school district at which the
 10 commissioner concludes, ~~on~~ On the basis of voter turnout for recent similar
 11 elections and factors considered likely to so affect voter turnout for the
 12 forthcoming election; ~~that voting will probably be so light as to justify shortened~~
 13 voting hours for that election, ~~except that the commissioner may direct that the~~
 14 polls be opened at twelve o'clock noon for:

15 a. Any school district election.

16 b. Any election conducted for a city of three thousand five hundred or less
 17 population.

18 c. Any election conducted for a city of more than three thousand five hundred
 19 population if there is no contest for any office on the ballot and no public question is
 20 being submitted to the voters at that election.

21 2. The commissioner shall not ~~do so shorten~~ shorten voting hours for any election if there
 22 is filed in the commissioner's office, at least twenty-five days before the election, a
 23 petition signed by at least fifty eligible electors of the school district or city, as the
 24 case may be, requesting that the polls be opened not later than seven o'clock a.m.
 25 All polling places where the candidates of or any public question submitted by
 26 any one political subdivision are being voted upon shall be opened at the same
 27 hour, except that this requirement shall not apply to merged areas established
 28 under chapter two hundred eighty A (280A) of the Code. The hours at which the
 29 respective precinct polling places are to open shall not be changed after
 30 publication of the notice required by section 49.53. ~~In all cases the~~ The polling
 31 places shall be closed at nine o'clock p.m. for state primary and general elections
 32 and other partisan elections and at eight o'clock p.m. for all other elections.

1 SEC. 41. Section forty-nine point seventy-seven (49.77), Code 1975, as
 2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 3 eighty-one (81), section seventy-seven (77), is amended to read as follows:

4 **49.77 Ballot furnished to voter.**

5 1. The board members of their respective precincts shall have charge of the
 6 ballots and furnish them to the voters. Any person desiring to vote shall give his
 7 or her name and address to the precinct election officials, one of whom shall
 8 announce the person's name aloud for the benefit of political party challengers if
 9 any are present in the polling place. No person whose name does not appear on
 10 the election register of the precinct in which that person claims the right to vote
 11 shall be permitted to vote unless the county commissioner of elections informs the
 12 precinct election officials that an error has been made and that the person is a
 13 qualified elector of that precinct. The elector shall sign a voter's declaration
 14 provided by the officials, in substantially the following form:

15 VOTER'S DECLARATION OF ELIGIBILITY

16 I do solemnly swear or affirm that I am a resident of the _____ precinct,
 17 _____ ward or township, city of _____, county of
 18 _____, Iowa.

19 I am a qualified elector. I have not voted and will not vote in any other
 20 precinct in said election.

21 (For primary election only:) I am affiliated with the
 22 _____ party.

23 I understand that any false statement in this declaration is a criminal offense
 24 punishable as provided by law.

25 _____
 26 Signature of Voter

27 _____
 28 Address

29 Approved:

30 _____
 31 Board Member

32 2. One of the precinct election officials shall announce the elector's name aloud for
 33 the benefit of any persons present pursuant to section forty-nine point one hundred
 34 four (49.104), subsections two (2), three (3) or five (5) of the Code. Any of those
 35 persons may upon request view the signed declarations of eligibility.

36 3. A precinct election official may require of an elector unknown to the official,
 37 identification upon which the elector's signature or mark appears. If identification
 38 is established to the satisfaction of the precinct election officials, the person may
 39 then be allowed to vote.

40 All voters' declarations may be seen by the challengers of each political party,
 41 at the request of such challengers.

42 4. A person whose name does not appear on the election register of the precinct in
 43 which that person claims the right to vote shall not be permitted to vote unless the
 44 commissioner informs the precinct election officials that an error has occurred and
 45 that the person is a qualified elector of that precinct. If the commissioner finds no
 46 record of the person's registration but the person insists that he or she is a qualified
 47 elector of that precinct, the precinct election officials shall allow the person to cast a
 48 ballot in the manner prescribed by section forty-nine point eighty-one (49.81) of the
 49 Code.

1 SEC. 42. Section forty-nine point eighty-one (49.81), subsection one (1), Code
 2 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session,
 3 chapter sixty-seven (67), section sixty-three (63), is amended to read as follows:

4 1. A prospective voter who is prohibited under ~~section~~ sections forty-nine point
 5 seventy-seven (49.77), subsection four (4), or forty-nine point eighty (49.80) of the
 6 Code from voting except under this section shall be permitted to cast a paper
 7 ballot. If a booth meeting the requirement of section forty-nine point twenty-five
 8 (49.25) of the Code is not available at that polling place, the precinct election
 9 officials shall make alternative arrangements to insure the challenged voter the
 10 opportunity to vote in secret. The marked ballot, folded as required by section
 11 forty-nine point eighty-four (49.84) of the Code, shall be delivered to a precinct
 12 election official who shall immediately seal it in an ~~unmarked envelope which~~
 13 ~~shall be placed in an affidavit envelope of the type prescribed by section fifty-~~
 14 ~~three point thirteen (53.13) of the Code. The voter shall not be required to execute~~
 15 ~~the oath contained in the affidavit. Space shall be left on the affidavit envelope~~
 16 ~~for the precinct election official to indicate the name of the challenged elector~~
 17 ~~and the reason for the challenge forty-three (43) of this Act. The sealed affidavit~~
 18 ~~envelope shall be deposited as required by section forty-nine point eighty-five~~
 19 ~~(49.85) of the Code in a special container envelope marked "challenged ballots for~~
 20 ~~special precinct"~~ and shall be considered as having been cast in the special
 21 precinct established by Acts of the Sixty-sixth General Assembly, 1975 Session,
 22 chapter eighty-one (81), section one hundred eighteen (118) of this Act for
 23 purposes of the post-election canvass.

1 SEC. 43. Section forty-nine point eighty-one (49.81), Code 1975, as amended
 2 by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one
 3 (81), section eighty (80), is amended by adding the following new subsection:

4 NEW SUBSECTION. The individual envelopes used for each paper ballot cast
 5 pursuant to subsection one (1) of this section shall have printed upon them:

6 "Challenged Elector's Ballot

7 I believe I am a qualified elector of this precinct. I registered to vote in this
 8 county on or about _____ at _____. I have not moved
 9 to a different precinct since that time without recording the new address with the
 10 commissioner. I am a United States citizen, at least eighteen years of age.

11 _____

12	_____	_____
13	(signature of elector)	(address of elector)
14	_____	_____
15	(signature of precinct	(date)
16	election official)	
17	Reason for challenge:	
18	_____	
19	_____	
20	_____”	

1 SEC. 44. Section forty-nine point ninety (49.90), Code 1975, as amended by
2 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81),
3 section eighty-one (81), is amended to read as follows:

4 **49.90 Assisting voter.** Any voter who may declare upon oath that he or she
5 cannot read the English language, or is, by reason of any physical disability other
6 than intoxication, unable to cast a vote without assistance, shall, upon request, be
7 assisted by said two officers, or ~~alternately~~ *alternatively* by any other person the
8 voter may select if the voter is blind, in casting the vote. Said officers, or person
9 selected by the blind voter, shall cast the vote of the voter requiring assistance,
10 and shall thereafter give no information regarding the same. If any elector
11 because of a handicap cannot enter the building where the polling place for the
12 elector's precinct of residence is located, the two officers shall take a paper ballot
13 to the vehicle occupied by the handicapped elector and allow the elector to cast
14 the ballot in the vehicle. If a handicapped elector cannot cast a ballot on a voting
15 machine the elector shall be allowed to cast a paper ballot: ~~Paper ballots cast by~~
16 ~~handicapped electors, which shall be cast according to section forty-nine point~~
17 ~~eighty-one (49.81) of the Code, except they shall be marked "handicapped voter's~~
18 ~~ballot", and shall be counted opened immediately after the closing of the polling~~
19 ~~place by the two precinct election officials designated under section forty-nine point~~
20 ~~eighty-nine (49.89) of the Code, who shall register the votes cast thereon on a voting~~
21 ~~machine in the polling place before the votes cast there are tallied pursuant to section~~
22 ~~fifty-two point twenty-one (52.21) of the Code. To preserve so far as possible the~~
23 ~~confidentiality of each handicapped elector's ballot, the two officers shall proceed~~
24 ~~substantially in the same manner as challenged ballots accepted under provided in~~
25 ~~section fifty point twenty-two (50.22) fifty-three point twenty-four (53.24) of the~~
26 ~~Code. In precincts where all voters use paper ballots, those cast by handicapped voters~~
27 ~~shall be deposited in the regular ballot box and counted in the usual manner.~~

1 SEC. 45. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
2 eighty-one (81), section eighty-four (84), is amended to read as follows:

3 Sec. 84. Chapter fifty (50), Code 1975, is amended by inserting after section
4 fifty point one (50.1) the following new section:

5 **NEW SECTION.** **One tally list in certain machine precincts.** In any precinct
6 where an election is held by means of voting machines which deliver, immediately
7 upon conclusion of the voting, multiple copies of a printed record of the votes
8 cast and the totals for each candidate or question appearing on the face of the
9 machine, the requirement of section fifty point one (50.1), subsection four (4)
10 of the Code that two election board members keep separate tally lists of the vote
11 count shall not apply ~~unless the election board finds upon opening the machine~~
12 ~~that the printed record produced by the machine is smeared, torn or otherwise~~
13 ~~unreadable. If the printed record is intact and legible, the election board need~~
14 ~~appoint only one of its members to keep a tally list of the count.~~

1 SEC. 46. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
2 eighty-one (81), section eighty-seven (87), third "new section", is amended to read
3 as follows:

4 NEW SECTION. **Special precinct board to determine challenges.** Upon being
 5 reconvened, the special precinct election board shall review the affidavits
 6 information upon the envelopes bearing the challenged ballots, and all evidence
 7 submitted in support of or opposition to the right of each challenged person to
 8 vote in the election. The board may divide itself into panels of not less than three
 9 members each in order to hear and determine two or more challenges
 10 simultaneously, but each panel shall meet the requirements of section forty-nine
 11 point twelve (49.12) of the Code as regards political party affiliation of the
 12 members of each panel. The decision to count or reject each ballot shall be made
 13 upon the basis of the information given on the affidavit envelope containing the
 14 challenged ballot, the evidence concerning the challenge, the registration and the
 15 returned receipts of registration. If a challenged ballot is rejected, the person
 16 casting the ballot shall be notified by the commissioner within ten days of the
 17 reason for the rejection, on the form prescribed by the state commissioner pursuant
 18 to section fifty-three point twenty-five (53.25) of the Code, and the affidavit
 19 envelope containing the challenged ballot shall be preserved unsealed unopened and
 20 disposed of in the same manner as spoiled ballots. The challenged ballots which
 21 are accepted shall be counted in the manner prescribed by section fifty-three
 22 point twenty-four (53.24) of the Code. The commissioner shall make public the
 23 number of challenged ballots rejected and not counted, at the time of the canvass
 24 of the election.

1 SEC. 47. Section fifty-three point eight (53.8), Code 1975, as amended by Acts
 2 of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81),
 3 section one hundred sixteen (116), is amended so that subsection three (3),
 4 unnumbered paragraph one (1), reads as follows:

5 When an application for an absentee ballot is received by the commissioner of
 6 any county from a qualified elector who is a patient in a hospital in that county
 7 or a resident of any facility in that county shown to be a health care facility by
 8 the list of licenses provided the commissioner under section one hundred twenty-
 9 four (124) of this Act, the absentee ballot shall be delivered to the elector and
 10 returned to the commissioner in the manner prescribed by section one hundred
 11 nineteen (119) of this Act. However, if the application is received more than ten
 12 calendar days before the election, the commissioner shall mail to the applicant
 13 within twenty-four hours a letter acknowledging receipt of the application and
 14 describing the procedure prescribed by section one hundred nineteen (119) of this
 15 Act in substantially the following form:

16 "Your application for an absentee ballot for the election to be held on
 17 has been received. This ballot will be personally delivered to you by a bi-
 18 partisan team sometime during the ten days preceding the election. If you will not be
 19 at the address from which your application was sent during any or all of the ten-day
 20 period immediately preceding the election, contact this office and arrangements will be
 21 made to have your absentee ballot delivered at a time when you will be present at that
 22 address."

1 SEC. 48. Section fifty-three point eleven (53.11), Code 1975, is amended to
 2 read as follows:

3 **53.11 Personal delivery of absentee ballot.** The commissioner shall deliver an
 4 absentee ballot to any qualified elector applying in person at his office not more
 5 than forty days before the date of the general election and the primary election,
 6 and for all other elections, as soon as the ballot is available. The qualified elector
 7 shall immediately mark the ballot, enclose it in a ballot envelope with proper
 8 affidavit, and return the absentee ballot to the commissioner. The commissioner
 9 shall record the numbers appearing on the application and ballot envelope along
 10 with the name of the qualified elector. The commissioner of any county in which
 11 there is located a city of ~~twenty-five~~ five thousand or more population, which is
 12 not the county seat, may permit qualified electors to appear in person at some
 13 designated place within each such city and there cast an absentee ballot in the
 14 manner prescribed by this section.

1 SEC. 49. Section fifty-three point twenty-two (53.22), Code 1975, as amended
 2 by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty-seven
 3 (67), section sixty-four (64), is amended so that subsection one (1) reads as
 4 follows:

5 1. *a.* A qualified elector who has applied for an absentee ballot, in a manner
 6 other than that prescribed by section fifty-three point eleven (53.11) of the Code,
 7 and who is a resident or patient in a health care facility or hospital located in the
 8 county to which the application has been submitted shall be delivered the
 9 appropriate absentee ballot by two special precinct election officers, one of whom
 10 shall be a member of each of the political parties referred to in section forty-nine
 11 point thirteen (49.13) of the Code, who shall be appointed by the commissioner
 12 from the election board panel for the special precinct established by section ~~one~~
 13 ~~hundred three (103)~~ *one hundred eighteen (118)* of this Act. The special precinct
 14 election officers shall be sworn in the manner provided by section forty-nine
 15 point seventy-five (49.75) of the Code for election board members, shall receive
 16 compensation as provided in section forty-nine point twenty (49.20) of the Code,
 17 and shall perform their duties during the ten calendar days preceding the election
 18 and on election day if all ballots requested under section fifty-three point eight
 19 (53.8), subsection three (3), of the Code have not previously been delivered and
 20 returned.

21 *b.* *If an applicant under this subsection notifies the commissioner that he or she will*
 22 *not be available at the health care facility or hospital address at any time during the*
 23 *ten-day period immediately prior to the election, but will be available there at some*
 24 *earlier time, the commissioner shall direct the two special precinct election officers to*
 25 *deliver the applicant's ballot at an appropriate time prior to the ten-day period*
 26 *immediately preceding the election. If a person who so requested an absentee ballot*
 27 *has been dismissed from the health care facility or hospital, the special precinct*
 28 *election officers may take the ballot to the elector if he or she is currently residing*
 29 *in the county.*

30 *c.* The special precinct election officers shall both notarize each absent voters
 31 affidavit as required by section fifty-three point sixteen (53.16) of the Code; any
 32 such officer who is not a notary public shall be provided with a stamp containing
 33 that person's name and the words "special precinct election officer" and may
 34 notarize the absentee affidavits so delivered by signing them and applying the
 35 stamp. The special precinct election officers shall travel together in the same
 36 vehicle and both shall be present when an applicant casts his or her absentee
 37 ballot. If either or both of the special election officers fails to appear at the time
 38 the duties set forth in this section are to be performed, the commissioner shall at
 39 once appoint some other person, giving preference to persons designated by the
 40 respective county chairpersons of the political parties described in section forty-
 41 nine point thirteen (49.13) of the Code, to carry out the requirements of this
 42 section. The persons authorized by this subsection to deliver an absentee ballot to
 43 an applicant may assist the applicant in filling out the ballot as permitted by
 44 section forty-nine point ninety (49.90) of the Code. The voted absentee ballots
 45 shall be deposited in a sealed container which shall be returned to the
 46 commissioner on the same day.

1 SEC. 50. Section fifty-seven point one (57.1), Code 1975, is amended by
 2 striking the section and inserting in lieu thereof the following:

3 **57.1 Standing to bring contest—grounds for contest.**

4 1. Elections may be contested under this chapter as follows:

5 *a.* The election of any person to any county office, to a seat in either branch of
 6 the general assembly, to a state office, to the office of senator or representative in
 7 Congress, or to the office of presidential elector may be contested by any eligible
 8 person who received votes for the office in question.

9 b. The outcome of the election on a public measure may be contested by
 10 petition of the greater of ten eligible electors or a number of eligible electors
 11 equalling one percent of the total number of votes cast upon the public measure;
 12 each petitioner must be a person who was entitled to vote on the public measure
 13 in question or would have been so entitled if registered to vote.

14 2. Grounds for contesting an election under this chapter are:

15 a. Misconduct, fraud or corruption on the part of any election official or of any
 16 board of canvassers of sufficient magnitude to change the result of the election.

17 b. That the incumbent was not eligible to the office in question at the time of
 18 election.

19 c. That prior to the election the incumbent had been duly convicted of an
 20 infamous crime, and that the judgment had not been reversed, annulled or set
 21 aside, nor the incumbent pardoned, at the time of the election.

22 d. That the incumbent has given or offered to any elector, or any precinct
 23 election official or canvasser of the election, any bribe or reward in money,
 24 property, or thing of value, for the purpose of procuring his or her election.

25 e. That illegal votes have been received or legal votes rejected at the polls,
 26 sufficient to change the result of the election.

27 f. Any error in any board of canvassers in counting the votes, or in declaring
 28 the result of the election, if the error would affect the result.

29 g. Any other cause or allegation which, if sustained, would show that a person
 30 other than the incumbent was the person duly elected to the office in question, or
 31 would show that the outcome of the election on the public measure in question
 32 was contrary to the result declared by the board of canvassers.

1 SEC. 51. Section fifty-seven point two (57.2), Code 1975, is amended to read
 2 as follows:

3 **57.2 Certificate withheld.** If notice of ~~contesting~~ *a contest* of the election of
 4 an officer is filed before the certificate of election is delivered to ~~him~~, *it the*
 5 *incumbent, or notice of a contest of the declared result of an election on a public*
 6 *measure is filed before a duplicate of the abstract of votes upon the measure and of*
 7 *the county board's declaration is certified pursuant to section fifty point twenty-seven*
 8 *(50.27) of the Code, the certificate or duplicate abstract and declaration shall be*
 9 *withheld until the determination of the contest. If the certificate of election or*
 10 *duplicate abstract and declaration have been issued, the commissioner shall send the*
 11 *persons or political subdivisions affected by the notice of contest a statement advising*
 12 *them that the election is being contested and that the certificate or duplicate abstract*
 13 *and declaration are not valid until the election contest is resolved.*

1 SEC. 52. Section fifty-seven point three (57.3), Code 1975, is amended to read
 2 as follows:

3 **57.3 Incumbent Terms defined.** The term "incumbent" in this chapter
 4 means the person whom the canvassers declare elected. *The term "election" in this*
 5 *chapter means the voting for a particular office, or the voting for or against a*
 6 *particular public measure, including the notice and other preparations for voting*
 7 *required by law and the tallying and canvass of the votes cast, section thirty-nine point*
 8 *two (39.2) of the Code as amended by this Act notwithstanding.*

1 SEC. 53. Section fifty-seven point four (57.4), Code 1975, is amended to read
 2 as follows:

3 **57.4 Change of result.** When the misconduct, fraud, or corruption
 4 complained of is on the part of the ~~judges~~ *of election board* in a precinct, it shall
 5 not be held sufficient to set aside the election, unless the rejection of the vote of
 6 that precinct would change the result as to that office.

1 SEC. 54. Section fifty-seven point five (57.5), Code 1975, is amended to read
 2 as follows:

3 **57.5 Recanvass in case of contest.** The parties to any contested election shall
 4 have the right, in open session of the court or tribunal trying the contest, and in
 5 the presence of the officer having them in custody, to have the ballots opened,
 6 and all errors of the ~~judges~~ *precinct election officials* in counting or refusing to
 7 count ballots corrected by such court or tribunal.

1 SEC. 55. Section fifty-seven point six (57.6), Code 1975, is amended to read as
 2 follows:

3 **57.6 Other contests.** All the provisions of the chapter in relation to contested
 4 elections of county officers shall be applicable, as near as may be, to contested
 5 elections for other offices, *and for public measures*, except as herein otherwise
 6 provided, and in all cases process and papers may be issued to and served by the
 7 sheriff of any county.

1 SEC. 56. Chapter fifty-seven (57), Code 1975, is amended by adding the
 2 following new section:

3 **NEW SECTION. Contest court for contest of public measure.** The court for the
 4 trial of a contested election on a public measure shall consist of one person
 5 designated by the petitioners who are contesting the election, who shall be
 6 designated in writing by the petitioners at the time the contest is filed, one person
 7 designated by the county commissioner of elections to represent the interests
 8 adverse to those of the petitioners, and a third person who shall be chosen jointly
 9 by the designees of the petitioners and of the commissioner. If the persons
 10 selected by the petitioners and the county commissioner of elections cannot agree
 11 on a third person, the chief judge of the judicial district in which the contest is
 12 filed shall appoint a third person to serve.

1 SEC. 57. Section sixty-nine point eight (69.8), subsections one (1) and two (2),
 2 Code 1975, are amended to read as follows:

3 1. United States senator. In the office of United States senator, when the
 4 vacancy occurs when the senate of the United States is in session, or when such
 5 senate will convene prior to the next general election, by the governor. *An*
 6 *appointment made under this subsection shall be for the period until the vacancy is*
 7 *filled by election pursuant to law.*

8 2. State offices. In all state offices, judges of courts of record, officers, trustees,
 9 inspectors, and members of all boards or commissions, and all persons filling any
 10 position of trust or profit in the state, by the governor, except when some other
 11 method is specially provided. *An appointment made under this subsection to a state*
 12 *office subject to Acts of the Sixty-sixth General Assembly, 1975 Session, chapter*
 13 *eighty-one (81), section four (4), shall be for the period until the vacancy is filled by*
 14 *election pursuant to law.*

1 SEC. 58. Section sixty-nine point twelve (69.12), unnumbered paragraph one
 2 (1), Code 1975, is amended to read as follows:

3 When a vacancy occurs in any *nonpartisan* elective office of a political
 4 subdivision of this state, ~~and a method for electing a person to the vacant office~~
 5 ~~for the remainder of the unexpired term is not otherwise provided by law~~, the
 6 vacancy shall be filled pursuant to this section. As used in this section, "pending
 7 election" means any election at which there will be on the ballot either the office
 8 in which the vacancy exists, or any other office to be filled or any public question
 9 to be decided by the voters of the same political subdivision.

1 SEC. 59. Section sixty-nine point twelve (69.12), subsection one (1), Code
 2 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session,
 3 chapter eighty-one (81), section one hundred twenty-two (122), is amended by
 4 striking the subsection and inserting in lieu thereof the following:

5 1. If the unexpired term in which the vacancy occurs has more than seventy
 6 days to run after the date of the next pending election, the vacancy shall be filled
 7 in accordance with this subsection. The fact that absentee ballots were distributed

8 or voted before the vacancy occurred or was declared shall not invalidate the
9 election.

10 a. A vacancy shall be filled at the next pending election if it occurs:

11 (1) Sixty or more days prior to the election, if it is a general or primary
12 election.

13 (2) Forty-five or more days prior to the election, if it is a regularly scheduled
14 school or city election.

15 (3) Forty or more days prior to the election, if it is a special election.

16 b. Nomination papers on behalf of candidates for a vacant office to be filled
17 pursuant to paragraph a of this subsection shall be filed, in the form and manner
18 prescribed by applicable law, by five o'clock p.m. on:

19 (1) The fifty-fifth day prior to a general or primary election.

20 (2) The fortieth day prior to a regularly scheduled school or city election.

21 (3) The twenty-fifth day prior to a special election.

22 c. A vacancy which occurs at a time when paragraph a of this subsection does
23 not permit it to be filled at the next pending election shall be filled by
24 appointment as provided by law until the succeeding pending election.

1 SEC. 60. Section two hundred seventy-seven point four (277.4), Code 1975, is
2 amended to read as follows:

3 **277.4 Nominations required.** Nomination papers for all candidates for
4 election to office in each school district shall be filed with the secretary of the
5 school board not more than sixty-five days, nor less than forty days prior to the
6 election. Nomination petitions shall be filed not later than five o'clock p.m. on
7 the last day for filing. Each candidate shall be nominated by a petition signed by
8 not less than ten eligible electors of the district. To each such petition shall be
9 attached the affidavit of an eligible elector of the district; ~~other than the~~
10 ~~candidate being nominated~~, that all of the signers thereof are electors of such
11 district and that the signatures thereto are genuine. *The candidate being nominated*
12 *by the petition may sign the affidavit only if he or she personally circulated the*
13 *petition. If the affiant also signed the nomination petition, that signature shall not be*
14 *counted toward the total required by this section.* The petition shall include the
15 affidavit of the candidate being nominated, stating his name, his residence, that
16 he is a candidate and is eligible for the office he seeks, and that if elected he will
17 qualify for the office.

18 The secretary of the school board shall deliver all nomination petitions to the
19 county commissioner of elections not later than five o'clock p.m. on the day
20 following the last day on which nomination petitions can be filed. Any person on
21 whose behalf nomination petitions have been filed under this section may
22 withdraw as a candidate by filing a signed statement to that effect with the
23 commissioner at any time prior to five o'clock p.m. on the ~~twenty-first~~ *thirty-fifth*
24 day before the election.

1 SEC. 61. Section two hundred seventy-seven point twenty (277.20),
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 On the next Friday after the *regular* school election, the county board of
4 supervisors shall canvass the returns made to the county commissioner of
5 elections from the several precinct polling places and the absentee ballot counting
6 board, ascertain the result of the voting with regard to every matter voted upon
7 and cause a record to be made thereof as required by section 50.24. *Special*
8 *elections held in school districts shall be canvassed at the time and in the manner*
9 *required by that section.* The board shall declare the results of the voting for
10 members of boards of directors of school corporations nominated pursuant to
11 section 277.4, and the commissioner shall at once issue a certificate of election to
12 each person declared elected. The board shall also declare the results of the
13 voting on any public question submitted to the voters of a single school district,
14 and the commissioner shall certify the result as required by section 50.27.

1 SEC. 62. Section two hundred seventy-seven point twenty-eight (277.28), Code
2 1975, is amended by striking unnumbered paragraph six (6).

1 SEC. 63. Section two hundred eighty A point fifteen (280A.15), subsections
2 one (1) and three (3), Code 1975, are amended to read as follows:

3 1. Regular elections held annually by the merged area for the election of
4 members of the board of directors as required by section 280A.12, for the renewal
5 of the three-fourths mill levy authorized in section 280A.22, or for any other
6 matter authorized by law and designated for election by the board of directors of
7 the merged area, shall be held on the date of the school election as fixed by
8 section 277.1. The election notice shall be *made a part of the local school election*
9 *notice* published as provided in section 49.53 *in each local school district where*
10 *voting is to occur in the merged area election*, and the election shall be conducted
11 by the county commissioner of elections pursuant to chapters 39 to 53 and section
12 277.20.

13 3. Nomination papers in behalf of candidates for member of the board of
14 directors of a merged area shall be filed with the secretary of the board not earlier
15 than sixty-five days nor later than five o'clock p.m. on the fortieth day prior to
16 the election at which members of the board are to be elected. The secretary shall
17 deliver all nomination petitions *so filed, together with the text of any public measure*
18 *being submitted by the board of directors to the electorate*, to the county
19 commissioner of elections who is responsible under section 47.2 for conducting
20 elections held for the merged area, not later than five o'clock p.m. on the day
21 following the last day on which nomination petitions can be filed. *That*
22 *commissioner shall certify the names of candidates, and the text and summary of any*
23 *public measure being submitted to the electorate, to all county commissioners of*
24 *elections in the merged area by the thirty-fifth day prior to the election.*

1 SEC. 64. Section three hundred thirty-one point twenty-seven (331.27), Code
2 1975, is amended to read as follows:

3 **331.27 Plan "three."** If plan "three" is selected pursuant to section 331.8 or
4 331.9, the *supervisor districts shall be drawn and members of the county board shall*
5 *be elected as provided in section 331.26, except that boundaries of supervisor*
6 *districts shall follow voting precinct lines and each member of the board, and*
7 ~~and~~ *each candidate for such office, shall, at the primary and general*
8 *elections, be elected or nominated only by the electors of the district which he or*
9 ~~they seek~~ *that candidate seeks to represent.*

1 SEC. 65. Section three hundred forty-five point six (345.6), Code 1975, is
2 amended to read as follows:

3 **345.6 Manner of submitting questions.** The mode of submitting questions to
4 the people shall be the following: The whole question, including the sum desired
5 to be raised, or the amount of tax desired to be levied, or the rate per annum, and
6 the whole regulation, including the time of its taking effect or having operation, if
7 it be of a nature to be set forth, and the penalty for its violation if there be one,
8 shall be embraced in a notice of the election. *The notice shall, to the extent*
9 *consistent with this section, be drawn up in accordance with and shall be published*
10 ~~once each week for at least four weeks in some newspaper published in the~~
11 ~~county. Such notice shall name the time when such question will be voted upon,~~
12 ~~and the form in which the question shall be submitted, and a as required by~~
13 ~~section forty-nine point fifty-three (49.53) of the Code. A copy of the question to be~~
14 ~~submitted shall be posted at each polling place during the day of election.~~

1 SEC. 66. Section three hundred fifty-eight point nine (358.9), Code 1975, as
2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
3 eighty-one (81), section one hundred forty-eight (148), is amended by striking
4 unnumbered paragraphs one (1) and two (2) and inserting in lieu thereof the
5 following:

6 At the election provided for in section three hundred fifty-eight point seven
 7 (358.7) of the Code, the names of candidates for trustee of the district shall be
 8 written by the voters on blank ballots without formal nomination, and the board
 9 of supervisors which had jurisdiction of the proceedings for establishment of the
 10 sanitary district, together with the board of supervisors of any other county in
 11 which any part of the district is located, shall appoint three trustees from among
 12 the five persons receiving the greatest number of votes as trustees of the district.
 13 One of the trustees shall be designated to serve a term expiring one year from the
 14 next succeeding June thirtieth, one to serve a term of two years from that date,
 15 and one to serve a term of three years from that date. Their successors shall each
 16 serve terms of three years commencing July first of the year in which they are
 17 chosen. Successors to the initial trustees may be chosen by appointment by the
 18 same board or boards of supervisors which made the initial appointments or by
 19 election, at the option of the remaining trustees.

20 Vacancies in the office of trustee of a sanitary district shall be filled by the
 21 remaining members of the board for the period until a successor is chosen in the
 22 manner prescribed by this section or by section sixty-nine point twelve (69.12) of
 23 the Code, whichever is applicable.

1 SEC. 67. Section three hundred fifty-nine point twenty-three (359.23), Code
 2 1975, is amended to read as follows:

3 **359.23 Receipts and expenditures.** Each township clerk, ~~on the morning of~~
 4 ~~the day of the general election and before the hour for opening the polls, shall~~
 5 ~~post, at the place where such election is to be held in his township shall prepare,~~
 6 ~~on or before September thirtieth of each year, a statement in writing, showing all~~
 7 ~~receipts of money and disbursements in his or her office for the preceding two~~
 8 ~~years fiscal year, which shall be certified as correct by the trustees of the~~
 9 township. Each township clerk shall also send a copy of this written statement to
 10 the county auditor no later than seven days after the ~~posting~~ *statement is certified*
 11 *by the trustees.*

1 SEC. 68. Section three hundred sixty-eight point nineteen (368.19), Code 1975,
 2 as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 3 one hundred ninety-seven (197), section nine (9), is amended by striking the
 4 section and inserting in lieu thereof the following:

5 **368.19 Time limit—election.** The committee shall approve or disapprove the
 6 petition or plan as amended, within ninety days of the final hearing, and shall file
 7 its decision for record and promptly notify the parties to the proceeding of its
 8 decision. If a petition or plan is approved, the board shall set a date within ninety
 9 days for a special election on the proposal and the county commissioner of
 10 elections shall conduct the election. In a case of incorporation or discontinuance,
 11 qualified electors of the territory or city may vote, and the proposal is authorized
 12 if a majority of those voting approves it. In a case of annexation or severance,
 13 qualified electors of the territory and of the city may vote, and the proposal is
 14 authorized if a majority of the total number of persons voting approves it. In a
 15 case of consolidation, qualified electors of each city to be consolidated may vote,
 16 and the proposal is authorized only if it receives a favorable majority vote in each
 17 city. The county commissioner of elections shall publish notice of the election as
 18 provided in section forty-nine point fifty-three (49.53) of the Code and shall
 19 conduct the election in the same manner as other special city elections.

20 The costs of an incorporation election shall be borne by the initiating
 21 petitioners if the election fails, but if the proposition is approved the cost shall
 22 become a charge of the new city.

1 SEC. 69. Section three hundred seventy-two point thirteen (372.13), subsection
 2 two (2), as amended by Acts of the Sixty-sixth General Assembly, 1975 Session,
 3 chapter eighty-one (81), section one hundred fifty (150), is amended by striking
 4 the subsection and inserting in lieu thereof the following:

5 2. A vacancy in an elective city office during a term of office shall be filled by
6 the council, within thirty days after the vacancy occurs, for the balance of the
7 unexpired term unless a special election is sooner held to fill the office for the
8 remaining balance of the unexpired term. Such an election shall be called if the
9 council is presented with a petition so requesting, signed by eligible electors
10 entitled to vote to fill the office in question. The petition must bear signatures
11 equal in number to two percent of those who voted for candidates for the office
12 at the last preceding election at which the office was on the ballot, but in no case
13 fewer than ten signatures. If the petition so requests and is timely filed, the special
14 election may be held concurrently with any pending election as provided by
15 section sixty-nine point twelve (69.12) of the Code. Otherwise, a special election
16 to fill the office shall be called at the earliest practicable time after the petition is
17 presented to the council.

1 SEC. 70. Section three hundred seventy-six point two (376.2), unnumbered
2 paragraph two (2), Code 1975, as amended by Acts of the Sixty-sixth General
3 Assembly, 1975 Session, chapter one hundred ninety-seven (197), section eighteen
4 (18), is amended to read as follows:

5 Except as otherwise provided by state law or the city charter, terms for elective
6 offices are two years. However, the term of an elective office may be changed to
7 two or four years by petition and election. Upon receipt of a valid petition as
8 defined in section 362.4, requesting that the term of an elective office be changed,
9 the council shall submit the question at a special city election to be held within
10 ~~thirty~~ sixty days. If a majority of the persons voting at the special election
11 approves the changed term, it becomes effective at the beginning of the term
12 following the next regular city election. If a majority does not approve the
13 changed term, the council shall not submit the same proposal to the voters within
14 the next four years.

1 SEC. 71. Section three hundred seventy-six point four (376.4), unnumbered
2 paragraphs one (1) and four (4), Code 1975, as amended by Acts of the Sixty-
3 sixth General Assembly, 1975 Session, chapter two hundred three (203), section
4 twenty-five (25), are amended to read as follows:

5 An eligible elector of a city may become a candidate for an elective city office
6 by filing with the city clerk a valid petition requesting that his *or her* name be
7 placed on the ballot for that office. The petition must be filed not more than
8 sixty-five days nor less than forty days before the date of the election, and must
9 be signed by eligible electors equal in number to at least two percent of those who
10 voted to fill the same office at the last regular city election, but not less than ten
11 persons. Nomination petitions shall be filed not later than five o'clock p.m. on the
12 last day for filing.

13 The petition must include the affidavit of at least one eligible elector other than
14 the petitioners ~~and the individual for whom the petition is being filed~~, stating the
15 affiant's knowledge, information, and belief as to the residence of the petitioners.
16 *The candidate for whom the petition is filed may sign the affidavit only if he or she*
17 *personally circulated the petition. If the affiant also signed the nomination petition,*
18 *that signature shall not be counted toward the total required by this section.*

1 SEC. 72. Section three hundred seventy-six point seven (376.7), Code 1975, is
2 amended to read as follows:

3 **376.7 Date of primary.** If a primary election is necessary, it ~~must~~ shall be
4 held on the Tuesday ~~two~~ three weeks before the date of the regular city election.
5 *The county board of supervisors shall publicly canvass the tally lists of the vote cast in*
6 *the primary election, following the procedures prescribed in section fifty point twenty-*
7 *four (50.24) of the Code, at a meeting to be held beginning at one o'clock in the*
8 *afternoon on the second day following the primary election.*

9 The names of those candidates who receive the highest number of votes ~~in~~ for
10 each office on the primary election ballot, to the extent of twice the number of

11 unfilled positions, must be placed on the ballot for the regular city election as
12 candidates for ~~the that office for which they have filed.~~

1 SEC. 73. Section three hundred seventy-six point eight (376.8), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the following:

3 **376.8 Persons elected in city elections.**

4 1. In a regular city election following a city primary, the candidates receiving
5 the greatest number of votes cast for each office on the ballot are elected, to the
6 extent necessary to fill the positions open.

7 2. In a regular city election held for a city where the council has chosen a
8 runoff election in lieu of a primary, candidates are elected as provided by
9 subsection one (1) of this section, except that no candidate is elected who fails to
10 receive a majority of the votes cast for the office in question. In the case of at-
11 large elections to a multimember body, a majority is one vote more than half the
12 quotient found by dividing the total number of votes cast for all candidates for
13 that body by the number of positions to be filled.

14 3. In a regular city election held for a city where the council has chosen to have
15 nominations made in the manner provided by chapter forty-four (44) or forty-five
16 (45) of the Code, the candidates who receive the greatest number of votes for
17 each office on the ballot are elected, to the extent necessary to fill the positions
18 open.

1 SEC. 74. Section three hundred seventy-six point nine (376.9), Code 1975, as
2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
3 hundred ninety-seven (197), section twenty (20), is amended to read as follows:

4 **376.9 Runoff election.** A runoff election may be held only for positions
5 unfilled because of failure of a sufficient number of candidates to receive a
6 majority vote in the regular city election. When a council has chosen a runoff
7 election in lieu of a primary, the county board of supervisors shall publicly
8 canvass the tally lists of the vote cast in the regular city election, following the
9 procedures prescribed in section 50.24, at a meeting to be held beginning at one
10 o'clock in the afternoon on the *second* day following the regular city election.
11 Candidates who do not receive a majority of the votes cast for ~~the an office for~~
12 ~~which they have filed~~, but who receive the highest number of votes cast for that
13 office in the regular city election, to the extent of twice the number of unfilled
14 positions, are candidates in the runoff election.

15 Runoff elections ~~must shall~~ be held ~~two three~~ weeks after the date of the regular
16 city election and ~~must shall~~ be conducted in the same manner as regular city
17 elections ~~except that only persons who were qualified electors in the last~~
18 ~~preceding regular city election are qualified to vote in the runoff.~~

19 Candidates in the runoff election who receive the highest number of votes cast
20 for ~~the each office for which they have filed on the ballot~~ are elected to the extent
21 necessary to fill the positions ~~for which they have filed open.~~

1 SEC. 75. Chapter three hundred seventy-six (376), Code 1975, is amended by
2 adding the following new section:

3 **NEW SECTION. Candidates nominated by write-in vote.** Any person
4 nominated by a write-in vote in a city primary election, or in a regular city
5 election in a city where the council has chosen a runoff election in lieu of a
6 primary, shall execute an affidavit in substantially the form required by section
7 forty-five point three (45.3) of the Code and file it with the county commissioner
8 of elections or the city clerk not later than five o'clock p.m. of the day after the
9 canvass of the primary or regular city election, as the case may be. If the person
10 so nominated fails to complete and file the affidavit at the time required, the
11 county commissioner of elections shall disregard the write-in votes cast for that
12 person and proceed in accordance with the requirements of this chapter on the
13 basis of the canvass of all other votes cast at the primary or regular city election.

1 SEC. 76. Acts of the Sixty-sixth General Assembly, 1976 Session, House File
2 one thousand thirty-three (1033), section one (1), is amended to read as follows:

3 Section 1. Section forty-three point seventy-eight (43.78), Code 1975, as
4 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
5 eighty-one (81), section twenty-five (25), is amended by adding the following new
6 subsection:

7 NEW SUBSECTION. Political party candidates for a vacant seat in the ~~congress~~
8 of the United States *house of representatives* or the general assembly which is to be
9 filled at a special election called pursuant to section sixty-nine point fourteen
10 (69.14) of the Code shall be nominated in the manner provided by subsection one
11 (1) of this section for filling a vacancy on the general election ballot for the same
12 office. The name of any candidate so nominated shall be submitted in writing to
13 the state commissioner, as required by section forty-three point eighty-eight
14 (43.88) of the Code, at the earliest practicable time.

1 SEC. 77. For the purpose of transition from the provisions of section three
2 hundred fifty-eight point nine (358.9), Code 1975, to the replacement provisions
3 enacted as section sixty-six (66) of this Act, in those sanitary districts in existence
4 under chapter three hundred fifty-eight (358) of the Code prior to the effective
5 date of this Act, the terms of trustees elected in those districts shall be adjusted as
6 follows:

7 1. The terms of trustees elected in 1970 for a six-year term beginning in
8 January, 1971, or their successors, shall be extended until June 30, 1977.

9 2. The terms of trustees elected in 1972 for a six-year term beginning in
10 January, 1973, or their successors, shall be terminated June 30, 1978.

11 3. The terms of trustees elected in 1974 for a six-year term beginning in
12 January, 1975, or their successors, shall be terminated June 30, 1979.

13 The successors to the trustees whose terms are adjusted under this section shall
14 be chosen in accord with section three hundred fifty-eight point nine (358.9) of
15 the Code as amended by section sixty-six (66) of this Act.

16 The state commissioner of elections shall obtain from the department of
17 environmental quality a list of every sanitary district established or in the process
18 of establishment under chapter three hundred fifty-eight (358) of the Code, and
19 shall send to each such district written notice of the amendment to section three
20 hundred fifty-eight point nine (358.9) of the Code made by section sixty-six (66)
21 of this Act, and of the requirements of this section.

1 SEC. 78. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in *The Hawk Eye*, a newspaper
3 published in Burlington, Iowa, and in the *Muscatine Journal*, a newspaper
4 published in Muscatine, Iowa.

Approved May 7, 1976

I hereby certify that the foregoing Act, House File 1011, was published in *The Hawk Eye*,
Burlington, Iowa on May 14, 1976, and in the *Muscatine Journal*, Muscatine, Iowa on May 14, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1076

VOTER REGISTRATION

H. F. 1010

AN ACT to permit voters registering under Acts of the Sixty-sixth General Assembly, 1975 session, chapter eighty-one (81), section forty-seven (47), to send their registration forms to the commissioner's office in an envelope, to require registrants to acknowledge awareness of the penalty for fraudulent registration, to remove the requirement that individuals registering to vote make an affidavit affirming the truth of statements made on the registration form and substitute a statement to the same effect, and providing that this Act shall take effect upon publication.

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

1 SECTION 1. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
2 eighty-one (81), section forty-seven (47), is amended to read as follows:

3 Sec. 47. Chapter forty-eight (48), Code 1975, is amended by inserting after
4 section forty-eight point two (48.2) the following new section:

5 NEW SECTION. **Registration by mail.** As an alternative to the method of
6 registration prescribed by section forty-eight point two (48.2) of the Code, any
7 person entitled to register under that section may submit a completed voter
8 registration form to the commissioner of registration in the person's county of
9 residence by *postage paid* United States mail; ~~postage paid~~. A registration form *or*
10 *the envelope containing one or more registration forms for the use of individual*
11 *registrants who are related to each other within the first degree of consanguinity or*
12 *affinity and who reside at the same address shall be postmarked by the twenty-fifth*
13 *day prior to an election or the registration will not take effect for that election. A*
14 *separate registration form shall be signed by each individual registrant. Within five*
15 *working days after receiving a registration by mail, the commissioner shall send*
16 *the registrant a receipt of the registration by first class mail marked "do not*
17 *forward". If the receipt is returned by the postal service the commissioner shall*
18 *treat the registration as prescribed by section forty-eight point thirty-one (48.31),*
19 *subsection eight (8) of the Code. An improperly addressed or delivered*
20 *registration form shall be forwarded to the appropriate county commissioner of*
21 *registration within two working days after it is received by any other official.*

1 SEC. 2. Section forty-eight point six (48.6), subsection nine (9), Code 1975, as
2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
3 eighty-one (81), section fifty (50), is amended by striking the subsection and
4 inserting in lieu thereof the following:

5 9. A statement in substantially the following form:

6 "I state that I am or will be an eligible elector at any election at which I
7 attempt to vote and that all of the information I have given upon this voter
8 registration form is true. I hereby authorize cancellation of any prior registration
9 to vote in this or any other jurisdiction and my eligibility to vote in any
10 jurisdiction where voter registration is not required. I am aware that fraudulently
11 registering, or attempting to do so, is a felony under Iowa law." At the time the
12 registration is signed by the eligible elector it shall also be signed by a mobile
13 registrar, employee of the commissioner's office, or other eligible elector.

1 SEC. 3. Section forty-eight point six (48.6), Code 1975, as amended by Acts of
2 the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section
3 fifty (50), is amended by striking subsection ten (10).

1 SEC. 4. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in The Hawk Eye, a newspaper

- 3 published in Burlington, Iowa, and in the Muscatine Journal, a newspaper
 4 published in Muscatine, Iowa.
 Approved March 1, 1976

I hereby certify that the foregoing Act, House File 1010, was published in The Hawk Eye, Burlington, Iowa, March 8, 1976, and in the Muscatine Journal, Muscatine, Iowa, March 5, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1077

CONVENTION TO RATIFY CONSTITUTION

S. F. 288

AN ACT to repeal the procedure for establishment of a convention to ratify amendments to the Constitution of the United States.

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

- 1 SECTION 1. Chapter fifty-five (55), Code 1975, is repealed.

Approved June 23, 1976

CHAPTER 1078

CAMPAIGN INCOME-TAX CHECKOFF

S. F. 1346

AN ACT to revise the campaign disclosure-income tax checkoff Act by clarifying the powers, duties and procedures of the campaign finance disclosure commission, repealing certain provisions of the Act in accordance with a recent decision of the United States supreme court, clarifying the restrictions upon and the uses which may be made of certain contributions by corporations and other entities, and to appropriate funds to the office of the campaign finance disclosure commission.

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

- 1 SECTION 1. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 2 fifty-seven (57), section six (6), third new subsection, amending section fifty-six
 3 point two (56.2), Code 1975, is amended to read as follows:

4 NEW SUBSECTION. "Disclosure report" means a statement of contributions
 5 received, expenditures made, and indebtedness incurred on forms prescribed by
 6 *rules promulgated by the commission and approved by the administrative rules*
 7 ~~review committee~~ *in accordance with chapter seventeen A (17A) of the Code.*

- 1 SEC. 2. Section fifty-six point four (56.4), unnumbered paragraph one (1),
 2 Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975
 3 Session, chapter fifty-seven (57), section seven (7), is amended to read as follows:

4 All statements and reports required to be filed under this chapter for a state
 5 office shall be filed with the commission. All statements and reports required to
 6 be filed under this chapter for a county, city or school office shall be filed with
 7 the commissioner. *Statements and reports on a ballot issue shall be filed with the*
 8 *commissioner responsible under section forty-seven point two (47.2) of the Code for*
 9 *conducting the election at which the issue is voted upon, except that statements and*

10 *reports on a statewide ballot issue shall be filed with the commission. State statutory*
 11 *political committees shall file all statements and reports with the commission. All*
 12 *other statutory political committees shall file the statements and reports with the*
 13 *commissioner with a copy sent to the commission.*

1 SEC. 3. Section fifty-six point five (56.5), subsection two (2), Code 1975, as
 2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 3 fifty-seven (57), section eight (8), is amended by striking paragraph c and
 4 redesignating the succeeding paragraphs accordingly.

1 SEC. 4. Section fifty-six point six (56.6), subsection one (1), Code 1975, as
 2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 3 fifty-seven (57), section ten (10), is amended to read as follows:

4 1. Each treasurer of a committee shall file with the commission or
 5 commissioner disclosure reports of contributions received and disbursed on forms
 6 prescribed by rules as provided by chapter seventeen A (17A) of the Code. The
 7 reports from all committees, except those committees for municipal and school
 8 elective offices, shall be filed on the twenty-fifth day or mailed by certified mail
 9 by the twenty-fourth day of January, May, July, and October of each year. The
 10 January report shall be current to the end of the month preceding the filing. The
 11 May, July, and October reports shall be current as of five days prior to the filing
 12 deadline. The January report shall be the annual report. Committees for
 13 municipal and school elective offices *and ballot issues* shall file reports five days
 14 prior to any election in which the name of the candidate *or the ballot issue* which
 15 they support or oppose appears on the printed ballot and thirty days following
 16 the final election in a calendar year in which the candidate's name *or the ballot*
 17 *issue* appears on the ballot. *A committee supporting or opposing a candidate for a*
 18 *municipal or school elective office or a ballot issue shall continue to file a disclosure*
 19 *statement every thirty days until it dissolves.* These reports shall be current to five
 20 days prior to the filing deadline. A state statutory political committee and
 21 congressional district committees as authorized by the constitution of the state
 22 statutory political committee shall not be subject to the provisions of this
 23 subsection if the state statutory political committee files copies of campaign
 24 disclosure reports as required by federal law with the commission at such times as
 25 the reports are required to be filed under federal law, provided that the federal
 26 reports contain all information required by this chapter.

1 SEC. 5. Section fifty-six point six (56.6), subsection three (3), Code 1975, as
 2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 3 fifty-seven (57), section ten (10), is amended by striking paragraph e and
 4 redesignating the succeeding paragraphs accordingly.

1 SEC. 6. Section fifty-six point six (56.6), subsection three (3), paragraphs f, h
 2 and i, Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975
 3 Session, chapter fifty-seven (57), section ten (10), are amended to read as follows:

4 f. Each loan to ~~or from~~ any person *or committee* within the calendar year in an
 5 aggregate amount in excess of those amounts enumerated in the schedule in
 6 paragraph "b" of this subsection, together with the name and mailing address of
 7 the lender and endorsers and the date and amount of such loans. ~~A state or~~
 8 ~~county statutory political committee shall report the name and mailing address of~~
 9 ~~each person who has made one or more loans in an aggregate amount in excess of~~
 10 ~~one hundred dollars.~~ *Loans shall be reported on the contributions section of the*
 11 *disclosure statement.*

12 h. The name and mailing address of each person to whom disbursements *or*
 13 *loan repayments* have been made by the committee from contributions during the
 14 reporting period and the amount and date of each disbursement except that
 15 disbursements of less than five dollars may be shown as miscellaneous
 16 disbursements so long as the aggregate miscellaneous disbursements to any one
 17 person during a calendar year do not exceed one hundred dollars.

18 i. The amount and nature of debts and obligations owed in excess of those
 19 amounts stated in the schedule in paragraph "b" of this section by ~~or to~~ the
 20 committee. *Loans made to a committee and reported under paragraph b of this*
 21 *subsection shall not be considered a debt or obligation under this paragraph. A loan*
 22 *made by a committee to any person shall be considered a disbursement.*

1 SEC. 7. Section fifty-six point ten (56.10), Code 1975, as amended by Acts of
 2 the Sixty-sixth General Assembly, 1975 Session, chapter fifty-seven (57), section
 3 fourteen (14), is amended by striking subsection one (1) and inserting in lieu
 4 thereof the following:

5 1. Review the contents of all disclosure reports and other statements filed with
 6 the commission and promptly advise each committee of errors found. The
 7 commission may, upon its own motion, initiate action and conduct a hearing
 8 under section fifty-six point eleven (56.11), subsections one (1) and two (2) of the
 9 Code. The commission may require the county commissioner to file summary
 10 reports with it periodically.

1 SEC. 8. Section fifty-six point eleven (56.11), Code 1975, is amended by
 2 striking subsection one (1) and inserting in lieu thereof the following:

3 1. Any eligible elector may file a complaint of an alleged violation with the
 4 commission. The complaint shall be verified and supported by affidavit detailing
 5 the circumstances of the violation alleged. The commission may initiate action on
 6 its own motion by filing a complaint accompanied by such an affidavit. Within
 7 twenty-four hours after receipt of a complaint or initiation of its own complaint,
 8 the commission shall notify the person, candidate or committee against whom the
 9 complaint is made of receipt or initiation of the complaint, and until it has done
 10 so it shall make no investigation of any kind into the campaign affairs of the
 11 person, candidate or committee. Unless the commission concludes that there is no
 12 reasonable basis for a complaint which has been filed, it shall set a date for a
 13 hearing on the complaint which shall be not more than fifteen days after the date
 14 the complaint is received or initiated by the commission. The commission shall
 15 serve the person, candidate or committee against whom the complaint is made a
 16 copy of the complaint and supporting affidavit and notice of the hearing in the
 17 manner provided by the Rules of Civil Procedure. Copies of the complaint,
 18 affidavit and notice shall also be sent to each of the other candidates, if any, for
 19 the office affected. If a complaint is filed or initiated less than fifteen days before
 20 the election at which the office affected is to be filled, the commission shall set
 21 the hearing at the earliest possible date so as to allow the issue to be resolved
 22 prior to the election. An extension of time for the hearing may be granted when
 23 both parties mutually agree on an alternate date for the hearing.

1 SEC. 9. Section fifty-six point eleven (56.11), subsections two (2) and three (3),
 2 Code 1975, are amended to read as follows:

3 2. The commission shall investigate the complaint and conduct the hearing.
 4 *Upon request of the commission, the county attorney or the attorney general shall*
 5 *assist the commission in any investigation and report to it as directed.* The
 6 commission shall have the power to subpoena and review all records of a
 7 candidate or ~~political~~ committee required to be kept under this chapter. Due
 8 process, including the right to be represented by counsel, shall be accorded the
 9 accused. The commission shall provide for the confidentiality of the records of a
 10 candidate or ~~political~~ committee during the investigation and hearing process and
 11 shall provide for confidential hearings *only* if requested by either party to the
 12 complaint, *except that if the commission itself is a complainant it may not request a*
 13 *confidential hearing.* After the hearing the commission shall determine whether or
 14 not there is a *reasonable belief* grounds to believe that a violation of the
 15 provisions of this chapter did occur. The commission shall send a copy of its
 16 findings of fact and decision to the person, candidate or ~~political~~ committee
 17 against which the complaint was filed and to each candidate for the public office

18 affected. The ~~campaign finance disclosure~~ commission may assess the cost of
19 such hearings against either party involved in the hearing.

20 3. If the commission finds *reasonable grounds to believe* that the person,
21 candidate, or ~~political~~ committee has engaged in ~~any~~ an act or practice which
22 constitutes a violation of this chapter, the commission shall report ~~such a the~~
23 suspected violation of law to the United States attorney, the attorney general, or
24 the county attorney, as the case may be, with a recommendation of appropriate
25 action to be taken.

1 SEC. 10. Section fifty-six point seventeen (56.17), Code 1975, is amended to
2 read as follows:

3 **56.17 Applicability to federal candidates.**

4 1. ~~This~~ *The requirements of this chapter relative to disclosure of contributions* shall
5 apply to candidates and political committees for federal office only in the event
6 such candidates are not subject to a federal law requiring the disclosure of
7 campaign financing. Any such federal law shall supersede the provisions of this
8 chapter.

9 2. *The provisions of this chapter under which money from the Iowa election*
10 *campaign fund may be made available to or used for the benefit of candidates and*
11 *candidates' committees shall apply to candidates for federal office and their*
12 *candidates' committees only if matching funds to pay a portion of their campaign*
13 *expenses are not available to such candidates or their committees from the federal*
14 *government.*

1 SEC. 11. Section fifty-six point nineteen (56.19), Code 1975, is amended to
2 read as follows:

3 **56.19 Fund created.** The "Iowa election campaign fund" is created within
4 the office of the treasurer of state. The fund shall consist of funds paid by persons
5 having an Iowa income tax liability as provided in section 56.18. The director of
6 revenue shall remit funds collected as provided in section 56.18 to the treasurer of
7 state who shall deposit such funds in the appropriate account within the Iowa
8 election campaign fund. Any interest income received by the treasurer of state
9 from investment of moneys deposited in the fund shall be deposited in the Iowa
10 election campaign fund. Such funds shall be subject to payment to the ~~chairman~~
11 *chairperson* of the specified political party by the state comptroller in the manner
12 provided ~~in this chapter~~ *by section fifty-six point twenty-two (56.22) of the Code.*

1 SEC. 12. Section fifty-six point twenty-one (56.21), Code 1975, is amended to
2 read as follows:

3 **56.21 Funds—application to comptroller.** Any candidate for a *partisan* public
4 office, except ~~president or vice president of the United States~~ *as otherwise provided*
5 *by section fifty-six point seventeen (56.17), subsection two (2) of the Code,* may
6 receive campaign funds ~~through the state statutory political committee under this~~
7 ~~chapter~~ *from the Iowa election campaign fund through the state central committee*
8 *of the candidate's political party.* However, the ~~chairman~~ *of the state statutory*
9 *political central committee shall apply to the state comptroller for these funds not*
10 *later than sixty-five days before a general election of each political party shall have*
11 *discretion which of the party's candidates for public office shall be allocated campaign*
12 *funds out of money received by that party from the Iowa election campaign fund.*

13 *The state comptroller shall remit by check drawn upon the Iowa election*
14 *campaign fund all funds in the party's account to the chairman upon certification*
15 *by the state commissioner that the party has qualified to have candidate names*
16 *placed on the official general election ballot.*

1 SEC. 13. Section fifty-six point twenty-two (56.22), Code 1975, is amended by
2 striking the section and inserting in lieu thereof the following:

3 **56.22 Distribution of campaign fund—restrictions on use.**

4 1. The money accumulated in the Iowa election campaign fund to the account
5 of each political party in the state shall be remitted to the party on the first
6 business day of each month by warrant of the state comptroller drawn upon the
7 fund in favor of the state chairperson of that party. The money received by each
8 political party under this section shall be used as directed by the party's state
9 statutory political committee.

10 2. Funds distributed to statutory political committees pursuant to this chapter
11 shall not be used to support or oppose the nomination of any candidate. Nothing
12 in this subsection shall be construed to prohibit a statutory political committee
13 from using such funds to pay expenses incurred in arranging and holding a
14 nominating convention.

1 SEC. 14. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter fifty-
2 seven (57), section sixteen (16), third new section, amending chapter fifty-six (56),
3 Code 1975, is amended to read as follows:

4 NEW SECTION. 1. *Except as provided in subsection three (3) of this section, it*
5 *shall be unlawful for any insurance company, savings and loan association, bank,*
6 *and corporation organized pursuant to the laws of this state or any other state,*
7 *territory, or foreign country, whether for profit or not, or any officer, agent,*
8 *representative thereof acting for such insurance company, savings and loan*
9 *association, bank, or corporation, to contribute any money, property, labor, or*
10 *thing of value, directly or indirectly, to any committee, or for the purpose of*
11 *influencing the vote of any elector, except that such resources may be so expended*
12 *in connection with a utility franchise election held pursuant to section three hundred*
13 *sixty-four point two (364.2), subsection four (4) of the Code, however all such*
14 *expenditures shall be subject to the disclosure requirements of this chapter.*

15 2. *Except as provided in subsection three (3) of this section, it shall be unlawful*
16 *for any member of any committee, or employee or representative thereof, or*
17 *candidate for any office or the representative of such candidate, to solicit,*
18 *request, or knowingly receive from any insurance company, savings and loan*
19 *association, bank, and corporation organized pursuant to the laws of this state or*
20 *any other state, territory, or foreign country, whether for profit or not, or any*
21 *officer, agent, or representative thereof, any money, property, or thing of value*
22 *belonging to such insurance company, savings and loan association, bank, or*
23 *corporation for campaign expenses, or for the purpose of influencing the vote of*
24 *any elector. Nothing in this section shall be construed to restrain or abridge the*
25 *freedom of the press or prohibit the consideration and discussion therein of*
26 *candidacies, nominations, public officers, or public questions.*

27 3. *It shall be lawful for any insurance company, savings and loan association, bank,*
28 *and corporation organized pursuant to the laws of this state or any other state or*
29 *territory, whether or not for profit, and for the officers, agents and representatives*
30 *thereof, to use the money, property, labor, or any other thing of value of any such*
31 *entity for the purposes of soliciting its stockholders, administrative officers and*
32 *members for contributions to a committee sponsored by that entity and of financing*
33 *the administration of a committee sponsored by that entity. The entity's employees to*
34 *whom the foregoing authority does not extend may voluntarily contribute to such a*
35 *committee but shall not be solicited for contributions. All contributions made under*
36 *authority of this subsection shall be subject to the disclosure requirements of this*
37 *chapter. A committee member, committee employee, committee representative,*
38 *candidate or representative referred to in subsection two (2) of this section lawfully*
39 *may solicit, request, and receive money, property and other things of value from a*
40 *committee sponsored by an insurance company, savings and loan association, bank, or*
41 *corporation as permitted by this subsection.*

42 4. *The restrictions imposed by this section relative to making, soliciting or receiving*
43 *contributions shall not apply to a nonprofit corporation or organization which uses*
44 *those contributions to encourage registration of voters and participation in the political*
45 *process, or to publicize public issues, or both, but does not use any part of those*

46 *contributions to endorse or oppose any candidate for public office or support or oppose*
47 *ballot issues.*

48 s/ R.D.R. *[5. For the purposes of this section, labor unions or any group
49 organized as a collective bargaining unit shall not be deemed to be a corporation,
50 however contributions and expenditures made by a labor union or a group organized
51 as a collective bargaining unit in support of or opposition to a candidate or ballot issue
52 shall be subject to the disclosure requirements of this chapter.] s/ R.D.R.

53 6. Any person convicted of a violation of any of the provisions of this section
54 shall be subject to imprisonment in the county jail for not more than one year
55 and by a fine not to exceed one thousand dollars.

1 SEC. 15. The provisions of sections three (3), five (5), six (6) and eight (8)
2 through thirteen (13) of this Act shall take effect January 1, 1977. However,
3 reports due to be submitted to the commission or the commissioner on or before
4 January 25, 1977 may be submitted on forms calling for the information required
5 by law for the period ending December 31, 1976.

1 SEC. 16. Sections fifty-six point fourteen (56.14) and fifty-six point fifteen
2 (56.15), Code 1975, are repealed.

1 SEC. 17. There is appropriated from the general fund of the state to the
2 campaign finance disclosure commission for the fiscal year beginning July 1, 1976
3 and ending June 30, 1977, for salaries, support, maintenance and miscellaneous
4 purposes, the sum of sixty-one thousand five hundred ninety-two (61,592) dollars,
5 or so much thereof as may be necessary.

*Approved June 28, 1976 except the item designated as Subsection 5 of Section 14 herein which I hereby disapprove for the reasons set forth in my item veto message delivered to the Secretary of State this same date, the original of which is attached hereto.

Senate File 1346 is approved June 28, 1976, with the following exception which I hereby disapprove.

I am unable to approve the item designated in the Act as Subsection 5 of Section 14 which reads as follows:

"5. For the purposes of this section, labor unions or any group organized as a collective bargaining unit shall not be deemed to be a corporation, however contributions and expenditures made by a labor union or a group organized as a collective bargaining unit in support of or opposition to a candidate or ballot issue shall be subject to the disclosure requirements of this chapter."

This item makes legal in Iowa any direct transfer of funds from labor union treasuries to candidates, candidates' committees, or any other political committees. For the first time Iowa law would specifically authorize labor unions to contribute directly their assets to state and local campaigns.

Business corporations in Iowa have long been prohibited from contributing "any money, property, labor, or thing of value, directly or indirectly" to political campaigns. On the other hand, Iowa law has been silent up to now on union contributions for political purposes.

Since 1925 federal law has prohibited contributions or expenditures by corporations and labor organizations to federal political campaigns. 18 U. S. C. §610 has provided:

"It is unlawful . . . for any corporation whatever, or any labor organization to make a contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section."

*See item veto message at end of Act

The Federal Election Campaign Act Amendments of 1976 recodified the foregoing section to provide for the establishment and operation of political action committees by corporations and labor unions. To bring Iowa law into accord with the new federal law, the legislature provided in Senate File 1346 the authority for corporations to establish political action committees in Iowa for state and local campaigns.

But our legislature went further and attached the item in question to Senate File 1346 to exempt unions from the restrictions Iowa law places on corporations.

As a result, labor unions, whether incorporated or not, would be able to use union dues and any other union funds to make direct contributions to the campaign of candidates in Iowa. This is something they cannot do under federal law. And it is something corporations cannot do under either federal or state law.

Federal law treats unions and corporations in a similar manner regarding campaign contributions. Iowa law can be made more consistent and treat both in a like fashion by removing Subsection 5 of Section 14 of Senate File 1346. Of course, labor unions and corporations and their individual members and stockholders will still be able to contribute to political campaigns individually or through their political action committees.

For these reasons, I hereby disapprove this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 1346 are hereby approved this date.

s/ ROBERT D. RAY, Governor

CHAPTER 1079

PUBLIC RECORDS COPIED

S. F. 244

AN ACT relating to the copying of public records.

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

1 SECTION 1. Section sixty-eight A point three (68A.3), Code 1975, is amended
 2 to read as follows:
 3 **68A.3 Supervision.** Such examination and copying shall be done under the
 4 supervision of the lawful custodian of the records or his authorized deputy. The
 5 lawful custodian may adopt and enforce reasonable rules regarding such work
 6 and the protection of the records against damage or disorganization. The lawful
 7 custodian shall provide a suitable place for such work, but if it is impracticable to
 8 do such work in the office of the lawful custodian, the person desiring to examine
 9 or copy shall pay any necessary expenses of providing a place for such work. All
 10 expenses of such work shall be paid by the person desiring to examine or copy.
 11 The lawful custodian may charge a reasonable fee for the services of the lawful
 12 custodian or his authorized deputy in supervising the records during such work. *If*
 13 *copy equipment is available at the office of the lawful custodian of any public records,*
 14 *the lawful custodian shall provide any person a reasonable number of copies of any*
 15 *public record in the custody of the office upon the payment of a fee. The fee for the*
 16 *copying service as determined by the lawful custodian shall not exceed the cost of*
 17 *providing the service.*

Approved May 25, 1976

CHAPTER 1080

VACANCIES IN REPRESENTATIVES IN CONGRESS AND THE GENERAL ASSEMBLY

H. F. 1033

AN ACT to provide for the nomination by political parties of candidates for special elections called pursuant to section sixty-nine point fourteen (69.14) of the Code.

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

1 SECTION 1. Section forty-three point seventy-eight (43.78), Code 1975, as
2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
3 eighty-one (81), section twenty-five (25), is amended by adding the following new
4 subsection:

5 NEW SUBSECTION. Political party candidates for a vacant seat in the congress
6 of the United States or the general assembly which is to be filled at a special
7 election called pursuant to section sixty-nine point fourteen (69.14) of the Code
8 shall be nominated in the manner provided by subsection one (1) of this section
9 for filling a vacancy on the general election ballot for the same office. The name
10 of any candidate so nominated shall be submitted in writing to the state
11 commissioner, as required by section forty-three point eighty-eight (43.88) of the
12 Code, at the earliest practicable time.

1 SEC. 2. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in The Sioux City Journal, a
3 newspaper published in Sioux City, Iowa, and in the Fort Dodge Messenger, a
4 newspaper published in Fort Dodge, Iowa.

Approved January 21, 1976

I hereby certify that the foregoing Act, House File 1033, was published in The Sioux City Journal, Sioux City, Iowa, January 25, 1976, and in the Fort Dodge Messenger, Fort Dodge, Iowa, January 24, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1081

APPOINTIVE BOARDS, COMMISSIONS AND COUNCILS

S. F. 488

AN ACT relating to persons serving on state boards, commissions, and councils.

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

1 SECTION 1. NEW SECTION. It is declared the policy of the state of Iowa that
2 all appointive boards, commissions, and councils of the state established by the
3 Code if not otherwise provided by law shall be bipartisan in their composition.
4 No person shall be appointed or reappointed to any board, commission, or
5 council established by the Code if the effect of that appointment or
6 reappointment would cause the number of members of the board, commission, or
7 council belonging to one political party to be greater than one-half the
8 membership of the board, commission, or council plus one.

9 In the case where the appointment of members of the general assembly is
10 allowed, and the law does not otherwise provide, if an even number of legislators
11 are appointed they shall be equally divided by political party affiliation; if an odd
12 number of members of the general assembly is appointed, the number
13 representing a certain political party shall not exceed by more than one the
14 legislative members of the other political party who may be appointed. This
15 section shall not apply to any board, commission, or council established by the
16 Code for which other restrictions regarding the political affiliations of members
17 are provided by law or for which the membership is appointed by more than one
18 person.

1 SEC. 2. NEW SECTION. If an employee of an appointive board, commission,
2 or council is a member of the board, commission, or council, that employee shall
3 not be a voting member. Payment of per diem and expenses shall not cause a
4 member to be considered an employee of that board, commission or council.

1 SEC. 3. Section one hundred seventy-three point one (173.1), subsection four
2 (4), Code 1975, is amended to read as follows:

3 4. A secretary and a treasurer to be elected by the state fair board *who shall be*
4 *nonvoting members.*

1 SEC. 4. Section one hundred seventy-three point four (173.4), Code 1975, is
2 amended to read as follows:

3 **173.4 Voting power.** On all questions arising for determination by the
4 convention, each member present shall be entitled to but one vote, and no proxies
5 shall be recognized by the convention. *However, a member who is also a board*
6 *director at large or a board congressional director shall not be entitled to vote for a*
7 *successor to each of the three directors at large or a successor to each congressional*
8 *director on the board.*

1 SEC. 5. Section five hundred twenty-four point two hundred five (524.205),
2 subsection one (1), Code 1975, is amended to read as follows:

3 **524.205 State banking board.**

4 1. The state banking board shall be composed of the superintendent, who shall
5 be *an ex officio nonvoting* a member and chairman ~~and who shall have the right to~~
6 ~~vote~~, and six other members, appointed by the governor, who shall be chosen
7 from various sections of the state. Provided, however, that in no event shall more
8 than five members of such board be engaged in the business of banking in any
9 executive capacity. In case of a vacancy in the state banking board, other than
10 one resulting from a vacancy in the office of the superintendent, the governor
11 shall appoint a new member to fill such vacancy for the unexpired term.

1 SEC. 6. Section six hundred five point twenty-six (605.26), unnumbered
2 paragraph one (1), Code 1975, is amended to read as follows:

3 **605.26 Commission on judicial qualifications.** A "Commission on Judicial
4 Qualifications" is hereby created consisting of one district court judge and two
5 members who are practicing attorneys in Iowa licensed under the provisions of
6 chapter 610 *and are not of the same political affiliation*, appointed by the chief
7 justice of the supreme court, and four electors of the state who are not attorneys,
8 no more than two of whom shall belong to the same political party, to be
9 appointed by the governor and subject to confirmation by a vote of two-thirds of
10 the membership of the senate. The commission members shall serve for six-year
11 terms, shall be ineligible for a second term, shall hold no other office of and shall
12 not be employed by the United States or the state of Iowa or of its political
13 subdivisions, except for the judicial member. The first commission members shall
14 take office January 1, 1974. Initially, two members shall serve for two years, two
15 for four years, and three for six years, as shall be determined by lot among the

16 first commission members. Vacancies shall be filled by appointment by the chief
17 justice or governor as the case may be, for the unexpired portion of the term of
18 the previous commission member.

Approved May 7, 1976

CHAPTER 1082

MEDICALLY RELATED DISABILITY OF PUBLIC EMPLOYEES

H. F. 243

AN ACT relating to absences of public employees for medically-related disability.

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

1 SECTION 1. Section seventy-nine point one (79.1), unnumbered paragraph four
2 (4), Code 1975, is amended to read as follows:

3 Leave of absence of two and one-half working days each month with pay may
4 be granted in the discretion of the head of any department, agency or commission
5 to employees of such department, agency or commission when necessary ~~by~~
6 ~~reason of sickness or injury for medically-related disability~~; unused portions of
7 such leave for any one year may be accumulative to a total of ninety working
8 days. Leave of absence in excess of two and one-half working days each month
9 may be granted on recommendation of the head of any department, agency, or
10 commission and with the approval of the executive council for an employee when
11 unusual circumstances resulting from employment are present which will cause
12 hardship for the employee. It is further provided that employees of institutions
13 under the state board of regents who are employed for nine months or more in
14 any twelve-month period shall be entitled, in the discretion of the board, to a
15 leave of absence with pay of two and one-half working days for each month of
16 employment when necessary ~~by reason of sickness or injury for medically-related~~
17 ~~disability~~, and such portion as is unused may be accumulated to a total of ninety
18 working days.

1 SEC. 2. Chapter seventy-nine (79), Code 1975, is amended by adding the
2 following new section:

3 NEW SECTION. When supported by the verification of the attending physician
4 that an absence is necessary in the best interest of the health and well-being of
5 the employee, an absence for medically-related disability shall not be considered
6 in actions for promotion, discharge, demotion, or suspension of the employee.

1 SEC. 3. Section two hundred seventy-nine point forty (279.40), unnumbered
2 paragraph one (1), Code 1975, is amended to read as follows:

3 Public school employees are granted leave of absence for ~~personal illness or~~
4 ~~injury medically-related disability~~ with full pay in the following minimum
5 amounts:

1 SEC. 4. Section two hundred seventy-nine point forty (279.40), Code 1975, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. Any amounts due an employee under this section shall be
4 reduced by benefits payable under sections eighty-five point thirty-three (85.33),
5 and eighty-five point thirty-four (85.34), subsection one (1) of the Code.

Approved February 20, 1976

CHAPTER 1083

LAW ENFORCEMENT ACADEMY

S. F. 1192

AN ACT relating to and making an appropriation for the administration of 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 to the
2 Iowa law enforcement academy for the fiscal year beginning July 1, 1976 and
3 ending June 30, 1977, the following amounts, or so much thereof as is necessary,
4 for the purposes designated:

5		1976-1977
6		<u>Fiscal Year</u>
7	For salaries, support, maintenance, and miscellaneous purposes	\$ 464,000

1 SEC. 2. Chapter eighty B (80B), Code 1975, is amended by adding the
2 following new section:

3 NEW SECTION. The academy shall be the principal law enforcement library
4 and media resource center and shall coordinate the use of law enforcement media
5 resources with training centers and educational institutions offering a two-year
6 program in law enforcement to insure for the efficient use of state law
7 enforcement media resources.

8 The academy shall offer state media resource assistance to any law
9 enforcement training center certified by the Iowa law enforcement academy
10 council.

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

1 SEC. 4. Moneys appropriated by this Act shall not be used for capital
2 improvements.

Approved May 28, 1976

CHAPTER 1084

WORKMEN'S COMPENSATION

H. F. 863

AN ACT relating to workmen's compensation laws and providing a civil penalty.

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

1 SECTION 1. Section eighty-five point one (85.1), Code 1975, is amended by
2 striking subsection three (3) and inserting in lieu thereof the following and
3 subsection five (5) is amended to read as follows:

4 3. Persons engaged in agriculture, insofar as injuries incurred by employees
5 while engaged in agricultural pursuits or any operations immediately connected
6 therewith whether on or off the premises of the employer, except:

7 a. This chapter shall apply to such persons not specifically exempted by
8 paragraph b of this subsection if at the time of injury such person is employed by
9 an employer whose total cash payroll to one or more persons other than those
10 exempted by paragraph b of this subsection amounted to one thousand dollars or
11 more during the preceding calendar year.

12 b. The following persons or employees or groups of employees shall be
13 specifically included within the terms of the exemption from coverage of this
14 chapter provided by this subsection:

15 (1) The spouse of the employer and parents, brothers, sisters, children and
16 stepchildren of either the employer or the spouse of the employer; and

17 (2) Any person engaged in agriculture as a farm operator or spouse of such
18 farm operator or parents, brothers, sisters, children and stepchildren of either
19 such farm operator or spouse while exchanging labor with another farm operator
20 or spouse of such other farm operator or parents, brothers, sisters, children, and
21 stepchildren of either such other farm operator or spouse for the mutual benefit
22 of any or all such persons; and

23 (3) The president, vice president, secretary, treasurer, of a family farm
24 corporation and their spouses and parents, brothers, sisters, children and
25 stepchildren of such officers and their spouses who are employed by such
26 corporation, the primary purpose of which, although not necessarily the stated
27 purpose, is farming or ownership of agricultural land, and while such officer or
28 person related to the officer is engaged in agricultural pursuits or any operation
29 immediately connected therewith whether on or off the premises of the employer.

30 5. Employers, including employers of ~~household or domestic servants~~ *employees*
31 *engaged in any type of service in or about a private dwelling*, employers of persons
32 whose employment is of a casual nature *and not for the purpose of the employer's*
33 *trade or business*, and employers of persons engaged in agriculture, ~~and employers~~
34 ~~of persons not in the course of the employer's business~~, may assume with respect
35 to any such employee or person or classification of employees ~~not within the~~
36 ~~coverage of this chapter~~, as ~~otherwise provided in exempt~~ by subsections 1, 2, 3
37 and 4 *and subsection three (3), paragraph a* of this section *from coverage provided by*
38 *this chapter*, other than any such employee or classification of employees with
39 respect to whom a rule of liability or a method of compensation has been or may
40 be established by the Congress of the United States, *assume* a liability for
41 compensation imposed upon employers by this chapter for the benefit of
42 employees within the coverage of this chapter. *Employers of employees, persons or*
43 *classifications of employees exempted by paragraph b of subsection three (3) of this*
44 *section may also with respect to any such employee, person or classification of*
45 *employees assume a liability for compensation imposed upon employers by this chapter*
46 *by the purchase of valid workmen's compensation insurance specifically including*
47 *separate classifications for (1) such persons who are the spouse and parents, brothers,*
48 *sisters, children and stepchildren of either the employer or his spouse, (2) persons*
49 *engaged in exchanging labor and (3) the president, vice president, treasurer and*
50 *secretary of a family farm corporation, their spouses and parents, brothers, sisters,*
51 *children or stepchildren of such officers and their spouses.* The purchase of and
52 acceptance by any such employer of valid workmen's compensation insurance
53 applicable to such employee or person or classification of employees shall
54 constitute as to such employer an assumption by such employer of such liability
55 without any further act on the part of such employer, but only with respect to
56 such employee or person or such classification of employees as are within the
57 coverage of the said workmen's compensation insurance contract. Whenever
58 under the provisions of this subsection an employer voluntarily elects to assume
59 the liability for the payment of compensation to such employees or persons or
60 such classification of employees by the purchase of valid workmen's
61 compensation insurance, the liability of such employer shall take effect and
62 continue from the effective date of such workmen's compensation insurance
63 contract as long only as such insurance contract shall be in force. Upon such an

64 election, such employee or person or classification of employees shall accept
 65 compensation in the manner provided by the chapter and the employer shall be
 66 relieved from any other liability for recovery of damage, or other compensation
 67 for such injury. An employer, upon the election to assume liability by the
 68 purchase of workmen's compensation insurance under the provisions of this
 69 subsection, shall give notice thereof to the industrial commissioner by certified
 70 United States mail.

1 SEC. 2. Section eighty-five point twenty-three (85.23), Code 1975, is amended
 2 to read as follows:

3 **85.23 Notice of injury—failure to give.** Unless the employer or his
 4 representative shall have actual knowledge of the occurrence of an injury received
 5 within ninety days from the date of the occurrence of the injury, or unless the
 6 employee or someone on his behalf or some of the dependents a dependent or
 7 someone on their his behalf shall give notice thereof to the employer within
 8 fifteen ninety days after from the date of the occurrence of the injury, then no
 9 compensation shall be paid until and from the date such notice is given or
 10 knowledge obtained; but if such notice is given or knowledge obtained within
 11 thirty days from the occurrence of the injury, no want, failure, or inaccuracy of a
 12 notice shall be a bar to obtaining compensation, unless the employer shall show
 13 that he was prejudiced thereby, and then only to the extent of such prejudice; but
 14 if the employee or beneficiary shall show that his failure to give prior notice was
 15 due to mistake, inadvertence, ignorance of fact or law, or inability, or to the
 16 fraud, misrepresentation, or deceit of another, or to any other reasonable cause or
 17 excuse, then compensation may be allowed, unless and then to the extent only
 18 that the employer shall show that he was prejudiced by failure to receive such
 19 notice; but unless knowledge is obtained or notice given within ninety days after
 20 the occurrence of the injury, no compensation shall be allowed.

1 SEC. 3. Section eighty-five point twenty-seven (85.27), Code 1975, is amended
 2 to read as follows:

3 **85.27 Professional and hospital services—prosthetic devices.** The employer,
 4 with notice or knowledge of injury for all injuries compensable under this chapter or
 5 chapter eighty-five A (85A) of the Code, shall furnish reasonable surgical, medical,
 6 dental, osteopathic, chiropractic, podiatric, physical rehabilitation, nursing,
 7 ambulance and hospital services and supplies therefor and shall allow reasonably
 8 necessary transportation expenses incurred for such services. The employer shall also
 9 furnish reasonable and necessary crutches, artificial members and appliances but
 10 shall not be required to furnish more than one permanent prosthetic device.

11 Any employee, employer or insurance carrier making or defending a claim for
 12 benefits agrees to the release of all information to which they have access concerning
 13 the employee's physical or mental condition relative to the claim and further waives
 14 any privilege for the release of such information. Such information shall be made
 15 available to any party or their attorney upon request. Any institution or person
 16 releasing such information to a party or their attorney shall not be liable criminally or
 17 for civil damages by reason of the release of such information. If release of
 18 information is refused the party requesting such information may apply to the
 19 industrial commissioner for relief. The information requested shall be submitted to the
 20 industrial commissioner who shall determine the relevance and materiality of the
 21 information to the claim and enter an order accordingly.

22 Charges believed to be excessive or unnecessary may be referred to the
 23 industrial commissioner for determination, and the commissioner may, in
 24 connection therewith, utilize the procedures provided in sections 86.38 and 86.39
 25 and conduct such inquiry as he shall deem necessary. Any institution or person
 26 rendering treatment to an employee whose injury is compensable under this section
 27 agrees to be bound by such charges as allowed by the industrial commissioner and
 28 shall not recover in law or equity any amount in excess of that set by the
 29 commissioner.

30 For purposes of this section, the employer is obliged to furnish reasonable services
 31 and supplies to treat an injured employee, and has the right to choose the care. The
 32 treatment must be offered promptly and be reasonably suited to treat the injury
 33 without undue inconvenience to the employee. If the employee has reason to be
 34 dissatisfied with the care offered, he should communicate the basis of such
 35 dissatisfaction to the employer, in writing if requested, following which the employer
 36 and the employee may agree to alternate care reasonably suited to treat the injury. If
 37 the employer and employee cannot agree on such alternate care, the commissioner
 38 may, upon application and reasonable proofs of the necessity therefor, allow and order
 39 other care. In an emergency, the employee may choose his care at the employer's
 40 expense, provided the employer or his agent cannot be reached immediately.

1 SEC. 4. Section eighty-five point thirty (85.30), Code 1975, is amended to read
 2 as follows:

3 **85.30 Maturity date and interest.** Compensation payments shall be made
 4 each week beginning on the ~~fifteenth~~ *eleventh* day after the injury, and each week
 5 thereafter during the period for which compensation is payable, and if not paid
 6 when due, there shall be added to such weekly compensation payments, interest
 7 at six percent from date of maturity.

1 SEC. 5. Section eighty-five point thirty-one (85.31), subsection one (1),
 2 unnumbered paragraph two (2), Code 1975, is amended to read as follows:

3 The weekly benefit amount shall not exceed a weekly benefit amount, rounded
 4 to the nearest dollar, equal to sixty-six and two-thirds percent of the state average
 5 weekly wage paid employees as determined by the Iowa employment security
 6 commission under the provisions of section 96.3 and in effect at the time of the
 7 injury, provided, that as of July 1, 1975; July 1, 1977; July 1, 1979; and July 1,
 8 1981, the maximum weekly benefit amount rounded to the nearest dollar shall be
 9 increased so that it shall equal one hundred percent, one hundred thirty-three and
 10 one-third percent, one hundred sixty-six and two-thirds percent and two hundred
 11 percent, respectively, of the state average weekly wage as determined above;
 12 provided further, that such weekly compensation shall not be less than ~~eighteen~~
 13 *thirty-six* dollars per week, except if at the time of his injury his earnings are less
 14 than ~~eighteen~~ *thirty-six* dollars per week, then the weekly compensation shall be a
 15 sum equal to the full amount of his weekly earnings. Such compensation shall be
 16 in addition to the benefits provided by sections 85.27 and 85.28.

1 SEC. 6. Section eighty-five point thirty-two (85.32), Code 1975, is amended by
 2 striking the section and inserting in lieu thereof the following:

3 **85.32 When compensation begins.** Except as to injuries resulting in
 4 permanent partial disability, compensation shall begin on the fourth day of
 5 disability after the injury.

6 If the period of incapacity extends beyond the fourteenth day following the
 7 date of injury, then the compensation due during the third week shall be
 8 increased by adding thereto an amount equal to three days of compensation.

1 SEC. 7. Section eighty-five point thirty-three (85.33), Code 1975, is amended to
 2 read as follows:

3 **85.33 Temporary disability.** The employer shall pay to the employee for
 4 injury producing temporary disability and beginning upon the ~~eighth~~ *fourth* day
 5 thereof, weekly compensation benefit payments for the period of his disability,
 6 including the ~~periodical~~ increase in cases to which section 85.32 applies.

1 SEC. 8. Section eighty-five point thirty-four (85.34), unnumbered paragraph
 2 one (1), Code 1975, is amended to read as follows:

3 Compensation for permanent disabilities and during a healing period for
 4 ~~scheduled~~ permanent partial disabilities shall be payable to an employee as
 5 provided in this section. In the event weekly compensation *under section eighty-*
 6 *five point thirty-three (85.33) of the Code* had been paid to any person ~~under any~~

7 provision of this chapter or chapter 85A other than is required by subsections 1
 8 and 2 hereof, for the same injury producing a permanent partial disability, any
 9 such amounts so paid shall be deducted from the total amount of compensation
 10 payable for such permanent partial disability *the healing period.*

1 SEC. 9. Section eighty-five point thirty-four (85.34), subsection two (2),
 2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 Compensation for permanent partial disability shall begin at the termination of
 4 the healing period provided in subsection 1 hereof. Such compensation shall be in
 5 addition to the benefits provided by sections 85.27 and 85.28. Such compensation
 6 shall be based upon the extent of such disability and upon the basis of eighty
 7 percent per week of the employee's average weekly spendable earnings, but not
 8 more than a weekly benefit amount, rounded to the nearest dollar, equal to sixty-
 9 one and one-third percent of the state average weekly wage paid employees as
 10 determined by the Iowa employment security commission under the provisions of
 11 section 96.3 and in effect at the time of the injury, provided that as of July 1,
 12 1975; July 1, 1977; July 1, 1979; and July 1, 1981, the maximum weekly benefit
 13 amount rounded to the nearest dollar shall be increased so that it shall equal
 14 ninety-two percent, one hundred and twenty-two and two-thirds percent, one
 15 hundred fifty-three and one-third percent, and one hundred eighty-four percent,
 16 respectively, of the state average weekly wage as determined above; provided that
 17 no employee shall receive as compensation less than ~~eighteen~~ *thirty-six* dollars per
 18 week, except if at the time of his injury his earnings are less than ~~eighteen~~ *thirty-*
 19 *six* dollars per week, then the weekly compensation shall be a sum equal to the
 20 full amount of his weekly earnings; and for all cases of permanent partial
 21 disability such compensation shall be paid as follows:

1 SEC. 10. Section eighty-five point thirty-four (85.34), subsection two (2),
 2 paragraphs l, m, o, and p, Code 1975, are amended to read as follows:

3 l. For the loss of a hand, weekly compensation during one hundred ~~seventy-five~~
 4 *ninety* weeks.

5 m. The loss of two-thirds of that part of an arm between the shoulder joint and
 6 the elbow joint shall equal the loss of an arm and the compensation therefor shall
 7 be weekly compensation during two hundred ~~thirty~~ *fifty* weeks.

8 o. The loss of two-thirds of that part of a leg between the hip joint and the
 9 knee joint shall equal the loss of a leg, and the compensation therefor shall be
 10 weekly compensation during two hundred *twenty* weeks.

11 p. For the loss of an eye, weekly compensation during one hundred ~~twenty-five~~
 12 *forty* weeks.

1 SEC. 11. Section eighty-five point thirty-four (85.34), subsection three (3),
 2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 Compensation for an injury causing permanent total disability shall be upon
 4 the basis of eighty percent per week of the employee's average weekly spendable
 5 earnings, but not more than a weekly benefit amount, rounded to the nearest
 6 dollar, equal to sixty-six and two-thirds percent of the state average weekly wage
 7 paid employees as determined by the Iowa employment security commission
 8 under the provisions of section 96.3 and in effect at the time of the injury
 9 provided that as of July 1, 1975; July 1, 1977; July 1, 1979; and July 1, 1981, the
 10 maximum weekly benefit amount rounded to the nearest dollar shall be increased
 11 so that it shall equal one hundred percent, one hundred thirty-three and one-third
 12 percent, one hundred sixty-six and two-thirds percent and two hundred percent,
 13 respectively, of the state average weekly wage as determined above. No employee
 14 shall receive as compensation less than ~~eighteen~~ *thirty-six* dollars per week, except
 15 if at the time of his injury his earnings are less than ~~eighteen~~ *thirty-six* dollars per
 16 week, then the weekly compensation shall be a sum equal to the full amount of
 17 his weekly earnings; said weekly compensation shall be payable during the period
 18 of his disability.

1 SEC. 12. Section eighty-five point thirty-four (85.34), subsection two (2), Code
2 1975, is amended by striking the last two unnumbered paragraphs.

1 SEC. 13. Section eighty-five point thirty-five (85.35), subsection seven (7),
2 Code 1975, is amended to read as follows:

3 7. This chapter or chapter 85A applies to the ~~injured~~ party *making the claim*.

1 SEC. 14. Section eighty-five point thirty-six (85.36), subsection ten (10),
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 In the case of an employee who earns either no wages or less than the usual
4 weekly earnings of the regular full-time adult laborer in the line of industry in
5 which he is injured in that locality, the weekly earnings shall be one-fiftieth of the
6 total earnings which the employee has earned from all employment during the
7 twelve calendar months immediately preceding the injury but shall be not less
8 than ~~forty-five dollars per week an amount equal to thirty-five percent of the state~~
9 ~~average weekly wage paid employees as determined by the Iowa employment security~~
10 ~~commission under the provisions of section ninety-six point three (96.3) of the Code,~~
11 ~~and in effect at the time of the injury.~~

1 SEC. 15. Section eighty-five point thirty-six (85.36), subsection ten (10),
2 paragraph d, Code 1975, is amended to read as follows:

3 ~~d. This Paragraph c of this subsection shall not apply to compensable injuries~~
4 ~~arising under the second injury compensation Act.~~

1 SEC. 16. Section eighty-five point thirty-seven (85.37), Code 1975, is amended
2 to read as follows:

3 **85.37 Compensation schedule.** In all cases where an employee receives a
4 personal injury causing temporary disability, or causing a permanent partial
5 disability for which compensation is payable during a healing period,
6 compensation for such temporary disability or for such healing period shall be
7 upon the basis provided herein. The weekly benefit amount payable to any
8 employee for any one week shall be upon the basis of eighty percent of the
9 employee's weekly spendable earnings, but shall not exceed an amount, rounded
10 to the nearest dollar, equal to sixty-six and two-thirds percent of the state average
11 weekly wage paid employees as determined by the Iowa employment security
12 commission under the provisions of section 96.3 and in effect at the time of the
13 injury provided that as of July 1, 1975; July 1, 1977; July 1, 1979; and July 1,
14 1981, the maximum weekly benefit amount rounded to the nearest dollar shall be
15 increased so that it shall equal one hundred percent, one hundred thirty-three and
16 one-third percent, one hundred sixty-six and two-thirds percent, and two hundred
17 percent, respectively, of the state average weekly wage as determined above. Total
18 weekly compensation for any employee shall not exceed eighty percent per week
19 of the employee's ~~average~~ weekly spendable earnings; provided further, that such
20 compensation shall not be less than ~~eighteen~~ *thirty-six* dollars per week, except if
21 at the time of his injury his earnings are less than ~~eighteen~~ *thirty-six* dollars per
22 week, then he shall receive in weekly payments a sum equal to the full amount of
23 his weekly earnings.

24 Such compensation shall be in addition to the benefits provided by sections
25 85.27 and 85.28.

1 SEC. 17. Section eighty-five point thirty-nine (85.39), Code 1975, is amended
2 by adding the following new unlettered paragraph:

3 NEW UNLETTERED PARAGRAPH. Whenever an evaluation of permanent
4 disability has been made by a physician retained by the employer, and the
5 employee believes this evaluation to be too low, he shall, upon application to the
6 commissioner and at the same time delivery of a copy to the employer and its
7 insurance carrier, be reimbursed by the employer the reasonable fee for a
8 subsequent examination by a physician of his own choice, and reasonably
9 necessary transportation expenses incurred for such examination. The physician

10 chosen by the employee shall have the right to confer with and obtain from the
 11 employer-retained physician sufficient history of the injury to make a proper
 12 examination.

1 SEC. 18. Section eighty-five point forty-nine (85.49), Code 1975, is amended to
 2 read as follows:

3 **85.49 Trustees for incompetent.** When a minor *or mentally incompetent*
 4 dependent; ~~or one mentally incompetent~~, is entitled to ~~compensation~~ *weekly*
 5 *benefits* under this chapter *or chapter eighty-five A (85A) of the Code*, payment shall
 6 be made to the clerk of the district court for the county in which the injury
 7 occurred, who shall act as trustee, and the money coming into his hands shall be
 8 expended for the use and benefit of the person entitled thereto under the
 9 direction and orders of a judge of the district court, in which such county is
 10 located. The clerk of the district court, as such trustee, shall qualify and give bond
 11 in such amount as the judge may direct, which may be increased or diminished
 12 from time to time as the court may deem best. The cost of such bond shall be
 13 paid by the county as the court may direct by written order directed to the
 14 auditor of the county who shall issue a warrant therefor upon the treasurer of the
 15 county. If the domicile or residence of such minor *or mentally incompetent*
 16 dependent ~~or one mentally incompetent~~ be *within the state but* in a county other
 17 than that in which the injury to the employee occurred the industrial
 18 commissioner may order and direct that ~~compensation~~ *weekly benefits* to such
 19 minors or incompetents be paid to the clerk of the district court of the county
 20 wherein they shall be domiciled or reside.

21 *If the domicile or residence of such minor or mentally incompetent dependent be*
 22 *outside the state of Iowa the industrial commissioner may order and direct that*
 23 *benefits to such minors or incompetents be paid to a guardian, conservator, or legal*
 24 *representative duly qualified under the laws of the jurisdiction wherein the minors or*
 25 *incompetents shall be domiciled or reside. Proof of the identity and qualification of*
 26 *such guardian, conservator, or other legal representative shall be furnished to the*
 27 *industrial commissioner.*

1 SEC. 19. Section eighty-five point sixty-one (85.61), subsection ten (10), Code
 2 1975, is amended to read as follows:

3 10. "Payroll taxes" means the following:

4 a. An amount equal to the amount which would be withheld *pursuant to*
 5 *withholding tables in effect on July first preceding the injury* under the Internal
 6 Revenue Code of 1954, and regulations pursuant thereto, as amended to July 1,
 7 ~~1973~~ 1976, as though the employee had elected to claim the maximum number of
 8 exemptions for actual dependency, blindness and old age to which the employee
 9 is entitled on the date on which he was injured, and

10 b. An amount equal to the amount which would be withheld *pursuant to*
 11 *withholding tables in effect on July first preceding the injury* under chapter 422, and
 12 any ~~regulations~~ *rules* pursuant thereto, as though the employee had elected to
 13 claim the maximum number of exemptions for actual dependency, blindness and
 14 old age to which the employee is entitled on the date on which he was injured;
 15 and

16 c. An amount equal to the amount required *on July first preceding the injury* by
 17 the Social Security Act of 1935 as amended to July 1, ~~1973~~ 1976, to be deducted
 18 or withheld from the amount of earnings of the employee at the time of the injury
 19 as if the earnings were earned at the beginning of the calendar year in which he
 20 was injured.

1 SEC. 20. Section eighty-six point eight (86.8), subsections one (1) and four (4),
 2 Code 1975, are amended to read as follows:

3 1. To establish and enforce all necessary rules not in conflict with the
 4 provisions of this chapter and chapters 85, *eighty-five A (85A) of the Code* and 87
 5 for carrying out the purposes thereof.

6 4. To keep records of all proceedings and decisions of such boards, issue
7 subpoenas for witnesses, *issue subpoenas duces tecum*, administer oaths, examine
8 books and records of parties subject to such provisions.

1 SEC. 21. Section eighty-six point ten (86.10), unnumbered paragraph three (3),
2 Code 1975, is amended to read as follows:

3 *A* Upon a refusal on the part of the employer to submit his books, records, or
4 payrolls for the inspection of the commissioner or his authorized representatives
5 presenting written authority from the commissioner, ~~shall subject the employer to~~
6 ~~a penalty of one hundred dollars for each such offense, to be collected by civil~~
7 ~~action in the name of the state, and paid into the state treasury the commissioner~~
8 ~~may enter an order requiring the employer to do so.~~

1 SEC. 22. Section eighty-six point eleven (86.11), Code 1975, is amended to
2 read as follows:

3 **86.11 Reports of injuries.** Every employer shall hereafter keep a record of all
4 injuries, fatal or otherwise, ~~sustained by his employee in the course alleged by an~~
5 ~~employee to have been sustained in the course of their his or her employment and~~
6 ~~resulting in incapacity for a longer period than one day. If the injury results only~~
7 ~~in temporary disability, causing incapacity for a longer period than seven three~~
8 ~~days except as provided in section thirty-three (33) of this Act, then within forty-~~
9 ~~eight hours four days thereafter, not counting Sundays and legal holidays, the~~
10 ~~employer or insurance carrier having had notice or knowledge of the occurrence of~~
11 ~~such injury and resulting disability, a report shall file a written report with be made~~
12 ~~in writing, by the employer to the industrial commissioner on forms to be~~
13 ~~procured from the commissioner for that purpose. If such injury to the employee~~
14 ~~results in permanent total disability, permanent partial disability or death, then~~
15 ~~the employer, or insurance carrier upon notice or knowledge of the occurrence of~~
16 ~~the employment injury, shall file a report with the industrial commissioner within~~
17 ~~forty-eight hours four days after having notice or knowledge of the permanent~~
18 ~~injury to the employee or his death. The report to the industrial commissioner of~~
19 ~~injury shall be without prejudice to the employer or insurance carrier and shall not be~~
20 ~~admitted in evidence or used in any trial or hearing before any court, the industrial~~
21 ~~commissioner or his deputy except as to the notice under section eighty-five point~~
22 ~~twenty-three (85.23) of the Code.~~

1 SEC. 23. Section eighty-six point twelve (86.12), Code 1975, is amended by
2 striking the section and inserting in lieu thereof the following:

3 **86.12 Failure to report.** The industrial commissioner may require any
4 employer to supply the information required by section eighty-six point ten
5 (86.10) of the Code or to file a report required by section eighty-six point eleven
6 (86.11) of the Code, by written demand sent to the employer's last known address.
7 Upon failure to supply such information or file such report within twenty days,
8 the employer may be ordered to appear and show cause why he should not be
9 subject to civil penalty of one hundred dollars for each occurrence. Upon such
10 hearing, the industrial commissioner shall enter a finding of fact and may enter
11 an order requiring such penalty to be paid into the second injury fund created by
12 sections eighty-five point sixty-three (85.63) through eighty-five point sixty-nine
13 (85.69) of the Code. In the event the civil penalty assessed is not voluntarily paid
14 the industrial commissioner may file a certified copy of such finding and order
15 with the clerk of the court for the district in which the employer maintains a place
16 of business. If the employer maintains no place of business in this state service
17 shall be made as provided in chapter eighty-five (85) of the Code for nonresident
18 employers. In such case the finding and order may be filed in any court of
19 competent jurisdiction within this state.

20 The industrial commissioner may thereafter petition the court for entry of
21 judgment upon such order, serving notice of such petition on the employer and
22 any other person in default. If the court finds the order valid, the court shall enter

23 judgment against the person or persons in default for the amount due under the
 24 order. No fees shall be required for the filing of the order or for the petition for
 25 judgment, or for the entry of judgment or for any enforcement procedure
 26 thereupon. No supersedeas shall be granted by any court to a judgment entered
 27 under this section.

28 When a report is required under section eighty-six point eleven (86.11) of the
 29 Code and that report has been submitted to the employer's insurance carrier and
 30 no report of injury has been filed with the industrial commissioner, the insurance
 31 carrier shall be responsible for filing the report of injury in the same manner and
 32 to the same extent as an employer under this section.

1 SEC. 24. Section eighty-six point thirteen (86.13), Code 1975, is amended by
 2 striking unnumbered paragraph two (2).

1 SEC. 25. Section eighty-six point fourteen (86.14), Code 1975, is amended to
 2 read as follows:

3 **86.14 Failure to reach agreement.** If the employer and injured employee or
 4 his representatives or dependents fail to reach an agreement in regard to
 5 compensation, either party may file with the industrial commissioner a petition
 6 for arbitration together with two copies thereof, stating therein his or her claims
 7 in general terms. Thereupon the commissioner or one of the deputies shall in
 8 writing notify the parties that the ~~defendant~~ *opposing party* is given ~~at least ten~~
 9 ~~twenty~~ days in which to ~~answer said petition or otherwise appear or plead~~. A
 10 defense other than a general denial of ~~claimant's~~ *the* alleged facts must be pleaded
 11 as a special defense.

1 SEC. 26. Sections eighty-six point fifteen (86.15), and eighty-six point sixteen
 2 (86.16), Code 1975, are repealed.

1 SEC. 27. Section eighty-six point seventeen (86.17), Code 1975, is amended to
 2 read as follows:

3 **86.17 Arbitration hearings.** *Petitions for arbitration shall be heard before a*
 4 *deputy industrial commissioner. Such hearings shall be conducted pursuant to the*
 5 *provisions of chapter seventeen A (17A) of the Code for contested cases.* The deputy
 6 industrial commissioner ~~or the board of arbitration~~ shall make such inquiries and
 7 investigations as it shall deem necessary. The hearings of the deputy industrial
 8 commissioner ~~or the board of arbitration~~ shall be in ~~the~~ *a county in the judicial*
 9 *district* where the injury occurred, but by written stipulation of the parties filed in
 10 the case it may be held at any other place in the state. If the injury occurred
 11 outside this state the hearings shall be held in ~~the~~ *a county seat in the judicial*
 12 *district* of this state which is nearest to the place where the injury occurred unless
 13 the ~~interested~~ parties and the industrial commissioner or one of his deputies
 14 ~~mutually~~ agree by written stipulation that the same may be held at some other
 15 place.

1 SEC. 28. Section eighty-six point eighteen (86.18), Code 1975, is amended to
 2 read as follows:

3 **86.18 Liberal rules of evidence.** ~~While sitting as a board of arbitration, or~~
 4 ~~when~~ *When* conducting a hearing on review, or in making any investigation or
 5 inquiry, ~~neither the board of arbitration nor the commissioner or his deputies~~
 6 shall ~~not~~ be bound by common law or statutory rules of evidence or by technical
 7 or formal rules of procedure; but they shall hold such arbitrations, or conduct
 8 such hearings and make such investigations and inquiries in such manner as is
 9 best suited to ascertain and conserve the substantial rights of all parties thereto.
 10 Process and procedure under this chapter shall be as summary as reasonably may
 11 be.

1 SEC. 29. Section eighty-six point nineteen (86.19), Code 1975, is amended to
 2 read as follows:

3 **86.19 Appointment of reporter.** The industrial commissioner, or one of his
4 deputies, may appoint a shorthand reporter to report the proceedings of any
5 hearing before the commissioner, or one of his deputies, ~~or board of arbitration,~~
6 and fix the reasonable amount of compensation for such service, which amount
7 shall be taxed as other costs. Any such reporter shall faithfully and accurately
8 report any proceeding for which he or she shall be employed.

1 SEC. 30. Section eighty-six point twenty-one (86.21), unnumbered paragraph
2 one (1), Code 1975, is amended to read as follows:

3 The deposition of any witness may be taken and used as evidence in any
4 hearing pending before a ~~board of arbitration~~ or the industrial commissioner or
5 one of his deputies in compensation proceedings.

1 SEC. 31. Section eighty-six point twenty-three (86.23), Code 1975, is amended
2 to read as follows:

3 **86.23 Findings of ~~arbitration board~~ or deputy commissioner filed.** The
4 decision of a deputy industrial commissioner ~~or board of arbitration,~~ together
5 with a statement or certificate of evidence submitted at the hearing, the findings
6 of fact, rulings of law, and any other matters pertinent to questions arising at such
7 hearing, shall be filed in the office of the industrial commissioner.

1 SEC. 32. Section eighty-six point twenty-four (86.24), Code 1975, is amended
2 to read as follows:

3 **86.24 Review.** Any party aggrieved by the decision or findings of a deputy
4 industrial commissioner ~~or board of arbitration~~ may, within ~~ten~~ *twenty* days after
5 such decision is filed with the industrial commissioner, file in the office of the
6 commissioner a petition for review, and the commissioner shall thereupon fix a
7 time for the hearing on such petition and notify the parties.

8 At such hearing, the commissioner shall hear the parties, consider all evidence
9 taken before the deputy industrial commissioner ~~or board of arbitration~~ if it ~~has~~
10 ~~been transcribed,~~ and may hear any additional evidence, and he may affirm,
11 modify, or reverse the decision of ~~the deputy the board,~~ or may remand it to the
12 ~~board~~ *deputy* for further findings of facts. *The transcript of the arbitration*
13 *proceedings shall be provided by the party requesting review at his cost and shall be*
14 *filed with the industrial commissioner within thirty days of the filing of the petition for*
15 *review.*

16 ~~Additional evidence~~ *Evidence* ~~to other than~~ that presented and admitted in
17 arbitration proceedings shall not be introduced by either party unless such party
18 gives the opposite party, or his attorney, five days' notice ~~thereof~~ in writing,
19 stating the particular phase of the controverted claim to which such additional
20 evidence will apply.

1 SEC. 33. Section eighty-six point thirty-six (86.36), subsection two (2),
2 paragraph b, Code 1975, is amended to read as follows:

3 b. By mailing to such employer within ten days after said filing with the
4 secretary of state, by ~~restricted~~ certified mail *with return receipt requested*
5 addressed to the nonresident employer at his last known residence or place of
6 abode, a copy of said notice on which shall be noted the date of filing of the copy
7 with the secretary of state.

1 SEC. 34. Section eighty-six point thirty-six (86.36), subsection four (4), Code
2 1975, is amended to read as follows:

3 4. Proof of the filing of a copy of said notice with the secretary of state and
4 proof of the mailing or personal delivery of the copy to said nonresident employer
5 shall be made by affidavit of the party doing said acts. All affidavits of service
6 shall be endorsed upon or attached to the original of the papers to which they
7 relate and all such proofs of service, including the ~~restricted~~ certified mail return
8 receipt shall be forthwith filed with the original of the papers.

1 SEC. 35. Section eighty-six point thirty-seven (86.37), Code 1975, is amended
2 to read as follows:

3 **86.37 Place of hearing.** All petitions for review of the decision and findings
4 of a deputy industrial commissioner ~~or board of arbitration~~ shall be held at the
5 seat of the government, *or such other location as the industrial commissioner shall*
6 *designate*, and all petitions for review of *an award for payments or an agreement*
7 *for settlements* shall be heard in the ~~county judicial district~~ where the injury
8 occurred, provided, however, with the approval of the industrial commissioner the
9 parties ~~interested~~ may agree upon another place of hearing.

1 SEC. 36. Section eighty-six point thirty-eight (86.38), Code 1975, is amended to
2 read as follows:

3 **86.38 Examination by physician—fee.** The industrial commissioner may
4 appoint a duly qualified, impartial physician to examine the injured employee and
5 make report. The fee for this service shall be five dollars, to be paid by the
6 industrial commissioner, together with traveling expenses, but the commissioner
7 may allow additional reasonable amounts in extraordinary cases. Any physician
8 so examining any injured employee shall not be prohibited from testifying before
9 the industrial commissioner, ~~board of arbitration~~, or any other person,
10 commission, or court, as to the results of his examination or the condition of the
11 injured employee.

1 SEC. 37. Section eighty-six point forty (86.40), Code 1975, is amended to read
2 as follows:

3 **86.40 Compensation of arbitrators—costs** *Costs.* ~~The arbitrators except the~~
4 ~~commissioner shall each receive five dollars as a fee for services, but the industrial~~
5 ~~commissioner may allow additional reasonable amounts in extraordinary cases.~~
6 ~~The fees shall be paid by the employer, who may deduct an amount equal to one-~~
7 ~~half the sum from any compensation found due the employee. All other costs~~
8 ~~incurred in the hearing before a board of arbitration or the commissioner shall be~~
9 ~~taxed in the discretion of such board or the commissioner as the case may be.~~

1 SEC. 38. Section eighty-six point forty-one (86.41), Code 1975, is amended to
2 read as follows:

3 **86.41 Witness fees.** Witness fees and mileage on hearings before ~~an~~
4 ~~arbitration board~~ of the industrial commissioner shall be the same as in the
5 district court.

1 SEC. 39. Section eighty-six point forty-two (86.42), Code 1975, is amended to
2 read as follows:

3 **86.42 Judgment by district court on award.** Any party in interest may present
4 a certified copy of an order or decision of the commissioner, ~~or an award of a~~
5 ~~board of arbitration~~ from which no petition for review has been filed within the
6 time allowed therefor, or a memorandum of agreement approved by the
7 commissioner, and all papers in connection therewith, to the district court of the
8 county in which the injury occurred, whereupon said court shall render a decree
9 or judgment in accordance therewith and cause the clerk to notify the parties.
10 Such decree or judgment, in the absence of a petition for judicial review of the
11 decision of the industrial commissioner, shall have the same effect and in all
12 proceedings in relation thereto shall thereafter be the same as though rendered in
13 a suit duly heard and determined by said court.

1 SEC. 40. Chapter eighty-six (86), Code 1975, is amended by adding the
2 following new section:

3 **NEW SECTION.** To encourage payments to employees or dependents during the
4 investigation of a claim for benefits nothing in this chapter shall prevent the
5 employer or the insurance carrier from making voluntary payments prior to a
6 determination as to liability under chapter eighty-five (85) or eighty-five A (85A)
7 of the Code in an amount considered to be equal to the weekly compensation

8 benefits to which the employee or his dependents would be entitled in the event
9 the employer were determined to be liable under chapter eighty-five (85) or
10 eighty-five A (85A) of the Code. Such payments shall not be construed as an
11 agreement for the payment of weekly compensation; payment of weekly
12 compensation; payment in lieu of compensation; or an admission of liability.

13 When voluntary payments are made they shall commence within fifteen days
14 from the date the report of injury is filed pursuant to section eighty-six point
15 eleven (86.11) of the Code. Within thirty days after voluntary payments are
16 begun, the employer or insurance carrier shall file a notice with the industrial
17 commissioner on forms prescribed by the commissioner of the commencement,
18 amount and duration of payments. The filing of notice shall be required for the
19 payments to be deemed made pursuant to this section. Payments shall continue
20 for ninety days or until the period of disability shall cease whichever shall occur
21 first, unless prior to that time a memorandum of agreement or denial of liability is
22 filed with the industrial commissioner. Upon application and for good cause
23 shown, the period during which voluntary payments are made may be extended
24 for an additional ninety days.

25 Within thirty days from the date of the last payment made under this section
26 the employer or insurance carrier shall file with the industrial commissioner either
27 a memorandum of agreement or a denial of liability stating the reasons therefor
28 and a copy of the denial shall be mailed to the employee or his dependents by
29 certified mail with return receipt requested at the last known address.

30 Any failure on the part of the employer or insurance carrier to file a
31 memorandum of agreement or denial of liability with the industrial commissioner
32 within thirty days after the last payment made under this section shall stop the
33 running of time allowed under section eighty-five point twenty-six (85.26) of the
34 Code as of the date of the last payment. When payments are made under this
35 section and a denial of liability is filed, the time within which original proceedings
36 for compensation must be maintained shall be two years from the date of the last
37 payment.

38 If a memorandum of agreement is filed and approved pursuant to section
39 eighty-six point thirteen (86.13) of the Code or an award for payments is granted
40 pursuant to section eighty-six point twenty-three (86.23) of the Code the employer
41 or insurance carrier shall be entitled to credit for amounts paid under this section.

1 SEC. 41. Section eighty-five point fifty-six (85.56), Code 1975, is repealed.

1 SEC. 42. Section one (1) of this Act, shall take effect January 1, 1977. Sections
2 four (4), six (6), and seven (7), of this Act shall take effect on July 1, 1977.

3 The provisions of section twenty-two (22) of this Act, amending section eighty-
4 six point eleven (86.11) of the Code and changing the incapacity period from
5 seven to three days, shall take effect July 1, 1977.

6 Until that time the incapacity period shall be seven days.

1 SEC. 43. The Code editor is directed to strike the words "workmen's
2 compensation" wherever they appear in the Code and insert in lieu thereof the
3 words "workers' compensation".

Approved May 20, 1976

CHAPTER 1085**INDUSTRIAL COMMISSIONER**

H. F. 1546

AN ACT relating to certain authority of the industrial commissioner.

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

1 SECTION 1. Section eighty-six point eight (86.8), Code 1975, is amended by
2 adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. In carrying out the duties and
4 responsibilities under this chapter, the industrial commissioner may enter into
5 contracts with any state agency, with or without reimbursement, for the purpose
6 of obtaining the services, facilities, and personnel of such agency and with the
7 consent of any state agency or any political subdivision of the state, accept and
8 use the services, facilities, and personnel of any agency of the state or political
9 subdivision, and employ experts and consultants or organizations in order to
10 expeditiously, efficiently, and economically effectuate the purposes of this
11 chapter. The provisions of this paragraph are subject to approval by the executive
12 council where required by law.

Approved May 27, 1976

CHAPTER 1086**WORKMEN'S COMPENSATION**

S. F. 1303

AN ACT relating to the definition of a nonresident employer.

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

1 SECTION 1. Section eighty-six point thirty-six (86.36), subsection six (6), Code
2 1975, is amended to read as follows:

3 6. The term nonresident employer as used in section 85.3 and this section shall
4 not be construed to mean foreign corporations lawfully qualified to transact
5 business within the state of Iowa under chapter 494 or chapter four hundred ninety-
6 six A (496A) of the Code.

Approved May 25, 1976

CHAPTER 1087

GENERAL ASSEMBLY EMPLOYEES RETIREMENT

H. F. 1106

AN ACT relating to membership in the Iowa public employees' retirement system for certain employees of the general assembly.

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

1 SECTION 1. Section ninety-seven B point forty-one (97B.41), subsection three
2 (3), paragraph b, subparagraph four (4), Code 1975, as amended by Acts of the
3 Sixty-sixth General Assembly, 1975 Session, chapter fifty (50), section nine (9), is
4 amended to read as follows:

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

1 SEC. 2. Section ninety-seven B point forty-one (97B.41), subsection three (3),
2 paragraph b, Code 1975, as amended by Acts of the Sixty-sixth General
3 Assembly, 1975 Session, chapter fifty (50), sections eight (8) and nine (9), is
4 amended by adding the following new subparagraph:

5 NEW SUBPARAGRAPH. Temporary employees of the general assembly of Iowa
6 unless such employees shall make an application to the commission to be covered
7 under the provisions of this chapter.

1 SEC. 3. The provisions of this Act shall be retroactive to January 1, 1976.

1 SEC. 4. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in The Red Oak Express, a
3 newspaper published in Red Oak, Iowa, and in The Evening Sentinel, a
4 newspaper published in Shenandoah, Iowa.

Approved April 19, 1976

I hereby certify that the foregoing Act, House File 1106, was published in The Red Oak Express, Red Oak, Iowa on April 22, 1976, and in The Evening Sentinel, Shenandoah, Iowa on April 23, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1088

ENERGY POLICY COUNCIL

H. F. 1371

AN ACT relating to the status, membership, and duties of the energy policy council by providing additional duties for the energy policy council, by transferring certain duties of the council to the state department of transportation and by providing for the abolition of the energy policy council effective June 30, 1979.

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

1 SECTION 1. Section ninety-three point two (93.2), Code 1975, as amended by
2 Acts of the Sixty-sixth General Assembly, chapter ninety-one (91), section one (1),
3 is amended to read as follows:

4 **93.2 Establishment.** There is established an energy policy council which shall
 5 consist of ~~fifteen~~ *seventeen* members. Two members shall be appointed by the
 6 president of the senate from the membership of the senate with no more than one
 7 member being appointed from the same political party. Two members shall be
 8 appointed by the speaker of the house of representatives from the members of the
 9 house with no more than one member being appointed from the same political
 10 party. The governor shall appoint ~~five~~ *seven* members who shall be reasonably
 11 knowledgeable in the field of energy. Not more than ~~three~~ *four* of the governor's
 12 appointees shall be of the same political party. They shall be subject to
 13 confirmation by two-thirds of the membership of the senate. The state geologist,
 14 the secretary of agriculture, the chairman of the Iowa state commerce
 15 commission, the administrative officer of the state soil conservation committee,
 16 the director of transportation, ~~and~~ the executive director of environmental quality
 17 ~~and legislative members~~ shall serve as ex officio nonvoting members of the council.
 18 If ~~an~~ *a nonlegislative* ex officio nonvoting member is unable to attend a meeting of
 19 the council, the member shall designate a replacement who shall be authorized to
 20 represent the member at the meeting.

1 SEC. 2. Section ninety-three point seven (93.7), subsection one (1), Code 1975,
 2 is amended to read as follows:
 3 1. Annually ~~prepare~~ *recommend* a state policy for the development, utilization,
 4 and conservation of all energy sources in the state and submit ~~the same~~ *a report of*
 5 *such policy recommendations* to the governor and the general assembly by January
 6 ~~15~~ *fifteenth* of each year. The ~~council~~ *report* shall evaluate the future energy needs
 7 of Iowa. ~~This study~~ *The report* shall include, but is not limited to:
 8 a. ~~the~~ *The* historical use and distribution of energy in Iowa,
 9 b. ~~determining the~~ *The* growth rate of energy consumption in Iowa,
 10 c. ~~projecting~~ *A projection of* Iowa's energy needs at least ten years in the future,
 11 d. ~~determining the~~ *The* impact of meeting these needs on the economy of the
 12 state,
 13 e. ~~determining the~~ *The* impact of meeting these needs on the environment of
 14 the state,
 15 f. ~~evaluating~~ *An evaluation of* alternative sources and uses of energy, ~~and~~
 16 g. ~~evaluating~~ *An evaluation of* the feasibility of coal gasification for the purpose
 17 of producing combustible gas. ~~The council shall serve as policy advisor to the~~
 18 ~~governor on all energy matters.~~
 19 h. *A comprehensive state energy conservation plan for implementing the energy*
 20 *conservation policy recommended by the council, and*
 21 i. *Legislation necessary to implement the state policy for the development and*
 22 *utilization of energy sources and the comprehensive conservation plan. The council*
 23 *shall serve as policy advisor to the governor on all energy matters.*

1 SEC. 3. Section ninety-three point seven (93.7), Code 1975, is amended by
 2 adding the following new subsections:

3 NEW SUBSECTION. Publicize and promote activities which offer members of
 4 the general assembly the opportunity to exchange ideas and gain information on
 5 other state, regional and national energy developments.

6 NEW SUBSECTION. Examine and determine whether additional state regulatory
 7 authority is necessary to protect the public interest and to promote the effective
 8 development, utilization and conservation of energy resources. If the council finds
 9 that additional regulatory authority is necessary, the council shall submit
 10 recommendations to the general assembly concerning the nature and extent of
 11 such regulatory authority and which state agency should be assigned such
 12 regulatory responsibilities.

13 NEW SUBSECTION. Coordinate policies and programs between the council and
 14 the department of environmental quality and submit to the general assembly
 15 proposed legislation to effect such coordination when legislation is deemed
 16 necessary.

17 NEW SUBSECTION. Develop and assist in the implementation of public
 18 education and communications programs in energy development, use and
 19 conservation, in cooperation with the department of public instruction, the state
 20 university extension services and other public or private agencies and
 21 organizations as deemed appropriate by the council.

1 SEC. 4. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two
 2 hundred thirty-one (231), is amended as follows:

3 1. By adding the following new section after section one (1):

4 NEW SECTION. **Aid to railways.** The state department of transportation shall
 5 identify those segments of branch line railroad trackage which, if improved, may
 6 provide increased transportation services for the citizens of this state. The
 7 department shall develop and implement programs to encourage the improvement
 8 of rail freight services on such railroad trackage. If the department determines
 9 that public assistance is in the best interest of the citizens of this state, the
 10 department may, in emergencies, provide financial assistance on behalf of the
 11 citizens of this state to railroad companies, which assistance shall be used
 12 exclusively to upgrade branch line railroad roadbeds in order to improve the
 13 freight-carrying capacity of the railroad and to increase the speed limitations of
 14 the railroad trackage.

15 2. By renumbering the remaining sections of chapter two hundred thirty-one
 16 (231) in accordance with this section.

1 SEC. 5. Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one
 2 thousand one hundred thirteen (1113), section twenty-two (22), is amended to
 3 read as follows:

4 *Sec. 22. Sections one (1) through twelve (12) of this Act are Chapter ninety-three*
 5 *(93) of the Code is repealed effective June 30, 1977 1979. The second session of the*
 6 *Sixty-seventh General Assembly meeting in the year 1978 shall review the activities*
 7 *and performance of the council and shall not later than July 1, 1978 make a*
 8 *determination concerning the status and duties of the council.*

1 SEC. 6. Sections ninety-three point nine (93.9), ninety-three point ten (93.10),
 2 ninety-three point eleven (93.11), ninety-three point twelve (93.12), and ninety-
 3 three point thirteen (93.13), Code 1975, are repealed.

1 SEC. 7. The Code editor is directed to place section twenty-two (22) of chapter
 2 one thousand one hundred thirteen (1113) of the Acts of the Sixty-fifth General
 3 Assembly, 1974 Session, as amended by section five (5) of this Act in chapter
 4 ninety-three (93) of the Code of Iowa, to be published in 1977.

Approved June 20, 1976

CHAPTER 1089

PUBLIC SAFETY EMPLOYEES RETIREMENT

H. F. 914

AN ACT relating to retirement benefits for certain public employees engaged in public safety occupations and to make an appropriation.

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

1 SECTION 1. Section ninety-seven A point one (97A.1), subsections eleven (11),
 2 twelve (12), fourteen (14) and sixteen (16), Code 1975, are amended to read as
 3 follows:

4 11. "Accumulated contributions" shall mean the sum of all amounts deducted
5 from the compensation of a member and credited to ~~his~~ *the member's* individual
6 account in the annuity savings fund together with regular interest thereon as
7 provided in section 97A.8. *Accumulated contributions do not include any amount*
8 *deducted from the compensation of a member and credited to the pension*
9 *accumulation fund.*

10 12. "Earnable compensation" or "compensation earnable" shall mean the
11 regular compensation which a member would earn during one year on the basis
12 of the stated compensation for his rank or position *excluding any amount received*
13 *for overtime compensation, meal and travel expenses, and uniform allowances and*
14 *excluding any amount received upon termination or retirement in payment for*
15 *accumulated sick leave.*

16 14. "Average final compensation" shall mean the average earnable
17 compensation of the member during ~~his~~ *the member's last highest* five years of
18 service as a member of the state department of public safety, or if ~~he~~ *the member*
19 has had less than five years of such service, then the average earnable
20 compensation of ~~his~~ *the member's* entire period of service.

21 16. "Pensions" shall mean annual payments for life derived from the
22 appropriations provided by the state of Iowa *and from contributions of the*
23 *members which are deposited in the pension accumulation fund.* All pensions shall be
24 paid in equal monthly installments.

1 SEC. 2. Section ninety-seven A point one (97A.1), subsection ten (10), Code
2 1975, is amended to read as follows:

3 10. "Regular interest" shall mean interest at the rate of four percent per
4 annum, compounded annually *and credited to the member's account as of the date*
5 *of the member's retirement or termination from employment.*

1 SEC. 3. Section ninety-seven A point five (97A.5), subsection one (1), Code
2 1975, is amended to read as follows:

3 1. Board of trustees. The general administration and the responsibility for the
4 proper operation of the system and for making effective the provisions of this
5 chapter are hereby vested in a board of trustees to administer the system. Such
6 board of trustees shall be constituted as follows: The commissioner of public
7 safety, who shall be chairman of said board, the treasurer of state, and a member
8 of the system, to be chosen *by secret ballot* by the members thereof for a term of
9 two years.

1 SEC. 4. Section ninety-seven A point five (97A.5), subsections ten (10), eleven
2 (11), and twelve (12), Code 1975, are amended to read as follows:

3 10. Tables—rates. Immediately after the establishment of this system, the state
4 commissioner of insurance shall make such investigation of *anticipated interest*
5 *earnings and of* the mortality, service and compensation experience of the
6 members of the system as ~~he~~ *the actuary* shall recommend and the board of
7 trustees shall authorize, and on the basis of such investigation ~~he~~ *the actuary* shall
8 recommend for adoption by the board of trustees such tables and such rates as
9 are required in subsection 11 of this section. The board of trustees shall adopt *the*
10 *rate of interest and tables*, and certify rates of contributions to be used by the
11 system.

12 11. Actuarial investigation. In the year 1952, and at least once in each two-year
13 period thereafter, the state commissioner of insurance shall make an actuarial
14 investigation in the mortality, service and compensation experience of the
15 members and beneficiaries of the system, *and the interest and other earnings on the*
16 *moneys and other assets of the system*, and shall make a valuation of the assets and
17 liabilities of the funds of the system, and taking into account the results of such
18 investigation and valuation, the board of trustees shall:

19 a. Adopt for the system such *interest rate*, mortality, and other tables as shall be
20 deemed necessary;

21 b. Certify the rates of contribution payable by the state of Iowa in accordance
22 with section 97A.8.

23 12. Valuation. On the basis of *such rate of interest and* such tables as the board
24 of trustees shall adopt, the state commissioner of insurance shall make an annual
25 valuation of the assets and liabilities of the funds of the system created by this
26 chapter.

1 SEC. 5. Section ninety-seven A point six (97A.6), subsection one (1), Code
2 1975, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. Any member in service who has been a member of the
4 retirement system fifteen or more years and whose employment is terminated
5 prior to the member's retirement, other than by death or disability, shall upon
6 attaining retirement age, receive a service retirement allowance of fifteen twenty-
7 seconds of the retirement allowance the member would receive at retirement if the
8 member's employment had not been terminated, and an additional one twenty-
9 second of such retirement allowance for each additional year of service not
10 exceeding twenty-two years of service. The amount of the retirement allowance
11 shall be based on the average final compensation at the time of termination of
12 employment. The allowance shall not be available to a member who has chosen
13 to withdraw the member's accumulated contributions as provided in subsection
14 ten (10) of this section.

1 SEC. 6. Section ninety-seven A point six (97A.6), subsection two (2),
2 paragraph b, Code 1975, is amended to read as follows:

3 b. A pension given by the state ~~in addition to his annuity which together with~~
4 ~~his annuity shall make a total service retirement allowance equal to one-half of~~
5 ~~his the member's~~ average final compensation.

1 SEC. 7. Section ninety-seven A point six (97A.6), subsection three (3), Code
2 1975, is amended to read as follows:

3 3. Ordinary disability retirement benefit. Upon the application of a member in
4 service or of the commissioner of public safety, any member ~~who has had five or~~
5 ~~more years of membership service~~ shall be retired by the board of trustees, not
6 less than thirty and not more than ninety days next following the date of filing
7 such application, on an ordinary disability retirement allowance, provided, that
8 the medical board after a medical examination of such member shall certify that
9 said member is mentally or physically incapacitated for further performance of
10 duty, that such incapacity is likely to be permanent and that such member should
11 be retired.

1 SEC. 8. Section ninety-seven A point six (97A.6), subsection four (4),
2 paragraph b, Code 1975, is amended to read as follows:

3 b. A pension which together with ~~his the member's~~ annuity shall make a total
4 retirement allowance equal to ninety percent of one-seventieth of ~~his the member's~~
5 average final compensation multiplied by the number of years of membership
6 service, if such retirement allowance exceeds one-half of ~~his the member's~~ average
7 final compensation, otherwise a pension which together with ~~his the member's~~
8 annuity shall provide a total retirement allowance equal to one-half of ~~his the~~
9 ~~member's~~ average final compensation *except if the member has not had five or more*
10 *years of membership service, the member shall receive a pension which together with*
11 *the member's annuity shall provide a total retirement allowance equal to one-fourth of*
12 *the member's average final compensation.*

1 SEC. 9. Section ninety-seven A point six (97A.6), subsection seven (7),
2 paragraph a, Code 1975, is amended to read as follows:

3 a. Should any beneficiary for *either ordinary or accidental* disability ~~not incurred~~
4 ~~in line of duty~~, be engaged in a gainful occupation paying more than the

5 difference between his retirement allowance and his average final compensation,
 6 then the amount of his pension shall be reduced to an amount which together
 7 with his annuity and the amount earned by him shall equal the amount of his
 8 average final compensation. Should his earning capacity be later changed, the
 9 amount of his pension may be further modified, provided, that the new pension
 10 shall not exceed the amount of the pension originally granted nor an amount
 11 which, when added to the amount earned by the beneficiary together with his
 12 annuity, equals the amount of his average final compensation. A beneficiary
 13 restored to active service at a salary less than the average final compensation
 14 upon the basis of which he was retired at age fifty-five or greater, shall not again
 15 become a member of the retirement system and shall have his retirement
 16 allowance suspended while in active service.

1 SEC. 10. Section ninety-seven A point six (97A.6), subsection eight (8),
 2 unnumbered paragraph one (1), paragraphs a and b, and unnumbered paragraph
 3 two (2), Code 1975, are amended to read as follows:

4 Upon the receipt of proper proofs of the death of a member in service, *or a*
 5 *member not in service who has completed fifteen or more years of service as provided*
 6 *in section five (5) of this Act*, there shall be paid to such person having an insurable
 7 interest in ~~his~~ *the member's* life as ~~he~~ *the member* shall have nominated by written
 8 designation duly executed and filed with the board of trustees:

9 a. ~~His~~ *The member's* accumulated contributions and, if the member has had one
 10 or more years of membership service and no pension is payable under the
 11 provisions of subsection 9 of this section, in addition thereto-

12 b. An amount equal to fifty percent of the compensation earned by ~~him~~ *the*
 13 *member* during the year immediately preceding ~~his~~ *the member's* death *if the*
 14 *member is in service or an amount equal to fifty percent of the compensation earned*
 15 *by the member during the member's last year of service if the member is not in service* ;
 16 or

17 If there be no such nomination of beneficiary, the benefits provided in
 18 paragraphs "a" and "b" of this subsection 8 shall be paid to ~~his~~ *the member's*
 19 estate; or in lieu thereof, at the option of the following beneficiaries, respectively,
 20 even though nominated as such, *for a member in service* there shall be paid a
 21 pension which, together with the actuarial equivalent of ~~his~~ *the member's*
 22 accumulated contributions, shall be equal to one-fourth of the average final
 23 compensation of such member, but in no instance less than fifty dollars per
 24 month *or for a member not in service the pension shall be reduced as provided in*
 25 *section five (5) of this Act and shall be paid commencing when the member would*
 26 *have attained the age of fifty-five except if there is a child of the member under the*
 27 *age of eighteen, or under the age of twenty-two who is a full-time student, or who is*
 28 *disabled, under the definitions used in section four hundred two (402) of the Social*
 29 *Security Act as amended to July 1, 1976 (forty-two (42) U.S.C. four hundred two*
 30 *(402)) the pension shall be paid commencing with the member's death until the*
 31 *children reach the age of eighteen, or twenty-two if applicable, and shall resume*
 32 *commencing when the member would have attained the age of fifty-five;*

1 SEC. 11. Section ninety-seven A point six (97A.6), subsection fifteen (15),
 2 paragraph a, Code 1975, is amended to read as follows:

3 a. As of the first of July of each year, the monthly pensions authorized in this
 4 section payable to each retired member and to each beneficiary, except children,
 5 of a deceased member shall be recomputed. The formula authorized in this
 6 section which was used to compute the retired member's or beneficiary's pension
 7 at the time of retirement or death ~~including all amendments to the formula which~~
 8 ~~may be adopted subsequent to the member's retirement or death~~, shall be used in
 9 the recomputation, except the pension compensation shall be used in lieu of the
 10 average final compensation which the retired or deceased member was receiving
 11 at the time of retirement or death. The adjusted monthly pension shall be the
 12 amount payable at the member's retirement or death adjusted by ~~forty-five~~ *fifty*

13 percent of the difference between the recomputed pension and the amount
 14 payable at the member's retirement or death. At no time shall the monthly
 15 pension or payment to the beneficiary be less than the amount which was paid at
 16 the time of the member's retirement or death.

1 SEC. 12. Section ninety-seven A point six (97A.6), subsection fifteen (15),
 2 Code 1975, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. A retired member who became eligible for benefits under
 4 the provisions of subsection one (1) of this section but who did not serve twenty-
 5 two years and did not attain the age of fifty-five years prior to the member's
 6 termination of employment shall not be eligible for the annual readjustment of
 7 pensions provided for by this subsection.

1 SEC. 13. Section ninety-seven A point seven (97A.7), Code 1975, is amended
 2 by adding the following new subsection:

3 NEW SUBSECTION. The board of trustees may invest funds of fire and police
 4 retirement systems created under the provisions of chapter four hundred eleven
 5 (411) of the Code in the manner prescribed in this section.

1 SEC. 14. Section ninety-seven A point seven (97A.7), subsection three (3),
 2 Code 1975, is amended to read as follows:

3 3. The board of trustees annually shall allow regular interest on the mean
 4 amount for the preceding year in each of the funds with the exception of the
 5 *pension accumulation fund and the expense fund*. The amount so allowed shall be
 6 due and payable to said funds and shall be annually credited thereto by the board
 7 of trustees from interest and other earnings on the moneys and other assets of the
 8 system. Any additional amount required to meet the interest on the funds of the
 9 system shall be paid by the state of Iowa and any excess of earnings over such
 10 amount required shall be deductible from the amounts to be contributed by the
 11 state of Iowa.

1 SEC. 15. Section ninety-seven A point eight (97A.8), subsection three (3), Code
 2 1975, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. An amount equal to one and twenty-one hundredths
 4 percent of each member's compensation from the compensation of the member
 5 shall be paid to the pension accumulation fund.

6 The provisions of section ninety-seven A point eight (97A.8), subsection one
 7 (1), paragraphs b and c, of the Code relating to the contributions of members
 8 shall be applicable to this paragraph.

1 SEC. 16. Section ninety-seven A point eight (97A.8), subsection three (3),
 2 paragraph b, Code 1975, is amended to read as follows:

3 b. On the basis of ~~regular~~ *the rate of interest* and of such mortality, *interest*, and
 4 other tables as shall be adopted by the board of trustees, the state commissioner
 5 of insurance shall make each valuation required by this chapter and shall
 6 immediately after making such valuation, determine the uniform and constant
 7 percentage of the earnable compensation of the average new entrant, which, if
 8 contributed throughout his entire period of active service, would be sufficient to
 9 provide for the payment of any death benefit or pension payable on this account.
 10 The rate percent so determined shall be known as the "normal contribution rate".
 11 The normal contribution rate shall be the rate percent of the earnable
 12 compensation of all members obtained by deducting from the total liabilities of
 13 the fund the amount of the funds in hand to the credit of the fund and dividing
 14 the remainder by one percent of the present value of the prospective future
 15 compensation of all members as computed on the basis of *the rate of interest and*
 16 *of mortality* and service tables adopted by the board of trustees and regular
 17 interest. The normal rate of contribution shall be determined by the state
 18 commissioner of insurance after each valuation.

1 SEC. 17. There is appropriated from the general fund of the state to the
 2 department of public safety for the fiscal year beginning July 1, 1976 and ending
 3 June 30, 1977 the sum of two hundred seventy-seven thousand (277,000) dollars,
 4 or so much thereof as is necessary, to be deposited in the pension accumulation
 5 fund of the department of public safety peace officers' retirement, accident, and
 6 disability system to finance the changes in benefits provided in sections one (1)
 7 through sixteen (16) of this Act.

1 SEC. 18. Section four hundred eleven point one (411.1), subsections twelve
 2 (12), thirteen (13), fourteen (14), and eighteen (18), Code 1975, are amended to
 3 read as follows:

4 12. "Regular interest" shall mean interest at the rate of four percent per
 5 annum, compounded annually *and credited to the member's account as of the date*
 6 *of the member's retirement or termination from employment.*

7 13. "Accumulated contributions" shall mean the sum of all amounts deducted
 8 from the compensation of a member and credited to ~~his~~ *the member's* individual
 9 account in the annuity savings fund together with regular interest thereon as
 10 provided in section 411.8. *Accumulated contributions do not include any amount*
 11 *deducted from the compensation of a member and credited to the pension*
 12 *accumulation fund.*

13 14. "Earnable compensation" or "compensation earnable" shall mean the
 14 regular compensation which a member would earn during one year on the basis
 15 of the stated compensation for his rank or position *excluding any amount received*
 16 *for overtime compensation, meal and travel expenses, and uniform allowances and*
 17 *excluding any amount received upon termination or retirement in payment for*
 18 *accumulated sick leave.*

19 18. "Pensions" shall mean annual payments for life derived from
 20 appropriations provided by the said cities *and from contributions of the members*
 21 *which are deposited in the pension accumulation fund.* All pensions shall be paid in
 22 equal monthly installments.

1 SEC. 19. Section four hundred eleven point five (411.5), subsection one (1),
 2 paragraphs a, b, and d, Code 1975, are amended to read as follows:

3 a. The chief officer of the fire department, the city treasurer, the city solicitor
 4 or attorney, two firemen elected by *secret* ballot by the members of said
 5 department who are entitled to participate in a firemen's pension fund established
 6 by law, and two citizens who do not hold any other public office, who shall be
 7 appointed by the mayor with the approval of the city council, shall constitute the
 8 members of the board of trustees of the fire retirement system.

9 b. The chief officer of the police department, the city treasurer, the city
 10 solicitor or attorney, two policemen elected by *secret* ballot by the members of
 11 said department who are entitled to participate in a policemen's pension fund
 12 established by law, and two citizens who do not hold any other public office, who
 13 shall be appointed by the mayor with the approval of the city council, shall
 14 constitute the members of the board of trustees of the police retirement system.

15 d. Upon the taking effect of this chapter, such members of each said
 16 department in said cities shall elect by *secret* ballot two active members of each
 17 such department to serve as members of said respective boards; one of whom
 18 shall serve until the first Monday in April of the second year, and one until the
 19 first Monday in April of the fourth year. Thereafter each such department shall,
 20 every second year, on such date and in such manner as shall be prescribed by
 21 said board of trustees, elect by ballot one such member to serve for a term of four
 22 years.

1 SEC. 20. Section four hundred eleven point five (411.5), Code 1975, is
 2 amended by adding the following new subsection:

3 **NEW SUBSECTION. Commissioner of insurance.** Within five days following its
 4 submission to the city council, each board of trustees shall transmit to the

5 commissioner of insurance a copy of the report submitted to the city council and
6 the amount of contributions deposited in the pension accumulation fund by the
7 city. The commissioner of insurance shall review the report and the adequacy of
8 the contribution of the city. The commissioner of insurance shall inform the city
9 council of each city in which the contribution of a city is deemed to be
10 inadequate.

1 SEC. 21. Section four hundred eleven point five (411.5), subsection nine (9),
2 Code 1975, is amended to read as follows:

3 9. Medical board. The board of fire trustees and the board of police trustees
4 jointly shall designate a medical board to be composed of three physicians who
5 shall arrange for and pass upon all medical examinations required under the
6 provisions of this chapter, *except that for examinations required because of disability*
7 *three physicians from the university of Iowa hospitals and clinics who shall pass upon*
8 *the medical examinations required for disability retirements*, and shall report in
9 writing to each board of trustees, respectively, its conclusions and
10 recommendations upon all matters duly referred to it.

1 SEC. 22. Section four hundred eleven point five (411.5), subsections eleven
2 (11), twelve (12), and thirteen (13), Code 1975, are amended to read as follows:

3 11. Tables—rates. Immediately after the establishment of each retirement
4 system, the actuary shall make such investigation of *anticipated interest earnings*
5 *and of the mortality*, service and compensation experience of the members of the
6 system as ~~he~~ *the actuary* shall recommend and the board of trustees shall
7 authorize, and on the basis of such investigation ~~he~~ *the actuary* shall recommend
8 for adoption by the board of trustees such tables and such rates as are required in
9 subsection 12 of this section. The board of trustees shall adopt *the rate of interest*
10 *and tables*, and certify rates of contribution to be used by the system.

11 12. Actuarial investigation. In the year 1938, and at least once in each five-year
12 period thereafter, the actuary shall make an actuarial investigation into the
13 mortality, service and compensation experience of the members and beneficiaries
14 of the retirement system, *and the interest and other earnings on the moneys and*
15 *other assets of the retirement system*, and shall make a valuation of the assets and
16 liabilities of the funds of the system, and taking into account the results of such
17 investigation and valuation, the board of trustees shall:

18 a. Adopt for the retirement system such *interest rate*, mortality, and other tables
19 as shall be deemed necessary;

20 b. Certify the rates of contribution payable by the said cities in accordance
21 with section 411.8 of this chapter.

22 13. Valuation. On the basis of such *rate of interest and such tables* as the boards
23 of trustees shall adopt, the actuary shall make an annual valuation of the assets
24 and liabilities of the funds of the retirement systems created by this chapter.

1 SEC. 23. Section four hundred eleven point six (411.6), subsection two (2),
2 paragraph b, Code 1975, is amended to read as follows:

3 b. A pension given by the city ~~in addition to his annuity~~ which ~~together with~~
4 ~~his annuity~~ shall ~~make a total service retirement allowance~~ equal to one-half of
5 ~~his~~ *the member's* average final compensation.

1 SEC. 24. Section four hundred eleven point six (411.6), subsection three (3),
2 Code 1975, is amended to read as follows:

3 3. Ordinary disability retirement benefit. Upon the application of a member in
4 service or of the chief of the police or fire departments, respectively, any member
5 ~~who has had five or more years of membership service~~ shall be retired by the
6 respective board of trustees, not less than thirty and not more than ninety days
7 next following the date of filing such application, on an ordinary disability
8 retirement allowance, provided, that the medical board after a medical
9 examination of such member shall certify that said member is mentally or
10 physically incapacitated for further performance of duty, that such incapacity is
11 likely to be permanent and that such member should be retired.

1 SEC. 25. Section four hundred eleven point six (411.6), subsection four (4),
2 paragraph b, Code 1975, is amended to read as follows:

3 b. A pension which together with ~~his the member's~~ annuity shall make a total
4 retirement allowance equal to ninety percent of 1/70 of ~~his the member's~~ average
5 final compensation multiplied by the number of years of membership service, if
6 such retirement allowance exceeds one-half of ~~his the member's~~ average final
7 compensation, otherwise a pension which together with ~~his the member's~~ annuity
8 shall provide a total retirement allowance equal to one-half of ~~his the member's~~
9 average final compensation *except if the member has not had five or more years of*
10 *membership service the member shall receive a pension which together with the*
11 *member's annuity shall provide a total retirement allowance equal to one-fourth of the*
12 *member's average final compensation.*

1 SEC. 26. Section four hundred eleven point six (411.6), subsection six (6),
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 Upon retirement for accidental disability a member shall receive *a service*
4 *retirement allowance if the member has attained the age of fifty-five, otherwise the*
5 *member shall receive* an accidental disability retirement allowance which shall
6 consist of:

1 SEC. 27. Section four hundred eleven point six (411.6), subsection seven (7),
2 paragraph a, Code 1975, is amended to read as follows:

3 a. Should any beneficiary for *either ordinary or accidental* disability ~~not incurred~~
4 ~~in line of duty~~, be engaged in a gainful occupation paying more than the
5 difference between his retirement allowance and his average final compensation,
6 then the amount of his pension shall be reduced to an amount which together
7 with his annuity and the amount earned by him shall equal the amount of his
8 average final compensation. Should his earning capacity be later changed, the
9 amount of his pension may be further modified, provided, that the new pension
10 shall not exceed the amount of the pension originally granted nor an amount
11 which, when added to the amount earned by the beneficiary together with his
12 annuity, equals the amount of his average final compensation. A beneficiary
13 restored to active service at a salary less than the average final compensation
14 upon the basis of which he was retired at age fifty-five or greater, shall not again
15 become a member of the retirement system and shall have his retirement
16 allowance suspended while in active service.

1 SEC. 28. Section four hundred eleven point six (411.6), subsection eight (8),
2 unnumbered paragraph one (1), paragraphs a and b, and unnumbered paragraph
3 two (2), Code 1975, are amended to read as follows:

4 Upon the receipt of proper proofs of the death of a member in service, *or a*
5 *member not in service who has completed fifteen or more years of service as provided*
6 *in subsection one (1), paragraph c, of this section*, there shall be paid to such person
7 having an insurable interest in ~~his the member's~~ life as ~~he the member~~ shall have
8 nominated by written designation duly executed and filed with the respective
9 board of trustees:

10 a. ~~His~~ *The member's* accumulated contributions and, if the member has had one
11 or more years of membership service and no pension is payable under the
12 provisions of subsection 9 of this section, in addition thereto-

13 b. An amount equal to fifty percent of the compensation earnable by ~~him the~~
14 *member* during the year immediately preceding ~~his the member's~~ death *if the*
15 *member is in service or an amount equal to fifty percent of the compensation earned*
16 *by the member during the member's last year of service if the member is not in service;*
17 or

18 If there be no such nomination of beneficiary, the benefits provided in
19 paragraphs "a" and "b" shall be paid to ~~his the member's~~ estate; or in lieu thereof,
20 at the option of the following beneficiaries, respectively, even though nominated

21 as such, *for a member in service* there shall be paid a pension which, together with
 22 the actuarial equivalent of ~~his~~ *the member's* accumulated contributions, shall be
 23 equal to one-fourth of the average final compensation of such member, but in no
 24 instance less than seventy-five dollars. In addition to the benefits herein
 25 enumerated, there shall also be paid for each child of a member under the age of
 26 eighteen years the sum of twenty dollars per month *or for a member not in service*
 27 *the pension shall be reduced as provided in subsection one (1), paragraph c, of this*
 28 *section and shall be paid commencing when the member would have attained the age*
 29 *of fifty-five except if there is a child of the member under the age of eighteen, or under*
 30 *the age of twenty-two who is a full-time student, or who is disabled, under the*
 31 *definitions used in section four hundred two (402) of the Social Security Act as*
 32 *amended to July 1, 1976 (forty-two (42) U.S.C. four hundred two (402)) the pension*
 33 *shall be paid commencing with the member's death until the children reach the age of*
 34 *eighteen, or twenty-two if applicable. The pension shall resume commencing when the*
 35 *member would have attained the age of fifty-five;*

1 SEC. 29. Section four hundred eleven point six (411.6), subsection fourteen
 2 (14), paragraph a, Code 1975, is amended to read as follows:

3 a. As of the first of July of each year, the monthly pensions authorized in this
 4 section payable to each retired member and to each beneficiary, except children,
 5 of a deceased member shall be recomputed. The formula authorized in this
 6 section which was used to compute the retired member's or beneficiary's pension
 7 at the time of retirement or death; ~~including all amendments to the formula which~~
 8 ~~may be adopted subsequent to the member's retirement or death,~~ shall be used in
 9 the recomputation except the pension compensation shall be used in lieu of the
 10 average final compensation which the retired or deceased member was receiving
 11 at the time of retirement or death. The adjusted monthly pension shall be the
 12 amount payable at the member's retirement or death adjusted by one-half of the
 13 difference between the recomputed pension and the amount payable at the
 14 member's retirement or death. At no time shall the monthly pension or payment
 15 to the beneficiary be less than the amount which was paid at the time of the
 16 member's retirement or death.

1 SEC. 30. Section four hundred eleven point seven (411.7), subsection three (3),
 2 Code 1975, is amended to read as follows:

3 3. Each board of trustees annually shall allow regular interest on the mean
 4 amount for the preceding year in each of the funds with the exception of the
 5 *pension accumulation fund and the expense fund*. The amount so allowed shall be
 6 due and payable to said funds and shall be annually credited thereto by the
 7 respective board of trustees from interest and other earnings on the moneys and
 8 other assets of the retirement systems. Any additional amount required to meet
 9 the interest on the funds of the retirement system shall be paid by the cities and
 10 any excess of earnings over such amount required shall be deductible from the
 11 amounts to be contributed by the said cities.

1 SEC. 31. Section four hundred eleven point eight (411.8), subsection three (3),
 2 Code 1975, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. An amount equal to one and twenty-one hundredths
 4 percent of each member's compensation from the compensation of the member
 5 shall be paid to the pension accumulation fund.

6 The provisions of section four hundred eleven point eight (411.8), subsection
 7 one (1), paragraphs b and c, of the Code relating to the contributions of members
 8 shall be applicable to this paragraph.

1 SEC. 32. Section four hundred eleven point eight (411.8), subsection three (3),
 2 paragraph b, Code 1975, is amended to read as follows:

3 b. On the basis of ~~regular~~ *the rate of interest* and of such mortality, *interest*, and
 4 other tables as shall be adopted by the boards of trustees, the actuary engaged by
 5 the said boards to make each valuation required by this chapter, shall

6 immediately after making such valuation, determine the uniform and constant
7 percentage of the earnable compensation of the average new entrant, which, if
8 contributed throughout his entire period of active service, would be sufficient to
9 provide for the payment of any death benefit or pension payable on this account.
10 The rate percent so determined shall be known as the "normal contribution rate".
11 The normal contribution rate shall be the rate percent of the earnable
12 compensation of all members obtained by deducting from the total liabilities of
13 the fund the amount of the funds in hand to the credit of the fund and dividing
14 the remainder by one percent of the present value of the prospective future
15 compensation of all members as computed on the basis of *the rate of interest and*
16 *of mortality and service tables adopted by the boards of trustees and regular*
17 *interest.* The normal rate of contribution shall be determined by the actuary after
18 each valuation.

1 SEC. 33. Chapter four hundred eleven (411), Code 1975, is amended by adding
2 the following new section:

3 NEW SECTION. Each board of trustees may, in lieu of investing funds as
4 provided in section four hundred eleven point seven (411.7) of the Code, transfer
5 authority to invest funds to the board of trustees of the peace officers' retirement,
6 accident, and disability system under chapter ninety-seven A (97A) of the Code.
7 Assets held by the system electing to transfer investment authority shall either be
8 transferred in cash or market value plus accrued interest. The assets of the system
9 may be commingled with assets of the peace officers' retirement, accident and
10 disability system for purposes of investment, and no system shall have any right
11 to any specific asset deposited in any of the peace officers' retirement, accident
12 and disability funds other than its undivided interest in all assets. The board of
13 trustees of chapter ninety-seven A (97A) of the Code shall maintain the necessary
14 records to determine the interest of any system in the funds. All income or gain
15 realized from investments of moneys in the funds and all investment expense or
16 loss shall be allocated to the funds of each system in the same ratio that the
17 average quarterly balances based on market values of the funds of each system
18 bear to the total average quarterly balance of the funds in chapter ninety-seven A
19 (97A) of the Code.

20 The board of trustees electing to transfer investment authority may withdraw in
21 total or in part its assets from the funds established under chapter ninety-seven A
22 (97A) of the Code. Withdrawal shall be by written notice and the amount payable
23 shall be the balance as of the end of the quarter next following receipt of the
24 notice.

1 SEC. 34. Chapter four hundred eleven (411), Code 1975, is amended by adding
2 the following new section:

3 NEW SECTION. A member of a retirement system established in this chapter
4 who terminates employment with a city and is subsequently employed by another
5 city and is eligible for coverage under this chapter may transfer membership
6 service earned under the first system to the system under which the member is
7 employed. Upon the written request of the member with verification by the board
8 of trustees of the system under which the member is employed, the board of
9 trustees of the first system shall transmit to the board of trustees of the system
10 under which the member is employed, within thirty days of the receipt of the
11 request, the member's accumulated contributions to be deposited in the annuity
12 savings fund of the system under which the member is employed and the
13 actuarial equivalent of the amount in the pension accumulation fund which would
14 be necessary to fund a pension equal to one twenty-second times the number of
15 years of membership service completed, under the first system, to be deposited in
16 the pension accumulation fund of the system under which the member is
17 employed.

1 SEC. 35. Chapter four hundred eleven (411), Code 1975, is amended by adding
2 the following new section:

3 NEW SECTION. There is appropriated from the general fund of the state to the
4 municipal assistance fund established in chapter four hundred five (405) of the
5 Code for each fiscal year an amount necessary to be distributed to cities which
6 have established pension accumulation funds of fire retirement systems or police
7 retirement systems under the provisions of chapter four hundred eleven (411) of
8 the Code. Funds shall be used to finance the costs of benefits provided in sections
9 eighteen (18) through thirty-four (34) of this Act. The amounts distributed to each
10 eligible city in the manner provided in chapter four hundred five (405) of the
11 Code shall be based upon claims filed with the state comptroller by the cities
12 accompanied by the verified statement of the claim signed by the consulting
13 actuary of the retirement system. The claim shall specify for each fiscal year the
14 normal contribution rate which would be required to pay the city's share in the
15 retirement systems and the total amount payable to the pension accumulation
16 funds by the city under the formula by which benefits were computed prior to
17 July 1, 1976 and the normal contribution rate which would be required to pay the
18 city's share in the retirement systems and the total amount payable to the pension
19 accumulation funds by the city under chapter four hundred eleven (411) of the
20 Code. The state comptroller shall pay the difference between the two amounts.

Approved June 28, 1976

CHAPTER 1090

SOCIAL GAMBLING

S. F. 1102

AN ACT to permit gambling in the form of social games on premises owned or occupied by associations charging dues as a condition of membership.

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

1 SECTION 1. Chapter ninety-nine B (99B)*, section eight (8), subsection one (1),
2 paragraph g, Acts of the Sixty-sixth General Assembly, 1975 Session, amending
3 section ninety-nine B point six (99B.6), Code 1975, is amended to read as follows:

4 g. No cover charge, participation charge or other charge is imposed upon a
5 person ~~admitted to the premises, whether or not the person participates in for the~~
6 *privilege of participating in or observing* gambling, and no rebate, discount, credit,
7 or other method is used to discriminate between the charge for *the sale of goods* or
8 or services to participants in gambling and the charge for *the sale of goods* or
9 services to nonparticipants. *Satisfaction of an obligation into which a member of an*
10 *organization enters to pay at regular periodic intervals a sum fixed by that*
11 *organization for the maintenance of that organization is not a charge which is*
12 *prohibited by this paragraph.*

1 SEC. 2. Chapter ninety-nine B (99B)*, section eleven (11), subsection one (1),
2 paragraph g, Acts of the Sixty-sixth General Assembly, 1975 Session, amending
3 section ninety-nine B point nine (99B.9), Code 1975, is amended to read as
4 follows:

5 g. No cover charge, participation charge or other charge is imposed upon a
6 person ~~admitted to the premises, whether or not the person participates in for the~~
7 *privilege of participating in or observing* gambling, and no rebate, discount, credit,
8 or other method is used to discriminate between the charge for *the sale of goods*

*Amended by Chapter 1091 of these Acts

9 or services to participants in gambling and the charge for *the sale of* goods or
 10 services to nonparticipants. *Satisfaction of an obligation into which a member of an*
 11 *organization enters to pay at regular periodic intervals a sum fixed by that*
 12 *organization for the maintenance of that organization is not a charge which is*
 13 *prohibited by this paragraph.*

1 SEC. 3. This Act, being deemed of immediate importance, shall take effect
 2 and be in force from and after its publication in the Carroll Daily Times Herald,
 3 a newspaper published in Carroll, Iowa, and in the Fort Dodge Messenger, a
 4 newspaper published in Fort Dodge, Iowa.

Approved February 27, 1976

I hereby certify that the foregoing Act, Senate File 1102, was published in the Carroll Daily Times Herald, Carroll, Iowa, March 2, 1976, and in the Fort Dodge Messenger, Fort Dodge, Iowa, March 4, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1091

SOCIAL GAMBLING

S. F. 1233

AN ACT making a correction to senate file one thousand one hundred two (1102) enacted by the 1976 session of the Sixty-sixth general assembly.

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

1 SECTION 1. Senate File one thousand one hundred two (1102), section one (1),
 2 unnumbered paragraph one (1), enacted by the 1976 Session of the Sixty-sixth
 3 General Assembly, is amended to read as follows:

4 Section 1. Chapter ninety-nine B (~~99B~~) (99), section eight (8), subsection one
 5 (1), paragraph g, Acts of the Sixty-sixth General Assembly, 1975 Session,
 6 amending section ninety-nine B point six (99B.6), Code 1975, is amended to read
 7 as follows:

1 SEC. 2. Senate File one thousand one hundred two (1102), section two (2),
 2 unnumbered paragraph one (1), enacted by the 1976 Session of the Sixty-sixth
 3 General Assembly, is amended to read as follows:

4 Sec. 2. Chapter ninety-nine B (~~99B~~) (99), section eleven (11), subsection one (1),
 5 paragraph g, Acts of the Sixty-sixth General Assembly, 1975 Session, amending
 6 section ninety-nine B point nine (99B.9), Code 1975, is amended to read as
 7 follows:

1 SEC. 3. This Act, being deemed of immediate importance, shall take effect
 2 and be in force from and after its publication in the Carroll Daily Times Herald,
 3 a newspaper published in Carroll, Iowa, and in the Fort Dodge Messenger, a
 4 newspaper published in Fort Dodge, Iowa.

Approved May 25, 1976

I hereby certify that the foregoing Act, Senate File 1233, was published in the Carroll Daily Times Herald, Carroll, Iowa on May 26, 1976, and in the Fort Dodge Messenger, Fort Dodge, Iowa on May 28, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1092

FIRE AND TORNADO DRILLS IN SCHOOLS

H. F. 1044

AN ACT relating to fire drills and tornado drills in schools.

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

1 SECTION 1. Section one hundred point thirty-one (100.31), unnumbered
2 paragraphs one (1) and two (2), Code 1975, are amended to read as follows:

3 It shall be the duty of the state fire marshal and his designated subordinates to
4 require all private and public school officials and teachers to conduct *not less than*
5 *four fire drills and not less than four tornado drills* in all school buildings ~~at least~~
6 ~~once each month~~ *during each school year* when school is in session; and to require
7 the officials and teachers of all schools to keep all doors and exits of their
8 respective rooms and buildings unlocked *when occupied* during school hours or
9 when such areas are being used by the public at other times. *Not less than two*
10 *drills of each type shall be conducted between July first and December thirty-first of*
11 *each year and not less than two drills of each type shall be conducted between*
12 *January first and June thirtieth of each year.*

13 Every school building with two or more classrooms shall have a warning
14 system *for fires* of a type approved by the Underwriters' Laboratories and by the
15 state fire marshal. Said warning system shall be used only for fire drills or as a
16 warning for emergency. *Schools may modify the fire warning system for use as a*
17 *tornado warning system or shall install a separate tornado warning system.* Every
18 school building shall also be equipped with first-aid fire extinguishers, with the
19 type, size and number in accordance with National Fire Protection Association
20 standards and approved by the state fire marshal.

Approved March 12, 1976

CHAPTER 1093

TOXIC FIRE EXTINGUISHERS

H. F. 1298

AN ACT relating to the prohibition of toxic extinguishers.

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

1 SECTION 1. Section one hundred point thirty-six (100.36), Code 1975, is
2 amended to read as follows:

3 **100.36 Toxic extinguishers prohibited.** Toxic halogenated hydrocarbon and
4 other ~~vaporizing liquid-type~~ fire extinguishers toxic in nature shall be prohibited
5 for use in all those public buildings referred to in section 100.35 *except, with*
6 *approval of the state fire marshal, halogenated extinguishing systems may be used in*
7 *extinguishing fires when an electrically nonconductive medium is essential or*
8 *desirable, when cleanup of other media or technical equipment presents a problem, or*
9 *when weight compared to extinguishing potential is a factor.*

Approved April 19, 1976

CHAPTER 1094**FLAMMABLE LIQUIDS COMMITTEE ABOLISHED**

S. F. 1064

AN ACT to abolish certain boards, committees and councils.

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

1 SECTION 1. Section one hundred one point three (101.3), Code 1975, is
2 amended to read as follows:

3 **101.3 Advisory committee.** The rules covering flammable liquids and those
4 covering liquefied petroleum gas shall be separately formulated and separately
5 promulgated. To assist in the formulation of these regulations the state fire
6 marshal shall appoint and confer respectively with an advisory committee on
7 flammable liquids and an advisory committee on liquefied petroleum gas. Each
8 advisory committee shall consist of persons designated by the state fire marshal
9 and who are representative of interests in this state and are experienced in matters
10 of fire prevention and safety with respect to the materials to be covered.

Approved June 23, 1976

CHAPTER 1095

RAPTORS

H. F. 1439

AN ACT relating to birds of prey.

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

1 SECTION 1. Section one hundred nine point forty-eight (109.48), Code 1975, is
2 amended by adding the following new paragraph:

3 **NEW PARAGRAPH.** The commission may by rule permit the taking and
4 possession of designated raptors during the time and in the manner permitted
5 under the federal "Migratory Bird Treaty Act".

Approved April 15, 1976

CHAPTER 1096

UNDESIRABLE FISH

S. F. 240

AN ACT relating to undesirable fish.

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

1 SECTION 1. Section one hundred nine point seventy-six (109.76), Code 1975, is
2 amended to read as follows:

3 **109.76 Unlawful means—exception.** It shall be unlawful, except as otherwise
4 provided, to use on or in the waters of the state any grabhook, snaghook, artificial
5 light, any kind of a net, seine, trap, firearm, dynamite, or other explosives, or
6 poisonous or stupefying substances, lime, ashes or electricity in the taking or
7 attempting to take any fish, except that gaffhooks or landing nets may be used to
8 assist in landing fish. No person shall take or kill, or attempt to take or kill any
9 fish by hand fishing. *However, carp, buffalo, quillback, gar, sheepshead, dogfish, and*
10 *other rough fish designated by the commission may be taken by hand fishing, by*
11 *snagging, by spear, by bow and arrow, day or night, and with artificial light.* The
12 snagging of paddlefish may be permitted at such times and at such places as may
13 be determined by rule of the commission. ~~The spearing of earp, buffalo,~~
14 ~~quillback, gar, sheepshead and dogfish, or the taking of such fish with a bow and~~
15 ~~arrow with attached bow fishing reel and ninety pound minimum line attached to~~
16 ~~the arrow may be permitted under section 111.42 by persons lawfully permitted to~~
17 ~~fish shall be lawful between the hours of sunrise and sunset each day and at such~~
18 ~~times and at such places as the commission may determine necessary to carry out~~
19 ~~the purposes of section 109.38, subsection 1, except that it shall be unlawful to~~
20 ~~spear from within an enclosure of the type that materially hides the fisherman~~
21 ~~from view. This provision shall not be construed to prevent the spearing of such~~
22 ~~fish by a person using skin diving equipment, or underwater breathing apparatus,~~
23 ~~where the only concealment is the fact that he is wholly or partially submerged in~~
24 ~~the water. The commission may make rules regulating such activity by said~~
25 ~~persons.~~

Approved February 6, 1976

CHAPTER 1097

FUR-BEARING ANIMALS

H. F. 1390

AN ACT relating to civil damages for the taking of game or fur-bearing animals.

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

1 SECTION 1. Section one hundred nine point one hundred thirty (109.130),
2 Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975
3 Session, chapter one hundred eight (108), is amended to read as follows:

4 **109.130 Damages in addition to penalty.** In addition to the penalties for
5 violations of this chapter, any person convicted of unlawfully taking, catching,
6 killing, injuring, destroying, or having in possession any game or *fur-bearing*
7 *animal*, shall reimburse the state for the value of such ~~game~~ as follows:

- 8 1. For each deer, elk, antelope, buffalo or moose, three hundred dollars.
 9 2. For each wild turkey, one hundred dollars.
 10 3. For each game bird, *fur-bearing animal*, or game animal or the raw pelt or
 11 plumage of such game for which damages are not otherwise prescribed, twenty-
 12 five dollars.

1 SEC. 2. Section one hundred nine point one hundred thirty-one (109.131),
 2 Code 1975, is amended to read as follows:

3 **109.131 Judgment—execution.** In each case of conviction of unlawfully
 4 taking, catching, killing, injuring, destroying or having in possession any game,
 5 the court shall enter a judgment in favor of the state of Iowa for liquidated
 6 damages in an amount as provided in section 109.130, and it shall be the duty of
 7 the state conservation commission, ~~with the assistance of~~ and the prosecuting
 8 attorney ~~or attorney general~~, to collect the liquidated damages by execution or
 9 otherwise. If two or more persons who have acted together are convicted of the
 10 unlawful taking, catching, killing, injuring, destroying or having possession of any
 11 game or *fur-bearing animal*, the judgment shall be entered against them jointly.
 12 Any liquidated damages received under this section and section 109.130 shall be
 13 remitted to the treasurer of state who shall credit such damages to the state fish
 14 and game protection fund.

15 The return of any uninjured game which has been unlawfully taken, caught, or
 16 possessed, to the place where taken or caught or to any other place approved by
 17 the state conservation commission, shall constitute the discharge of any liquidated
 18 damages provided under section 109.130.

19 Civil suits ~~authorized by this section and section 109.130~~ for the collection of
 20 judgments may be prosecuted by the attorney general or by county attorneys.

1 SEC. 3. Chapter one hundred nine (109), Code 1975, is amended by adding
 2 the following new section:

3 **NEW SECTION.** Service of process upon or arrest of any person charged with
 4 provisions of this chapter for which damages may be assessed pursuant to section
 5 one hundred nine point one hundred thirty (109.130) of the Code, shall serve as
 6 notice of the pendency of the liquidated damage claim. Trial on the criminal
 7 charge may be separated from the determination of the liquidated damage claim
 8 in the discretion of the court or by the request of the defendant, but upon
 9 conviction of the defendant in the criminal case, the only issue to be determined
 10 by the court on the liquidated damage claim is the fact of such conviction.

Approved June 23, 1976

CHAPTER 1098

HUNTING AND FISHING BY MILITARY PERSONNEL

H. F. 59

AN ACT exempting certain military personnel from obtaining a hunting or fishing license.

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

1 SECTION 1. Section one hundred ten point seventeen (110.17), unnumbered
 2 paragraph seven (7), Code 1975, is amended to read as follows:

3 No license shall be required of minor pupils of the state school for the blind,
 4 state school for the deaf, nor of minor inmates of other state institutions under
 5 the control of a director of a division of the department of social services, except

6 that this provision shall not apply to the inmates of the men's penitentiary at Fort
 7 Madison, the men's reformatory at Anamosa, and the women's reformatory at
 8 Rockwell City, nor shall any person *who is on active duty with the Armed Forces of*
 9 *the United States, on authorized leave during the time the United States is engaged*
 10 *in war who is a member of the military or naval forces of the United States on*
 11 *active duty*, and a legal resident of the state of Iowa, be required to have a license
 12 to hunt or fish in this state. No license shall be required of inmates of county
 13 homes or any person who is receiving old-age assistance under chapter 249.

Approved February 6, 1976

CHAPTER 1099

ALIENATION OF STATE PRESERVES

S. F. 1021

AN ACT relating to the alienation of preserves.

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

1 SECTION 1. Section one hundred eleven B point eleven (111B.11), unnumbered
 2 paragraph one (1), Code 1975, is amended to read as follows:

3 An area designated as a preserve within the system is hereby declared put to its
 4 highest, best, and most important use for public benefit. It shall be held in trust
 5 and shall not be alienated except to another public use upon a finding by the
 6 board of imperative and unavoidable public necessity and with the approval of
 7 the state conservation commission, *the general assembly by concurrent resolution*,
 8 and the governor. The board's interest or interests in any area designated as a
 9 preserve shall not be taken under the condemnation statutes of this state without
 10 such a finding of imperative and unavoidable public necessity by the board, and
 11 with the consent of the state conservation commission, *the general assembly by*
 12 *concurrent resolution*, and the governor.

Approved March 9, 1976

CHAPTER 1100

COURT REPORTERS

H. F. 1451

AN ACT relating to court reporters.

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

1 SECTION 1. Section one hundred fifteen point five (115.5), Code 1975, is
 2 amended to read as follows:

3 **115.5 Temporary substitutes appointed.** If the regularly appointed shorthand
 4 reporter should be disabled from performing his duty, the judge of such court
 5 may appoint a substitute whom he deems competent to act during the disability
 6 of the regular reporter, or until his successor is appointed *but in no event may the*

7 *substitute act for a period longer than one year, unless the substitute becomes a*
 8 *certified shorthand reporter of the state of Iowa within that one year, nor may the*
 9 *substitute be reappointed at the end of the one-year period, unless he or she becomes a*
 10 *certified shorthand reporter of the state of Iowa within that one year.*

1 SEC. 2. Section six hundred five point eight (605.8), unnumbered paragraphs
 2 two (2) and three (3), Code 1975, are amended to read as follows:

3 The base starting salary of a full-time certified shorthand reporter shall be
 4 ~~twelve~~ *fourteen* thousand dollars. The base salary may be increased by an amount
 5 not to exceed ~~five~~ *six* hundred dollars for each year of experience as a shorthand
 6 reporter. The maximum salary shall not exceed ~~sixteen~~ *eighteen* thousand ~~eight~~
 7 *hundred* dollars except as provided in this section.

8 Shorthand reporters ~~of the district court~~ who are employed on an emergency
 9 basis *in the district court* shall be paid a ~~forty-dollar~~ *not to exceed seventy-five*
 10 *dollars* per diem while employed by the court or while employed under the
 11 direction of the judge. The per diem shall be paid from the county treasury where
 12 the court is held, upon the certificate of the judge holding the court, or directing
 13 the employment. However, the maximum compensation for one-day attendance
 14 at court shall not exceed the per diem. Payments shall be made at least once each
 15 month.

Approved June 23, 1976

CHAPTER 1101

REAL ESTATE APPRENTICE SALESMEN

S. F. 53

AN ACT to establish the license and qualifications of real estate apprentice salesmen.*

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

1 SECTION 1. Section one hundred seventeen point one (117.1), Code 1975, is
 2 amended to read as follows:

3 **117.1 License mandatory.** No person shall act as a real estate broker or, real
 4 estate salesman *or real estate apprentice salesman* without first obtaining a license
 5 as provided in this chapter. The word "person" as provided in said chapter shall
 6 mean and include an individual, partnership, association, or corporation.

1 SEC. 2. Section one hundred seventeen point two (117.2), Code 1975, is
 2 amended to read as follows:

3 **117.2 Individual licenses necessary.** No copartnership, association, or
 4 corporation shall be granted a license, unless every member or officer of the
 5 copartnership, association, or corporation, who actively participates in the
 6 brokerage business of the copartnership, association, or corporation, shall hold a
 7 license as a real estate broker or, salesman *or apprentice salesman*, and unless
 8 every employee who acts as a salesman for the copartnership, association, or
 9 corporation shall hold a license as a real estate broker or, salesman *or apprentice*
 10 *salesman*. At least one member or officer of each copartnership, association, or
 11 corporation shall be a real estate broker.

1 SEC. 3. Section one hundred seventeen point five (117.5), Code 1975, is
 2 amended by striking the section and inserting in lieu thereof the following:

*See §21 herein

3 **117.5 Salesman and apprentice salesman defined.** As used in this chapter:

4 1. "Real estate salesman" means a person employed by or otherwise associated
5 with a real estate broker, as a selling, renting, or listing agent or representative of
6 the broker.

7 2. "Real estate apprentice salesman" means a person employed by or otherwise
8 associated with a real estate broker, as a selling, renting, or listing agent or
9 representative of the broker and who is subject to the educational requirements
10 provided in section one hundred seventeen point fifteen (117.15) of the Code.

1 SEC. 4. Section one hundred seventeen point six (117.6), Code 1975, is
2 amended to read as follows:

3 **117.6 Acts constituting dealing in real estate.** Any person, partnership,
4 association, or corporation, who, for another, in consideration of compensation,
5 by fee, commission, salary, or otherwise, or with the intention or in the
6 expectation or upon the promise of receiving or collecting a fee, does, offers or
7 attempts or agrees to do, engages in or offers or attempts or agrees to engage in,
8 either directly or indirectly, any single act or transaction contained in the
9 definition of a real estate broker as set out in section 117.3, whether said act be
10 an incidental part of a transaction, or the entire transaction, shall constitute such
11 person, partnership, association, or corporation a real estate broker or, real estate
12 salesman or real estate apprentice salesman within the meaning of this chapter.

1 SEC. 5. Section one hundred seventeen point eight (117.8), Code 1975, is
2 amended to read as follows:

3 **117.8 Commission established.** There is established the Iowa real estate
4 commission which shall consist of three members licensed under this chapter and
5 two members not licensed under this chapter and who shall represent the general
6 public. At least one of the licensed members shall be a licensed real estate
7 salesman, except that if the licensed real estate salesman becomes a licensed real
8 estate broker during his term of office, he shall be allowed to complete his term,
9 but shall not be eligible for reappointment on the commission as a licensed real
10 estate salesman. A licensed member shall be actively engaged in the real estate
11 business and shall have been so engaged for five years preceding his appointment,
12 the last two of which shall have been in Iowa. Professional associations or
13 societies of real estate brokers or, real estate salesmen or real estate apprentice
14 salesmen may recommend the names of potential commission members to the
15 governor, but the governor shall not be bound by their recommendations. A
16 commission member shall not be required to be a member of any professional
17 association or society composed of real estate brokers or salesmen.
18 Commissioners shall be appointed by the governor subject to the approval of two-
19 thirds of the members of the senate. Appointments shall be for three-year terms
20 and shall commence on July + first of the year in which the appointment is made.
21 A commissioner shall serve no more than three terms or nine years, whichever is
22 less. No more than one commissioner shall be appointed from a county. A
23 commissioner shall not hold any other elective or appointive state or federal
24 office. Vacancies shall be filled for the unexpired term by appointment of the
25 governor and shall be subject to senate confirmation. A majority of the
26 commissioners shall constitute a quorum.

1 SEC. 6. Section one hundred seventeen point fifteen (117.15), Code 1975, is
2 amended to read as follows:

3 **117.15 Qualifications.** Except as provided in section 117.20 an applicant for
4 a real estate broker or, salesman's or apprentice salesman's license must be a
5 person whose application has not been rejected for licensure in this or any other
6 state within six months prior to the date of application, or whose real estate
7 license has not been revoked in this or any other state within two years prior to
8 date of application.

9 Every applicant for a license as a real estate broker or, salesman or apprentice
10 salesman shall be of the age of eighteen years or over. Provided, however, an

11 applicant shall not be ineligible because of citizenship, sex, race, religion, marital
 12 status, or national origin, although the application form may require citizenship
 13 information. The commission may consider the past felony record of an applicant
 14 only if the felony conviction relates directly to the practice of real estate selling.
 15 Character references may be required but shall not be obtained from licensed real
 16 estate brokers ~~or~~, salesmen or apprentice salesmen.

17 *A qualified applicant for a license as a real estate apprentice salesman who*
 18 *successfully passes the required written examination shall be issued a real estate*
 19 *apprentice salesman's license which shall expire on the last day of the twelfth calendar*
 20 *month following the month in which the license is issued. Each real estate apprentice*
 21 *salesman who has completed or shall have successfully completed a commission*
 22 *approved short course in real estate education of not less than thirty hours at a facility*
 23 *approved by the commission shall be issued a real estate salesman's license for the*
 24 *remainder of the year on payment of the appropriate fee and return of his unexpired*
 25 *real estate apprentice salesman's license. If a qualified applicant successfully*
 26 *completes a commission approved short course in real estate education of not less than*
 27 *thirty hours at a facility approved by the commission and subsequently successfully*
 28 *passes the required examination, the completion of the short course shall be credited*
 29 *toward completion of requirements of a real estate apprentice salesman to become a*
 30 *real estate salesman. In the event that a real estate apprentice salesman should not*
 31 *successfully complete the thirty-hour course within the twelve-month period of*
 32 *licensure as a real estate apprentice salesman, he shall not be eligible to reapply for a*
 33 *real estate apprentice salesman's license until six months have elapsed, except that the*
 34 *commission may waive the time requirement for reapplication if the real estate*
 35 *apprentice salesman shows just cause to the commission why the thirty-hour course*
 36 *was not completed.*

37 Every applicant for a license as a real estate broker shall have been a licensed
 38 real estate salesman for a period of at least twelve months preceding the date of
 39 application; or he shall have had experience substantially equal to that which a
 40 licensed real estate salesman would ordinarily receive during a period of twelve
 41 months, whether as a former broker or salesman, a manager of real estate, or
 42 otherwise. Notwithstanding the foregoing provisions, if the commission shall find
 43 that any applicant could not acquire employment as a licensed real estate
 44 salesman because of conditions existing in the area where he resides, then, the
 45 foregoing provisions shall be waived by the commission.

1 SEC. 7. Section one hundred seventeen point sixteen (117.16), unnumbered
 2 paragraph three (3), Code 1975, is amended to read as follows:

3 The commission shall prepare and furnish written application blanks for
 4 salesman's license *and for apprentice salesman's license*, to contain request for such
 5 information as the commission may require. The commission shall not require
 6 that a recent photograph of the applicant be attached to the application. The
 7 application *for both the salesman's license and for the apprentice salesman's license*
 8 shall be accompanied by a written statement by the broker in whose service he is
 9 about to enter recommending that the license be granted to the applicant.

1 SEC. 8. Section one hundred seventeen point twenty (117.20), Code 1975, is
 2 amended to read as follows:

3 **117.20 Written examination.** Examinations for registration shall be given as
 4 often as deemed necessary by the board, but no less than one time per year. Each
 5 applicant for a license must pass a written examination authorized by the
 6 commission and administered by the commission or persons designated by the
 7 commission. The examination shall be of scope and wording sufficient in the
 8 judgment of the commission to establish the competency of the applicant to act as
 9 a real estate broker ~~or~~, salesman or apprentice salesman in such manner as to
 10 protect the interests of the public. An examination for a real estate broker shall be
 11 of a more exacting nature than that for a real estate apprentice salesman and
 12 require higher standards of knowledge of real estate. All examinations in theory

13 shall be in writing and the identity of the person taking the examination shall be
 14 concealed until after the examination papers have been graded. For examinations
 15 in practice, the identity of the person taking the examination shall also be
 16 concealed as far as possible. A person who fails to pass either written examination
 17 once may take the examination at the next scheduled time. Thereafter, the
 18 applicant shall be allowed to take the examination at the discretion of the
 19 commission. An applicant who has failed either examination may request in
 20 writing information from the commission concerning his examination grade and
 21 subject areas or questions which he failed to answer correctly, except that if the
 22 commission administers a uniform, standardized examination, the commission
 23 shall only be required to provide the examination grade and such other
 24 information concerning the applicant's examination results which are available to
 25 the commission.

1 SEC. 9. Section one hundred seventeen point twenty-one (117.21), Code 1975,
 2 is amended to read as follows:

3 **117.21 Nonresident license.** A nonresident of this state may be licensed as a
 4 real estate broker, ~~or~~ a real estate salesman, *or a real estate apprentice salesman*,
 5 upon complying with all requirements of law and with all the provisions and
 6 conditions of this chapter relative to resident brokers ~~and~~, salesmen, *and*
 7 *apprentice salesmen*, and the filing by the applicant with the commission of a
 8 certification from the state of original licensure signed by the duly qualified and
 9 authorized official or officials of such state that the applicant is there currently
 10 licensed, that no charges against the applicant are there pending, and that
 11 applicant's record in such state justifies the issuance of a license to such applicant
 12 in Iowa. The commission may waive the requirement of an examination in the
 13 case of a nonresident broker who is licensed under the laws of a state having
 14 similar requirements and where similar recognition and courtesies may be
 15 extended to licensed real estate brokers ~~and~~, salesmen *and apprentice salesmen* of
 16 this state.

1 SEC. 10. Section one hundred seventeen point twenty-two (117.22), Code 1975,
 2 is amended to read as follows:

3 **117.22 Nonresident's place of business.** A nonresident to whom a license is
 4 issued upon compliance with all the other requirements of law and provisions of
 5 this chapter, shall not be required to maintain a definite place of business within
 6 this state. Provided, that such nonresident, if a broker, shall maintain an active
 7 place of business within the state of his domicile, and provided further, that the
 8 privilege of so submitting a certification of licensure certified to by the qualified
 9 and authorized official or officials of the state of original licensure, in lieu of the
 10 recommendations and statements otherwise required, shall only apply to licensed
 11 real estate brokers ~~and~~, real estate salesmen *and real estate apprentice salesmen* of
 12 those states under the laws of which similar recognition and courtesies are
 13 extended to licensed real estate brokers ~~and~~, real estate salesmen *and real estate*
 14 *apprentice salesmen* of this state.

1 SEC. 11. Section one hundred seventeen point twenty-four (117.24), Code
 2 1975, is amended to read as follows:

3 **117.24 Custody of salesman's license.** The license of such real estate
 4 salesman *or real estate apprentice salesman* shall be delivered or mailed to the real
 5 estate broker by whom such real estate salesman *or real estate apprentice salesman*
 6 is employed and shall be kept in the custody and control of such broker.

1 SEC. 12. Section one hundred seventeen point twenty-six (117.26), Code 1975,
 2 is amended to read as follows:

3 **117.26 Pocket cards.** The commission shall prepare and deliver to each
 4 licensee a pocket card, which card among other things shall contain an imprint of
 5 the seal of the commission and shall certify that the person whose name appears
 6 thereon is a licensed real estate broker ~~or~~, real estate salesman, *or real estate*

7 *apprentice salesman*, as the case may be, and if it is a real estate salesman's, or real
 8 *estate apprentice salesman's*, card it shall also contain the name and address of his
 9 employer. The matter to be printed on such pocket card, except as above set
 10 forth, shall be prescribed by the commission.

1 SEC. 13. Section one hundred seventeen point twenty-seven (117.27), Code
 2 1975, is amended to read as follows:

3 **117.27 Fees.** The commission shall set annual fees, *except renewal fees which*
 4 *need not be annual*, for examination and licensing of real estate brokers ~~and~~, real
 5 estate salesmen *and real estate apprentice salesmen*. The commission shall
 6 determine the annual cost of administering the examination and shall set the
 7 examination fee accordingly. The commission shall set the fees for the real estate
 8 broker's licenses ~~and~~, for real estate salesmen's licenses *and for real estate*
 9 *apprentice salesmen's licenses* based upon the administrative costs of sustaining the
 10 commission. The fees shall include, but shall not be limited to, the costs for:

- 11 1. Per diem, expenses, and travel for commission members.
- 12 2. Office facilities, supplies, and equipment.
- 13 3. Director, assistants, and clerical assistance.

1 SEC. 14. Section one hundred seventeen point twenty-eight (117.28), Code
 2 1975, is amended to read as follows:

3 **117.28 Expiration of license.** Every license, *except a license as a real estate*
 4 *apprentice salesman which shall expire as provided in section six (6) of this Act*, shall
 5 expire ~~annually~~ as determined by the commission. A person who fails to renew
 6 his *real estate broker's or real estate salesman's* license by the expiration date shall
 7 be allowed to do so within thirty days following its expiration, but the
 8 commission may assess a reasonable penalty. The commission shall upon the
 9 written request of the applicant on forms prescribed by the commission, and
 10 payment of the ~~annual~~ fee therefor as herein required, issue a new license for each
 11 ensuing year, *except as provided in section six (6) of this Act*, in the absence of any
 12 reason or condition which might warrant the revocation of a license after a
 13 hearing as provided in sections 117.34 and 117.35.

1 SEC. 15. Section one hundred seventeen point twenty-nine (117.29), Code
 2 1975, is amended to read as follows:

3 **117.29 Revocation of license.** The revocation of a broker's license shall
 4 automatically suspend every real estate salesman's license *and every real estate*
 5 *apprentice salesman's license* granted to any person by virtue of his employment by
 6 the broker whose license has been revoked, pending a change of employer and the
 7 issuance of a new license. Such new license shall be issued upon payment of a fee
 8 in an amount determined by the commission based upon the administrative costs
 9 involved, if granted during the same year in which the original license was
 10 granted.

1 SEC. 16. Section one hundred seventeen point thirty (117.30), Code 1975, is
 2 amended to read as follows:

3 **117.30 Actions—license as prerequisite.** No person, copartnership,
 4 association, or corporation engaged in the business or acting in the capacity of a
 5 real estate broker ~~or~~, a real estate salesman *or real estate apprentice salesman*
 6 within this state shall bring or maintain any action in the courts of this state for
 7 the collection of compensation for any services performed as a real estate broker
 8 or salesman without alleging and proving that such person, copartnership,
 9 association, or corporation was a duly licensed real estate broker ~~or~~, real estate
 10 salesman *or real estate apprentice salesman* at the time the alleged cause of action
 11 arose.

1 SEC. 17. Section one hundred seventeen point thirty-three (117.33), Code
 2 1975, is amended to read as follows:

3 **117.33 Salesmen—change of employment.** When any real estate salesman or
 4 *real estate apprentice salesman* shall be discharged or shall terminate his
 5 employment with the real estate broker by whom he is employed, it shall be the
 6 duty of such real estate broker to immediately deliver or mail by certified mail to
 7 the commission such real estate salesman's or *real estate apprentice salesman's*
 8 license on the reverse side of which the employing broker shall set out the date
 9 and cause of termination of employment. The real estate broker shall at the time
 10 of mailing such real estate salesman's or *real estate apprentice salesman's* license to
 11 the commission address a communication to the last known residence address of
 12 such real estate salesman or *real estate apprentice salesman* stating that his license
 13 has been delivered or mailed to the commission. A copy of such communication
 14 to the real estate salesman or *real estate apprentice salesman* shall accompany the
 15 license when mailed or delivered to the commission. It shall be unlawful for any
 16 real estate salesman or *real estate apprentice salesman* to perform any of the acts
 17 contemplated by this chapter either directly or indirectly under authority of said
 18 license from and after the date of receipt of said license by the commission;
 19 provided, that another license shall not be issued to such real estate salesman or
 20 *real estate apprentice salesman* until he shall return his former pocket card to the
 21 commission or shall satisfactorily account to them for the same. The commission
 22 shall upon presentation of evidence by the salesman or *apprentice salesman* that he
 23 has been employed by another broker issue another license and pocket card for
 24 the balance of the current year showing each change of employment. A fee as
 25 determined by the commission will be charged for the issuance of such a license.
 26 Not more than one license shall be issued to any real estate salesman or *real estate*
 27 *apprentice salesman* for the same period of time.

1 SEC. 18. Section one hundred seventeen point thirty-four (117.34), Code 1975,
 2 is amended to read as follows:

3 **117.34 Investigation by commission.** The commission may upon its own
 4 motion and shall upon the verified complaint in writing of any person, provided
 5 such complaint together with evidence, documentary or otherwise presented in
 6 connection therewith, makes out a prima-facie case, investigate the actions of any
 7 real estate broker or, real estate salesman, *real estate apprentice salesman*, or any
 8 person who shall assume to act in either such capacity within this state and shall
 9 have the power to suspend or to revoke any license issued under the provisions of
 10 this chapter, at any time where the licensee has by false or fraudulent
 11 representation obtained a license, or where the licensee in performing or
 12 attempting to perform any of the acts mentioned herein is found to be guilty of:

- 13 1. Making any substantial misrepresentation.
- 14 2. Making any false promise of a character likely to influence, persuade or
 15 induce.
- 16 3. Pursuing a continued and flagrant course of misrepresentation, or making of
 17 false promises through agents or salesmen or advertising or otherwise.
- 18 4. Acting for more than one party in a transaction without the knowledge of all
 19 parties for whom he acts.
- 20 5. Accepting a commission or valuable consideration as a real estate salesman
 21 or *real estate apprentice salesman* for the performance of any of the acts specified
 22 in this chapter, from any person, except his employer, who must be a licensed real
 23 estate broker.
- 24 6. Representing or attempting to represent a real estate broker other than his
 25 employer, without the express knowledge and consent of the employer.
- 26 7. Failing, within a reasonable time, to account for or to remit any moneys
 27 coming into his possession which belong to others.
- 28 8. Being unworthy or incompetent to act as a real estate broker or, salesman or
 29 *apprentice salesman* in such manner as to safeguard the interests of the public.
- 30 9. Paying a commission or any part thereof for performing any of the acts
 31 specified in this chapter to any person who is not a licensed broker or, salesman

32 *or apprentice salesman* under the provisions of this chapter or who is not engaged
33 in the real estate business in another state.

34 10. Failing, within a reasonable time, to provide information requested by the
35 commission as the result of a formal or informal complaint to the commission
36 which would indicate a violation of this chapter.

37 11. Any other conduct, whether of the same or different character from that
38 hereinbefore specified, or demonstrates such bad faith, improper, fraudulent, or
39 dishonest dealings as would have disqualified him from securing a license under
40 this chapter.

41 Any unlawful act or violation of any of the provisions of this chapter by any
42 real estate salesman, *real estate apprentice salesman*, employee, or partnership or
43 associate of a licensed real estate broker, shall not be cause for the revocation of
44 the license of any real estate broker, partial or otherwise, unless the commission
45 finds that said employer, partner, or associate had guilty knowledge thereof.

1 SEC. 19. Section one hundred seventeen point forty-six (117.46), subsection
2 one (1), Code 1975, is amended to read as follows:

3 1. Each broker shall maintain a common trust account in a bank for the
4 deposit of all down payments, earnest money deposits, or other trust funds
5 received by the broker or his salesmen *or apprentice salesmen* on behalf of his
6 principal, except that a broker acting as a salesman shall deposit these funds in
7 the common trust account of the broker for whom he acts as salesman.

1 SEC. 20. **Application of Act.** The provisions of this Act which require
2 successful completion of a real estate education course before being licensed as a
3 real estate salesman shall not apply to persons who hold real estate salesmen's
4 licenses on the effective date of this Act or to the issuance of new licenses to these
5 persons under the provisions of section one hundred seventeen point twenty-eight
6 (117.28) of the Code.

7 The provisions of this Act which require successful completion of a real estate
8 education course before being licensed as a real estate apprentice salesman shall
9 not apply within six months of the effective date of this Act to persons who have
10 taken an examination within one year prior to the effective date of this Act who
11 have not successfully passed the required examination.

1 SEC. 21. The Code editor is directed to strike all references to "salesman" or
2 "salesmen" in chapter one hundred seventeen (117) of the Code and insert in lieu
3 thereof the word "salesperson" or the word "salespersons", whichever is
4 applicable.

Approved March 19, 1976

CHAPTER 1102

SAVINGS AND LOAN ASSOCIATIONS

S. F. 487

AN ACT relating to the regulation of savings and loan associations organized under the laws of the state of Iowa.

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

1 SECTION 1. Section one hundred seventeen point forty-six (117.46),
2 subsections one (1), two (2), and three (3), Code 1975, are amended to read as
3 follows:

4 1. Each broker shall maintain a common trust account in a bank *or a savings*
 5 *and loan association* for the deposit of all down payments, earnest money deposits,
 6 or other trust funds received by the broker or his salesmen on behalf of his
 7 principal, except that a broker acting as a salesman shall deposit these funds in
 8 the common trust account of the broker for whom he acts as salesman.

9 2. Each broker shall notify the commission of the name of ~~the~~ *each* bank ~~or~~
 10 ~~banks~~ *or savings and loan association* in which ~~said~~ *a* trust account is maintained
 11 and also the name of the account on forms provided therefor.

12 3. Each broker shall authorize the commission to examine ~~said~~ *each* trust
 13 account and shall obtain the certification of the bank *or savings and loan*
 14 *association* attesting to ~~said~~ *each* trust account and consenting to the examination
 15 and audit of ~~said~~ *each* account by a duly authorized representative of the
 16 commission. Said certification and consent shall be furnished on forms prescribed
 17 by the commission.

1 SEC. 2. Section five hundred thirty-four point two (534.2), subsection five (5),
 2 Code 1975, is amended to read as follows:

3 5. "Regular lending area" shall mean *the entire area within this state and an area*
 4 *which is outside this state and which is within one hundred miles from any*
 5 *approved office; whether within or without the state.*

1 SEC. 3. Section five hundred thirty-four point eight (534.8), subsection two (2),
 2 Code 1975, is amended to read as follows:

3 2. To make a real estate loan *or real estate contract* to a director, officer or
 4 employee of the association, or to any attorney or firm of attorneys, regularly
 5 serving the association in the capacity of attorney at law, or to any partnership in
 6 which any such director, officer, employee, attorney or firm of attorneys has any
 7 interest, and no real estate loan *or real estate contract* shall be made to any
 8 corporation in which any of such parties are stockholders, except that with the
 9 prior approval of its board of directors a real estate loan *or real estate contract*
 10 may be made to a corporation in which no such party owns more than fifteen
 11 percent of the total outstanding stock and in which the stock owned by all such
 12 parties does not exceed twenty-five percent of the total outstanding stock:
 13 Provided, that nothing herein shall prohibit an association from making loans
 14 *pursuant to section five hundred thirty-four point nineteen (534.19) of the Code and*
 15 *loans on the security of a first lien on the home property or mobile home owned*
 16 *and occupied by a director, officer or employee of an association, or by an*
 17 *attorney or member of a firm of attorneys regularly serving the association in the*
 18 *capacity of attorney at law upon a two-thirds vote of the directors, the interested*
 19 *director not voting.*

1 SEC. 4. Section five hundred thirty-four point eleven (534.11), subsection
 2 seven (7), Code 1975, is amended to read as follows:

3 7. Accounts of administrators, executors, guardians, custodians, trustees and
 4 other fiduciaries. Any association or federal savings and loan association may
 5 accept share accounts in the name of any administrator, custodian, executor,
 6 guardian, trustee, or other fiduciary in trust for a named beneficiary or
 7 beneficiaries, *or other fiduciary in trust for a specified class of unnamed beneficiaries.*
 8 Any such fiduciary shall have power to vote as a member as if the membership
 9 were held absolutely, to open and to make additions to, and to withdraw any
 10 such account in whole or in part. The withdrawal value of such accounts, and
 11 dividends thereon, or other rights relating thereto may be paid or delivered, in
 12 whole or in part to such fiduciary without regard to any notice to the contrary as
 13 long as such fiduciary is living. The payment or delivery to any such fiduciary or
 14 a receipt or acquittance signed by any such fiduciary to whom any such payment
 15 or any such delivery of rights is made shall be a valid and sufficient release and
 16 discharge of an institution for the payment or delivery so made. Whenever a
 17 person holding an account in a fiduciary capacity dies and no written notice of

18 the revocation or termination of the fiduciary relationship shall have been given
 19 to an institution and the institution has no notice of any other disposition of the
 20 beneficial estate, the withdrawal value of such account and dividends thereon, or
 21 other rights relating thereto may, at the option of an institution, be paid or
 22 delivered, in whole or in part, to the beneficiary or beneficiaries. Whenever an
 23 account shall be opened by any person, describing himself in opening such
 24 account as trustee for another and no other or further notice of the existence and
 25 terms of a legal and valid trust then such description shall have been given in
 26 writing to such association, in the event of the death of the person so described as
 27 trustee, the withdrawal value of such account or any part thereof, together with
 28 the dividends or interest thereon, may be paid to the person for whom the
 29 account was thus stated to have been opened, and such account and all additions
 30 thereto shall be the property of such person. The payment or delivery to any such
 31 beneficiary, beneficiaries or designated person, or a receipt or acquittance signed
 32 by such beneficiary, beneficiaries or designated person for any such payment or
 33 delivery shall be a valid and sufficient release and discharge of an institution for
 34 the payment or delivery so made. No institution paying any such fiduciary or
 35 beneficiary in accordance with the provisions of this subsection shall thereby be
 36 liable for any estate, inheritance or succession taxes which may be due this state.

1 SEC. 5. Section five hundred thirty-four point nineteen (534.19), subsection six
 2 (6), Code 1975, is amended to read as follows:

3 6. Property improvement loans. To make ~~property improvement loans to home~~
 4 ~~owners and other property owners~~ for maintenance, repair, landscaping,
 5 modernization, furniture and fixtures, improvement and equipment ~~for their~~
 6 ~~properties, and loans on mobile homes~~, with or without security provided that no
 7 such loan without security shall exceed ~~five~~ *ten* thousand dollars, and provided
 8 further that not in excess of ~~fifteen~~ *twenty* percent of the assets of the association
 9 shall be so invested, said ~~fifteen~~ *twenty* percent to be exclusive of the forty percent
 10 of assets power set out in section 534.21 hereof. Such loans, other than consumer
 11 loans as defined in the Iowa consumer credit code, shall be amortized to mature
 12 in not to exceed eight years. ~~Such loans may also be based on a discount or add~~
 13 ~~on charge of not to exceed six dollars per one hundred dollars face amount per~~
 14 ~~year in lieu of straight interest otherwise provided by law.~~ The provisions of the
 15 Iowa consumer credit code shall apply to consumer loans made by a savings and
 16 loan association and a provision of that code shall supersede any conflicting
 17 provision of this chapter with respect to a consumer loan. *Loans made pursuant to*
 18 *this subsection shall be for terms not exceeding fifteen years.*

1 SEC. 6. Section five hundred thirty-four point nineteen (534.19), subsection
 2 seven (7), Code 1975, is amended to read as follows:

3 7. Power to purchase and to lend upon loans. The power to make loans shall
 4 include (a) the power to purchase loans of any type that the association may
 5 make, (b) the power to make loans upon the security of loans of any type that the
 6 association may make, and (c) the power to sell any loans of the type the
 7 association is authorized to make. ~~Loans under "a" and "c" may be outside~~
 8 ~~regular lending area if restricted to loans insured partially by an instrumentality~~
 9 ~~of the United States or by any other insurer approved by the federal home loan~~
 10 ~~bank or the supervisor.~~

11 Under "a" and "c" above, the association may purchase an interest in loans
 12 which are insured as above set out from the United States or any agency or
 13 instrumentality thereof which has any function of examining or supervising of
 14 savings and loan associations; or the association may sell any of its loans to the
 15 United States or any such agency or instrumentality or to any broker or dealer
 16 registered with the securities and exchange commission.

1 SEC. 7. Section five hundred thirty-four point nineteen (534.19), subsection
 2 eight (8), Code 1975, is amended to read as follows:

3 8. Participation loans. An association may participate with other lenders in the
4 origination or purchase of an interest in loans of any type that such an
5 association may otherwise make, provided that the other participants are
6 instrumentalities of or corporation owned wholly or in part by the United States
7 or this state, or are associations or corporations insured by the federal savings
8 and loan insurance corporation or the federal deposit insurance corporation or
9 are life insurance companies with assets in excess of one hundred million dollars,
10 *or are approved federal housing administration lenders or are service corporations in*
11 *which the majority of the capital stock is owned by one or more insured institutions,*
12 such loans to be within or without the regular lending area of the association.

1 SEC. 8. Section five hundred thirty-four point nineteen (534.19), subsection
2 twenty (20), Code 1975, is amended to read as follows:

3 20. Limited trust powers. Associations incorporated under this chapter may act
4 as trustee for trusts which are created or organized in the United States, and
5 which form part of a stock bonus, pension, or profit sharing plan which qualifies
6 for special tax treatment under section 401 (d) *or subsection (a) of section four*
7 *hundred eight (408)* of the Internal Revenue Code of 1954, as amended, if the
8 funds of such trust are invested only in savings accounts or deposits in such
9 association or in obligations or securities issued by such association. All funds
10 held in such fiduciary capacity by any such association may be commingled for
11 appropriate purposes of investment, but individual records shall be kept by the
12 fiduciary for each participant and shall show in proper detail all transactions
13 engaged in under the authority of this subsection.

1 SEC. 9. Section five hundred thirty-four point twenty-one (534.21), subsection
2 two (2), Code 1975, is amended to read as follows:

3 2. Terms of loans. All installment loans shall be repayable within thirty years
4 or, if an insured or guaranteed loan, within the period acceptable to the insuring
5 or guaranteeing agency. Loans of any type that such an association may make on
6 a monthly installment basis may also be made without full amortization of
7 principal; provided, that except for insured or guaranteed loans, interest shall be
8 payable at least semiannually and any such loan may be made for an amount not
9 in excess of fifty percent of the value and for a term of not more than five years:
10 And provided further, that if the members have authorized loans to be made
11 without full amortization up to such higher percentage such loans may be made
12 for an amount not in excess of sixty percent of the value and for a term of not
13 more than three years: And provided further, that if the members have authorized
14 loans to be made without full amortization up to such higher percentage, such
15 loans, if made, for the purpose of construction, may be made for an amount not
16 in excess of eighty percent of the value and for a term of not more than ~~one year~~
17 *eighteen months. A construction loan may be combined with an installment loan in*
18 *one note, provided the total term does not exceed thirty-one years and six months.*

1 SEC. 10. Section five hundred thirty-four point twenty-one (534.21), subsection
2 three (3), Code 1975, is amended to read as follows:

3 3. Home loans. Every such association may originate and make first mortgage
4 amortized real estate loans for not to exceed fifty thousand dollars secured by
5 home property situated within the *state regular lending area. Such loans may also*
6 ~~be made within the state of Iowa when the loans are insured wholly or partially~~
7 ~~by any instrumentality of the United States government or by private mortgage~~
8 ~~insurance when such company is approved to conduct business in the state of~~
9 ~~Iowa.~~ Home loans may be made in excess of the fifty thousand dollar limitation
10 when made under the forty percent of assets lending power hereinafter set out.

1 SEC. 11. Section five hundred thirty-four point twenty-one (534.21), subsection
2 four (4), paragraphs a, c, and d, Code 1975, are amended to read as follows:

- 3 a. Home loans, which are either direct-reduction home loans or not, but which
 4 exceed ~~forty~~ *fifty* thousand dollars each, regardless of where the home property
 5 securing the loan is situated ~~so long as within this state.~~
- 6 c. Home loans of any amount which are not direct-reduction home loans,
 7 regardless of where the home property securing the loan is situated ~~so long as~~
 8 ~~within this state.~~
- 9 d. Other real estate loans, whether amortized or unamortized, regardless of
 10 amount thereof or location of real estate securing the loan ~~so long as within this~~
 11 ~~state.~~

1 SEC. 12. Section five hundred thirty-four point forty-one (534.41), subsection
 2 five (5), Code 1975, is amended to read as follows:

3 5. Expenses and per diem. Where the examination is made under the provisions
 4 of subsection 3 of this section, each examiner shall file with the auditor of state
 5 an itemized, certified and sworn voucher of his expense for the time such
 6 examiner is actually engaged in such examination. On the fifteenth and last days
 7 of each month each examiner shall file in triplicate with the auditor of state a
 8 certified statement of the actual days engaged in such examination. The salaries
 9 shall be included in a semimonthly payroll. Upon approval of the auditor of state
 10 the state comptroller is hereby authorized to issue warrants for the payment of
 11 said vouchers and salary payments, other than vacation or sick leave, from funds
 12 appropriated to the savings and loan division. Repayment to the state shall be
 13 made as provided by section 534.61, subsection 4. *Savings and loan examiners shall*
 14 *be paid salaries at rates commensurate with, and shall be reimbursed for meals and*
 15 *lodging at the same rate as, that which is received by federal examiners operating*
 16 *under the federal home loan bank board.*

1 SEC. 13. Chapter five hundred thirty-four (534), Code 1975, is amended by
 2 adding the following new sections:

3 **NEW SECTION. Mobile home loans.** An association may make and purchase
 4 loans and contracts secured by mobile homes and may participate with other
 5 lenders in the making and purchase of mobile home loans and contracts,
 6 provided that the terms of such loans do not exceed fifteen years and that the
 7 total investment in mobile home loans and contracts does not exceed ten percent
 8 of the assets of the association at the time of investment, said ten percent to be
 9 exclusive of the forty percent of assets classification set out in section five
 10 hundred thirty-four point twenty-one (534.21) of the Code. For purposes of this
 11 section, investment in loans and contracts means the total amount of such loans
 12 and contracts on the association's books less any unearned interest.

13 **NEW SECTION. Loans secured by less than first lien.** An association may
 14 make loans on real estate secured by less than a first lien, provided that the
 15 aggregate amount of all such loans shall not exceed five percent of the assets of
 16 the association at the time the loan is granted, said five percent to be exclusive of
 17 the forty percent of assets classification set out in section five hundred thirty-four
 18 point twenty-one (534.21) of the Code.

19 **NEW SECTION. Line of credit loans.** An association may make loans not
 20 secured by a real estate mortgage to contractors who are engaged in the business
 21 of constructing improvements on real estate and for use in that business provided
 22 that the aggregate amount of all such loans and commitments shall not exceed the
 23 greater of the sum of reserves and surplus or five percent of the assets of the
 24 association at the time the loan is granted, said five percent to be exclusive of the
 25 forty percent of assets classification set out in section five hundred thirty-four
 26 point twenty-one (534.21) of the Code.

Approved May 20, 1976

CHAPTER 1103

ALCOHOLISM TREATMENT

H. F. 1277

AN ACT relating to the care, maintenance and treatment pursuant to chapter one hundred twenty-five (125) of the Code of persons suffering the effects of alcohol, and providing standards for the approval and funding of programs, the approval and oversight of facilities, the procedures for assisting intoxicated persons, and the assessment, acceptance and payment, by the state and counties, of certain charges imposed by facilities for providing care, maintenance and treatment services.

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

1 SECTION 1. Section one hundred twenty-five point two (125.2), Code 1975, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. "Residence" means the place where a person resides. For
4 the purpose of determining which Iowa county, if any, is liable pursuant to this
5 chapter for payment of costs attributable to its residents, the following rules shall
6 apply:

7 a. If a person claims an Iowa homestead, then the person's residence shall be in
8 the county where that homestead is claimed, irrespective of any other factors.

9 b. If paragraph a does not apply, and the person continuously has been
10 provided or has maintained living quarters within any county of this state for a
11 period of not less than one year, whether or not at the same location within that
12 county, then the person's residence shall be in that county, irrespective of other
13 factors. However, this paragraph shall not apply to unemancipated persons under
14 eighteen years of age who are wards of this state.

15 c. If paragraphs a and b do not apply, or, if the person is under eighteen years
16 of age, is unemancipated, and is a ward of this state, then the person shall be
17 unclassified with respect to county of residence, and payment of all costs shall be
18 made by the division as provided in this chapter.

19 d. An unemancipated person under eighteen years of age who is not a ward of
20 the state shall be deemed to reside where the parent having legal custody, or the
21 legal guardian, or legal custodian of that person has residence as determined
22 according to this subsection.

23 e. The provisions of this subsection shall not be used in any case to which
24 section one hundred twenty-five point twenty-six (125.26) of the Code is
25 applicable.

1 SEC. 2. Section one hundred twenty-five point two (125.2), Code 1975, is
2 amended by striking subsection eight (8).

1 SEC. 3. Section one hundred twenty-five point seven (125.7), subsection two
2 (2), Code 1975, is amended to read as follows:

3 2. Approve the comprehensive alcoholism program, *and the funding therefor*,
4 developed by the division pursuant to sections 125.1 to 125.26.

1 SEC. 4. Section one hundred twenty-five point nine (125.9), subsection one (1),
2 Code 1975, is amended to read as follows:

3 1. Plan, establish and maintain treatment programs as necessary or desirable
4 ~~with the approval of the commission~~ *in accordance with the comprehensive*
5 *alcoholism program.*

1 SEC. 5. Section one hundred twenty-five point ten (125.10), subsections eight
2 (8), nine (9), and eleven (11), Code 1975, are amended to read as follows:

3 8. Organize and ~~foster~~ *implement, in cooperation with local treatment programs*,
4 training programs for all persons engaged in treatment of alcoholics and
5 intoxicated persons.

6 9. Sponsor and ~~encourage~~ *implement, in cooperation with local treatment*
 7 *programs*, research into the causes and nature of alcoholism and treatment of
 8 alcoholics and intoxicated persons, and serve as a clearing house for information
 9 relating to alcoholism.

10 11. ~~Advise the commission and the governor in the preparation of~~ *Develop and*
 11 *implement, with the counsel and approval of the Commission*, a comprehensive plan
 12 for treatment of alcoholics and intoxicated persons ~~for inclusion in the state's~~
 13 ~~comprehensive health~~, *said plan to be coordinated with health systems agencies.*

1 SEC. 6. Section one hundred twenty-five point ten (125.10), subsection fifteen
 2 (15), Code 1975, is amended to read as follows:

3 15. Encourage general hospitals and other appropriate health facilities to admit
 4 without discrimination alcoholics and intoxicated persons and to provide them
 5 with adequate and appropriate treatment, *and may negotiate and implement*
 6 *contracts with hospitals and other appropriate health facilities with adequate*
 7 *detoxification facilities.*

1 SEC. 7. Section one hundred twenty-five point thirteen (125.13), Code 1975, is
 2 amended by adding the following new subsection:

3 NEW SUBSECTION. The commission shall establish rules pursuant to chapter
 4 seventeen A (17A) of the Code requiring facilities to use reasonable accounting
 5 and reimbursement systems which recognize relevant cost-related factors for
 6 alcoholism patients. No facility shall be approved nor shall any payment be made
 7 under this chapter to a facility which fails to comply with those rules or which
 8 does not permit inspection by the division, and an examination of all records,
 9 including financial records, methods of administration, general and special
 10 dietary programs, the disbursement of drugs and methods of supply, and any
 11 other records the division deems relevant to the establishment of such a system.
 12 However, rules issued pursuant to this paragraph shall not apply to any facility
 13 referred to in sections one hundred twenty-five point fourteen (125.14) or one
 14 hundred twenty-five point twenty-six (125.26) of the Code.

1 SEC. 8. Section one hundred twenty-five point seventeen (125.17), subsections
 2 one (1), two (2), and six (6), Code 1975, are amended to read as follows:

3 1. An intoxicated person may come voluntarily to a facility for emergency
 4 treatment. A person who appears to be intoxicated or incapacitated by alcohol in
 5 a public place and in need of help may be taken to a facility by a peace officer ~~or~~
 6 ~~the alcoholism service unit~~. If the person refuses the proffered help, he may be
 7 arrested and charged with intoxication.

8 2. If no facility is readily available the person may be taken to an emergency
 9 medical service customarily used for incapacitated persons. The peace officer ~~or~~
 10 ~~the alcoholism service unit~~, in detaining the person and in taking him to a facility,
 11 is taking him into protective custody and shall make every reasonable effort to
 12 protect his health and safety. In taking the person into protective custody, the
 13 detaining officer may take reasonable steps to protect himself. A taking into
 14 protective custody under this section is not an arrest and no entry or other record
 15 shall be made to indicate that the person who is taken into protective custody has
 16 been arrested or charged with a crime.

17 6. A peace officer ~~or member of the alcoholism service unit~~ who acts in
 18 compliance with this section is acting in the course of his official duty and is not
 19 criminally or civilly liable therefor, unless such acts constitute willful malice or
 20 abuse.

1 SEC. 9. Section one hundred twenty-five point eighteen (125.18), subsection
 2 three (3), Code 1975, is amended to read as follows:

3 3. Upon approval of the application by the administrator in charge of the
 4 facility, the person shall be brought to the facility by a peace officer, health
 5 officer, ~~alcoholism service unit~~, the applicant for commitment, the patient's
 6 spouse, the patient's guardian or any other interested person. The person shall be

7 retained at the facility to which he was admitted, or transferred to another
8 facility, until discharged under subsection 5.

1 SEC. 10. Section one hundred twenty-five point nineteen (125.19), subsection
2 five (5), Code 1975, is amended to read as follows:

3 5. A person committed under this section shall remain in the custody of the
4 division for treatment for a period of thirty days unless sooner discharged. *This*
5 *section shall not be construed to require the division to pay the cost of any medication*
6 *or procedure provided the person during that period which is not necessary or*
7 *appropriate to the specific objectives of detoxification and treatment of alcoholism.* At
8 the end of the thirty-day period, he shall be discharged automatically unless the
9 director before expiration of the period petitions the court for an order for his
10 recommitment upon the grounds set forth in subsection 1 for a further period not
11 to exceed ninety days.

1 SEC. 11. Section one hundred twenty-five point twenty-two (125.22), Code
2 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **125.22 Composition of facilities' boards—treatment plans furnished.**

5 1. In addition to other requirements established by this chapter, no facility shall
6 be approved pursuant to section one hundred twenty-five point thirteen (125.13)
7 of the Code unless it is either a licensed hospital or a community mental health
8 center operating under chapter two hundred thirty A (230A) of the Code, or it is
9 organized under the Iowa nonprofit corporation Act appearing as chapter five
10 hundred four A (504A) of the Code. In the latter case, one-third of the
11 membership of the board of directors shall be representatives of such government
12 units providing funds to the facility for treatment of alcoholism.

13 2. A local governmental unit which is providing funds to a facility for
14 treatment of alcoholism may request from the facility a treatment program plan
15 prior to authorizing payment of any claims filed by the facility. The governing
16 body of the local governmental unit may review the plan, but shall not impose on
17 the facility any requirement conflicting with the comprehensive treatment
18 program requirements of section one hundred twenty-five point twenty-eight
19 (125.28) of the Code.

1 SEC. 12. Section one hundred twenty-five point twenty-seven (125.27),
2 unnumbered paragraphs one (1) and two (2), Code 1975, are amended to read as
3 follows:

4 The director ~~shall~~ *may, consistent with the comprehensive alcoholism program,*
5 enter into written agreements with a facility as defined in section 125.2 to pay for
6 seventy-five percent of the cost of the care, maintenance and treatment of an
7 alcoholic. Such contracts shall be for a period of no more than one year. The
8 commission shall review and evaluate at least once each year all such agreements
9 and determine whether or not they shall be continued.

10 The contract may be in such form and contain provisions as agreed upon by
11 the parties. Such contract shall provide that the facility shall admit and treat
12 alcoholics ~~whose legal settlement is in counties other than the contracting county~~
13 *regardless of where they have residence.* If one payment for care, maintenance, and
14 treatment is not made by the patient or those legally liable therefor within thirty
15 days after discharge the payment shall be made by the division directly to the
16 facility. Payments shall be made each month and shall be based upon the
17 facility's average daily per patient charge. Provisions of this section shall not
18 pertain to patients treated at the mental health institutes.

1 SEC. 13. Section one hundred twenty-five point twenty-seven (125.27), Code
2 1975, is amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. Contracting facilities shall deliver to each
4 patient upon discharge a statement of the costs of the care, maintenance and
5 treatment for which that patient is liable, and shall retain a carbon copy or other

6 similar copy of that statement for a period of not less than one year after the date
 7 of discharge of the patient to whom the statement refers. Every payment received
 8 by a contracting facility from or on behalf of a patient, whether received before
 9 or after costs have been billed to the division or to a county, shall be identified by
 10 the facility as to patient and invoice or statement, and shall be reported to the
 11 division. A contracting facility shall allow as a credit against a future billing to
 12 the division or to a county, payments received during each month from or on
 13 behalf of a patient whose care, maintenance and treatment theretofore has been
 14 billed to and paid by the division or a county. Failure by a contracting facility to
 15 comply with this paragraph, or with rules promulgated pursuant to subsection
 16 four (4) of section one hundred twenty-five point thirteen (125.13) of the Code
 17 shall constitute grounds for nonrenewal of the contract.

1 SEC. 14. Section one hundred twenty-five point twenty-eight (125.28), Code
 2 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session,
 3 chapter ten (10), section four (4), is amended to read as follows:

4 **125.28 Counties to share cost.** Except as provided in section 125.26, ~~counties~~
 5 *each county* shall pay for the remaining twenty-five percent of the cost of the care,
 6 maintenance, and treatment *under this chapter* of ~~an alcoholic residents of that~~
 7 *county* from the county mental health and institutions fund as provided in section
 8 444.12. The commission shall establish guidelines for use by the counties in
 9 estimating the amount of expense which the county will incur each year. The
 10 facility shall certify to the county of ~~the alcoholic's legal settlement residence~~ once
 11 each month twenty-five percent of the unpaid cost of the care, maintenance, and
 12 treatment of an alcoholic. Such county shall pay the cost so certified to the
 13 facility from its county mental health and institutions fund. However, the
 14 approval of the board of supervisors shall be required before payment is made by
 15 a county for costs incurred which exceed a total of five hundred dollars for one
 16 year for treatment provided to any one alcoholic or intoxicated person, except
 17 that such approval is not required for the cost of treatment provided to an
 18 alcoholic or intoxicated person who is committed pursuant to sections 125.18 and
 19 125.19. A facility may, upon approval of the board of supervisors, submit to a
 20 county a billing for the aggregate amount of all care, maintenance, and treatment
 21 of alcoholics *who are residents of that county* for each month. The board of
 22 supervisors may demand an itemization of such billings at any time or may audit
 23 the same.

1 SEC. 15. Section one hundred twenty-five point twenty-nine (125.29), Code
 2 1975, is amended to read as follows:

3 **125.29 Legal settlement County of residence determined.** The facility shall,
 4 when an alcoholic is admitted, or as soon thereafter as it receives the proper
 5 information, determine and enter upon its records ~~whether the legal settlement~~
 6 *Iowa county of residence* of such alcoholic is ~~in the county where the facility is~~
 7 ~~located, or in some other county, state, or country, or is unknown, or that the~~
 8 *person resides in some other state or country, or that the person is unclassified with*
 9 *respect to residence.*

1 SEC. 16. Section one hundred twenty-five point thirty (125.30), Code 1975, is
 2 amended to read as follows:

3 **125.30 Disputed settlement Disputes over payment.** In the event any county
 4 to which certification of the cost of care, maintenance, and treatment of an
 5 alcoholic is made, disputes that such alcoholic has his ~~legal settlement residence~~
 6 in that county, it shall immediately notify the facility that such dispute exists. The
 7 director shall immediately investigate the facts and determine in which county the
 8 patient has ~~legal settlement residence~~. The director shall certify his determination
 9 to the county, *if any*, wherein it is found the patient has ~~legal settlement residence~~
 10 and to the facility. ~~The A county certified by the director to be the county of legal~~
 11 ~~settlement residence~~ shall reimburse the facility as provided in this chapter. If the

12 director finds that the ~~legal settlement~~ residence of an alcoholic at the time of
 13 admission was in another state or country or ~~was unknown~~ that the person is
 14 unclassified with respect to residence, then the division shall pay for that portion of
 15 his care, maintenance, and treatment that his county of ~~legal settlement~~ residence
 16 would have been liable to pay. For purposes of this section, a "facility" does not
 17 include a mental health institute under the control of the department of social
 18 services.

1 SEC. 17. Section one hundred twenty-five point thirty-one (125.31), Code
 2 1975, is amended to read as follows:

3 **125.31 Legal liability for care.** The alcoholic and any person, firm,
 4 corporation, or insurance company bound by contract to provide support,
 5 hospitalization, or medical services for the alcoholic shall be legally liable to the
 6 county of the alcoholic's ~~legal settlement~~ residence for twenty-five percent of the
 7 total amount and to the division for seventy-five percent of the total amount of
 8 the cost of providing care, maintenance, and treatment for the alcoholic while a
 9 voluntary or committed patient in a facility, except when the state pays the total
 10 cost of care in which case liability of one hundred percent shall be to the state.
 11 Nothing in this section shall prohibit any individual from paying any portion of
 12 the cost of treatment.

13 *The estate of each nonresident person provided care, maintenance or treatment*
 14 *while a voluntary or committed patient in a facility, and all persons legally bound for*
 15 *the support of such a person, shall be legally liable to the state for reasonable costs*
 16 *paid by the division under this chapter for the care, maintenance and treatment of the*
 17 *person in a facility. The certificate of the director of the division showing the amounts*
 18 *paid or due to be paid by the division for such care, maintenance and treatment shall*
 19 *be presumptive evidence of the reasonableness of the costs of the care, maintenance*
 20 *and treatment provided.*

1 SEC. 18. Section one hundred twenty-five point thirty-three (125.33), Code
 2 1975, is amended to read as follows:

3 **125.33 County auditor to keep accounts.** The auditor of each county shall
 4 keep an accurate account of the total cost to the county of the care, maintenance,
 5 and treatment of any alcoholic and shall keep an index of the names of the
 6 alcoholics ~~admitted from such county~~ for whose benefit county funds are expended
 7 pursuant to section one hundred twenty-five point twenty-eight (125.28) of the Code
 8 for those services.

1 SEC. 19. Section three hundred twenty-one point two hundred eighty-three
 2 (321.283), subsection three (3), Code 1975, is amended to read as follows:

3 3. Referred on conviction. After any conviction for operating a motor vehicle
 4 while under the influence of an alcoholic beverage under section 321.281, the
 5 court may refer the defendant for treatment at a facility as defined in sections
 6 125.1 to 125.26 and designated by the division on alcoholism. The court may
 7 prescribe the length of time for treatment or it may be left to the discretion of the
 8 facility to which the defendant was referred. A person referred under this section
 9 shall be considered a state patient, and charges and costs for treatment shall be
 10 paid for in the manner provided for payment for treatment of alcoholics who
 11 have no legal residence in this state.

1 SEC. 20. Section three hundred thirty-two point three (332.3), Code 1975, is
 2 amended by adding the following new subsection:

3 NEW SUBSECTION. To require that any person, agency or organization which is
 4 not a part of the county government, but which is receiving funds from the
 5 county to pay in whole or in part for services furnished to third parties, must
 6 submit to audit by auditors assigned or employed for the purpose by the board.
 7 Upon request by the board, the person, agency or organization to be audited
 8 under this subsection shall make available all pertinent books, records and
 9 documents needed for the audit.

1 SEC. 21. Section one hundred twenty-five point twenty-two (125.22), Code
2 1975, is repealed.*

Approved June 26, 1976

*See also §11 hereof

CHAPTER 1104

LIABILITY FOR INSTITUTIONAL CARE

H. F. 292

AN ACT to abolish certain liens and provide procedures for determining liability for payment of charges for care and treatment at certain institutions or facilities.

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

1 SECTION 1. Section one hundred twenty-five point twenty-eight (125.28), Code
2 1975, is amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The board of supervisors shall upon receipt
4 of the list of persons treated at any facility make a determination whether each
5 such person or the persons legally liable for his or her support are able to pay the
6 charges for the care and treatment at the facility. If the board finds such a person
7 or the persons legally liable for his or her support are presently unable to pay for
8 the treatment, it shall direct the auditor not to index the name of that person, as
9 would otherwise be required by section one hundred twenty-five point thirty-three
10 (125.33) of the Code. However the board may review its finding with respect to
11 any person at any subsequent time at which another similar list is certified upon
12 which that person's name appears. If the board finds upon review that that person
13 or those legally liable for his or her support are presently able to pay for the
14 treatment, that finding shall apply only to charges stated upon the list then before
15 the board and any subsequent charges similarly certified, unless and until the
16 board again changes its findings.

1 SEC. 2. Section one hundred twenty-five point thirty-two (125.32), Code 1975,
2 is amended to read as follows:

3 **125.32 Transfer from institutional fund.** The county auditor upon receipt of
4 ~~such~~ certification by the facility *as required by section one hundred twenty-five point*
5 *twenty-eight (125.28) of the Code* shall enter the same to the credit of the facility
6 and issue a notice ~~to~~ *authorizing* the county treasurer, ~~authorizing him~~ to transfer
7 the amount from the county mental health and institutions fund to the ~~state~~
8 ~~general fund~~ *credit of the facility*, which notice shall be filed by the treasurer as ~~his~~
9 authority for making such transfer, and ~~shall include~~ the amount transferred ~~in~~
10 ~~his~~ *shall be included in the auditor's* next remittance to the facility.

1 SEC. 3. Section one hundred twenty-five point thirty-three (125.33), Code
2 1975, is amended to read as follows:

3 **125.33 County auditor to keep accounts.** The auditor of each county shall
4 keep an accurate account of the total cost *to the county* of the care, maintenance,
5 and treatment of any alcoholic and keep an index of the names of the alcoholics
6 admitted from such county.

1 SEC. 4. Section one hundred twenty-five point thirty-four (125.34), Code 1975,
2 is amended to read as follows:

3 **125.34 Collection of claims by board of supervisors.** The board of supervisors
 4 shall collect the total amount of all such ~~claims and liabilities~~ *as they become due,*
 5 *from those persons whom the board has found, under section one (1) of this Act, are*
 6 *able to pay. The board shall direct the county attorney to proceed with the*
 7 *collection of such ~~claims liabilities~~ as a part of the duties of his that office. The*
 8 *county shall be entitled to keep the total amount of all such ~~claims liabilities~~*
 9 *collected. The county attorney, with the consent of the board of supervisors, may*
 10 *execute an agreement providing for the acceptance of a lesser amount owed by an*
 11 *alcoholic, his or her spouse, or estate to the county. The execution of such*
 12 *agreement may provide that the same is in satisfaction of all moneys owed the*
 13 *county.*

1 SEC. 5. Section one hundred twenty-five point thirty-six (125.36), Code 1975,
 2 is amended to read as follows:

3 **125.36 Claim against estate.** On the death of the person who receives
 4 assistance under the provisions of this chapter, ~~the total amount paid for his care,~~
 5 ~~maintenance, and treatment~~ *and whom the board has previously found, under section*
 6 *one (1) of this Act, is able to pay there shall be allowed as a claim of the second*
 7 ~~class~~ *against the estate of such person a claim of the sixth class for that portion of*
 8 *the total amount paid for that person's care, maintenance and treatment which*
 9 *exceeds the total amount of all claims of the first through the fifth classes, inclusive,*
 10 *as defined in section six hundred thirty-three point four hundred twenty-five (633.425)*
 11 *of the Code, which are allowed against that estate.*

1 SEC. 6. Section two hundred twenty-two point thirteen (222.13), Code 1975, is
 2 amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. Upon applying for admission of a person to
 4 a hospital-school, or a special unit, the board of supervisors shall make a full
 5 investigation into the financial circumstances of that person and those liable for
 6 his or her support under section two hundred twenty-two point seventy-eight
 7 (222.78) of the Code, to determine whether or not any of them are able to pay the
 8 expenses arising out of the admission of the person to a hospital-school or special
 9 treatment unit. If the board finds that the person or those legally responsible for
 10 him or her are presently unable to pay such expenses, they shall direct that the
 11 expenses be paid by the county. The board may review its finding at any
 12 subsequent time while the person remains at the hospital-school, or is otherwise
 13 receiving care or treatment for which this chapter obligates the county to pay. If
 14 the board finds upon review that that person or those legally responsible for him
 15 or her are presently able to pay such expenses, that finding shall apply only to the
 16 charges so incurred during the period beginning on the date of the review and
 17 continuing thereafter, unless and until the board again changes its finding. If the
 18 board finds that the person or those legally responsible for him are able to pay
 19 the expenses, they shall direct that the charges be so paid to the extent required
 20 by section two hundred twenty-two point seventy-eight (222.78) of the Code, and
 21 the county auditor shall be responsible for the collection thereof.

1 SEC. 7. Section two hundred twenty-two point eighteen (222.18), Code 1975, is
 2 amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. Upon the filing of the petition, the court
 4 shall enter an order directing the county attorney of the county in which the
 5 allegedly mentally retarded person resides to make a full investigation regarding
 6 the financial condition of that person and of those persons legally liable for his
 7 support under section two hundred twenty-two point seventy-eight (222.78) of the
 8 Code.

1 SEC. 8. Section two hundred twenty-two point thirty-one (222.31), Code 1975,
 2 is amended by adding the following new subsection:

3 NEW SUBSECTION. The court shall examine the report of the county attorney
 4 filed pursuant to section two hundred twenty-two point thirteen (222.13) of the
 5 Code, and if the report shows that neither the person nor those liable for his or
 6 her support under section two hundred twenty-two point seventy-eight (222.78) of
 7 the Code are presently able to pay the charges rising out of the person's care in
 8 the hospital-school, or special treatment unit, shall enter an order stating that
 9 finding and directing that the charges be paid by the person's county of residence.
 10 The court may, upon request of the board of supervisors, review its finding at any
 11 subsequent time while the person remains at the hospital-school, or is otherwise
 12 receiving care or treatment for which this chapter obligates the county to pay. If
 13 the court finds upon review that the person or those legally responsible for him or
 14 her are presently able to pay such expenses, that finding shall apply only to the
 15 charges incurred during the period beginning on the date of the board's request
 16 for the review and continuing thereafter, unless and until the court again changes
 17 its finding. When the court finds that the person, or those liable for his or her
 18 support, are able to pay the charges, the court shall enter an order directing that
 19 the charges be so paid to the extent required by section two hundred twenty-two
 20 point seventy-eight (222.78) of the Code.

1 SEC. 9. Section two hundred twenty-two point eighty-two (222.82), Code 1975,
 2 is amended to read as follows:

3 **222.82 Collection of claims.** The board of supervisors of each county may
 4 direct the county attorney to proceed with the collection of said *liabilities and*
 5 *claims* as a part of the duties of his office when the board of supervisors deems
 6 such action advisable. The board of supervisors may and is hereby empowered to
 7 compromise any and all liabilities to the county arising under this chapter when
 8 such compromise is deemed to be in the best interests of the county. Any
 9 collections and liens shall be limited in conformance to section 614.1,
 10 subsection 4.

1 SEC. 10. Section two hundred thirty point twenty-one (230.21), Code 1975, is
 2 amended to read as follows:

3 **230.21 Duty of county auditor and treasurer.** The county auditor, upon
 4 receipt of such certificate, shall thereupon enter the same to the credit of the state
 5 in his *or her* ledger of state accounts, *shall furnish to the board of supervisors a list*
 6 *of the names of the persons so certified*, and at once issue a notice to his *authorizing*
 7 *the county treasurer, authorizing him* to transfer the amount from the county
 8 mental health and institutions fund to the general state revenue, which notice
 9 shall be filed by the treasurer as his authority for making such transfer, and ~~shall~~
 10 ~~include~~ the amount so transferred in his ~~next remittance of state taxes shall be~~
 11 ~~remitted~~ *to the treasurer of state, designating the fund to which it belongs.

1 SEC. 11. Section two hundred thirty point twenty-five (230.25), Code 1975, is
 2 amended by striking the section and inserting in lieu thereof the following:

3 **230.25 Financial investigation by supervisors.** Upon receipt from the county
 4 auditor of the list of names furnished pursuant to section two hundred thirty
 5 point twenty-one (230.21) of the Code, the board of supervisors shall make an
 6 investigation to determine the ability of each person whose name appears on the
 7 list, and also the ability of any person liable under section two hundred thirty
 8 point fifteen (230.15) of the Code for the support of that person, to pay the
 9 expenses of that person's hospitalization. If the board finds that neither the
 10 hospitalized person nor any person legally liable for his or her support is able to
 11 pay those expenses, they shall direct the county auditor not to index the names of
 12 any of those persons as would otherwise be required by section two hundred
 13 thirty point twenty-six (230.26) of the Code. However the board may review its
 14 finding with respect to any person at any subsequent time at which another list is
 15 furnished by the auditor upon which that person's name appears. If the board
 16 finds upon review that that person or those legally liable for his or her support are

*See also Chapter 1132, §10 for conflicting provision

17 presently able to pay the expenses of that person's hospitalization, that finding
 18 shall apply only to charges stated upon the certificate from which the list was
 19 drawn up and any subsequent charges similarly certified, unless and until the
 20 board again changes its finding.

1 SEC. 12. Section two hundred thirty point twenty-six (230.26), Code 1975, is
 2 amended to read as follows:

3 **230.26 Auditor to keep record.** The auditor of each county shall keep an
 4 accurate account of the cost of the maintenance of any patient kept in any
 5 institution as provided for in this chapter and keep an index of the names of the
 6 persons admitted or committed from such county ~~and the indexing and the record~~
 7 ~~of the account of such patient in the office of the county auditor shall constitute~~
 8 ~~notice of such lien.~~ The name of the husband or the wife of such person
 9 designating such party as the spouse of the person admitted or committed shall
 10 also be indexed in the same manner as the names of the persons admitted or
 11 committed are indexed. *The book shall be designated as an account book or index,*
 12 *and shall have no reference in any place to a lien.*

1 SEC. 13. Section two hundred thirty point thirty (230.30), Code 1975, is
 2 amended to read as follows:

3 **230.30 Claim against estate.** On the death of a person receiving or who has
 4 received assistance under the provisions of this chapter, ~~the total amount paid for~~
 5 ~~their care and whom the board has previously found, under section eleven (11) of this~~
 6 ~~Act, is able to pay there shall be allowed as a claim of the second class~~ against the
 7 estate of such decedent *a claim of the sixth class for that portion of the total amount*
 8 *paid for that person's care which exceeds the total amount of all claims of the first*
 9 *through the fifth classes, inclusive, as defined in section six hundred thirty-three point*
 10 *four hundred twenty-five (633.425) of the Code, which are allowed against that estate.*

1 SEC. 14. Section two hundred fifty-two point thirteen (252.13), Code 1975, is
 2 amended to read as follows:

3 **252.13 Recovery by county.** Any county having expended any money for the
 4 relief or support of a poor person, under the provisions of this chapter, may
 5 recover the same from any of ~~his~~ *that person's* kindred mentioned herein, from
 6 such poor person should he *or she* become able, or from his *or her* estate; from
 7 relatives by action brought within two years from the payment of such expenses,
 8 from such poor person by action brought within two years after becoming able,
 9 and from such person's estate by filing the claim as provided by law. *There shall*
 10 *be allowed against the person's estate a claim of the sixth class for that portion of the*
 11 *liability to the county which exceeds the total amount of all claims of the first through*
 12 *the fifth classes, inclusive, as defined in section six hundred thirty-three point four*
 13 *hundred twenty-five (633.425) of the Code, which are allowed against that estate.*

1 SEC. 15. All liens created under section two hundred thirty point twenty-five
 2 (230.25), as that section appeared in the Code of 1975 and prior editions of the
 3 Code, are abolished effective January 1, 1977, except as otherwise provided by
 4 this Act. The board of supervisors of each county shall, as soon as practicable
 5 after July 1, 1976, review all liens resulting from the operation of said section two
 6 hundred thirty point twenty-five (230.25), Code 1975, and make a determination
 7 as to the ability of the person against whom the lien exists to pay the charges
 8 represented by the lien, and if they find that the person is able to pay those
 9 charges they shall direct the county attorney of that county to take immediate
 10 action to enforce the lien. If action is commenced under this section on any lien
 11 prior to the effective date of the abolition thereof, that lien shall not be abolished
 12 but shall continue until the action is completed.

1 SEC. 16. Any claim filed against the estate of a decedent under the provisions
 2 of section one hundred twenty-five point thirty-six (125.36), Code 1975, section
 3 one hundred twenty-three B point sixteen (123B.16) as that section appeared in

4 the Codes of 1973 and 1971, or sections two hundred twenty-two point eighty-one
 5 (222.81) or two hundred thirty point thirty (230.30) as they appeared in the Code
 6 of 1975 and prior Codes, which claim was filed but had not been satisfied prior to
 7 the effective date of this Act, shall be allowed only to the extent the claim would
 8 have been allowed if filed under sections one hundred twenty-five point thirty-six
 9 (125.36), two hundred twenty-two point eighty-one (222.81), or two hundred thirty
 10 point thirty (230.30) of the Code as amended by this Act.

1 SEC. 17. Sections two hundred thirty point twenty-eight (230.28), two hundred
 2 thirty point twenty-nine (230.29), two hundred fifty-two point ten (252.10), two
 3 hundred fifty-two point eleven (252.11), and two hundred fifty-two point twelve
 4 (252.12), Code 1975, are repealed.

Approved May 7, 1976

CHAPTER 1105

SERVICE PROGRAMS

H. F. 1514

AN ACT making an appropriation to certain agencies administering Iowa service programs including the commission on aging, Iowa state civil rights commission, Iowa drug abuse authority, division of alcoholism of the state department of health, division of central administration of the state department of health, and the Iowa mental health 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 for the
 2 following agencies the following amounts, or so much thereof as is necessary, for
 3 the fiscal year beginning July 1, 1976 and ending June 30, 1977, to be used in the
 4 manner designated:

5
 6 1976-77
Fiscal year

7 1. COMMISSION ON AGING

8 a. For salaries, support, maintenance and miscellaneous purposes ... \$ 70,000

9 It is the intent of the general assembly in making this appropriation that the
 10 commission on the aging may hire an additional clerk if it is determined that
 11 adequate funds are available within the limits of this appropriation.

12 b. For the area agencies on aging for maintenance of current
 13 program effort and administrative expenditures of the area agencies ... \$ 196,000

14 2. IOWA STATE CIVIL RIGHTS COMMISSION

15 For salaries, support, maintenance and miscellaneous purposes
 16 including an amount, which shall be paid to any city in the state for
 17 use by that city's human rights commission, equal to the amount of
 18 any federal funds which would have been available to that city if cases
 19 had been waived by the Iowa state civil rights commission under the
 20 provisions of a contract between that city's human rights commission
 21 and the United States equal employment opportunity commission \$ 292,000

22 It is the intent of the general assembly in making this appropriation to the Iowa
 23 state civil rights commission that the increase in the appropriation over the 1975-
 24 76 fiscal year shall be used to the maximum extent possible to support volunteers
 25 in service to America lawyers engaged in performing a service for the civil rights
 26 commission. Such lawyers shall maintain lists of numbers and names of cases
 27 upon which they work, lists of cases completed, information relating to location

28 where such lawyers are working, and such other information as may be required
29 by the Iowa civil rights commission. Such information, if not privileged, shall be
30 available for public inspection in the offices of the Iowa civil rights commission.

31 It is the intent of the general assembly that insofar as feasible complaints filed
32 either with local human rights commissions or with the Iowa state civil rights
33 commission shall be handled at the local level.

34 It is also the intent of the general assembly that the Iowa state civil rights
35 commission shall, at the request of local human rights commissions, assign field
36 staff to locations where a large number of complaints are filed to work with local
37 human rights commissions where possible in order to better utilize staff time and
38 agency funds.

39 3. IOWA DRUG ABUSE AUTHORITY

40 a. For salaries, support, maintenance and miscellaneous purposes ...\$ 78,450
41 b. For grants to local agencies\$ 130,000

42 4. DIVISION ON ALCOHOLISM OF THE STATE DEPARTMENT OF HEALTH

43 a. For salaries, support, maintenance and miscellaneous purposes ...\$ 57,389
44 b. For the purpose of entering into written agreements with one or
45 more treatment units approved pursuant to section one hundred
46 twenty-five point thirteen (125.13) of the Code only for treatment as
47 defined in section one hundred twenty-five point twelve (125.12) of the
48 Code on a regional basis according to the needs of each region defined
49 in the division's state plan\$ 1,200,000

50 Included in the state's seventy-five percent share for cost of treatment shall be
51 federal funds received for treatment purposes at the state level.

52 The director of the division on alcoholism shall establish uniform accounting
53 and reporting criteria. Uniform auditing procedures for local and state alcoholism
54 programs shall be established subject to the approval of the auditor of state.
55 Funds shall not be paid to a local agency unless the local agency has adopted
56 accounting and reporting procedures as required by the director, and has
57 submitted all required reports to the director. The director shall approve funds
58 only for those costs which meet the established reporting criteria, including but
59 not limited to the required ratio of staff to patients.

60 It is the intent of the general assembly in appropriating funds under this
61 paragraph that state moneys may be used to pay a proportionate share of a salary
62 to a maximum of twenty thousand dollars. State funds shall not be used to pay
63 that portion of a salary that exceeds twenty thousand dollars annually.

64 5. DIVISION OF CENTRAL ADMINISTRATION OF THE STATE DEPARTMENT OF HEALTH

65 For the implementation of a state health planning and development
66 agency\$ 59,200

67 6. IOWA MENTAL HEALTH AUTHORITY

68 For salaries, support, maintenance and miscellaneous purposes\$ 112,000

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 set forth in
3 such federal grants.

1 SEC. 3. Effective July 1, 1977 the division of alcoholism, now a part of the
2 department of health, and the Iowa drug abuse authority shall be merged into a
3 single state division of the department of health having responsibility for
4 education about, prevention efforts directed against, and treatment programs to
5 aid victims of the abuse of chemical substances. The official title of the merged
6 division and the provisions for its administration, powers, duties and limitations
7 shall be as may be prescribed by the general assembly. Initial proposals relative to
8 these matters shall be delivered to the general assembly by the governor on or
9 before January 17, 1977.

10 If the governor determines that merger effective July 1, 1977 would not be in
11 the best interest of the state of Iowa, the governor may by executive order delay
12 the merger to a date not later than January 1, 1978.

1 SEC. 4. The general assembly declares that the priorities of the merger to be
2 effected pursuant to section three (3) of this Act are:

- 3 1. Improved assistance to residents of Iowa who are abusing or seeking to
4 recover from the effects of abuse of chemical substances; and
5 2. Reduced administrative costs and greater program efficiency, relative to the
6 quantity and quality of services being offered.

1 SEC. 5. In preparing proposals to be submitted to the general assembly as
2 required by section three (3) of this Act, the governor shall be guided by the
3 priorities established in section four (4) of this Act. The proposals submitted by
4 the governor shall include, but need not be limited to, the following:

- 5 1. Administrative structure of the new division of the department of health,
6 including any limitations on the authority of the commissioner of public health
7 over the head of the new division, and whether or not an advisory council should
8 be established for the new division and if so its composition, manner of selection
9 and responsibilities.
10 2. Continuation of strong local community and local treatment program input
11 into a state plan.
12 3. Annual development of a state plan, with comment and review by local
13 agencies and groups.
14 4. Specific recommendations for funding mechanisms and criteria, with
15 additional recommendations for the related roles of counties and local
16 communities.
17 5. Specific designation of education, treatment and prevention programs,
18 outlining the state's role and the related responsibilities of counties and
19 communities.
20 6. Proposed relationship to other state agencies.
21 7. Common (so far as feasible) licensing and certification standards and
22 procedures.
23 8. Monitoring and evaluation mechanisms.
24 9. A goal of statewide availability of acute care for chemical substance abusers.

1 SEC. 6. It is the intent of the general assembly in adopting this Act that the
2 proposals developed in response to section five (5) of this Act be based on the
3 needs of clients, and of the community in general, as determined from public
4 hearings held widely throughout the state.

1 SEC. 7. Chapters one hundred twenty-five (125) and two hundred twenty-four
2 B (224B), Code 1975, are repealed effective July 1, 1977. However, if the merger
3 of the division of alcoholism and the Iowa drug abuse authority is delayed
4 pursuant to section three (3) of this Act, the two agencies shall continue to be
5 governed by the provisions of those chapters as if they were in full force and
6 effect until the merger takes effect.

Approved June 28, 1976

CHAPTER 1106

MOBILE HOME TAX REDUCTION

H. F. 1590

AN ACT relating to taxation by providing for a tax reduction for an owner of a mobile home who is totally disabled, is a surviving spouse having attained the age of fifty-five years, or is sixty-five years of age or older, providing for reimbursement to counties, providing for an exemption of a certain portion of United States civil service retirement and disability annuities from state individual income taxes, exempting low-rent housing developments for the elderly and handicapped owned and operated by nonprofit organizations from property taxes, providing for an adjustment in the personal property tax phase-out, providing for an increase from fifteen thousand to thirty thousand in the amount of the exemption provided to each son and daughter of a deceased person and an increase from five to ten thousand dollars the exemption for other lineal descendants of a deceased person in computing inheritance tax, reducing the time allowed for filing inheritance and estate tax returns, and making appropriations.

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

1 SECTION 1. Section one hundred thirty-five D point twenty-two (135D.22),
2 subsection two (2), Code 1975, is amended to read as follows:

3 2. ~~Effective January 1, 1975, if~~ *If* the owner of the mobile home is totally
4 disabled as defined in section 425.17, subsection 7, *is a surviving spouse having*
5 *attained the age of fifty-five years not later than December thirty-first of the base*
6 *year, or is was sixty-five years of age or older not later than December thirty-first of*
7 *the base year* and his income when included with that of his spouse is less than
8 one thousand dollars per year, ~~the~~ *no* semiannual tax shall be ~~computed by~~
9 ~~multiplying the number of square feet in imposed on the mobile home by one-half~~
10 ~~of one cent.~~ If such income is one thousand dollars or more but less than two
11 thousand dollars, the semiannual tax shall be computed at the rate of ~~two cents~~
12 *one-half of one cent* per square foot, if such income is two thousand dollars or
13 more but less than three thousand dollars, the semiannual tax shall be computed
14 at the rate of ~~three one~~ and one-half cents per square foot, if such income is three
15 thousand dollars or more but less than four thousand dollars, the semiannual tax
16 shall be computed at the rate of ~~five three~~ cents per square foot, if such income is
17 four thousand dollars or more but less than five thousand dollars, the semiannual
18 tax shall be computed at the rate of ~~six four~~ and one-half cents per square foot,
19 ~~and~~ if such income is five thousand dollars or more but less than six thousand
20 dollars, the semiannual tax shall be computed at the rate of ~~seven five~~ and one-
21 half cents per square foot, *if such income is six thousand dollars or more but less*
22 *than seven thousand dollars, the semiannual tax shall be computed at the rate of six*
23 *and one-half cents per square foot, if such income is seven thousand dollars or more*
24 *but less than eight thousand dollars, the semiannual tax shall be computed at the rate*
25 *of seven cents per square foot, and if such income is eight thousand dollars or more*
26 *but less than nine thousand dollars, the semiannual tax shall be computed at the rate*
27 *of seven and one-half cents per square foot.* For purposes of this subsection,
28 "income" means income as defined in section 425.17, subsection 1 and "base
29 year" means the calendar year preceding the year in which a claim for a reduced rate
30 of tax is filed.

1 SEC. 2. Section one hundred thirty-five D point twenty-two (135D.22), Code
2 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. On or before February first of each year, each mobile
4 home owner eligible for a reduced tax rate shall file a claim for such tax rate with
5 the county treasurer. The forms for filing the claim shall be provided by the
6 department of revenue. The forms shall require such information as is determined
7 by the director of revenue. The reduced tax rate shall be applicable to both
8 semiannual tax payments due in the calendar year in which the claim is filed. If

9 an eligible mobile home owner fails to file a claim by February first, no reduced
10 tax rate shall be granted for the semiannual tax payment due by February first, of
11 that year. Claims filed with the county treasurer after February first, but before
12 August first, shall be applicable to the semiannual tax payment due by August
13 first, only.

14 On or before March 15, 1977, and each year thereafter, the county treasurer of
15 each county shall prepare a statement listing for each taxing district in the county
16 the total amount of taxes which will not be collected for the calendar year 1977,
17 and each year thereafter, by reason of the reduced tax rate granted under
18 subsection two (2) of this section. The county treasurer shall certify and forward
19 such statement to the director of revenue not later than March fifteenth of each
20 year.

21 The director of revenue shall certify to the state comptroller the amount due to
22 each county, which amount shall be the dollar amount which will not be collected
23 due to the granting of the reduced tax rate under this subsection.

24 The amounts due each county shall be paid in two equal payments by the state
25 comptroller on April fifteenth and October fifteenth of each year, drawn upon
26 warrants payable to the respective county treasurers. The county treasurer in each
27 county shall apportion such payment in accordance with section one hundred
28 thirty-five D point twenty-five (135D.25) of the Code.

1 SEC. 3. Chapter one hundred thirty-five D (135D), Code 1975, is amended by
2 adding the following new section:

3 NEW SECTION. A mobile home owner who qualifies for a reduced tax rate
4 provided in section one hundred thirty-five D point twenty-two (135D.22) of the
5 Code and who rents a space upon which to set the mobile home shall be entitled
6 to the protections provided in sections four hundred twenty-five point thirty-three
7 (425.33) through four hundred twenty-five point thirty-six (425.36) of the Code
8 and if the mobile home owner who qualifies for a reduced tax rate believes that a
9 landlord has increased the mobile home owner's rent because the mobile home
10 owner is eligible for a reduced tax rate, the provisions of sections four hundred
11 twenty-five point thirty-three (425.33) and four hundred twenty-five point thirty-
12 six (425.36) of the Code shall be applicable.

1 SEC. 4. There is appropriated annually from the general fund of the state to
2 the department of revenue an amount sufficient to carry out the provisions of
3 section two (2) of this Act.

1 SEC. 5. Section four hundred twenty-two point five (422.5), Code 1975, as
2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two
3 hundred seven (207), section one (1), is amended by adding the following new
4 unnumbered paragraph:

5 NEW UNNUMBERED PARAGRAPH. A person who is disabled or is sixty-two
6 years of age or older and receives an annuity or annuities from the United States
7 civil service retirement and disability trust fund, and whose net income, as
8 defined in section four hundred twenty-two point seven (422.7) of the Code, is
9 sufficient to require that the tax be imposed upon it under this section, may
10 determine final taxable income for purposes of imposition of the tax by excluding
11 the amount of an annuity or annuities received from the United States civil
12 service retirement and disability trust fund, which are not already excluded in
13 determining net income, as defined in section four hundred twenty-two point
14 seven (422.7) of the Code, up to a maximum each tax year of four thousand two
15 hundred fifty dollars for a person who files a separate state income tax return and
16 six thousand five hundred dollars total for a husband and wife who file a joint
17 state income tax return. The amount of the exemption shall be reduced by the
18 amount of any social security benefits received. For the purpose of this section,
19 the amount of an annuity or annuities received from the United States civil
20 service retirement and disability trust fund taxable under the Internal Revenue

21 Code of 1954 shall be included in net income for purposes of determining
22 eligibility under the four thousand dollar or less exclusion.

1 SEC. 6. Section four hundred twenty-seven point one (427.1), Code 1975, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. **Low-rent housing.** The property owned and operated by a
4 nonprofit organization providing low-rent housing for the elderly and the
5 physically and mentally handicapped. The exemption granted under the
6 provisions of this subsection shall apply only until the terms of the original low-
7 rent housing development mortgage is paid in full or expires, subject to the
8 provisions of subsections twenty-three (23) and twenty-four (24) of this section.

1 SEC. 7. Section four hundred fifty point six (450.6), Code 1975, is amended to
2 read as follows:

3 **450.6 Accrual of tax—maturity—extension of time.** The tax hereby imposed
4 shall be for the use of the state, shall accrue at the death of the decedent owner,
5 and shall be paid to the department of revenue within ~~fifteen~~ *twelve* months after
6 the death of the decedent owner except when otherwise provided in this chapter.
7 When in the opinion of the director of revenue additional time should be granted
8 for payment to avoid hardship, the director may extend the period to a date not
9 exceeding three years from date of death of decedent, but in case of any such
10 extension the tax shall bear six percent interest from the expiration of ~~fifteen~~
11 *twelve* months from decedent's death.

1 SEC. 8. Section four hundred fifty point nine (450.9), subsections two (2) and
2 four (4), Code 1975, are amended to read as follows:

3 2. Each son and daughter, including legally adopted sons and daughters, or
4 illegitimate sons and daughters entitled to inherit under the law of this state,
5 ~~fifteen~~ *thirty* thousand dollars.

6 4. Any other lineal descendant of the deceased, ~~five~~ *ten* thousand dollars.

1 SEC. 9. Section four hundred fifty point sixty-three (450.63), Code 1975, is
2 amended to read as follows:

3 **450.63 Maturity of tax—interest.** All taxes imposed by this chapter shall be
4 payable to the department of revenue and, except when otherwise provided in this
5 chapter, shall be paid within ~~fifteen~~ *twelve* months from the death of the testator
6 or intestate. All taxes not paid within the time prescribed in this chapter shall
7 draw interest at the rate of eight percent per annum thereafter until paid.

1 SEC. 10. Section four hundred fifty-one point six (451.6), Code 1975, as
2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two
3 hundred twenty-one (221), section two (2), is amended to read as follows:

4 **451.6 Payment of tax.** The tax imposed by this chapter shall be paid by the
5 executor to the department of revenue within ~~fifteen~~ *twelve* months from the date
6 of the death of such decedent, or in case such decedent died more than ~~fifteen~~
7 *twelve* months prior to April 12, 1929, then within six months after the effective
8 date hereof.

1 SEC. 11. Section one hundred thirty-five D point twenty-eight (135D.28),
2 Code 1975, is repealed.

1 SEC. 12. The provisions of section five (5) of this Act shall be applicable for
2 tax years beginning on or after January 1, 1977.

1 SEC. 13. The provisions of section six (6) of this Act shall become effective
2 January 1, 1977.

1 SEC. 14. The provisions of section nine (9) of this Act shall be applicable to
2 the estate of a person whose death occurs on or after July 1, 1976.

1 SEC. 15. The provisions of sections one (1), two (2), and three (3) of this Act
2 shall become effective January 1, 1977.

Approved June 27, 1976

CHAPTER 1107

UNIFORM COMMERCIAL CODE

S. F. 1272

AN ACT relating to security interests regulated by the uniform commercial code.

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

1 SECTION 1. Section one hundred thirty-five D point twenty-six (135D.26),
2 subsection one (1), paragraph c, and subsection two (2), Code 1975, are amended
3 to read as follows:

4 c. If a ~~lien~~ *security interest* is noted on the certificate of title, tendering to the
5 secured party a mortgage on the real estate upon which the mobile home is to be
6 located in the unpaid amount of the secured debt, and with the same priority as
7 or a higher priority than the secured party's ~~lien~~ *security interest*, or obtaining
8 written consent of the secured party to the conversion.

9 2. After complying with the provisions of subsection 1, the owner shall notify
10 the assessor who shall inspect the new premises for compliance. If a ~~lien~~ *security*
11 *interest* is noted on the certificate of title, the assessor shall require an affidavit, as
12 defined in section 622.85, from the mobile home owner, declaring that the owner
13 has complied with subsection 1, paragraph "c", and shall send notice of the
14 proposed conversion to the secured party by regular mail not less than ten days
15 before the conversion becomes effective. When the mobile home is properly
16 converted, the assessor shall then collect the mobile home vehicle title,
17 registration, and license plates from the owner and enter the property upon the
18 tax rolls.

1 SEC. 2. Section three hundred twenty-one point fifty (321.50), title, and
2 subsections one (1) and five (5), Code 1975, and subsection seven (7), as amended
3 by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred
4 seventy-one (171), section eight (8), are amended to read as follows:

5 **321.50 Lien Security interest provisions.**

6 1. A security interest in a vehicle subject to registration under the laws of this
7 state, except trailers whose empty weight is two thousand pounds or less, and
8 wagon box trailers subject to a registration fee of five dollars or less, and new or
9 used vehicles held by a dealer or manufacturer as inventory for sale, is perfected
10 by the delivery to the county treasurer of the county where the certificate of title
11 was issued or, in the case of a new certificate, to the county treasurer where the
12 certificate will be issued of an application for certificate of title which lists such
13 security interest, or an application for notation of security interest signed by the
14 owner, or a certificate of title from another jurisdiction which shows such security
15 interest, and a fee of two dollars for each security interest shown. If the owner or
16 secured party is in possession of the certificate of title, it must also be delivered at
17 this time in order to perfect the security interest. If a vehicle is subject to a
18 security interest when brought into this state, the validity of the security interest
19 and the date of perfection is determined by the Uniform Commercial Code,
20 section 554.9103. *Delivery as provided in this subsection shall be deemed to be*
21 *indication of a security interest on a certificate of title for purposes of chapter five*

22 *hundred fifty-four (554) of the Code.*

23 5. The Uniform Commercial Code, chapter 554, Article 9, shall apply to all
24 transactions intended to create a security *interest* in vehicles except as provided in
25 this chapter.

26 7. Upon request of any person, the county treasurer shall issue his certificate
27 showing whether there are, on the date and hour stated therein, any security
28 interests noted on a particular vehicle's certificate of title, and the name and
29 address of each secured party whose ~~lien~~ *security interest* is noted thereon. The
30 uniform fee for a written certificate shall be two dollars if the request for the
31 certificate is on a form conforming to standards prescribed by the secretary of
32 state; otherwise, three dollars. *Upon request and payment of the appropriate fee, the*
33 *county treasurer shall furnish a certified copy of any security interest notations for a*
34 *uniform fee of one dollar per page.*

1 SEC. 3. Section five hundred fifty-four point one thousand two hundred one
2 (554.1201), subsection thirty-two (32), Code 1975, is amended by striking the
3 subsection and inserting in lieu thereof the following:

4 32. "Purchase" means any voluntary transaction creating an interest in
5 property, including taking by sale, discount, negotiation, mortgage, pledge,
6 voluntary lien, issue, reissue or gift.

1 SEC. 4. Section five hundred fifty-four point nine thousand one hundred three
2 (554.9103), subsection one (1), paragraph c, and subsection two (2), paragraph a,
3 are amended to read as follows:

4 c. If the parties to a transaction creating a ~~purchase money~~ security interest in
5 goods in one jurisdiction understand at the time that the security interest attaches
6 that the goods will be kept in another jurisdiction, then the law of the other
7 jurisdiction governs the perfection and the effect of perfection or nonperfection of
8 the security interest from the time it attaches until thirty days after the debtor
9 receives possession of the goods and thereafter if the goods are taken to the other
10 jurisdiction before the end of the thirty-day period.

11 a. This subsection applies to goods covered by a ~~certificate~~ *one or more*
12 *certificates* of title issued under a statute of this state or of another jurisdiction
13 under the law of which indication of a security interest on the certificate is
14 required as a condition of perfection.

1 SEC. 5. Section five hundred fifty-four point nine thousand two hundred four
2 (554.9204), subsection one (1), Code 1975, is amended to read as follows:

3 1. Except as provided in subsection 2, a security agreement may provide that
4 any or all obligations covered by the security agreement are to be secured by
5 after-acquired collateral, *including after-acquired collateral which also constitutes*
6 *identifiable noncash proceeds.*

1 SEC. 6. Section five hundred fifty-four point nine thousand three hundred two
2 (554.9302), subsection three (3), paragraph b, Code 1975, is amended to read as
3 follows:

4 b. the following statutes of this state; sections 321.18, ~~and~~ 321.20 *and three*
5 *hundred twenty-one point fifty (321.50) of the Code*; but during any period in which
6 collateral is inventory held for sale by a person who is in the business of selling
7 goods of that kind, the filing provisions of this Article (Part 4) apply to a security
8 interest in that collateral created by him as debtor; or

1 SEC. 7. Section five hundred fifty-four point nine thousand three hundred
2 thirteen (554.9313), subsection four (4), paragraphs c and d, Code 1975, are
3 amended to read as follows:

4 c. the fixtures are readily removable ~~factory or office machines equipment~~ or
5 readily removable replacements of domestic appliances which are consumer
6 goods, and before the goods become fixtures the security interest is perfected by
7 any method permitted by this Article *including section five hundred fifty-four point*

8 nine thousand three hundred two (554.9302), subsection one (1), paragraph d, of the
9 Code; or

10 d. the conflicting interest is a lien on the real estate obtained by legal or
11 equitable proceedings after the security interest was perfected by any method
12 permitted by this Article including section five hundred fifty-four point nine thousand
13 three hundred two (554.9302), subsection one (1), paragraph d, of the Code.

1 SEC. 8. Section five hundred fifty-four point nine thousand four hundred one
2 (554.9401), subsection one (1), paragraph b, is amended to read as follows:

3 b. when the collateral is consumer goods and when the debtor resides in this
4 state, then in the office of the recorder in the county of the debtor's residence or
5 if the debtor is not a resident of this state then in the office of the recorder in the
6 county where the goods are kept;

1 SEC. 9. Section five hundred fifty-four point nine thousand four hundred two
2 (554.9402), subsections three (3), six (6) and seven (7), Code 1975, are amended to
3 read as follows:

4 3. A form substantially as follows is sufficient to comply with subsection 1:

5 Name of debtor (or assignor)
6 Address
7 Name of secured party (or assignee)
8 Address

9 (1) This financing statement covers the following types (or items) of property:
10 (Describe)

11 (2) (If collateral is crops) The above described crops are growing or are to be
12 grown on:

13 (Describe Real Estate)

14 (3) (If applicable) The above goods are to become fixtures on

15 ~~Where~~ Where appropriate substitute either add or substitute "The above timber
16 is standing on" or "The above minerals or the like (including oil and gas) are
17 located on" or "The above accounts will be financed at the wellhead or
18 minehead of the well or mine located on . . ." or any or all of these

19 (Describe Real Estate) and this financing statement is to be filed
20 for record in the real estate records. (If the debtor does not have an interest of
21 record)

22 The name of a record owner is

23 (4) (If products of collateral are claimed)

24 Products of the collateral are also covered.

25 (use whichever is applicable)

26 Signature of Debtor (or Assignor)

27 Signature of Secured Party (or Assignee)

28 6. A mortgage is effective as a financing statement filed as a fixture filing or a
29 filing covering timber to be cut, or minerals or the like (including oil and gas), or
30 accounts subject to subsection five (5) of section five hundred fifty-four point nine
31 thousand one hundred three (554.9103) of the Code or any or all of these, from the
32 date of its recording if (a) the goods are described in the mortgage by item or
33 type, (b) the goods are or are to become fixtures or timber to be cut, or minerals or
34 the like (including oil and gas), or accounts subject to subsection five (5) of section five
35 hundred fifty-four point nine thousand one hundred three (554.9103) of the Code, or
36 any or all of these, which are related to the real estate described in the mortgage,
37 (c) the mortgage complies with the requirements for a financing statement in this
38 section other than a recital that it is to be filed in the real estate records, and (d)
39 the mortgage is duly recorded. No fee with reference to the financing statement is
40 required other than the regular recording and satisfaction fees with respect to the
41 mortgage.

42 7. A financing statement sufficiently shows the name of the debtor if it gives
43 the individual, partnership or corporate name of the debtor, whether or not it
44 adds other trade names or the names of partners. Where the debtor so changes

45 his name or in the case of an organization its name, identity or corporate
 46 structure that a filed financing statement becomes seriously misleading, the filing
 47 is not effective to perfect a security interest in collateral acquired by the debtor
 48 more than four months after the change, unless a new appropriate financing
 49 statement is filed before the expiration of that time. A filed financing statement
 50 remains effective with respect to collateral transferred by the debtor even though
 51 the secured party knows of ~~or consents to~~ the transfer.

1 SEC. 10. Section five hundred fifty-four point nine thousand four hundred
 2 seven (554.9407), subsections two (2) and three (3), Code 1975, are amended to
 3 read as follows:

4 2. Upon request of any person, the filing officer shall issue his certificate
 5 showing whether there is on file on the date and hour stated therein, any
 6 presently effective financing statement naming a particular debtor and any
 7 *financing statement of assignment thereof changes* and if there is, giving the date
 8 and hour of filing of each such ~~statement~~ *filing* and the names and addresses of
 9 each secured party therein. The uniform fee for such a certificate shall be two
 10 dollars if the request for the certificate is on a form conforming to standards
 11 prescribed by the secretary of state; otherwise, three dollars. Upon request and
 12 the payment of the appropriate fee the filing officer shall furnish a certified copy
 13 of any filed financing statement or *financing statement of assignment changes* for
 14 a uniform fee of one dollar per page.

15 3. Charging no more than a reasonable estimate of cost, in his discretion the
 16 secretary of state *or a county recorder* may adopt one or more of the following
 17 methods of providing information concerning public filings in his office to
 18 persons with an interest in this information that is related exclusively to the
 19 purposes of this Article:

20 a. subscription telephone service;
 21 b. subscription daily, weekly or monthly written summaries;
 22 c. granting suitable space for the preparation of written summaries and the
 23 provision of telephone service by those persons deemed by the secretary of state
 24 *or a county recorder* to have a legitimate interest in regular examination of the
 25 secretary of state's *or the county recorder's* public files; ~~and or~~
 26 d. any other appropriate method of disseminating information.
 27 Except with respect to willful misconduct, the state of Iowa, the secretary of state,
 28 *a county, a county recorder* and their employees and agents are immune from
 29 liability as a result of errors or omissions in information supplied pursuant to this
 30 subsection.

1 SEC. 11. Section five hundred fifty-four point nine thousand five hundred four
 2 (554.9504), subsection one (1), paragraph c, Code 1975, is amended to read as
 3 follows:

4 c. the satisfaction of indebtedness secured by any subordinate security interest
 5 *or lien* in the collateral if written notification of demand therefor is received
 6 before distribution of the proceeds is completed. If requested by the secured
 7 party, the holder of a subordinate security interest *or lien* must seasonably furnish
 8 reasonable proof of his interest, and unless he does so, the secured party need not
 9 comply with his demand.

1 SEC. 12. Section five hundred fifty-four point nine thousand five hundred five
 2 (554.9505), subsection two (2), Code 1975, is amended to read as follows:

3 2. In any other case involving consumer goods or any other collateral a secured
 4 party in possession may, after default, propose to retain the collateral in
 5 satisfaction of the obligation. Written notice of such proposal shall be sent to the
 6 debtor if he has not signed after default a statement renouncing or modifying his
 7 rights *to notice and to object to retention of the collateral in full satisfaction of the*
 8 *obligation*, under this subsection. In the case of consumer goods no other notice
 9 need be given. In other cases notice shall be sent to any other secured party *or*

10 *lienor* from whom the secured party has received (before sending his notice to the
 11 debtor or before the debtor's renunciation of his rights) written notice of a claim
 12 of an interest in the collateral. If the secured party receives objection in writing
 13 from a person entitled to ~~receive~~ *be sent* notification within twenty-one days after
 14 the notice was sent, the secured party must dispose of the collateral under section
 15 554.9504. In the absence of such written objection the secured party may retain
 16 the collateral in satisfaction of the debtor's obligation. *Retention of the collateral*
 17 *discharges the security interest of the secured party and discharges any security*
 18 *interest or lien subordinate to the security interest of the secured party.*

1 SEC. 13. Section five hundred fifty-four point nine thousand five hundred six
 2 (554.9506), Code 1975, is amended to read as follows:

3 **554.9506 Debtor's right to redeem collateral.** At any time before the secured
 4 party has disposed of collateral or entered into a contract for its disposition under
 5 section 554.9504 or before the obligation has been discharged under section
 6 554.9505, subsection 2, the debtor or any other secured party or *lienor* may unless
 7 otherwise agreed in writing after default redeem the collateral by tendering
 8 fulfillment of all obligations secured by the collateral as well as the expenses
 9 reasonably incurred by the secured party in retaking, holding and preparing the
 10 collateral for disposition, in arranging for the sale, and to the extent provided in
 11 the agreement and not prohibited by law, his reasonable attorneys' fees and legal
 12 expenses.

1 SEC. 14. Section five hundred fifty-four point eleven thousand one hundred
 2 five (554.11105), subsection four (4), subsection five (5), paragraph a, and
 3 subsections six (6) and seven (7), Code 1975, are amended to read as follows:

4 4. If the record of a mortgage of real estate would have been effective as a
 5 fixture filing or a filing covering timber to be cut, or minerals or the like (including
 6 oil and gas), or accounts subject to subsection five (5) and* section five hundred fifty-
 7 four point nine thousand one hundred three (554.9103) of the Code, or any or all of
 8 these, of goods described therein if this chapter as amended had been in effect on
 9 the date of recording the mortgage, the mortgage shall be deemed effective as a
 10 fixture filing as to such goods under section 554.9402, subsection 6 on January 1,
 11 1975 and the mortgage shall be deemed effective as a filing covering timber to be cut
 12 or minerals or the like (including oil and gas), or accounts subject to subsection five
 13 (5) of section five hundred fifty-four point nine thousand one hundred three (554.9103)
 14 of the Code, or any or all of these, on the effective date of this Act.

15 a. Filings in the office of a county recorder which have not lapsed or been
 16 terminated prior to January 1, 1975, retain their effectiveness unless subsequently
 17 lapsed or terminated until January 1, 1980; however, on or after January 1, 1975,
 18 continuation statements are not to be filed in the office of a county recorder, and
 19 effectiveness can be continued only through the filing in the office of the
 20 secretary of state of a financing statement which complies with section 554.9402
 21 or, if filed before January 1, 1980, with subsection 7; *the effectiveness of such*
 22 *financing statements is to be continued through continuation statements which comply*
 23 *with section five hundred fifty-four point nine thousand four hundred three (554.9403),*
 24 *subsection three (3), of the Code; a prior county filing ordinarily may be continued in*
 25 *the office of the secretary of state only in the final six months of its effectiveness at the*
 26 *county level; however, if there were multiple filings in different counties with respect to*
 27 *the same secured transaction, the multiple filings may be consolidated into a single*
 28 *filing in the office of the secretary of state if any one of the multiple county filings is*
 29 *in the final six months of its effectiveness at the county level;*

30 6. If a security interest is perfected or has priority on January 1, 1975, as to all
 31 persons or as to certain persons without any filing or recording, and if the filing
 32 of a financing statement would be required for the perfection or priority of the
 33 security interest against those persons under this chapter as amended, the
 34 perfection and priority rights of the security interest continue until three years
 35 after January 1, 1975. The perfection will then lapse unless a financing statement

*According to enrolled Act

36 which complies with either section 554.9402 or subsection 7 of this section has
 37 been filed or unless the security interest has been perfected otherwise than by
 38 filing. *The effectiveness of such financing statements is to be continued through*
 39 *continuation statements which comply with section five hundred fifty-four point nine*
 40 *thousand four hundred three (554.9403), subsection three (3), of the Code.*

41 7. Where indicated by this section, a financing statement which otherwise
 42 complies with section 554.9402 may be signed by *either* the secured party ~~instead~~
 43 ~~of~~ or the debtor provided that the financing statement is accompanied by a
 44 carbon, photocopy, or other suitable reproduction of an effective prior filing, and
 45 evidence of proper prior filing, and states that the prior filing is still effective.
 46 Insofar as subsection 6 authorizes perfection by filing of security interests which
 47 have been perfected without filing under section 554.9302, subsection 1,
 48 paragraph "c," prior to amendment, a financing statement which otherwise
 49 complies with section 554.9402 may be signed by *either* the secured party ~~instead~~
 50 ~~of~~ or the debtor provided that the financing statement identifies the security
 51 agreement and states that the security interest was perfected without filing under
 52 section 554.9302, subsection 1, paragraph "c," prior to amendment.

1 SEC. 15. Section five hundred fifty-four point eleven thousand one hundred
 2 five (554.11105), Code 1975, is amended by adding the following new subsection
 3 as subsection six (6), renumbering the remaining subsections, and correcting
 4 internal references as required.

5 NEW SUBSECTION. If collateral consists of fixtures, timber to be cut, minerals
 6 or the like (including oil and gas), or accounts subject to subsection five (5) of
 7 section five hundred fifty-four point nine thousand one hundred three (554.9103)
 8 of the Code, filings in the Uniform Commercial Code files of a county recorder
 9 which have not lapsed or been terminated prior to January 1, 1975, retain their
 10 effectiveness unless subsequently lapsed or terminated until January 1, 1980;
 11 however, on or after the effective date of this Act, continuation statements in the
 12 form of financing statements which are to be recorded in the land records and
 13 cross-indexed in the Uniform Commercial Code files of the county recorder can
 14 be filed without regard to the remaining period of effectiveness of the prior filing;
 15 financing statements used to continue the effectiveness of prior county land-
 16 related filings must comply either with section five hundred fifty-four point nine
 17 thousand four hundred two (554.9402), of the Code or with subsection eight (8) of
 18 this section.

1 SEC. 16. Section five hundred fifty-eight point one (558.1), Code 1975, is
 2 amended to read as follows:

3 **558.1 "Instruments affecting real estate" defined—revocation.** All
 4 instruments containing a power to convey, or in any manner relating to real
 5 estate, including certified copies of petitions in bankruptcy with or without the
 6 schedules appended, of decrees of adjudication in bankruptcy, and of orders
 7 approving trustees' bonds in bankruptcy, shall be held to be instruments affecting
 8 the same; and no such instrument, when certified and recorded as in this chapter
 9 prescribed, can be revoked as to third parties by any act of the parties by whom it
 10 was executed, until the instrument containing such revocation is acknowledged
 11 and filed for record in the same office in which the instrument containing such
 12 power is recorded, *except that Uniform Commercial Code financing statements and*
 13 *financing statement changes need not be thus acknowledged.*

1 SEC. 17. Section five hundred fifty-eight point forty-two (558.42), Code 1975,
 2 is amended to read as follows:

3 **558.42 Acknowledgment as condition precedent.** It shall not be deemed
 4 lawfully recorded, unless it has been previously acknowledged or proved in the
 5 manner prescribed in this chapter, except that affidavits and certified copies of
 6 petitions in bankruptcy with or without the schedules appended, of decrees of
 7 adjudication in bankruptcy, and of orders approving trustees' bonds in

8 bankruptcy, and *Uniform Commercial Code financing statements and financing*
 9 *statement changes* need not be thus acknowledged.

Approved June 23, 1976

CHAPTER 1108

MOBILE HOME REGISTRATION

H. F. 1508

AN ACT relating to the registration of mobile homes.

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

1 SECTION 1. Sections one hundred thirty-five D point twenty-nine (135D.29), as
 2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 3 sixty-seven (67), section fourteen (14), one hundred thirty-five D point thirty
 4 (135D.30), one hundred thirty-five D point thirty-one (135D.31), and one hundred
 5 thirty-five D point thirty-two (135D.32), Code 1975, are repealed.

Approved June 23, 1976

CHAPTER 1109

BIRTH DEFECTS INSTITUTE

S. F. 1225

AN ACT relating to the establishment of a birth defects institute and specifying its powers and duties and making an appropriation.

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

1 SECTION 1. **NEW SECTION. Purpose.** In order to provide for the protection
 2 and promotion of the health of the inhabitants of the state, the state department
 3 of health shall have the responsibility for the development and administration of
 4 the state's policy with respect to the conduct of scientific investigations and
 5 research concerning the causes, prevention, treatment and cure of birth defects.

1 SEC. 2. **NEW SECTION. Establishment of birth defects institute.** There is
 2 established within the state department of health a birth defects institute for the
 3 purposes of initiating and conducting investigations of the causes, mortality,
 4 methods of treatment, prevention and cure of birth defects and related diseases.

1 SEC. 3. **NEW SECTION. Activities of the institute.** The birth defects institute
 2 may:

3 1. Conduct scientific investigations and surveys of the causes, mortality,
 4 methods of treatment, prevention and cure of birth defects.

5 2. Publish the results of such investigations and surveys for the benefit of the
 6 public health and collate such publications for distribution to scientific
 7 organizations and qualified scientists and physicians.

8 3. Implement programs of professional education and training of medical
9 students, physicians, nurses, scientists and technicians in the causes, methods of
10 treatment, prevention and cure of birth defects.

11 4. Conduct and support clinical counseling services in medical facilities.

1 SEC. 4. There is appropriated from the general fund of the state for the fiscal
2 year beginning July 1, 1976 and ending June 30, 1977 the sum of eighty-five
3 thousand three hundred eighty-eight (85,388) dollars, or so much thereof as is
4 necessary, to carry out the provisions of this Act.

Approved May 7, 1976

CHAPTER 1110

RADIOACTIVE MATERIAL—INTERAGENCY COUNCIL

H. F. 1281

AN ACT creating an interagency coordinating council on radiation safety and prescribing its powers and duties.

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

1 SECTION 1. NEW SECTION. **Definitions.** For purposes of this Act, unless the
2 context otherwise requires, "council" means the interagency coordinating council
3 on radiation safety created in section two (2) of this Act.

1 SEC. 2. NEW SECTION. **Council created.** There is created an interagency
2 coordinating council on radiation safety which shall be composed of the chief
3 executive or a designee of each of the following state agencies:

- 4 1. Department of environmental quality.
- 5 2. State department of health.
- 6 3. State department of transportation.
- 7 4. Department of agriculture.
- 8 5. Department of public defense.
- 9 6. Department of public safety.
- 10 7. State conservation commission.
- 11 8. Bureau of labor.

12 Each member of the council shall be entitled to one vote. The Iowa representative
13 to the midwest nuclear compact shall be an ex-officio, nonvoting member of the
14 council.

1 SEC. 3. NEW SECTION. **Meetings—officers.** The council shall convene
2 annually in July to elect from among its membership a chairperson and a vice
3 chairperson and carry out any other business, and shall meet at least quarterly
4 thereafter.

1 SEC. 4. NEW SECTION. **Duties.** The council shall:

- 2 1. Develop a state radiation safety program plan which shall be updated
3 annually and submitted to the general assembly by February first of each year.
- 4 2. Evaluate and coordinate radiation related activities of each member agency.
- 5 3. Review radiation safety rules proposed or promulgated by member agencies.
- 6 4. Collect and compile member agency's budget totals for radiation related
7 activities for inclusion in the state radiation safety program plan.

1 SEC. 5. NEW SECTION. **Advisory committees.** The council shall establish a
2 standing advisory committee composed of users and manufacturers of radioactive

3 material or radiation producing equipment, representatives of the general public
 4 and such other persons or group representatives as the council deems appropriate.
 5 The council may establish other ad hoc advisory committees to provide assistance
 6 in the development of a state plan and on other issues where extra-governmental
 7 technical expertise is required. The chairperson may appoint such subcommittees
 8 of council members as are deemed necessary to accomplish the purposes of this
 9 Act.

1 **SEC. 6. NEW SECTION. Staff assistance.** The state hygienic laboratory shall
 2 cooperate with the council in providing program coordination and staff support
 3 pursuant to the provisions of chapter twenty-eight D (28D) of the Code. The
 4 council may request staff assistance from other state agencies and institutions
 5 pursuant to chapter twenty-eight D (28D) of the Code.

Approved May 13, 1976

CHAPTER 1111

SEX CHANGE ON BIRTH CERTIFICATE

H. F. 798

AN ACT to provide for change of sex on birth certificates.

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

1 **SECTION 1.** Section one hundred forty-four point twenty-three (144.23), Code
 2 1975, is amended by adding the following new subsection:

3 **NEW SUBSECTION.** A notarized affidavit by a licensed physician and surgeon
 4 or osteopathic physician and surgeon stating that by reason of surgery or other
 5 treatment by the licensee, the sex designation of the person has been changed.
 6 The state registrar may make a further investigation or require further
 7 information necessary to determine whether a sex change has occurred.

1 **SEC. 2.** Section one hundred forty-four point twenty-four (144.24), Code 1975,
 2 is amended to read as follows:

3 **144.24 Substituting for original.** When a new certificate of birth is
 4 established, the actual place and date of birth shall be shown. The certificate shall
 5 be substituted for the original certificate of birth. Thereafter, the original
 6 certificate and the evidence of adoption, paternity, ~~or~~ legitimation, *or sex change*
 7 shall not be subject to inspection except under order of a court of competent
 8 jurisdiction or as provided by regulation for statistical or administrative purposes,
 9 only. Upon receipt of notice of annulment of adoption, the original certificate of
 10 birth shall be restored to its place in the files and the new certificate and evidence
 11 shall not be subject to inspection except upon order of a court of competent
 12 jurisdiction ~~in~~ *the district court.*

Approved February 12, 1976

CHAPTER 1112

MARRIAGE CERTIFICATE

H. F. 774

AN ACT relating to the contents of a certificate of marriage.

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

1 SECTION 1. Chapter one hundred forty-four (144), Code 1975, is amended by
2 adding the following new section:

3 NEW SECTION. **Contents of marriage certificate.** The certificate of marriage
4 shall not contain information concerning the race of the married persons,
5 previous marriages of the married persons, or the educational level of the married
6 persons.

Approved March 5, 1976

CHAPTER 1113

ABORTION LIABILITY EXCULPATION

S. F. 387

AN ACT relating to liability for the performance of or refusal to perform abortions.

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

1 SECTION 1. NEW SECTION. **Liability of persons relating to performance of**
2 **abortions.** An individual who may lawfully perform, assist, or participate in
3 medical procedures which will result in an abortion shall not be required against
4 that individual's religious beliefs or moral convictions to perform, assist, or
5 participate in such procedures. A person shall not discriminate against any
6 individual in any way, including but not limited to employment, promotion,
7 advancement, transfer, licensing, education, training or the granting of hospital
8 privileges or staff appointments, because of the individual's participation in or
9 refusal to participate in recommending, performing or assisting in an abortion
10 procedure. For the purposes of this Act, "abortion" means the termination of a
11 human pregnancy with the intent other than to produce a live birth or to remove
12 a dead fetus. Abortion does not include medical care which has as its primary
13 purpose the treatment of a serious physical condition requiring emergency
14 medical treatment necessary to save the life of a mother.

1 SEC. 2. NEW SECTION. **Liability of hospitals refusing to perform abortions.**
2 A hospital, which is not controlled, maintained and supported by a public
3 authority, shall not be required to permit the performance of an abortion. The
4 refusal to permit such procedures shall not be grounds for civil liability to any
5 person nor a basis for any disciplinary or other recriminatory action against the
6 hospital.

Approved March 19, 1976

CHAPTER 1114

SPEECH PATHOLOGISTS AND AUDIOLOGISTS

S. F. 476

AN ACT to provide for the licensing of speech pathologists and audiologists and to establish an examining board.

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

1 SECTION 1. NEW SECTION. **Definitions.** As used in this Act, unless the
2 context otherwise requires:

3 1. "Board" means the Iowa board of speech pathology and audiology
4 examiners established pursuant to this Act.

5 2. "Speech pathologist" means a person who engages in the practice of speech
6 pathology as defined in this section.

7 3. "Audiologist" means a person who engages in the practice of audiology as
8 defined in this section.

9 4. The "practice of speech pathology" means the application of principles,
10 methods, and procedures for the measurement, testing, evaluation, prediction,
11 consultation, counseling, instruction, habilitation, rehabilitation, or remediation
12 related to the development and disorders of speech, fluency, voice, or language
13 for the purposes of nonmedically evaluating, preventing, ameliorating, modifying,
14 or remediating such disorders and conditions in individuals or groups of
15 individuals.

16 5. The "practice of audiology" means the application of principles, methods,
17 and procedures for measurement, testing, evaluation, prediction, consultation,
18 counseling, instruction, habilitation, rehabilitation, or remediation related to
19 hearing and disorders of hearing and associated communication disorders for the
20 purpose of nonmedically evaluating, identifying, preventing, ameliorating,
21 modifying, or remediating such disorders and conditions in individuals or groups
22 of individuals, including the determination and use of appropriate amplification.

1 SEC. 2. NEW SECTION. **Applicability.** Nothing contained in this Act shall be
2 construed to apply to:

3 1. Licensed physicians and surgeons, licensed osteopathic physicians and
4 surgeons, approved physician's assistants and registered nurses acting under the
5 supervision of a physician, persons conducting hearing tests under the direct
6 supervision of a licensed physician and surgeon or licensed osteopathic physician
7 and surgeon, or students of medicine or surgery or osteopathic medicine and
8 surgery pursuing a course of study in a medical school or college of osteopathic
9 medicine and surgery approved by the medical examiners while performing
10 functions incidental to their course of study.

11 2. Hearing aid fitting, the dispensing or sale of hearing aids and the providing
12 of hearing aid service and maintenance by a hearing aid dealer or holder of a
13 temporary permit as defined and licensed under chapter one hundred fifty-four A
14 (154A) of the Code.

15 3. Students enrolled in an accredited college or university pursuing a course of
16 study leading to a degree in speech pathology or audiology while receiving
17 clinical training as a part of the course of study and acting under the supervision
18 of a licensed speech pathologist or audiologist provided they use the title
19 "trainee" or similar title clearly indicating training status.

20 4. Nonprofessional aides who perform their services under the supervision of a
21 speech pathologist or audiologist as appropriate and who meet such qualifications
22 as may be established by the board for aides if they use the title "aide",
23 "assistant", "technician", or other similar title clearly indicating their status.

24 5. Audiometric tests administered pursuant to the United States Occupational
 25 Safety and Health Act of 1970 or chapter eighty-eight (88) of the Code, and in
 26 accordance with regulations issued thereunder, by employees of a person engaged
 27 in business, including the state of Iowa, its various departments, agencies, and
 28 political subdivisions, solely to employees of such employer, while acting within
 29 the scope of their employment.

30 6. Persons certified by the department of public instruction as speech clinicians
 31 or hearing clinicians and employed by a school district or area education agency
 32 while acting within the scope of their employment.

33 A person exempted from the provisions of this Act by this section shall not use
 34 the title speech pathologist or audiologist or any title or device indicating or
 35 representing in any manner that the person is a speech pathologist or is an
 36 audiologist; provided, a hearing aid dealer licensed under chapter one hundred
 37 fifty-four A (154A) of the Code may use the title "certified hearing aid
 38 audiologist" when granted by the national hearing aid society; and provided,
 39 persons who meet the requirements of subsection one (1) of section three (3) of
 40 this Act who are certified by the department of public instruction as speech
 41 clinicians may use the title speech pathologist and persons who meet the
 42 requirements of subsection two (2) of section three (3) of this Act who are
 43 certified by the department of public instruction as hearing clinicians may use the
 44 title audiologist, while acting within the scope of their employment.

1 SEC. 3. NEW SECTION. **Requirements for license.** Each applicant for a
 2 license as a speech pathologist or audiologist shall meet all of the following
 3 requirements:

4 1. For a license as a speech pathologist:

5 a. Possess a masters degree or its equivalent from an accredited school, college,
 6 or university with a major in speech pathology.

7 b. Show evidence of completion of not less than two hundred seventy-five
 8 hours of supervised clinical training in speech pathology as a student in an
 9 accredited school, college or university.

10 c. Show evidence of completion of not less than nine months clinical experience
 11 under the supervision of a licensed speech pathologist following the receipt of the
 12 masters degree.

13 2. For a license as an audiologist:

14 a. Possess a masters degree or its equivalent from an accredited school, college
 15 or university with a major in audiology.

16 b. Show evidence of completion of not less than two hundred seventy-five
 17 hours of supervised clinical training in audiology as a student in an accredited
 18 school, college or university.

19 c. Show evidence of completion of not less than nine months clinical experience
 20 under the supervision of a licensed audiologist following the receipt of the masters
 21 degree.

22 3. Pass an examination administered by the board to assure the applicant's
 23 professional competence in speech pathology or audiology.

1 SEC. 4. NEW SECTION. **Examination.** The examinations required in section
 2 three (3), subsection three (3), of this Act may, at the discretion of the board, be
 3 waived for any of the following persons:

4 1. For holders by examination of licenses or certificates from states whose
 5 requirements are substantially equivalent to those of this Act.

6 2. For holders on the effective date of this Act of certificates of clinical
 7 competence from the American speech and hearing association.

8 3. For holders on the effective date of this Act of statements of professional
 9 recognition as speech clinicians or hearing clinicians from the department of
 10 public instruction.

11 4. For holders on the effective date of this Act of certificates with endorsement
 12 as a speech clinician or a hearing clinician from the department of public
 13 instruction.

14 Any person who within one year after the effective date of this Act meets the
 15 requirements specified in section three (3) of this Act for licensure except section
 16 three (3), subsection three (3), of this Act shall be licensed without having passed
 17 the examination required in section three (3), subsection three (3), of this Act.

18 The requirements of section three (3), subsections one (1) and two (2), of this
 19 Act may, at the discretion of the board, be waived for any person who has
 20 completed five years of experience in the profession of speech pathology or
 21 audiology on the effective date of this Act which in the opinion of the board is
 22 sufficient to qualify the person and the person may be licensed hereunder upon
 23 examination as provided in section three (3), subsection three (3), of this Act.

1 SEC. 5. NEW SECTION. **Temporary clinical license.** Any person who has
 2 fulfilled all of the requirements for licensure under this Act, except for having
 3 completed the nine months clinical experience requirement as provided in
 4 subsection one (1) or two (2) of section three (3) of this Act, may apply to the
 5 board for a temporary clinical license. The license shall be designated "temporary
 6 clinical license in speech pathology" or "temporary clinical license in audiology"
 7 and shall authorize the licensee to practice speech pathology or audiology under
 8 the supervision of a licensed speech pathologist or licensed audiologist, as
 9 appropriate. The license shall be valid for one year and may be renewed once at
 10 the discretion of the board. The fee for a temporary clinical license shall be set by
 11 the board to cover the administrative costs of issuing the license, and if renewed,
 12 a renewal fee as set by the board shall be required. A temporary clinical license
 13 shall be issued only upon evidence satisfactory to the board that the applicant
 14 will be supervised by a person licensed as a speech pathologist or audiologist, as
 15 appropriate. The board shall revoke any temporary clinical license at any time it
 16 shall determine either that the work done by the temporary clinical licensee or the
 17 supervision being given the temporary clinical* licensee does not conform to
 18 reasonable standards established by the board.

1 SEC. 6. NEW SECTION. **Temporary permit.** The board may, at its discretion,
 2 issue a temporary permit to nonresidents authorizing the permittee to practice
 3 speech pathology or audiology in this state for a period of not to exceed three
 4 months whenever, in the opinion of the board, a need exists and the permittee, in
 5 the opinion of the board, possesses the necessary qualifications which shall be
 6 substantially equivalent to those required for licensure by this Act.

1 SEC. 7. Section one hundred forty-seven point one (147.1), subsections two (2)
 2 and three (3), Code 1975, are amended to read as follows:

3 2. "Licensed" or "certified" when applied to a physician and surgeon,
 4 podiatrist, osteopath, osteopathic physician and surgeon, psychologist or associate
 5 psychologist, chiropractor, nurse, dentist, dental hygienist, optometrist, *speech*
 6 *pathologist, audiologist*, pharmacist, physical therapist, practitioner of cosmetology,
 7 practitioner of barbering, funeral director or embalmer shall mean a person
 8 licensed under this title.

9 3. "Profession" shall mean medicine and surgery, podiatry, osteopathy,
 10 osteopathic medicine and surgery, psychology, chiropractic, nursing, dentistry,
 11 dental hygiene, optometry, *speech pathology, audiology*, pharmacy, physical
 12 therapy, cosmetology, barbering, funeral directing or embalming.

1 SEC. 8. Section one hundred forty-seven point two (147.2), Code 1975, is
 2 amended to read as follows:

3 **147.2 License required.** No person shall engage in the practice of medicine
 4 and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology,
 5 chiropractic, physical therapy, nursing, dentistry, dental hygiene, optometry,
 6 *speech pathology, audiology*, pharmacy, cosmetology, barbering, funeral directing

*According to enrolled Act

7 or embalming as defined in the following chapters of this title, unless he shall
8 have obtained from the state department of health a license for that purpose.

1 SEC. 9. Section one hundred forty-seven point three (147.3), Code 1975, is
2 amended to read as follows:

3 **147.3 Qualifications.** An applicant for a license to practice a profession
4 under this title shall not be ineligible because of age, citizenship, sex, race,
5 religion, marital status or national origin, although the application form may
6 require citizenship information. Any board may consider the past felony record of
7 an applicant only if the felony conviction relates directly to the practice of
8 medicine, podiatry, osteopathy, osteopathy and surgery, chiropractic, nursing,
9 psychology, optometry, *speech pathology, audiology*, pharmacy, physical therapy,
10 cosmetology, barbering or funeral directing or embalming for which the applicant
11 requests to be licensed. Character references may be required, but shall not be
12 obtained from licensed members of the profession.

1 SEC. 10. Section one hundred forty-seven point thirteen (147.13), Code 1975,
2 is amended to read as follows:

3 **147.13 Designation of boards.** The examining boards provided in section
4 147.12 shall be designated as follows: For medicine and surgery, and osteopathy,
5 and osteopathic medicine and surgery, medical examiners; for psychology,
6 psychology examiners; for podiatry, podiatry examiners; for chiropractic,
7 chiropractic examiners; for physical therapists, physical therapy examiners; for
8 nursing, board of nursing; for dentistry and dental hygiene, dental examiners; for
9 optometry, optometry examiners; *for speech pathology and audiology, speech*
10 *pathology and audiology examiners*; for cosmetology, cosmetology examiners; for
11 barbering, barber examiners; for pharmacy, pharmacy examiners; for funeral
12 directing and embalming, funeral director and embalmer examiners.

1 SEC. 11. Section one hundred forty-seven point fourteen (147.14), Code 1975,
2 is amended by adding the following new subsection:

3 NEW SUBSECTION. For speech pathology and audiology examiners, five
4 members licensed to practice speech pathology or audiology at least two of which
5 shall be licensed to practice speech pathology and at least two of which shall be
6 licensed to practice audiology, and two members who are not licensed to practice
7 speech pathology or audiology and who shall represent the general public. A
8 majority of the members of the board shall constitute a quorum.

1 SEC. 12. Section one hundred forty-seven point eighty (147.80), Code 1975, is
2 amended by inserting the following new subsection after subsection fourteen (14)
3 and renumbering the remaining subsections:

4 NEW SUBSECTION. 15. License to practice speech pathology or audiology
5 issued on the basis of an examination given by the board of speech pathology and
6 audiology, or license to practice speech pathology or audiology issued under a
7 reciprocity agreement, renewal of a license to practice speech pathology or
8 audiology.

1 SEC. 13. The initial board shall be appointed by the governor within sixty
2 days after the effective date of this Act. The initial members of the board
3 appointed by the governor as speech pathologists or audiologists shall meet the
4 qualifications for licensure as prescribed by this Act, except examination,
5 provided that they shall become licensed as speech pathologists or audiologists, or
6 both, according to their respective qualifications upon appointment. Two of the
7 initial professional members of the board shall serve one-year terms, one shall
8 serve a two-year term, and two shall serve three-year terms respectively and the
9 two public members shall serve two-year and three-year terms respectively. The
10 initial members of the board shall take office immediately upon appointment and
11 shall serve until sixty days after the convening of the next session of the general

12 assembly when their appointments shall terminate unless sooner approved by the
13 senate.

1 SEC. 14. Section eight (8) of this Act shall become effective January 1, 1977.

Approved February 17, 1976

CHAPTER 1115

NURSES

H. F. 1503

AN ACT relating to the practice of nursing and providing for disciplinary procedures.

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. The "practice of nursing" means the practice of a registered nurse or a
3 licensed practical nurse. It does not mean any of the following:
4 a. The practice of medicine and surgery, as defined in section one hundred
5 forty-eight (148) of the Code, the osteopathic practice, as defined in chapter one
6 hundred fifty (150) of the Code, the practice of osteopathic medicine and surgery,
7 as defined in chapter one hundred fifty A (150A) of the Code, or the practice of
8 pharmacy as defined in chapter one hundred fifty-five (155) of the Code, except
9 practices which are recognized by the medical and nursing professions and
10 approved by the board as proper to be performed by a registered nurse.
11 b. The performance of nursing services by a student enrolled in an approved
12 program of nursing if the performance is incidental to a course of study under
13 this program.
14 c. The performance of services by employed workers in offices, hospitals, or
15 health care facilities, as defined in section one hundred thirty-five C point one
16 (135C.1) of the Code, under the supervision of a physician or a nurse licensed
17 under this Act, or employed in the office of a psychologist, podiatrist,
18 optometrist, chiropractor, speech pathologist, audiologist, or physical therapist
19 licensed to practice in this state, and when acting while within the scope of the
20 employer's license.
21 d. The practice of a nurse licensed in another state and employed in this state
22 by the federal government if the practice is in discharge of official employment
23 duties.
24 e. The care of the sick rendered in connection with the practice of the religious
25 tenets of any church or order by the adherents thereof which is not performed for
26 hire, or if performed for hire by those who depend upon prayer or spiritual means
27 for healing in the practice of the religion of their church or denomination, so long
28 as they do not otherwise engage in the practice of nursing as practical nurses.
29 2. The "practice of the profession of a registered nurse" means the practice of a
30 natural person who is licensed by the board to do all of the following:
31 a. Formulate nursing diagnosis and conduct nursing treatment of human
32 responses to actual or potential health problems through services, such as case
33 finding, referral, health teaching, health counseling, and care provision which is
34 supportive to or restorative of life and well-being.
35 b. Execute regimen prescribed by a physician.
36 c. Supervise and teach other personnel in the performance of activities relating
37 to nursing care.
38 d. Perform additional acts or nursing specialties which require education and
39 training under emergency or other conditions which are recognized by the

40 medical and nursing professions and are approved by the board as being proper
41 to be performed by a registered nurse.

42 e. Apply to the abilities enumerated in paragraphs a through d of this
43 subsection scientific principles, including the principles of nursing skills and of
44 biological, physical, and psychosocial sciences.

45 3. The "practice of a licensed practical nurse" means the practice of a natural
46 person who is licensed by the board to do all of the following:

47 a. Perform services in the provision of supportive or restorative care under the
48 supervision of a registered nurse or a physician.

49 b. Perform additional acts under emergency or other conditions which require
50 education and training and which are recognized by the medical and nursing
51 professions and are approved by the board, as being proper to be performed by a
52 licensed practical nurse.

53 4. As used in this section, "nursing diagnosis" means to identify and use
54 discriminatory judgment concerning physical and psychosocial signs and
55 symptoms essential to determining effective nursing intervention.

56 5. "Board" means the board of nursing, created under chapter one hundred
57 forty-seven (147) of the Code.

58 6. "Physician" means a person licensed in this state to practice medicine and
59 surgery, osteopathy and surgery, or osteopathy, or a person licensed in this state
60 to practice dentistry or podiatry when acting within the scope of the license.

1 SEC. 2. NEW SECTION. **Executive director—assistants.** The board shall
2 appoint a full-time executive director. The executive director shall be a registered
3 nurse and shall not be a member of the board. The governor, with the approval of
4 the executive council pursuant to subsection two (2) of section nineteen A point
5 nine (19A.9) of the Code under the pay plan for exempt positions in the executive
6 branch of government, shall set the salary of the executive director.

1 SEC. 3. NEW SECTION. **Director's duties.** The duties of the executive
2 director shall be as follows:

3 1. To receive all applications to be licensed for the practice of nursing.

4 2. Notwithstanding section one hundred forty-seven point eighty-two (147.82)
5 of the Code, to collect and receive all fees.

6 3. To deposit all fees collected in the general fund of the state and, at the same
7 time, to render to the state comptroller an itemized and verified report which
8 indicates the source of the collected fees.

9 4. To keep all records pertaining to the licensing of nurses, including a record
10 of all board proceedings.

11 5. To perform such other duties as may be prescribed by the board.

12 6. To appoint such assistants to the director and persons as may be necessary
13 to administer the provisions of this Act. Any appointments shall be merit
14 appointments made pursuant to chapter nineteen (19) of the Code.

1 SEC. 4. NEW SECTION. **Appropriations.** The board may apply appropriated
2 funds to:

3 1. The administration and enforcement of the provisions of this Act and of
4 chapter one hundred forty-seven (147) of the Code.

5 2. The elevation of the standards of the schools of nursing.

6 3. The promotion of educational and professional standards of nurses in this
7 state.

1 SEC. 5. NEW SECTION. **Education programs.**

2 1. All programs preparing a person to be a registered nurse or a licensed
3 practical nurse shall be approved by the board. The board shall not recognize a
4 program unless it:

5 a. Is of recognized standing.

6 b. Has provisions for adequate physical and clinical facilities and other
7 resources with which to conduct a sound education program.

8 c. Requires, for graduation of a registered nurse applicant, the completion of at
9 least a two academic year course of study or its equivalent which is integrated in
10 theory and practice as prescribed by the board.

11 d. Requires, for graduation of a licensed practical nurse applicant, the
12 completion of at least an academic year course of study or its equivalent in theory
13 and practice as prescribed by the board.

14 2. All advanced formal academic nursing education programs shall also be
15 approved by the board.

1 **SEC. 6. NEW SECTION. Licenses—professional abbreviations.** The board
2 may license a natural person to practice as a registered nurse or as a licensed
3 practical nurse. However, only a person currently licensed as a registered nurse in
4 this state may use that title and the abbreviation “RN” after the person’s name
5 and only a person currently licensed as a licensed practical nurse in this state may
6 use that title and the abbreviation “LPN” after the person’s name.

1 **SEC. 7. NEW SECTION. Applicant qualifications.** In addition to the
2 provisions of section one hundred forty-seven point three (147.3) of the Code, an
3 applicant to be licensed for the practice of nursing shall have the following
4 qualifications:

5 1. Be a graduate of an accredited high school or the equivalent.

6 2. Pass an examination as prescribed by the board.

7 3. If to practice as a registered nurse, holds a diploma or degree resulting from
8 the completion of a course of study in a program approved pursuant to
9 paragraph c of subsection one (1) of section five (5) of this Act.

10 4. If to practice as a licensed practical nurse, holds a diploma resulting from
11 the completion of a course of study in a program approved pursuant to
12 paragraph d of subsection one (1) of section five (5) of this Act or has successfully
13 completed at least one academic year of a course of study in a program approved
14 pursuant to paragraph c of subsection one (1) of section five (5) of this Act and
15 has successfully completed all theoretical and clinical training as is required for a
16 licensed practical nurse.

1 **SEC. 8. NEW SECTION. License endorsement.** Notwithstanding the
2 provisions of sections one hundred forty-seven point forty-four (147.44) through
3 one hundred forty-seven point fifty-four (147.54) of the Code, the board shall
4 decide whether to recognize a foreign license to practice nursing under conditions
5 specified which indicate that the licensee meets all the qualifications required
6 under section seven (7) of this Act. If a foreign license is recognized the board
7 may issue a license by endorsement without an examination being required.
8 Recognition shall be based on whether the foreign licensee is qualified to practice
9 nursing.

1 **SEC. 9. NEW SECTION. Temporary license.** The board may issue a
2 temporary license to a natural person who has completed the requirements of and
3 applied for licensure, either by examination or endorsement. A temporary license
4 shall not remain effective longer than the time between application and the next
5 issuance of licenses. A temporary license issued to a person not holding a foreign
6 license to practice nursing shall be valid only when the temporary licensee is
7 under the supervision of a registered nurse.

1 **SEC. 10. NEW SECTION. License revocation or suspension.**

2 1. Notwithstanding sections one hundred forty-seven point eighty-seven
3 (147.87) through one hundred forty-seven point eighty-nine (147.89) of the Code
4 and in addition to the provisions of sections one hundred forty-seven point fifty-
5 eight (147.58) through one hundred forty-seven point seventy-one (147.71) of the
6 Code, the board may restrict, suspend, or revoke a license to practice nursing or

7 place the licensee on probation. The board may also prescribe by rule conditions
8 of license reinstatement. The board shall prescribe rules of procedure by which to
9 restrict, suspend, or revoke a license. These procedures shall conform to the
10 provisions of chapter seventeen A (17A) of the Code.

11 2. In addition to the grounds stated in section one hundred forty-seven point
12 fifty-five (147.55) of the Code, the following are grounds for suspension or
13 revocation under subsection one (1) of this section:

14 a. Willful violation of the rules of the board.

15 b. Continued practice while knowingly having an infectious or contagious
16 disease which could be harmful to a patient's welfare.

17 c. Conviction for a felony in the courts of this state or another state, territory,
18 or country if the felony relates to the practice of nursing. Conviction shall include
19 only a conviction for an offense which if committed in this state would be
20 deemed a felony without regard to its designation elsewhere. A certified copy of
21 the final order or judgment of conviction or plea of guilty in this state or in
22 another jurisdiction shall be conclusive evidence of conviction.

23 d. Having a license to practice nursing as a registered nurse or licensed
24 practical nurse revoked or suspended, or having other disciplinary action taken by
25 a licensing authority of another state, territory, or country. A certified copy of the
26 record or order of suspension, revocation, or disciplinary action is prima facie
27 evidence of such fact.

28 e. Knowingly aiding, assisting, procuring, advising, or allowing a person to
29 unlawfully practice nursing.

30 f. Being adjudicated mentally incompetent by a court of competent jurisdiction.
31 Such adjudication shall automatically suspend a license for the duration of the
32 license, unless the board orders otherwise.

33 g. Being guilty of willful or repeated departure from or the failure to conform
34 to the minimum standard of acceptable and prevailing practice of nursing;
35 however, actual injury to a patient need not be established.

36 h. (1) Inability to practice nursing with reasonable skill and safety by reason of
37 illness, excessive use of alcohol, drugs, narcotics, chemicals, or other type of
38 material or as a result of a mental or physical condition.

39 (2) The board may, upon probable cause, request a licensee to submit to an
40 appropriate medical examination by a designated physician. If requested by the
41 licensee, the licensee may also designate a physician for an independent medical
42 examination. The reasonable costs of such examinations and medical reports to
43 the board shall be paid by the board. Refusal or failure of a licensee to complete
44 such examinations shall constitute an admission of any allegations relating to
45 such condition. All objections shall be waived as to the admissibility of the
46 examining physicians' testimony or examination reports on the grounds that they
47 constitute privileged communication. The medical testimony or examination
48 reports shall not be used against a registered nurse or licensed practical nurse in
49 another proceeding and shall be confidential. At reasonable intervals, a registered
50 nurse or licensed practical nurse shall be afforded an opportunity to demonstrate
51 that the registered nurse or licensed practical nurse can resume the competent
52 practice of nursing with reasonable skill and safety to patients.

1 SEC. 11. Sections one hundred forty-seven point one hundred five (147.105)
2 through one hundred forty-seven point one hundred ten (147.110) and chapter
3 one hundred fifty-two (152), Code 1975, are repealed.

Approved June 23, 1976

CHAPTER 1116

PRESCRIPTION DRUGS

H. F. 200

AN ACT relating to the labeling of prescription drugs, requiring that certain information regarding prescription drugs be made available to the board of pharmacy examiners and to pharmacists and practitioners in this state.

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

1 SECTION 1. Section one hundred fifty-five point three (155.3), Code 1975, is
2 amended by adding the following new subsections:

3 NEW SUBSECTION. "Demonstrated bioavailability" is a term used to refer to
4 the rate and extent of absorption of a drug or drug ingredient from a specified
5 dosage form, as reflected by the time-concentration curve of the drug or drug
6 ingredient in the systemic circulation.

7 NEW SUBSECTION. "Manufacturer" means a person who prepares, compounds,
8 processes or fabricates any prescription drug.

9 NEW SUBSECTION. "Packer" or "distributor" means a person who repackages
10 or otherwise changes the container, wrapper or labeling of any prescription drug
11 in furtherance of the distribution of the drug, but does not include a retailer who
12 repackages a prescription drug at the time of sale to its ultimate consumer.

13 NEW SUBSECTION. "Brand name" or "trade name" means the registered
14 trademark name given to a drug product or ingredient by its manufacturer,
15 labeler or distributor.

16 NEW SUBSECTION. "Generic name" means the official title of a drug or drug
17 ingredient published in an official compendium as defined in section two hundred
18 three A point two (203A.2), subsection six (6), of the Code.

19 NEW SUBSECTION. The "finished dosage form" of a prescription drug is that
20 form of the drug which is or is intended to be dispensed or administered to the
21 patient, and which requires no further manufacturing or processing other than
22 packaging, reconstituting and labeling.

1 SEC. 2. Section one hundred fifty-five point thirteen (155.13), subsection six
2 (6), Code 1975, is amended to read as follows:

3 6. Substitution of a drug; *or* substance; ~~or brand~~ other than the drug; *or*
4 substance ~~or brand~~ ordered in the prescription of a physician, dentist, podiatrist
5 or veterinarian licensed by law.

1 SEC. 3. Chapter one hundred fifty-five (155), Code 1975, is amended by
2 adding the following new section:

3 NEW SECTION. **Nonequivalent drug or drug product list.** The board shall be
4 responsible for designating drugs or drug products which, because of the lack of
5 demonstrated bioavailability, would pose an actual threat to the health, safety,
6 and welfare of the people of Iowa if such drugs or drug products were subject to
7 dispensing under the provisions of section four (4) of this Act. Within one
8 hundred eighty days after the effective date of this Act, the board shall cause to
9 be issued a list of those drugs or drug products which have been demonstrated as
10 being nonequivalent and are not interchangeable as determined by the federal
11 food and drug administration. The board shall mail a copy of the nonequivalent
12 drug or drug product list to each pharmacy registered with it and each physician,
13 dentist, podiatrist and veterinarian licensed to practice in this state. Thereafter,
14 the board shall from time to time make additions to or deletions from the
15 nonequivalent drug or drug product list as determined by the federal food and
16 drug administration. Notification of such additions or deletions shall be made
17 promptly to each pharmacist registered with the board and each physician,
18 dentist, podiatrist and veterinarian licensed to practice in this state.

1 SEC. 4. Chapter one hundred fifty-five (155), Code 1975, is amended by
2 adding the following new section:

3 **NEW SECTION. Product selection by pharmacist-restrictions.**

4 1. If a physician, dentist, podiatrist or veterinarian prescribes, either in writing
5 or orally, a drug by its brand or trade name and does not specifically state that
6 only that designated brand or trade name drug product is to be dispensed, and if
7 the pharmacy to which the prescription is presented or communicated has in
8 stock one or more other drug products with the same generic name and
9 demonstrated bioavailability as the one prescribed, the pharmacist may exercise
10 his or her professional judgment in the economic interest of the patient or the
11 patient's adult representative who is purchasing the prescription by selecting a
12 drug product generically equivalent to but of lesser cost than the one prescribed
13 for dispensing and sale to the patient. If the pharmacist does so, he or she shall
14 inform the patient or the patient's adult representative of the savings which the
15 patient will obtain as a result of substitution and pass on to the patient or the
16 patient's representative the full difference in actual acquisition costs between the
17 drug prescribed and the drug substituted.

18 If the cost of the prescription or any part thereof shall be paid by expenditure
19 of public funds authorized under chapters two hundred thirty-nine (239), two
20 hundred forty-nine (249), two hundred forty-nine A (249A), two hundred fifty-
21 two (252), two hundred fifty-three (253), two hundred fifty-four (254), or two
22 hundred fifty-five (255) of the Code of Iowa, the pharmacist shall exercise his or
23 her professional judgment by selecting a drug product of the same generic name
24 and demonstrated bioavailability but of a lesser cost than the one prescribed for
25 dispensing and sale to the person unless the physician, dentist, or podiatrist
26 specifically states that only that designated brand or trade name drug product is
27 to be dispensed. Under no circumstances shall a pharmacy to which the
28 prescription is presented or communicated be required to substitute a drug of the
29 same generic name and demonstrated bioavailability but of lesser cost unless the
30 pharmacy has in stock one or more other such drug products.

31 2. The pharmacist shall not dispense a generically equivalent drug product
32 under this section if:

- 33 a. The prescriber indicates that no drug product selection shall be made; or
34 b. The person presenting the prescription indicates that only the specific drug
35 product prescribed is to be dispensed, unless the substitution is one required by
36 subsection one (1), unnumbered paragraph two (2), of this section; or
37 c. The drug product to be dispensed is listed in the nonequivalent drug product
38 list.

39 3. If substitution of a generically equivalent drug product for the designated
40 brand or trade name drug product prescribed is made under this section, the
41 pharmacist making the substitution shall note that fact and the name of the
42 manufacturer of the selected drug on the prescription presented by the patient or
43 the patient's representative, or the substitution shall be reduced to writing by the
44 pharmacist pursuant to section one hundred fifty-five point thirty-three (155.33),
45 subsection two (2) of the Code.

1 SEC. 5. Section two hundred three A point two (203A.2), Code 1975, is
2 amended by adding the following new subsections:

3 **NEW SUBSECTION.** "Manufacturer" means a person who prepares, compounds,
4 processes or fabricates any prescription drug.

5 **NEW SUBSECTION.** "Packer" or "distributor" means a person who repackages
6 or otherwise changes the container, wrapper or labeling of any prescription drug
7 in furtherance of the distribution of the drug or cosmetic, but does not include a
8 retailer who repackages a drug or cosmetic at the time of sale to its ultimate
9 consumer.

1 SEC. 6. Section two hundred three A point ten (203A.10), subsection two (2),
2 Code 1975, is amended to read as follows:

3 2. If in package form unless it bears a label containing (a) the name and place
4 of business of the manufacturer; *and if different, the name and place of the packer;*
5 or distributor; and (b) an accurate statement of the quantity of the contents in
6 terms of weight, measure, or numerical count; provided, that under clause "a" of
7 this subsection reasonable variations shall be permitted, and exemptions as to
8 small packages shall be established, by regulations prescribed by the board. *Any*
9 *drug subject to and in compliance with section seven (7) of this Act shall be deemed in*
10 *compliance with clause "a" of this subsection.*

1 SEC. 7. Chapter two hundred three A (203A), Code 1975, is amended by
2 adding the following new section:

3 **NEW SECTION. Information filed and placed on labels.** Any prescription drug,
4 as defined in section one hundred fifty-five point three (155.3), subsection ten (10)
5 of the Code, is misbranded unless:

6 1. The label sets forth:

7 a. The generic name of the drug, which shall be printed in a type size at least
8 half as large as that used for the brand or trade name of the drug product; and

9 b. The name and place of business of the actual manufacturer of the finished
10 dosage form of the drug and if different, the name and place of business of the
11 packer or distributor of the drug.

12 2. There has been filed with the board by the manufacturer packer or
13 distributor of the drug a statement which is accurate with respect to the drug
14 setting forth the information required by subsection one (1) of this section
15 together with all additional information relating to demonstrated bioavailability,
16 side effects, contraindications and effectiveness as may be required by rules of the
17 board.

Approved May 7, 1976

CHAPTER 1117

PREScription DRUGS AND CONTROLLED SUBSTANCES

H. F. 1464

AN ACT relating to regulation of prescription drugs and controlled substances by the board of pharmacy examiners.

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

1 SECTION 1. Section one hundred fifty-five point three (155.3), subsection five
2 (5), Code 1975, is amended to read as follows:

3 5. The term "wholesaler" shall mean any person operating or maintaining,
4 *either within or outside this state*, a manufacturing plant, wholesale distribution
5 center, wholesale business or any other business in which prescription drugs,
6 medicinal chemicals, medicines or poisons, are sold, manufactured, compounded,
7 dispensed, stocked, exposed or offered for sale at wholesale *in this state*. The term
8 "wholesaler" shall not include those wholesalers who sell only the products
9 defined in subsection 7. Nothing contained in this subsection shall in any way
10 affect the exemptions provided in section 155.25.

1 SEC. 2. Section one hundred fifty-five point twelve (155.12), unnumbered
2 paragraph two (2), Code 1975, is amended to read as follows:

3 Each license shall be issued only for the premises and to the persons named in
 4 the application and shall not be transferred or assigned. If a corporation or other
 5 business entity licensee elects to change or replace the pharmacist-manager within
 6 an annual registration period, a new license shall be obtained from the board
 7 ~~without additional fee.~~

1 SEC. 3. Section two hundred four point three hundred six (204.306), Code
 2 1975, is amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. No person shall distribute complimentary
 4 packages of controlled substances, to a practitioner unless that person prepares
 5 and leaves with the practitioner a specific written list of the items so distributed.
 6 This list shall be prepared on a form prescribed by rules promulgated by the
 7 board, and the person who distributes the items listed shall send a copy of the list
 8 to the board as soon as practicable after distribution of the complimentary
 9 packages to the practitioner.

1 SEC. 4. Section two hundred four point five hundred five (204.505), subsection
 2 one (1), Code 1975, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. All controlled substances in the possession of a practitioner
 4 which are material to a record-keeping violation.

Approved May 13, 1976

CHAPTER 1118

COSMETOLOGISTS AND BARBERS

S. F. 1141

AN ACT to establish and regulate the practice of barbering and the practice of cosmetology, and to provide penalties.

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

1 SECTION 1. NEW SECTION. **Definitions.** For the purpose of sections one (1)
 2 through fifteen (15) of this Act:

3 1. "Cosmetology" means practices performed with or without compensation by
 4 cosmetologists which include but are not limited to the practices listed in this
 5 subsection:

6 a. Arranging, dressing, curling, waving, shampooing, cutting, singeing,
 7 bleaching, coloring, or similar works, upon the hair of any person; or upon a wig
 8 or hairpiece when done in conjunction with haircutting or hairstyling by any
 9 means.

10 b. Massaging, cleansing, stimulating, exercising, beautifying, or similar
 11 techniques upon the scalp, face, neck, arms, hands, or upper part of the body of
 12 any person with the hands or mechanical or electrical apparatus or appliances or
 13 with the use of cosmetic preparations, antiseptics, tonics, lotions, creams, or other
 14 preparations.

15 c. Manicuring the nails of any person.

16 Cosmetologists shall not represent themselves to the public as being primarily
 17 in the practice of haircutting unless that function is, in fact their primary
 18 specialty.

19 2. "Cosmetologist" means a person who performs practices of cosmetology or
 20 otherwise by the person's occupation holds himself or herself out as having
 21 knowledge or skill peculiar to the practice of cosmetology.

- 22 3. "Beauty salon" means a fixed establishment or place where one or more
 23 persons engage in the practice of cosmetology.
 24 4. "Cosmetology school" means an establishment operated by a person for the
 25 purpose of teaching cosmetology.
 26 5. "Board" means the board of cosmetology examiners.
 27 6. "Department" means the state department of health.

1 SEC. 2. NEW SECTION. **Prohibition—exceptions.** It is unlawful for a person
 2 to practice cosmetology with or without compensation unless the person possesses
 3 a license issued under the provision of section three (3) of this Act. However
 4 practices listed in section one (1) of this Act when performed by the following
 5 persons are not defined as the practice of cosmetology:

- 6 1. Licensed physicians and surgeons, osteopaths, osteopathic physicians and
 7 surgeons, nurses, dentists, podiatrists, optometrists, chiropractors, and physical
 8 therapists, when exclusively engaged in the practice of their respective professions.
 9 2. Licensed barbers who practice barbering as defined in section seventeen (17)
 10 of this Act.
 11 3. Students enrolled in licensed schools of cosmetology or barber schools who
 12 are practicing under the instruction or immediate supervision of an instructor.
 13 4. Persons who perform without compensation any of the practices listed in
 14 section one (1) of this Act on an emergency basis or on a casual basis.
 15 5. Employees and residents of hospitals, health care facilities, orphans' homes,
 16 juvenile homes, and other similar facilities who shampoo, arrange, dress, or curl
 17 the hair of any resident without receiving direct compensation from the person
 18 receiving the service.
 19 6. Persons who perform any of the practices listed in section one (1) of this Act
 20 on themselves or on a member of the person's immediate family.

1 SEC. 3. NEW SECTION. **License requirements.** 1. An applicant shall be
 2 issued a license to practice cosmetology by the department when the applicant
 3 satisfies all of the following:

- 4 a. Presents to the department the certificate of a licensed physician and
 5 surgeon, osteopath, or osteopathic physician and surgeon that the applicant is free
 6 from any infectious or contagious disease.
 7 b. Presents to the department a diploma, or similar evidence, issued by a
 8 licensed school of cosmetology indicating that the applicant has completed the
 9 course of study prescribed by the board.
 10 c. Completes the application form prescribed by the board.
 11 d. Passes an examination prescribed by the board. The examination shall
 12 include both practical demonstrations and written or oral tests and shall not be
 13 confined to any specific system or method.

14 2. Notwithstanding the provisions of subsection one (1) of this section, any
 15 person who completes the application form prescribed by the board who submits
 16 satisfactory proof of having been a licensed cosmetologist in another state for at
 17 least twelve months in the twenty-four month period preceding the submission of
 18 the application shall be allowed to take the examination for a license to practice
 19 cosmetology. However, the examination requirement shall be waived for those
 20 persons who submit evidence of licensure in another state which has a reciprocal
 21 agreement with the state of Iowa under the provisions of sections one hundred
 22 forty-seven point forty-four (147.44) through one hundred forty-seven point forty-
 23 nine (147.49) of the Code.

1 SEC. 4. NEW SECTION. **Temporary permits.** Any person who completes the
 2 requirements for licensure as a cosmetologist listed in section three (3) of this Act,
 3 except for the examination, shall be known as a trainee and shall be issued a
 4 temporary permit by the department which allows the applicant to practice
 5 cosmetology from the date of graduation from the licensed school of cosmetology
 6 to the date on which the results of the next succeeding examination for

7 cosmetologists are available. Only one permit shall be issued to a person. The fee
8 for the temporary permit shall be established by the board as provided in section
9 one hundred forty-seven point eighty (147.80) of the Code.

1 SEC. 5. NEW SECTION. **License to practice electrolysis.** An applicant for a
2 license to practice cosmetology may obtain a license from the department for
3 authority to remove superfluous hair by the use of the electric needle or electronic
4 process by presenting to the board a diploma, or similar evidence, from a licensed
5 school of cosmetology, or from any school in another state which is recognized by
6 the board, which teaches a special course in the practice of the use of the electric
7 needle or electronic process indicating that the applicant has successfully
8 completed the special course, and by passing an examination prescribed by the
9 board. The applicant shall pay a license fee as determined by the board under
10 section one hundred forty-seven point eighty (147.80) of the Code.

1 SEC. 6. NEW SECTION. **Sanitary rules—practice in the home.** The
2 department shall prescribe sanitary rules for beauty salons and schools of
3 cosmetology which shall include the sanitary conditions necessary for the practice
4 of cosmetology and for the prevention of infectious and contagious diseases.
5 Subject to local zoning ordinances, a beauty salon may be established in a
6 residence if a room other than the living quarters is equipped for that purpose.
7 The department shall enforce the provisions of this section and make necessary
8 inspections for enforcement.

1 SEC. 7. NEW SECTION. **Inspectors.** Inspectors and clerical assistants shall
2 be employed by the department under the provisions of chapter nineteen A (19A)
3 of the Code to administer and enforce the provisions of sections one (1) through
4 fifteen (15) of this Act. The costs and expenses of inspectors and clerical
5 assistants shall be paid from funds appropriated to the board.

1 SEC. 8. NEW SECTION. **Licensing of schools of cosmetology and instructors.**
2 It is unlawful for a school of cosmetology to operate unless the owner has
3 obtained a license issued by the department. The owner shall file a verified
4 application with the department on forms prescribed by the board. Any person
5 employed as a cosmetology instructor in a licensed school of cosmetology shall be
6 a licensed cosmetologist and shall possess a separate instructor's license which
7 shall be renewed annually. An instructor shall file an application with the
8 department on forms prescribed by the board. The school of cosmetology must
9 pass a sanitary inspection under the provisions of section six (6) of this Act, and
10 the course of study of the school must be approved by the board under the
11 provisions of section ten (10) of this Act. An annual inspection of each school of
12 cosmetology, including the educational activities of each school, shall be
13 conducted and completed by the board prior to renewal of the license.

14 The application for a license for a school shall be accompanied by the annual
15 license fee determined pursuant to section one hundred forty-seven point eighty
16 (147.80) of the Code and shall state the name and location of the school and such
17 other additional information as the board may require. The license is valid for
18 one year and may be renewed. A license for a school of cosmetology shall not be
19 issued for any space in any location where the same space is also licensed as a
20 barber school.

21 The application for an instructor's license shall be accompanied by the annual
22 license fee determined pursuant to section one hundred forty-seven point eighty
23 (147.80) of the Code.

1 SEC. 9. NEW SECTION. **License suspension and revocation.** Any license
2 issued by the department under the provisions of sections one (1) through fifteen
3 (15) of this Act may be suspended, revoked, or renewal denied by the board for
4 violation of any provision of this Act or rules promulgated by the board under
5 the provisions of chapter seventeen A (17A) of the Code.

1 **SEC. 10. NEW SECTION. Course of study.** The course of study of a school of
2 cosmetology shall consist of at least two thousand one hundred hours of
3 instruction as prescribed by the board and shall include instruction in all phases
4 of the practice of cosmetology as defined in section one (1), subsection one (1), of
5 this Act. The course shall require at least ten months of instruction for
6 completion. The course shall include not less than five hundred hours of
7 demonstrations and lectures in the following areas: Sanitation and sterilization,
8 hygiene and grooming, professional ethics, anatomy, dermatology, trichology,
9 nails, chemistry and chemical hair straightening, safety precautions, and state law
10 and rules. It shall include not less than one thousand two hundred hours of
11 supervised practical instruction in the following areas: Sanitation and
12 sterilization, shampoos and rinses, scalp and hair treatments, hairshaping,
13 hairstyling, wiggery, manicuring, permanent waving, haircoloring and lightening,
14 facial treatment and makeup, and safety precautions.

15 The barber licensed under sections seventeen (17) through thirty-two (32) of
16 this Act who enrolls in a school of cosmetology shall be granted five hundred
17 twenty-five hours credit toward the two thousand one hundred hour requirement,
18 and the ten-month period shall not apply.

1 **SEC. 11. NEW SECTION. Salon licenses.** Commencing January 1, 1977, it is
2 unlawful for a beauty salon to operate unless the owner has obtained a license
3 issued by the department. The owner shall apply to the department on forms
4 prescribed by the board. The beauty salon must pass a sanitary inspection before
5 licensing and at least annually thereafter.

6 The application shall be accompanied by the annual license fee determined
7 pursuant to section one hundred forty-seven point eighty (147.80) of the Code.
8 The license is valid for one year and may be renewed.

9 A licensed school of cosmetology at which students practice cosmetology is
10 exempt from licensing as a beauty salon.

1 **SEC. 12. NEW SECTION. Supervisors of cosmetologists.** Persons who directly
2 supervise the work of cosmetologists shall be licensed cosmetologists.

1 **SEC. 13. NEW SECTION. Violations.** 1. It is unlawful for any person to
2 employ an individual to practice cosmetology unless that individual is a licensed
3 cosmetologist or has obtained a temporary permit. It is unlawful for a licensed
4 cosmetologist to practice cosmetology with or without compensation in any place
5 other than a licensed beauty salon or licensed school of cosmetology, except that
6 a licensed cosmetologist may practice cosmetology at a location which is not a
7 licensed beauty salon or school of cosmetology under extenuating circumstances
8 arising from physical or mental disability or death of a customer. It is unlawful
9 for a licensed cosmetologist to represent himself or herself as a licensed barber.

10 2. If the owner or manager of a beauty salon does not comply with the sanitary
11 rules adopted under the provisions of section six (6) of this Act or fails to
12 maintain the beauty salon as prescribed by rules of the state department of
13 health, the department may notify the owner or manager in writing of the failure
14 to comply. If the rules are not complied with within five days after receipt of the
15 written notice by the owner or manager, the department shall in writing order the
16 beauty salon closed until the rules are complied with. It is unlawful for a person
17 to practice cosmetology in a salon which has been closed under the provisions of
18 this section. The county attorney in each county shall assist the department in
19 enforcing the provisions of this section.

1 **SEC. 14. NEW SECTION. Rules.** The board shall promulgate rules under the
2 provisions of chapter seventeen A (17A) of the Code to administer the provisions
3 of sections one (1) through fifteen (15) of this Act. However, any rules adopted by
4 the board shall first be submitted to the department of health for approval.

1 SEC. 15. NEW SECTION. **Penalty.** A person convicted of violating any of
2 the provisions of sections one (1) through fourteen (14) of this Act shall be fined
3 not to exceed one hundred dollars.

1 SEC. 16. **License extension.**

2 1. A cosmetologist possessing a license on June 30, 1975 and renewing the
3 license at some time during the year beginning July 1, 1975, may have his or her
4 license renewed without examination under the provisions of section one hundred
5 forty-seven point ten (147.10) of the Code.

6 2. A school of cosmetology possessing a license on June 30, 1975 and renewing
7 the license at some time during the year beginning July 1, 1975 may have its
8 license renewed under the provisions of this Act.

9 3. Any person who made application to the board of cosmetology examiners
10 for a license to practice cosmetology during the period commencing July 1, 1975
11 and ending June 30, 1976 and who met the requirements of the board of
12 cosmetology examiners and was issued a license may have his or her license
13 renewed without examination under the provisions of section one hundred forty-
14 seven point ten (147.10) of the Code.

15 4. For the purpose of this section, the definitions in section one (1) of this Act
16 shall apply.

1 SEC. 17. NEW SECTION. **Definition.** For the purpose of sections seventeen
2 (17) through thirty-two (32) of this Act:

3 1. "Barbering" means practices listed in this subsection performed with or
4 without compensation. The practices include but are not limited to the following
5 practices performed upon the upper part of the human body of any person for
6 cosmetic purposes and not for the treatment of disease or physical or mental
7 ailments:

8 a. Shaving or trimming the beard or cutting the hair.

9 b. Giving facial and scalp massages or treatments with oils, creams, lotions, or
10 other preparations either by hand, or by electrical or mechanical appliances.

11 c. Singeing, shampooing, hair body processing, arranging, dressing, curling,
12 blow waving, hair relaxing, bleaching or coloring the hair, or applying hair tonics.

13 d. Applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions
14 to scalp, face, or neck.

15 e. Styling, cutting or shampooing hairpieces or wigs when done in conjunction
16 with haircutting or hairstyling.

17 Barbers shall not represent themselves to the public as being primarily engaged
18 in practices other than haircutting unless the functions are in fact their primary
19 function or specialty.

20 2. "Barber" means a person who performs practices of barbering or otherwise
21 by the person's occupation holds himself or herself out as having knowledge or
22 skill peculiar to the practice of barbering.

23 3. "Barbershop" means an establishment in a fixed location where one or more
24 persons engage in the practice of barbering.

25 4. "Barber school" means an establishment operated by a person for the
26 purpose of teaching barbering.

27 5. "Board" means the board of barber examiners.

28 6. "Department" means the state department of health.

1 SEC. 18. NEW SECTION. **Prohibition—exceptions.** It is unlawful for a person
2 to practice barbering with or without compensation unless the person possesses a
3 license issued under the provisions of section nineteen (19) of this Act. Practices
4 listed in section seventeen (17) of this Act when performed by the following
5 persons are not defined as practicing barbering:

6 1. Licensed physicians and surgeons, osteopaths, osteopathic physicians and
7 surgeons, nurses, dentists, podiatrists, optometrists, chiropractors, and physical
8 therapists, when exclusively engaged in the practice of their respective professions.

9 2. Licensed cosmetologists who practice cosmetology as defined in section one
10 (1) of this Act.

11 3. Students enrolled in licensed barber schools or schools of cosmetology who
12 are practicing under the instruction or immediate supervision of an instructor.

13 4. Persons who, without compensation, perform any of the practices on an
14 emergency basis or on a casual basis.

15 5. Employees and residents of hospitals, health care facilities, orphans' homes,
16 juvenile homes, and other similar facilities who shampoo, arrange, dress, or curl
17 the hair of any resident, or who shave or trim the beard of any resident, without
18 receiving direct compensation from the person receiving the service.

19 6. Persons who perform any of the practices listed in section seventeen (17) of
20 this Act on themselves or on a member of the person's immediate family.

1 **SEC. 19. NEW SECTION. License requirements.**

2 1. An applicant shall be issued a license to practice barbering by the
3 department when the applicant satisfies all of the following:

4 a. Presents to the department the certificate of a licensed physician and
5 surgeon, osteopath, or osteopathic physician and surgeon that the applicant is
6 free from any infectious or contagious disease.

7 b. Presents to the department a diploma, or other like evidence, issued by a
8 licensed barber school indicating that the applicant has completed the course of
9 study prescribed by the board.

10 c. Completes the application form prescribed by the board.

11 d. Passes an examination prescribed by the board. The examination shall
12 include both practical demonstrations and written or oral tests and shall not be
13 confined to any specific system or method.

14 e. Presents a certificate, or satisfactory evidence, to the department that the
15 applicant has successfully completed tenth grade, or the equivalent. The
16 provisions of this subsection shall not apply to students enrolled in a barber
17 school maintained at an institution under the control of a director of a division of
18 the department of social services.

19 2. Notwithstanding the provisions of subsection one (1) of this section, any
20 person who completes the application form prescribed by the board and who
21 submits satisfactory proof of having been a licensed barber in another state for at
22 least twelve months in the twenty-four month period preceding the submission of
23 the application shall be allowed to take the examination for a license to practice
24 barbering. However, the examination requirement shall be waived for those
25 persons who submit evidence of licensure in another state which has a reciprocal
26 agreement with the state of Iowa under the provisions of sections one hundred
27 forty-seven point forty-four (147.44) through one hundred forty-seven point
28 forty-nine (147.49) of the Code.

29 3. Notwithstanding the provisions of subsection one (1) of this section, any
30 person who is registered as a barber's apprentice on the effective date of this Act
31 may apply to the department prior to October 1, 1976 and shall be issued a
32 license to practice barbering upon payment of the fee prescribed under the
33 provisions of section one hundred forty-seven point eighty (147.80) of the Code.

1 **SEC. 20. NEW SECTION. Temporary permits.** Any person who completes the
2 requirements for licensure as a barber listed in section nineteen (19) of this Act,
3 except for the examination, shall be known as a trainee and shall be issued a
4 temporary permit by the department. The temporary permit allows the applicant
5 to practice barbering from the date of graduation from the licensed barber school
6 to the date on which the results of the next succeeding examination for barbers
7 are available. Only one permit shall be issued to a person. The fee for the
8 temporary permit shall be established by the board as provided in section one
9 hundred forty-seven point eighty (147.80) of the Code.

1 SEC. 21. NEW SECTION. **Sanitary rules.** The department shall prescribe
2 sanitary rules for barbershops and barber schools which shall include the sanitary
3 conditions necessary for the practice of barbering and for the prevention of
4 infectious and contagious diseases. Subject to local zoning ordinances, a
5 barbershop may be established in a residence if a room other than the living
6 quarters is equipped for that purpose. The department shall enforce the provisions
7 of this section and make necessary inspections for enforcement.

1 SEC. 22. NEW SECTION. **Inspectors.** Inspectors and clerical assistants shall
2 be employed by the department under the provisions of chapter nineteen A (19A)
3 of the Code to administer and enforce the provisions of sections seventeen (17)
4 through thirty-two (32) of this Act. The costs and expenses of inspectors and
5 clerical assistants shall be paid from funds appropriated to the board.

1 SEC. 23. NEW SECTION. **Licensing barber schools.** It is unlawful for a
2 barber school to operate unless the owner has obtained a license issued by the
3 department. The owner shall file a verified application with the department on
4 forms prescribed by the board. Any person employed as a barbering instructor in
5 a licensed barber school shall be a licensed barber and shall possess a separate
6 instructor's license which shall be renewed annually. An instructor shall file an
7 application with the department on forms prescribed by the board. The barber
8 school must pass a sanitary inspection, and the course of study of the school must
9 be approved by the board under the provisions of section twenty-four (24) of this
10 Act.

11 An annual inspection of each barber school, including the educational activities
12 of each school, shall be conducted and completed by the board prior to renewal
13 of the license.

14 The application shall be accompanied by the annual license fee determined
15 under the provisions of section one hundred forty-seven point eighty (147.80) of
16 the Code and shall state the name and location of the school, name of the owner,
17 name of the manager, and such other additional information as the board may
18 require. The license is valid for one year and may be renewed.

19 A license for a barber school shall not be issued for any space in any location
20 where the same space is licensed as a school of cosmetology.

1 SEC. 24. NEW SECTION. **Course of study.** The course of study of a barber
2 school shall consist of at least two thousand one hundred hours of instruction as
3 prescribed by the board and shall include instruction in all phases of the practice
4 of barbering as defined in section seventeen (17), subsection one (1) of this Act.
5 The course shall require at least ten months of instruction for completion. The
6 course shall include not less than three hundred hours of demonstrations and
7 lectures in the following areas: Law; ethics; equipment; shop management;
8 history of barbering; sanitation; sterilization; personal hygiene; first aid;
9 bacteriology; anatomy; scalp, skin, hair and their common disorders; electricity
10 as applied to barbering; chemistry and pharmacology; scalp care; hair body
11 processing; hairpieces; honing and stropping; shaving; facials, massage and
12 packs; haircutting; hair tonics; dyeing and bleaching; instruments; soaps; and
13 shampoos, creams, lotions, and tonics. It shall include not less than one thousand
14 four hundred hours of supervised practical instruction in the following areas:
15 Scalp care and shampooing, honing and stropping, shaving, haircutting,
16 hairstyling and blow waving, dyeing and bleaching, hair body processing, facials,
17 massage and packs, beard and mustache trimming, and hairpieces.

18 A cosmetologist licensed under section three (3) of this Act who enrolls in a
19 barber school shall be granted five hundred twenty-five hours credit toward the
20 two thousand one hundred hour requirement, and the ten-month period shall not
21 apply.

1 **SEC. 25. NEW SECTION. Barbershop licenses.** It is unlawful for a
2 barbershop to operate unless the owner has obtained a license issued by the
3 department. The owner shall apply to the department on forms prescribed by the
4 board. The barbershop must pass a sanitary inspection before obtaining a license
5 and at least annually thereafter.

6 The application shall be accompanied by the annual license fee determined
7 pursuant to section one hundred forty-seven point eighty (147.80) of the Code.
8 The license is valid for one year and may be renewed.

9 A licensed barber shop shall not employ more than one licensed barber
10 assistant for each five licensed barbers. A licensed barber school at which
11 students practice barbering is exempt from licensing as a barbershop.

1 **SEC. 26. NEW SECTION. Supervisors of barbers.** Persons who directly
2 supervise the work of barbers shall be licensed barbers.

1 **SEC. 27. NEW SECTION. Barber assistants.** The department shall issue a
2 license to practice as a barber assistant to any person who submits proof of
3 completion of a course of not less than one hundred sixty hours in a licensed
4 barber school or licensed school of cosmetology. The board shall adopt rules
5 defining the course of study of a barber assistant and the practices which a barber
6 assistant may perform. The course of study shall include but not be limited to
7 demonstrations, lectures, and supervised practical instruction in scalp care, rinses,
8 hair treatments, anatomy of scalp and hair and their common disorders, and
9 sanitation and sterilization. A barber assistant shall work under the direct
10 supervision of a licensed barber. The fee for the license shall be established by the
11 board as provided in section one hundred forty-seven point eighty (147.80) of the
12 Code.

1 **SEC. 28. NEW SECTION. License suspension and revocation.** Any license
2 issued by the department under the provisions of sections seventeen (17) through
3 thirty-two (32) of this Act may be suspended, revoked, or renewal denied by the
4 board for violation of any provision of this Act or rules promulgated by the board
5 under the provisions of chapter seventeen A (17A) of the Code.

1 **SEC. 29. NEW SECTION. Violations.**

2 1. It is unlawful for any person to employ an individual to practice barbering
3 unless that individual is a licensed barber or has obtained a temporary permit. It
4 is unlawful for a licensed barber to practice barbering with or without
5 compensation in any place other than a licensed barbershop or barber school,
6 except that a licensed barber may practice barbering at a location which is not a
7 licensed barbershop or barber school under extenuating circumstances arising
8 from physical or mental disability or death of a customer. It is unlawful for a
9 licensed barber to represent himself or herself as a licensed cosmetologist.

10 2. If the owner or manager of a barbershop does not comply with the sanitary
11 rules adopted under the provisions of section twenty-one (21) of this Act or fails
12 to maintain the barbershop as prescribed by rules of the state department of
13 health, the department may notify the owner or manager in writing of the failure
14 to comply. If the rules are not complied with within five days after receipt of the
15 written notice by the owner or manager, the department shall in writing order the
16 shop closed until the rules are complied with. It is unlawful for a person to
17 practice barbering in a shop which has been closed under the provisions of this
18 section. The county attorney in each county shall assist the department in
19 enforcing the provisions of this section.

1 **SEC. 30. NEW SECTION. Manicurists.** A licensed barbershop may employ a
2 person who is not a licensed cosmetologist to manicure the fingernails of any
3 person.

1 * SEC. 31. NEW SECTION. **Rules.** The board shall promulgate rules under the
 2 provisions of chapter seventeen A (17A) of the Code to administer the provisions
 3 of sections seventeen (17) through thirty-two (32) of this Act. However, any rules
 4 adopted by the board shall first be submitted to the department of health for
 5 approval.

1 SEC. 32. NEW SECTION. **Penalty.** A person convicted of violating any of
 2 the provisions of sections seventeen (17) through thirty-one (31) of this Act shall
 3 be fined not to exceed one hundred dollars.

1 SEC. 33. **License extension.**

2 1. A barber possessing a license on June 30, 1975 and renewing the license at
 3 some time during the year beginning July 1, 1975, may have his or her license
 4 renewed without examination under the provisions of section one hundred forty-
 5 seven point ten (147.10) of the Code.

6 2. A barber school possessing a license on June 30, 1975 and renewing the
 7 license at some time during the year beginning July 1, 1975, may have its license
 8 renewed under the provisions of this Act.

9 3. Any person who made application to the board of barber examiners for a
 10 license to practice barbering during the period commencing July 1, 1975 and
 11 ending June 30, 1976 and who met the requirements of the board of barber
 12 examiners and was issued a license may have his or her license renewed without
 13 examination under the provisions of section one hundred forty-seven point ten
 14 (147.10) of the Code.

15 4. For the purpose of this section, the definitions in section one (1) of this Act
 16 shall apply.

1 SEC. 34. Section one hundred forty-seven point eighty (147.80), subsections
 2 thirteen (13) and fourteen (14), Code 1975, are amended to read as follows:

3 13. License to practice cosmetology issued upon the basis of an examination
 4 given by the board of cosmetology examiners, license to practice cosmetology
 5 under a reciprocal agreement, renewal of a license to practice cosmetology,
 6 *temporary permit to practice as an apprentice in a cosmetology trainee, original*
 7 *license to conduct a school teaching of cosmetology, renewal of license to conduct a*
 8 *school of cosmetology, original license to operate a beauty salon, renewal of a license*
 9 *to operate a beauty salon, original license and examination to practice electrolysis,*
 10 *renewal of a license to practice electrolysis, annual inspection of a school of*
 11 *cosmetology, annual inspection of a beauty salon, original cosmetology school*
 12 *instructor's license, renewal of cosmetology school instructor's license.*

13 14. License to practice barbering on the basis of an examination given by the
 14 board of barber examiners, licensed to practice barbering under a reciprocal
 15 agreement, renewal of a license to practice barbering, *annual inspection by the*
 16 *state department of health and of barber school and annual inspection of*
 17 *barbershop, an original barber school license, renewal of a barber school license,*
 18 *transfer of license upon change of ownership of a barber shop or barber school,*
 19 *inspection by the department and an original barber shop license, renewal of a*
 20 *barber shop license, original barber school instructor's license, renewal of a*
 21 *barber school instructor's license, original apprentice barber's license, renewal of*
 22 *an apprentice barber's license original barber assistant's license, renewal of a barber*
 23 *assistant's license.*

1 SEC. 35. Section one hundred forty-seven point eighty-six (147.86), Code 1975,
 2 is amended to read as follows:

3 **147.86 Penalties.** Any person violating any provision of this or the following
 4 chapters of this title, except insofar as said provisions apply or relate to or affect
 5 the practice of pharmacy, of ~~cosmetology,~~ and of ~~barbering,~~ shall be fined not
 6 less than one hundred dollars nor more than one thousand dollars or be
 7 imprisoned in the county jail for not more than six months or by both such fine
 8 and imprisonment.

1 SEC. 36. The Code editor is directed to publish sections one (1) through
 2 fifteen (15) of this Act as a new chapter of the Code and sections seventeen (17)
 3 through thirty-two (32) of this Act as a new chapter of the Code.

Approved May 24, 1976

CHAPTER 1119

BEDDING IN HOTELS AND MOTELS

H. F. 1495

AN ACT relating to bedding sanitation in hotels, motels, and motor inns.

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

1 SECTION 1. Section one hundred seventy point twenty-nine (170.29), Code
 2 1975, is amended by striking the section and inserting in lieu thereof the
 3 following:

4 **170.29 Bedding.** Every bed, bunk, cot, or other sleeping place in a hotel,
 5 motel, or motor inn shall be supplied with under sheets, top sheets, and pillow
 6 slips. The sheets shall be of sufficient width and length to completely cover the
 7 mattress. The pillow slips and sheets after being used by any guest shall be
 8 washed and sanitized, or disposed of, and a clean set furnished each succeeding
 9 guest. The other bedding shall be thoroughly aired and kept clean at all times. All
 10 mattresses, quilts, blankets, pillows, sheets, comforters, and other bedding which
 11 have become worn or unsanitary so as to be unfit for use as bedding shall be
 12 condemned by an inspector and shall not be used again.

Approved April 26, 1976

CHAPTER 1120

CORPORATE FARMING

H. F. 1003

AN ACT relating to restricting the ownership of farming land by corporations.

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

1 SECTION 1. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 2 one hundred thirty-three (133), section four (4), unnumbered paragraph one (1), is
 3 amended to read as follows:

4 For a period of ~~one year~~ *three years* from the effective date of this Act no
 5 corporation, other than a family farm corporation or an authorized farm
 6 corporation shall, either directly or indirectly, acquire or otherwise obtain or lease
 7 any additional agricultural land in this state. However, the restrictions provided
 8 in this section shall not apply to the following:

Approved March 26, 1976

CHAPTER 1121

LIVESTOCK FEEDLOTS

S. F. 367

AN ACT relating to the location and operation of livestock feedlots, and defining nuisance as the term relates thereto.

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

1 SECTION 1. NEW SECTION. **Definitions.** As used in this Act, unless the
2 context otherwise requires:

3 1. "City" means a municipal corporation including a town*, but not including a
4 county, township, school district, or any special-purpose district or authority.

5 2. "Department" means the department of environmental quality and includes
6 any officer or agency within that department.

7 3. "Established date of operation" means the date on which a feedlot
8 commenced operating with not more livestock than reasonably could be
9 maintained by the physical facilities existing as of that date. If the physical
10 facilities of the feedlot are subsequently expanded, the established date of
11 operation for each expansion is deemed to be a separate and independent
12 "established date of operation" established as of this date of commencement of
13 the expanded operations, and the commencement of expanded operations shall
14 not divest the feedlot of a previously established date of operation.

15 4. "Established date of ownership" means the date of the recording of an
16 appropriate muniment of title establishing the ownership of realty.

17 5. "Rule of the department" means a rule as defined in section seventeen A
18 point two (17A.2) of the Code which materially affects the operation of a feedlot
19 and which has been adopted by the department. The term includes a rule which
20 was in effect prior to the effective date of chapter one thousand ninety (1090),
21 Acts of the Sixty-fifth General Assembly, 1974 Session. Except as specifically
22 provided in subparagraph five (5) of paragraph b and subparagraph five (5) of
23 paragraph c of subsection two (2) of section three (3) of this Act, nothing in this
24 Act shall be deemed to empower the department to make any rule.

25 6. "Feedlot" means a lot, yard, corral, or other area in which livestock are
26 confined, primarily for the purposes of feeding and growth prior to slaughter. The
27 term does not include areas which are used for the raising of crops or other
28 vegetation and upon which livestock are allowed to graze or feed.

29 7. "Livestock" means cattle, sheep, swine, poultry, and other animals or fowl,
30 which are being produced primarily for use as food or food products for human
31 consumption.

32 8. "Materially affects" means prohibits or regulates with respect to the location,
33 or the emission of noise, effluent, odors, sewage, waste, or similar products
34 resulting from the operation or the location or use of buildings, machinery,
35 vehicles, equipment, or other real or personal property used in the operation, of a
36 livestock feedlot.

37 9. "Nuisance" means and includes public or private nuisance as defined either
38 by statute or by the common law.

39 10. "Nuisance action or proceeding" means and includes every action, claim or
40 proceeding, whether brought at law, in equity, or as an administrative proceeding,
41 which is based on nuisance.

42 11. "Owner" shall mean the person holding record title to real estate to include
43 both legal and equitable interests under recorded real estate contracts.

44 12. "Zoning requirement" means a regulation or ordinance, which has been
45 adopted by a city, county, township, school district, or any special-purpose
46 district or authority, and which materially affects the operation of a feedlot.

*According to enrolled Act

47 Nothing in this Act shall be deemed to empower any agency described in this
48 subsection to make any regulation or ordinance.

49 13. A rule pertaining to "feedlot management standards" means a rule, the
50 implementation of which, or the compliance with which, requires the expenditure
51 of funds not in excess of two percent of the establishment cost of the feedlot.

52 14. A rule pertaining to "feedlot design standards" means a rule, the
53 implementation of which, or the compliance with which, requires the expenditure
54 of funds in excess of two percent of the establishment cost of the feedlot.

55 15. "Establishment cost of a feedlot" means the cost or value of the feedlot on
56 its established date of operation and includes the cost or value of the building,
57 machinery, vehicles, equipment or other real or personal property used in the
58 operation of the feedlot.

1 SEC. 2. NEW SECTION. **Compliance—a defense to nuisance actions.** In any
2 nuisance action or proceeding against a feedlot brought by or on behalf of a
3 person whose date of ownership of realty is subsequent to the established date of
4 operation of that feedlot, proof of compliance with sections three (3) and four (4)
5 of this Act shall be an absolute defense, provided that the conditions or
6 circumstances alleged to constitute a nuisance are subject to regulatory
7 jurisdiction in accordance with either section three (3) or four (4) of this Act.

1 SEC. 3. NEW SECTION. **Compliance with rules of the department.**

2 1. Requirement. A person who operates a feedlot shall comply with applicable
3 rules of the department. The applicability of a rule of the department shall be as
4 provided in subsection two (2) of this section. A person complies with this section
5 as a matter of law where no rule of the department exists.

6 2. Applicability of rules.

7 a. Exclusion for federally mandated requirements. This section shall apply to
8 the department's rules except for rules required for delegation of the national
9 pollutant discharge elimination system permit program pursuant to the Federal
10 Water Pollution Control Act, Title thirty-three (33), United States Code, chapter
11 one hundred twenty-six (126), as amended, and forty (40) Code of Federal
12 Regulations, Part one hundred twenty-four (124).

13 b. Applicability of rules of the department other than those issued by the air
14 quality commission.

15 (1) A rule of the department in effect on the effective date of this Act shall
16 apply to a feedlot with an established date of operation prior to the effective date
17 of this Act.

18 (2) A rule of the department shall apply to a feedlot with an established date of
19 operation subsequent to the effective date of the rule.

20 (3) A rule of the department adopted after the effective date of this Act shall
21 not apply to a feedlot holding any DEQ permit and having an established date of
22 operation prior to the effective date of the rule until either the expiration of the
23 term of the permit in effect on the effective date of the rule, or ten years from the
24 established date of operation of the feedlot, whichever time period is greater.

25 (4) A rule of the department adopted after the effective date of this Act shall
26 not apply to a feedlot not previously required to hold a DEQ permit and having
27 an established date of operation prior to the effective date of the rule for either a
28 period of ten years from the established date of operation of the feedlot or five
29 years from the effective date of the rule, whichever time period is greater.

30 (5) To achieve compliance with applicable rules the department shall issue an
31 appropriate compliance schedule.

32 c. Applicability of rules of the air quality commission.

33 (1) A rule of the air quality commission in effect on the effective date of this
34 Act shall apply to a feedlot with an established date of operation prior to the
35 effective date of this Act.

36 (2) A rule of the air quality commission shall apply to a feedlot with an
37 established date of operation subsequent to the effective date of the rule.

38 (3) A rule of the air quality commission pertaining to feedlot management
39 standards adopted after the effective date of this Act shall not apply to any
40 feedlot having an established date of operation prior to the effective date of the
41 rule until one year after the effective date of the rule.

42 (4) A rule of the air quality commission pertaining to feedlot design standards
43 adopted after the effective date of this Act shall not apply to any feedlot having
44 an established date of operation prior to the effective date of the rule for either a
45 period of ten years from the established date of operation of the feedlot or two
46 years from the effective date of the rule, whichever time period is greater.
47 However, any design standard rule pertaining to the siting of any feedlot shall
48 apply only to a feedlot with an established date of operation subsequent to the
49 effective date of the rule.

50 (5) To achieve compliance with applicable rules the department shall issue an
51 appropriate compliance schedule.

1 SEC. 4. NEW SECTION. **Compliance with zoning requirements.**

2 1. Requirement. A person who operates a feedlot shall comply with applicable
3 zoning requirements. The applicability of a zoning requirement shall be as
4 provided in subsection two (2) of this section. A person complies with this section
5 as a matter of law where no zoning requirement exists.

6 2. Applicability.

7 a. A zoning requirement shall apply to a feedlot with an established date of
8 operation subsequent to the effective date of the zoning requirement.

9 b. A zoning requirement, other than one adopted by a city, shall not apply to a
10 feedlot with an established date of operation prior to the effective date of the
11 zoning requirement for a period of ten years from the effective date of that zoning
12 requirement.

13 c. A zoning requirement which is in effect on the effective date of this Act,
14 shall apply to a feedlot with an established date of operation prior to the effective
15 date of this Act.

16 d. A zoning requirement adopted by a city shall apply to a feedlot located
17 within an incorporated or unincorporated area which is subject to regulation by
18 that city as of the effective date of this Act, regardless of the established date of
19 operation of the feedlot.

20 e. A zoning requirement adopted by a city shall not apply to a feedlot which
21 becomes located within an incorporated or unincorporated area subject to
22 regulation by that city by virtue of an incorporation or annexation which takes
23 effect after the effective date of this Act for a period of ten years from the
24 effective date of the incorporation or annexation.

1 SEC. 5. Chapter six hundred fifty-seven (657), Code 1975, is amended by
2 adding the following new section:

3 NEW SECTION. **Feedlots.** This chapter shall apply to the operation of a
4 livestock feedlot, only as provided in sections one (1) through five (5) of this Act.

1 SEC. 6. The Code editor is directed to codify sections one (1) through five (5)
2 of this Act as a new chapter of the Code.

1 SEC. 7. This Act shall take effect on November 1, 1976.

Approved June 28, 1976

CHAPTER 1122

STATE FAIR BOARD

H. F. 1038

AN ACT making an appropriation for various state programs to the Herbert Hoover birthplace foundation, Mississippi river parkway commission, midwest nuclear compact, Iowa American revolution bicentennial commission, Iowa state fair board, agricultural societies, Iowa development commission, and Iowa dairy industry 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 for the
2 fiscal year beginning July 1, 1976 and ending June 30, 1977 the following sums, or
3 so much thereof as may be necessary, to be used for the following purposes:

- 4 1. HERBERT HOOVER BIRTHPLACE FOUNDATION, INCORPORATED
- 5 For support, maintenance and miscellaneous purposes\$ 2,730
- 6 2. MISSISSIPPI RIVER PARKWAY COMMISSION
- 7 For support, maintenance and miscellaneous purposes\$ 6,000
- 8 3. MIDWEST NUCLEAR COMPACT
- 9 For dues to the Midwest Nuclear Compact\$ 10,853
- 10 4. IOWA AMERICAN REVOLUTION BICENTENNIAL COMMISSION
- 11 For salaries and support of not more than four permanent full-time
- 12 positions, and maintenance and miscellaneous purposes\$ 65,300
- 13 5. IOWA STATE FAIR BOARD
- 14 For maintenance of buildings and grounds\$ 75,800
- 15 For premiums\$ 10,000
- 16 6. AGRICULTURAL SOCIETIES (LOCAL FAIRS)
- 17 a. For state aid\$ 210,000
- 18 b. The appropriation for state aid to agricultural societies is conditional on full
- 19 compliance with all other statutes which regulate and prescribe the conditions
- 20 under which such aid is payable. In no case shall any county receive more than
- 21 two thousand one hundred (2,100) dollars, except that in a county where there are
- 22 two definitely separate county extension offices, each such society shall receive
- 23 state aid in such amount as it would be entitled to if it were the only society in
- 24 the county. In counties having more than one fair entitled to state aid, the state
- 25 aid available for the county shall be prorated to the fairs on the basis of cash
- 26 premiums paid by the fairs.
- 27 7. IOWA DEVELOPMENT COMMISSION
- 28 a. For salaries and support of not more than forty-seven permanent
- 29 full-time positions, and maintenance, promotion and miscellaneous
- 30 purposes\$ 1,564,913
- 31 b. The Iowa development commission shall allocate from funds appropriated
- 32 by paragraph a of this subsection not to exceed thirty thousand (30,000) dollars
- 33 for the seven regional tourism districts, not to exceed four thousand five hundred
- 34 (4,500) dollars per district, if the district which will receive such funds provides on
- 35 a dollar-to-dollar matching basis funds equal to the amount allocated by the Iowa
- 36 development commission. Application for aid under this paragraph shall be made
- 37 to the Iowa development commission in a manner determined by the commission.
- 38 c. For the establishment and operation of a foreign trade and
- 39 development office\$ 50,000

1 SEC. 2. Section one hundred seventy-three point twelve (173.12), Code 1975, is
2 amended to read as follows:

3 173.12 Salary of treasurer. The treasurer shall receive such compensation for
4 his services as the board may fix, not to exceed five hundred dollars a year, and
5 necessary traveling and hotel expenses shall be paid a forty dollar per diem and

6 shall be reimbursed for actual and necessary expenses incurred while engaged in
7 official duties.

1 SEC. 3.

2 1. There is appropriated from the dairy industry fund to the Iowa dairy
3 industry commission under chapter one hundred seventy-nine (179) of the Code
4 for the fiscal year beginning July 1, 1976 and ending June 30, 1977, the following
5 amounts, or so much thereof as may be necessary, to be used for the following
6 purposes:

	1976-77
	<u>Fiscal Year</u>
9 For salaries, support, maintenance, equipment and miscellaneous	
10 purposes, excluding refunds, promotional, and research expenses	\$ 48,000

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

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

1 SEC. 5. Notwithstanding the Acts of the Sixty-third General Assembly, 1970
2 Session, chapter one thousand two hundred eighty-six (1286), section five (5),
3 chapter twenty-eight H (28H), of the Code, is repealed effective July 1, 1977.

Approved June 18, 1976

CHAPTER 1123

AGRICULTURAL EXTENSION

H. F. 1059

AN ACT relating to property tax levies and budget limitations for the county agricultural extension education fund.

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

1 SECTION 1. Section one hundred seventy-six A point ten (176A.10), Code
2 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **176A.10 County agricultural extension education tax.** The extension council
5 of each extension district shall, at a regular or special meeting held in January in
6 each year, estimate the amount of money required to be raised by taxation for
7 financing the county agricultural extension education program authorized in this
8 chapter. The annual tax levy and the amount of money to be raised from such
9 levy for the county agricultural extension education fund shall not exceed the
10 following:

11 1. For an extension district having a population of less than thirty thousand, an
12 annual levy not to exceed twenty and one-fourth cents per thousand dollars of the
13 assessed valuation of the taxable property in the district up to a maximum of fifty
14 thousand dollars per annum.

15 2. For an extension district having a population of thirty thousand or more but
16 less than fifty thousand population, an annual levy not to exceed twenty and one-
17 fourth cents per thousand dollars of the assessed valuation of the taxable property

- 18 in the district up to a maximum of sixty thousand dollars per annum.
 19 3. For an extension district having a population of fifty thousand or more but
 20 less than one hundred thousand population, an annual levy not to exceed thirteen
 21 and one-half cents per thousand dollars of the assessed valuation of the taxable
 22 property in the district up to a maximum of seventy-five thousand dollars per
 23 annum.
 24 4. For an extension district having a population of one hundred thousand or
 25 more, an annual levy not to exceed thirteen and one-half cents per thousand
 26 dollars of the assessed valuation of the taxable property in the district up to a
 27 maximum of one hundred thousand dollars per annum.
 28 The extension council in each extension district shall comply with the
 29 provisions of chapter twenty-four (24) of the Code.

- 1 SEC. 2. The provisions of this Act shall be governed by budget limitations
 2 contained in Senate File 1062, passed by the Sixty-sixth General Assembly, 1976
 3 Session.

Approved May 27, 1976

CHAPTER 1124

CORN PROMOTION BOARD

S. F. 449

AN ACT relating to the establishment of a corn promotion fund to receive assessments made on the sale of corn, to establish an Iowa corn promotion board, to provide for a referendum among corn producers, and to provide 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. "Secretary" means the secretary of agriculture.
 3 2. "Board" means the Iowa corn promotion board established by this Act.
 4 3. "Promotional order" means an order administered pursuant to this Act
 5 which establishes a program for the promotion, research and market development
 6 of corn and provides for an assessment to finance the program.
 7 4. "Market development" means to engage in research and educational
 8 programs directed toward better and more efficient utilization of corn; to provide
 9 methods and means, including but not limited to, public relations and other
 10 promotion techniques for the maintenance of present markets; to provide for the
 11 development of new or larger domestic and foreign markets; and to provide for
 12 the prevention, modification, or elimination of trade barriers which obstruct the
 13 free flow of corn.
 14 5. "Producer" means any individual, firm, corporation, partnership, or
 15 association engaged in this state in the business of producing and marketing in
 16 their name at least two hundred fifty bushels of corn in the previous marketing
 17 year.
 18 6. "First purchaser" means any person, corporation, association, cooperative,
 19 partnership, commercial buyer, dealer, or processor who resells corn purchased
 20 from a producer or offers for sale any product produced from such corn for any
 21 purpose.
 22 7. "Marketing year" means the twelve-month period beginning the first day of
 23 September and ending on the following thirty-first day of August.

24 8. "District" means an official crop reporting district formed by the United
25 States department of agriculture and set out in the annual farm census published
26 by the Iowa department of agriculture.

27 9. "Corn" means and includes all kinds of varieties of corn grown in this state
28 and marketed or sold as corn by the producer but shall not include sweet corn,
29 popcorn or seed corn.

30 10. "Bushel" means fifty-six pounds of corn by weight.

31 11. "Assessment" means an excise tax on each bushel of corn raised and sold in
32 this state as provided in this Act.

1 SEC. 2. NEW SECTION. **Petition for election.** Upon receipt of a petition
2 signed by at least five hundred producers requesting an initial referendum
3 election to determine whether a promotional order shall be placed in effect, the
4 secretary shall call an initial referendum election to be conducted within sixty
5 days following receipt of the petition. Producers shall vote by written ballot in the
6 manner provided by this Act for referendum elections.

1 SEC. 3. NEW SECTION. **Establishment of corn promotion board.** If a majority
2 of the producers voting in the referendum election approve the passage of the
3 promotional order, an Iowa corn promotion board shall be established. The
4 board shall consist of one director elected from each district in the state, except
5 that a district producing more than an average of one hundred million bushels of
6 corn in the three previous marketing years is entitled to two directors.

1 SEC. 4. NEW SECTION. **Initial board.** For the initial board, the secretary
2 shall notify the Iowa corn growers association, mentioned in section one hundred
3 fifty-nine point twenty-five (159.25) of the Code, immediately after approval of a
4 promotional order at the referendum election and the association shall nominate
5 two candidates for each position as director. Additional candidates may be
6 nominated by written petition of twenty-five producers. Procedures governing the
7 time and place of filing petitions shall be established and publicized by the
8 secretary. Candidates shall be resident producers of the district from which they
9 are nominated. The secretary shall receive the nominations, and shall call an
10 election for members of the initial board within thirty days following passage of
11 the promotional order.

1 SEC. 5. NEW SECTION. **Notice of election.** Notice of the initial election for
2 directors of the board shall be given by the secretary by publication in a
3 newspaper of general circulation in the state at least five days prior to the date of
4 the election and in any other reasonable manner as may be determined by the
5 secretary. The notice shall set forth the period of time for voting, voting places,
6 and such other information as the secretary may deem necessary.

7 Notice of subsequent elections for directors of the board in a district shall be
8 given by the board by publication in a newspaper of general circulation in the
9 district and in any other reasonable manner as may be determined by the board
10 and shall set forth the period of time for voting, voting places, and such other
11 information as the board may deem necessary.

1 SEC. 6. NEW SECTION. **Election of directors.** In districts electing one
2 director, the candidate receiving the highest number of votes shall be elected. In
3 districts electing two directors, producers shall vote for two directors, and the two
4 candidates receiving the highest number of votes shall be elected.

1 SEC. 7. NEW SECTION. **Terms of directors.** Director terms shall be for three
2 years and no director of the board shall serve for more than three complete
3 consecutive terms.

4 The terms of office for the initial board shall be determined by lot. As nearly as
5 possible one-third of the directors shall serve for one year, one-third of the
6 directors shall serve for two years, and one-third of the directors shall serve for
7 three years. The initial board shall not contain two directors from the same
8 district serving the same term.

1 **SEC. 8. NEW SECTION. Future elections.** After election of the initial board,
2 the board shall administer subsequent elections for directors of the board with the
3 assistance of the secretary. Prior to the expiration of a director's term of office,
4 the board shall appoint a nominating committee for the district represented by
5 such director. The nominating committee shall consist of five producers who are
6 residents of the district from which a director must be elected. The nominating
7 committee shall nominate two resident producers as candidates for each director
8 position for which an election is to be held. Additional candidates may be
9 nominated by a written petition of twenty-five producers. Procedures governing
10 the time and place of filing shall be promulgated and publicized by the board.

1 **SEC. 9. NEW SECTION. Vacancies.** The board shall by appointment fill an
2 unexpired term if a vacancy occurs in the board.

1 **SEC. 10. NEW SECTION. Ex officio members.** The secretary, the dean of the
2 college of agriculture of Iowa state university of science and technology, and the
3 director of the Iowa development commission, or their designees, and two
4 representatives of first purchaser organizations shall serve on the board as ex
5 officio members. One each of the two first purchaser representatives shall be
6 appointed by, and serve at the pleasure of, the Iowa grain and feed association
7 and the farmers grain dealers association of Iowa.

1 **SEC. 11. NEW SECTION. Purpose of the board.** The purposes of the board
2 shall be to:

3 1. Enter into contracts or agreements with recognized and qualified agencies or
4 organizations for the development and carrying out of research and education
5 programs directed toward better and more efficient production, marketing, and
6 utilization of corn and corn products.

7 2. Provide methods and means, including, but not limited to, public relations
8 and other promotion techniques for the maintenance of present markets.

9 3. Assist in development of new or larger markets, both domestic and foreign,
10 for corn and corn products.

11 4. Work for prevention, modification, or elimination of trade barriers which
12 obstruct the free flow of corn and corn products to market.

1 **SEC. 12. NEW SECTION. Officers.** The board shall:

2 1. Elect a chairman and other officers as advisable.

3 2. Administer this Act, and perform all acts reasonably necessary to effectuate
4 the purposes of this Act.

1 **SEC. 13. NEW SECTION. Powers and duties.** The board may:

2 1. Employ and discharge assistants and professional counsel as necessary,
3 prescribe their duties and powers, and fix their compensation.

4 2. Establish offices, incur expenses, and enter into any contracts or agreements
5 necessary to carry out the purposes of this Act.

6 3. Adopt, rescind, and amend all proper and necessary rules for the exercise of
7 its powers and duties.

8 4. Enter into arrangements for collection of the assessment on Iowa grown corn
9 from persons purchasing corn outside of Iowa.

1 **SEC. 14. NEW SECTION. Per diem and expenses.** Each member of the board
2 shall receive thirty dollars per day and actual expenses in performing official
3 board functions not to exceed forty days per year. No member of the board shall
4 be a salaried employee of the board or any organization or agency which is
5 receiving funds from the board. The board shall meet at least once every three
6 months, and at such other times as deemed necessary by the board.

1 SEC. 15. NEW SECTION. **Initial meeting.** The initial board shall meet and
2 organize following the members' election, and the promotional order, including
3 the assessment, shall become effective sixty days following the date of the election
4 of the board. A promotional order shall be effective for four years from its
5 effective date.

1 SEC. 16. NEW SECTION. **Notice of referendum.** Notice of a referendum
2 election to initiate or extend a promotional order shall be given by publication in
3 a newspaper of general circulation in this state at least ten days prior to the date
4 of the referendum and in any other reasonable manner as may be determined by
5 the secretary for the initial referendum and by the board for extension of the
6 promotional order.

1 SEC. 17. NEW SECTION. **Contents of notice.** The notice of referendum shall
2 set forth the period of time for voting, voting places and such other information
3 as the secretary may deem necessary in an initial referendum. The board shall
4 make such determinations in any subsequent referendum.

1 SEC. 18. NEW SECTION. **Counting.** At the close of a referendum voting
2 period, the secretary shall count and tabulate the ballots cast during the
3 referendum period.

1 SEC. 19. NEW SECTION. **Effect.** The ballots shall constitute conclusive
2 evidence as to the validity of the promotional order.

1 SEC. 20. NEW SECTION. **Producers only to vote.** Only producers are eligible
2 to vote in an election for directors or a referendum election and only in the
3 district in which they reside. A producer shall sign an affidavit furnished by the
4 secretary at the time of voting certifying his eligibility to vote. Each qualified
5 producer shall be entitled to one vote.

1 SEC. 21. NEW SECTION. **Assessment.** The board shall set the assessment
2 rate. Assessments pursuant to the promotional order shall be paid into the corn
3 promotion fund established in section twenty-six (26) of this Act. An assessment
4 shall not exceed one-tenth of one cent per bushel upon corn produced in this
5 state and sold to a first purchaser. The rate of assessment shall be determined by
6 the board but shall not be changed, once established, during a marketing year.

1 SEC. 22. NEW SECTION. **Promotional order.** After a promotional order has
2 been issued, the first purchaser at the time of payment for corn shall show the
3 total amount of assessment deducted from the sale on the purchase invoice.

1 SEC. 23. NEW SECTION. **Deduction of assessment.** The assessment shall be
2 deducted from the purchase price of corn at the time of sale, and forwarded to
3 the secretary by the first purchaser in the manner and at intervals determined by
4 the board.

1 SEC. 24. NEW SECTION. **Cancellation of order.** If a promotional order has
2 been canceled by a referendum, and all funds expended, the board shall cease to
3 function. Any funds remaining one year following the termination of a
4 promotional order shall be disbursed by the secretary for corn market
5 development. However if a future referendum passes, the board shall be
6 reorganized by the secretary and members shall serve out their terms as though
7 there had been no lapse of time between effective orders.

1 SEC. 25. NEW SECTION. **Assessment nullified.** An assessment adopted upon
2 the initiation of a promotional order shall be of no force or effect upon
3 termination of the promotional order. At least sixty days but not more than one
4 hundred eighty days prior to the termination date of a promotional order, the
5 secretary shall cause notice to be published in accordance with section sixteen
6 (16) of this Act, and a referendum on the question of whether a promotional
7 order shall be extended for an additional four-year period shall be conducted. If
8 the secretary finds that a majority of the total number of producers voting favor

9 the promotional order, then the order shall continue to be in effect for an
10 additional four-year period. If a referendum should fail, another referendum shall
11 not be held within one hundred eighty days. A succeeding referendum shall be
12 called by the secretary upon petition of at least five hundred producers requesting
13 a referendum.

1 **SEC. 26. NEW SECTION. Deposit of funds.** Assessments collected by the
2 secretary from a sale of corn shall be deposited in the office of the treasurer of
3 state together with any gifts, or any federal or state grant as may be received by
4 the board, and placed in a special fund to be known as the corn promotion fund.
5 Moneys collected shall be subject to audit by the auditor of state. From moneys
6 collected, the board shall first pay all the direct and indirect costs incurred by the
7 secretary and the costs of referendums, elections and other expenses incurred in
8 the administration of this Act, and thereafter moneys may be expended for the
9 purpose of market development. The fund shall be subject at all times to warrants
10 by the state comptroller, drawn upon the written requisition of the chairman of
11 the board and attested to by the secretary of the board.

1 **SEC. 27. NEW SECTION. Refund of assessment.** A producer who has sold
2 corn and had an assessment deducted from the sale price may, by application in
3 writing to the secretary, secure a refund in the amount deducted. The refund shall
4 be payable only when the application shall have been made to the secretary
5 within sixty days after the deduction. Application forms shall be given by the
6 board to each first purchaser when requested and the first purchaser shall make
7 the applications available to any producer. Each application for refund by a
8 producer shall have attached thereto proof of assessment deducted. The proof of
9 assessment may be in the form of a duplicate or certified copy of the purchase
10 invoice by the first purchaser. The secretary shall have thirty days from the date
11 the application for refund is received to remit the refund to the producer.

1 **SEC. 28. NEW SECTION. Appropriation.** All moneys deposited in the corn
2 promotion fund are appropriated for the administration of this Act and for the
3 payment of claims based upon obligations incurred in the performance of
4 activities and functions set forth in this Act.

1 **SEC. 29. NEW SECTION. Remission of excess funds.** After the costs of
2 elections, referendum, necessary board expenses and administrative costs have
3 been paid, at least seventy-five percent of the remaining funds in the corn
4 promotion fund shall be allocated to organizations selected by the corn
5 promotion board on the basis of their ability to carry out the purposes of this Act.
6 The funds can only be used for research, promotion, and education in
7 cooperation with agencies who are equipped to do this kind of work.

8 The Iowa corn promotion board shall not engage in any political activity, and
9 it shall be a condition of any allocation of funds that any organization receiving
10 funds shall not engage in political activity or attempt to influence legislation
11 except legislation or rules which would restrict corn markets.

1 **SEC. 30. NEW SECTION. Bond.** Every person occupying a position of trust
2 under any provisions of this Act shall give bond in such amount as may be
3 required by the board, the premium for which shall be paid out of the corn
4 promotion fund.

1 **SEC. 31. NEW SECTION. Penalty.** It is a misdemeanor for any person to
2 willfully violate any provision of this Act or for any person to willfully render or
3 furnish a false or fraudulent report, statement, or record required by the
4 secretary.

1 **SEC. 32. NEW SECTION. First purchaser information.** Every first purchaser
2 shall upon request furnish the secretary with such information as is necessary to
3 enable the secretary to carry out the provisions of this Act. Such information shall

4 be provided as prescribed by the secretary. The secretary may examine any
 5 records relating to the purchase or assessment of corn by any first purchaser. The
 6 secretary may hold hearings, take testimony, administer oaths, subpoena
 7 witnesses, and issue subpoenas as may be necessary to carry out the provisions of
 8 this Act.

1 SEC. 33. NEW SECTION. **Annual report.** The secretary shall make an annual
 2 report on or before December first of each year, showing all income and expenses
 3 and other relevant information concerning assessments collected and expended
 4 under the provisions of this Act.

1 SEC. 34. NEW SECTION. **Not a state agency.** The Iowa corn promotion
 2 board is not a state agency.

Approved May 28, 1976

CHAPTER 1125

MILK PLANT FEES

S. F. 1263

AN ACT relating to fees which certain municipal corporations charge milk plants and receiving stations.

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

1 SECTION 1. Chapter one hundred ninety-two (192), Code 1975, is amended by
 2 adding the following new section:

3 NEW SECTION. **Milk plant fees.** A municipal corporation shall not charge a
 4 milk plant or receiving station any fee for inspection of a milk plant or receiving
 5 station for milk or milk products unless the municipal corporation has entered
 6 into agreement with the secretary of agriculture to conduct inspections pursuant
 7 to chapter one hundred ninety-two (192) of the Code.

8 Nothing in this section shall prohibit a municipal corporation having an
 9 agreement with the secretary of agriculture to continue agreements with other
 10 municipal corporations for inspection of their milk plants, receiving stations, and
 11 for milk and milk products, and allowing municipal corporations to charge a fee
 12 for that inspection provided the service is rendered.

Approved April 26, 1976

CHAPTER 1126

EGGS

H. F. 1490

AN ACT relating to the licensing and regulating of the sale of eggs and providing a penalty.

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

- 1 SECTION 1. **Definitions.** Unless the context otherwise requires:
- 2 1. "Retailer" means a person who sells eggs directly to consumers except a
- 3 producer who sells eggs under the provisions of section four (4) of this Act.
- 4 2. "Egg handler" means a person who buys or sells eggs, or uses eggs in the
- 5 preparation of human food. "Egg handler" does not include a retailer, a
- 6 consumer, an institution, or a producer who sells eggs as provided in section four
- 7 (4) of this Act.
- 8 3. "Nest run eggs" means eggs which have not been denatured, candled,
- 9 graded, processed or labeled.
- 10 4. "Producer" means a person who owns layer type chickens.
- 11 5. "Establishment" means any place in which eggs are offered or sold as human
- 12 food for consumption by its patrons, customers, residents, inmates or patients or
- 13 as an ingredient in food offered or sold in a form ready for immediate
- 14 consumption.
- 15 6. "Candling" means the careful examination of each shell egg and the
- 16 elimination of those eggs determined unfit for human consumption.
- 17 7. "Grading" means classifying each shell egg by weight and grading in
- 18 accordance with egg grading standards approved by the United States
- 19 government as of July 1, 1976.
- 20 8. "Secretary", "department", and "package" have the meanings ascribed to
- 21 them in section one hundred eighty-nine point one (189.1) of the Code.

1 SEC. 2. **Enforcement.** The secretary shall enforce the provisions of this Act,

2 and may make rules pursuant to chapter seventeen A (17A) of the Code and

3 consistent with regulations of the United States government as they exist on

4 July 1, 1976.

1 SEC. 3. **Egg handler's license and fee.** Every egg handler shall obtain an

2 annual license from the department. The fee for the license shall be determined

3 on the basis of the total number of eggs purchased and handled during the

4 preceding month of April in each calendar year as follows:

- 5 1. Less than one hundred twenty-five cases \$ 12.50
- 6 2. One hundred twenty-five cases or more but less than two hundred
- 7 fifty cases \$ 25.00
- 8 3. Two hundred fifty cases or more but less than one thousand cases \$ 37.50
- 9 4. One thousand cases or more \$ 50.00

10 The license shall expire one year after its date of issue. For the purpose of

11 determining fees, a case shall be thirty dozen eggs. All fees collected shall be

12 remitted to the treasurer of state for deposit in the general fund of the state.

13 If an egg handler is not operating during the month of April, the department

14 shall estimate the volume of eggs purchased or handled, or both, and may revise

15 the fee based on three months of operation.

1 SEC. 4. **Producers and hatcheries exempt.** Producers who sell eggs produced

2 exclusively by their own flocks directly to handlers, or to consumers, shall not be

3 required to obtain a candler's and grader's license.

4 A hatchery shall obtain an egg handler's license pursuant to section three (3) of

5 this Act if it purchases eggs which are not used for hatching purposes.

1 **SEC. 5. Candling and grading license.** A person who candles and grades eggs
2 shall obtain a candler and grader license from the department. The license fee
3 shall be three dollars per year for such person. Before a license is issued, each
4 person who is engaged in candling and grading shall demonstrate to the
5 satisfaction of the department capability to perform candling and grading.

6 With the approval of the secretary, persons candling and grading eggs may be
7 appointed for a period of not more than fourteen days pending licensing by the
8 department, if during this period the employer of the temporary candler and
9 grader will be responsible for his or her work while acting in the capacity of
10 candler or grader.

1 **SEC. 6. Candling and grading room.** An egg handler's license shall be
2 obtained from the department for each location at which eggs will be candled and
3 graded. Before a license is issued for each location candling eggs, the department
4 shall make a careful survey of the premises and determine that the premises
5 contain proper facilities for candling and grading.

1 **SEC. 7. Candling and grading prior to sale.** All eggs offered for sale by an egg
2 handler to a retailer, an establishment or a consumer, shall be candled and
3 graded.

1 **SEC. 8. Quality.** All eggs offered for sale to an establishment must be no
2 lower than United States department of agriculture consumer grade "B".

1 **SEC. 9. Eggs unfit as human food.** Eggs determined to be unfit for human
2 food under title twenty-one (21), section one thousand thirty-one (1031) of the
3 United States Code as amended to July 1, 1976 shall not be bought or sold or
4 offered for purchase or sale by any person unless the eggs are denatured so that
5 they cannot be used for human food.

1 **SEC. 10. Labeling.** Sections one hundred eighty-nine point nine (189.9)
2 through one hundred eighty-nine point twelve (189.12) of the Code shall apply to
3 the labeling of packaged eggs which have been candled and graded if not
4 inconsistent with the provisions of this Act. All cases of loose packed eggs sold in
5 this state shall identify the egg handler's name or license number or United States
6 department of agriculture plant number, and, the grade of the eggs contained in
7 the case. Each carton containing eggs for retail sale in Iowa which have been
8 candled and graded shall be marked with the grade and size of the eggs
9 contained, the date they were packed, and the name and address of the
10 distributor or packer.

1 **SEC. 11. Storage.** The provisions of section one hundred eighty-nine point
2 twenty-eight (189.28) of the Code shall not apply to eggs.

1 **SEC. 12. Transportation.** Vehicles used to transport eggs from the point of
2 production to an egg handler or between handlers shall be kept in sanitary
3 condition and shall be enclosed. However, this section shall not apply to
4 producers transporting their own eggs to a handler.

1 **SEC. 13. Records.** Handlers shall keep a record for three years of each of
2 their purchases and sales of eggs, including the date of the transaction, the names
3 of the parties, the grade, or nest run, and the quantity of eggs being purchased or
4 sold.

1 **SEC. 14. Penalty.** Any person found guilty of any violation of this Act shall
2 upon conviction for the first offense, be fined twenty-five dollars; for the second
3 offense, one hundred dollars; and for the third and subsequent offenses, two
4 hundred dollars. In addition to such fines, if the offender is a handler or a
5 retailer, the court for the third offense shall suspend his or her license for thirty

6 days; and for the fourth and any subsequent offense, such license shall be
7 revoked for a period of one year.

1 SEC. 15. Chapter one hundred ninety-six (196), Code 1975, is repealed.

Approved June 28, 1976

CHAPTER 1127

PLANT NUTRIENTS IN FERTILIZERS

H. F. 787

AN ACT relating to minimum percentages of plant nutrients in fertilizers.

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

1 SECTION 1. Chapter two hundred (200), Code 1975, is amended by adding the
2 following new section:

3 NEW SECTION. No phosphatic fertilizer containing less than eighteen percent
4 available phosphoric acid (P_2O_5), nor any nitrogen fertilizer containing less than
5 fifteen percent total nitrogen (N), nor any potash fertilizer containing less than
6 fifteen percent soluble potash (K_2O), nor any mixed fertilizer in which the sum of
7 the guaranteed analysis of total nitrogen (N), available phosphoric acid (P_2O_5),
8 and soluble potash (K_2O), totals less than twenty percent shall be offered for sale,
9 sold, or distributed in this state. This Act shall neither apply to specialty fertilizers
10 as defined in subsection five (5) of section two hundred point three (200.3) of the
11 Code nor to any fertilizer designed to be applied and ordinarily applied directly
12 to growing plant foliage to stimulate further growth.

Approved March 12, 1976

CHAPTER 1128

PESTICIDES APPLICATION

H. F. 1509

AN ACT relating to certification for applicators of restricted use of pesticides.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1974 Session, chapter
2 one thousand one hundred fifty-seven (1157), section twenty-one (21), is amended
3 to read as follows:

4 Sec. 21. This Act shall become effective January 1, 1975. However, certification
5 for applicators of restricted use pesticides shall not be required until October 21,
6 1976 1977.

7 Notwithstanding any of the provisions of chapter two hundred and six (206) of
8 the Code, all licenses and product registrations that expire after June 30, 1974,
9 and before December 31, 1974, shall remain in full force and effect and be
10 deemed a current license or product registration during the period between July 1,
11 1974 and December 31, 1974. All licenses and product registrations so extended
12 shall expire on December 31, 1974.

1 SEC. 2. Section two hundred six point five (206.5), Code 1975, is amended to
2 read as follows:

3 **206.5 Certification requirements.** No person shall apply any restricted use
4 pesticide without first complying with the certification requirements of this
5 chapter and such other restrictions as determined by the secretary or being under
6 the direct supervision of a certified applicator.

7 The secretary shall adopt, by rule, requirements for the examination, re-
8 ~~examination~~ and certification of applicants and set a fee of not more than ten
9 dollars for the certification program of commercial applicators and not more than
10 five dollars for the certification program of private applicators.

11 The secretary may adopt rules for the training of applicators in co-operation
12 with the co-operative extension service at Iowa State University of science and
13 technology.

14 *The secretary shall not require applicants for certification as private applicators to
15 take and pass a written test, if the applicant instead shows proof that he has attended
16 an informational course of instruction approved by the secretary. The secretary shall
17 provide for temporary certification for emergency purchases of restricted use products
18 by requiring the purchaser to sign an affidavit, at the point of purchase, that he has
19 read and understands the information on the label of the restricted use product being
20 purchased.*

1 SEC. 3. Section two hundred six point six (206.6), subsection four (4), Code
2 1975, is amended by striking the subsection and inserting in lieu thereof the
3 following:

4 4. Renewal of applicant's license. The secretary shall renew any applicant's
5 license under the classifications for which such applicant is licensed, provided
6 that a program of training of all personnel who apply pesticides has been
7 established and maintained by the licensee. Such a program may include
8 attending training sessions such as Co-operative Extension Short Courses or
9 Industry trade association training seminars.

1 SEC. 4. Section two hundred six point eight (206.8), subsection three (3), Code
2 1975, is amended by striking the subsection and inserting in lieu thereof the
3 following:

4 3. Provisions of this section shall not apply to a pesticide applicator who sells
5 pesticides as an integral part of his pesticide application service, or any federal,
6 state, county or municipal agency which provides pesticides only for its own
7 programs.

1 SEC. 5. Section two hundred six point eighteen (206.18), subsection four (4),
2 Code 1975, is amended to read as follows:

3 4. The licensing requirements of section 206.6 shall not apply to ~~any person~~
4 ~~persons~~ using hand-powered or self-propelled equipment not exceeding seven and
5 ~~one-half horsepower as determined by rules promulgated by the department to~~
6 ~~applying~~ apply pesticides to lawns, or to ornamental shrubs and trees not in excess
7 of twelve feet high, as an incidental part of taking care of household lawns and
8 yards provided, that such ~~person~~ persons shall not publicly hold ~~himself~~ themselves
9 out as being in the business of applying pesticides, and that such ~~person~~ ~~does~~
10 ~~persons do~~ not apply restricted use pesticides or state restricted use pesticides,
11 restricted to use only by certified applicators.

Approved April 26, 1976

CHAPTER 1129

CONTROLLED SUBSTANCES

S. F. 1341

AN ACT to define certain additional substances as controlled substances.

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

1 SECTION 1. Section two hundred four point two hundred four (204.204),
2 subsection four (4), Code 1975, is amended by adding the following new
3 paragraphs:

- 4 NEW PARAGRAPH. Thio phencyclidine (1-(1-(2-thienyl)cyclohexyl) piperidine).
5 NEW PARAGRAPH. 2,5 - dimethoxyamphetamine.
6 NEW PARAGRAPH. 4 - Bromo - 2,5 dimethoxyamphetamine.
7 NEW PARAGRAPH. 4 - methoxyamphetamine.

1 SEC. 2. Section two hundred four point two hundred six (204.206), Code 1975,
2 is amended by adding the following new subsections:

- 3 NEW SUBSECTION. Cocaine.
4 NEW SUBSECTION. Unless specifically excepted or unless listed in another
5 schedule, any material, compound, mixture or preparation which contains any
6 quantity of the following substances having a depressant effect on the central
7 nervous system, including its salts, isomers, and salts of isomers whenever the
8 existence of such salts, isomers, and salts of isomers is possible within the specific
9 chemical designation:
10 a. Methaqualone.
11 b. Amobarbital.
12 c. Secobarbital.
13 d. Pentobarbital.

1 SEC. 3. Section two hundred four point two hundred eight (204.208), Code
2 1975, is amended by adding the following new subsection:

- 3 NEW SUBSECTION. Unless specifically excepted or unless listed in another
4 schedule, any material, compound, mixture, or preparation which contains any
5 quantity of the following substances having a stimulant effect on the central
6 nervous system, including its salts, isomers (whether optical, position, or
7 geometric), and salts of such isomers whenever the existence of such salts,
8 isomers, and salts of isomers is possible within the specific chemical designation:
9 a. Benzphetamine.
10 b. Chlorphentermine.
11 c. Mazindol.
12 d. Clortermine.
13 e. Phendimetrazine.

1 SEC. 4. Section two hundred four point two hundred ten (204.210), Code 1975,
2 is amended by adding the following new subsections:

- 3 NEW SUBSECTION. Unless specifically excepted or unless listed in another
4 schedule, any material, compound, mixture, or preparation which contains any
5 quantity of the following substances having a depressant effect on the central
6 nervous system, including its salts, isomers, and salts of isomers whenever the
7 existence of such salts, isomers, and salts of isomers is possible within the specific
8 chemical designation:
9 a. Chlordiazepoxide.
10 b. Clonazepam.
11 c. Clorazepate.

12 d. Diazepam.

13 e. Oxazepam.

14 f. Flurazepam.

15 NEW SUBSECTION. Any material, compound, mixture or preparation which
16 contains any quantity of the substance fenfluramine, including its salts, isomers
17 (whether optical, position or geometric), and salts of such isomers, whenever the
18 existence of such salts, isomers, and salts of isomers is possible.

19 NEW SUBSECTION. Unless specifically excepted or unless listed in another
20 schedule, any material, compound, mixture, or preparation which contains any
21 quantity of the following substances having a stimulant effect on the central
22 nervous system, including its salts, isomers (whether optical, position, or
23 geometric), and salts of such isomers whenever the existence of such salts,
24 isomers, and salts of isomers is possible within the specific chemical designation:

25 a. Diethylpropion.

26 b. Phentermine.

Approved June 23, 1976

CHAPTER 1130

PESTICIDE APPLICATORS

H. F. 1359

AN ACT relating to coverage* under a surety bond or liability insurance policy of a commercial applicator of pesticides.

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

1 SECTION 1. Section two hundred six point thirteen (206.13), Code 1975, is
2 amended to read as follows:

3 **206.13 Surety bond or insurance required of commercial applicator.** The
4 secretary shall not issue a commercial applicator's license as required in section
5 206.6 until the applicant has furnished evidence of financial responsibility with
6 the secretary consisting either of a surety bond or a liability insurance policy or
7 certification thereof ~~protecting persons who may suffer legal damages as a result~~
8 ~~of the pesticide operations of the applicant.~~ *Such surety bond or liability insurance*
9 *policy shall provide coverage to pay on behalf of the insured all sums which the*
10 *insured shall become legally obligated to pay as damages as a result of the pesticide*
11 *operations of the applicant. However, the surety bond or liability insurance policy will*
12 *not apply to damages or injury which are either expected or intended from the*
13 *standpoint of the insured. Any such liability insurance policy shall be subject to the*
14 *insurer's policy provisions filed with and approved by the commissioner of insurance.*
15 The surety bond or liability insurance policy submitted as evidence of financial
16 responsibility need not apply to damages or injury to agricultural crops, plants, or
17 land being worked upon by the applicant.

18 The amount of the surety bond or liability insurance as provided for in this
19 section shall be not less than fifty thousand dollars for property damage and
20 public liability insurance, each separately; ~~and including loss or damage arising~~
21 ~~out of the actual use of any pesticide.~~ Such surety bond or liability insurance shall
22 be maintained at not less than that sum at all times during the licensed period.
23 The secretary shall be notified ten days prior to any reduction at the request of
24 the applicant or cancellation of such surety bond or liability insurance by the
25 surety or insurer. The total and aggregate of the surety and insurer for all claims

*According to enrolled Act

26 shall be limited to the face of the bond or liability insurance policy. ~~The secretary~~
 27 ~~may accept a liability insurance policy or surety bond in the proper sum which~~
 28 ~~has a deductible clause in an amount not exceeding five hundred dollars for aerial~~
 29 ~~applicators and two hundred fifty dollars for all other applicators for the total~~
 30 ~~amount of liability insurance or surety bond required.~~

Approved May 7, 1976

CHAPTER 1131

WEIGHTS AND MEASURES

H. F. 1556

AN ACT relating to the inspection of weights and measures and making an appropriation.

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

1 SECTION 1. Section two hundred fifteen point two (215.2), Code 1975, is
 2 amended to read as follows:

3 **215.2 Fees.** An inspection fee shall be charged the person owning or
 4 operating the scale so inspected in accordance with the following schedule:

5 1. Railroad track scales, ~~ten~~ fifty dollars each.

6 ~~All hopper and automatic scales, three dollars each.~~

7 2. ~~Platform~~ Other scales,

8 a. 500 to 1,000 pounds ~~beam~~ capacity, ~~one dollar~~ five dollars each;

9 b. 1,001, to 30,000 pounds capacity, ~~three~~ fifteen dollars each, *except as provided*
 10 *in subsection three (3) of this section;*

11 c. 30,001 to 50,000 pounds capacity, ~~five~~ thirty-five dollars each;

12 d. 50,001 pounds capacity ~~and up or more, seven~~ fifty dollars each.

13 3. *A minimum fee of twenty-five dollars shall be charged for each vehicle and*
 14 *livestock scale.*

1 SEC. 2. Section two hundred fifteen point four (215.4), Code 1975, is amended
 2 to read as follows:

3 **215.4 Limitation on inspections.** ~~No~~ A person shall *not* be required to pay
 4 more than two inspection fees for any one scale in any one year unless additional
 5 inspections are made at the request of the owner of said scale. *If a scale is found*
 6 *to be inaccurate upon inspection by the department and notice is received by the*
 7 *department that the scale has been repaired and upon reinspection the scale is found*
 8 *to be accurate, a fee shall not be charged for the reinspection. A second inspection fee*
 9 *shall be charged if, upon reinspection, the scale is found to be inaccurate.*

1 SEC. 3. There is appropriated from the general fund of the state to the
 2 department of agriculture for the fiscal year beginning July 1, 1976 and ending
 3 June 30, 1977, the sum of twenty thousand (20,000) dollars, or so much thereof as
 4 may be necessary, to be allocated to the regulatory division of the department for
 5 the purchase of equipment necessary for the administration of chapter two
 6 hundred fifteen (215) of the Code.

Approved May 27, 1976

CHAPTER 1132

SOCIAL SERVICES

S. F. 1314

AN ACT relating to and making appropriations to the department of social services to fund current programs under the jurisdiction of 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 for the
2 fiscal year beginning July 1, 1976 and ending June 30, 1977 to the department of
3 social services, the following amounts, or so much thereof as may be necessary, to
4 be used for the purposes designated:

5		1976-1977
6		<u>Fiscal Year</u>
7	1. GENERAL ADMINISTRATION	
8	For the administration of district and local offices including	
9	salaries and support.....	\$ 10,000,000
10	It is the intent of the general assembly in appropriating funds in this subsection	
11	that not less than five hundred thousand dollars thereof shall be used, beginning	
12	at the earliest practicable time, to employ additional persons at the social worker	
13	II level, at the income maintenance worker I level, and as clerical workers, who	
14	shall fill either existing vacancies or new positions as client contact personnel at	
15	the local level and their necessary supporting clerical personnel and who shall be	
16	in addition to the total number of such personnel actually employed by the	
17	department of social services on the effective date of this Act.	
18	2. STATE ADMINISTRATION	
19	a. For salaries, support, maintenance and miscellaneous purposes	
20	.....	4,390,000
21	b. For payment of the state's share of unemployment benefit	
22	claims	160,000
23	3. For child support recoveries	150,000
24	4. For assistance to child care centers	500,000

25 Not more than ten percent of the funds appropriated by this subsection and
26 received by a county board of supervisors shall be used for the purposes listed in
27 section fourteen (14) of this Act.

28 5. The department of social services with the approval of the governor and the
29 state comptroller may transfer funds appropriated by this section from any
30 subsection of this section for a purpose specified by any other subsection of this
31 section.

1 SEC. 2. There is appropriated from the general fund of the state for the fiscal
2 year beginning July 1, 1976 and ending June 30, 1977 to the department of social
3 services, the following amounts, or so much thereof as may be necessary, to be
4 used for the purposes designated:

5		1976-1977
6		<u>Fiscal Year</u>
7	DIVISION OF COMMUNITY SERVICES	
8	For the operation of the following institutions:	
9	1. State juvenile home at Toledo	\$ 1,535,900
10	2. Boy's training school at Eldora	2,925,000
11	3. Girl's training school at Mitchellville	1,057,000
12	4. Iowa veterans home at Marshalltown	5,000,000
13	5. For the governor's youth opportunity program	750,000
14	6. Community Based Juvenile Corrections Program	

15 a. For contracting with local public or private nonprofit organizations
16 for community based juvenile corrections programs and juvenile
17 interim detention facilities and shelter care facilities 160,000

18 b. Funds appropriated by paragraph a of this subsection shall be allocated with
19 consideration being given to providing geographical areas based upon judicial
20 districts the means for implementing community based juvenile corrections
21 programs. Not more than five percent (5%) of such funds may be used by the
22 state youth coordinator to administer this program and prepare and submit the
23 report required by paragraph e of this subsection.

24 c. The person designated as the state youth coordinator for the governor's
25 youth opportunity program shall be primarily responsible for administration of
26 the community based juvenile corrections program. The department of social
27 services shall cooperate with the state youth coordinator in administering this
28 program.

29 d. Contracts executed under the community based juvenile corrections program
30 shall provide that local public or private nonprofit organizations shall contribute
31 at least one-half of the cost of the local program. This local match may be in the
32 form of cash, including local or federal funds, or in-kind contributions, or a
33 combination of such funds and in-kind contributions. The state youth coordinator
34 shall be responsible for determining the value of in-kind contributions and
35 determining the total value of the local organization's contribution.

36 e. The state youth coordinator shall submit a report to the joint committees on
37 appropriations of the general assembly not later than January 24, 1977 outlining
38 the manner of expenditure of funds appropriated by this subsection and
39 containing such other information as will be useful in determining the value of
40 the community based juvenile corrections program.

41 7. The department of social services with the approval of the governor and the
42 state comptroller may transfer funds appropriated by this section from any
43 subsection of this section for a purpose specified by any other subsection of this
44 section.

1 SEC. 3. There is appropriated from the general fund of the state for the fiscal
2 year beginning July 1, 1976 and ending June 30, 1977 to the department of social
3 services, the following amounts, or so much thereof as may be necessary, to be
4 used for the purposes designated:

5
6 1976-1977
Fiscal Year

7 DIVISION OF ADULT CORRECTIONS INSTITUTIONS

8 1. For community based correctional programs and services:

9 a. To provide assistance in the establishment, and operation of
10 community based correctional programs and services \$ 625,000

11 b. It is the intent of the general assembly in making the appropriation in
12 paragraph a of this subsection that community based programs throughout the
13 state should be locally controlled and coordinated to generate community support
14 and resources for an effective program. As far as is practicable, the department of
15 social services shall promote local community control of programs within the
16 guidelines of a contractual relationship with the department of social services.

17 2. Adult Corrections Services—For personnel and operation of the following
18 institutions:

- 19 a. Luster Heights camp at McGregor \$ 155,000
- 20 b. Iowa state penitentiary at Fort Madison 6,750,000
- 21 c. Men's reformatory at Anamosa 4,750,000
- 22 d. Women's reformatory at Rockwell City 700,000
- 23 e. Iowa security medical facility at Oakdale 2,200,000
- 24 f. Riverview release center at Newton 900,000

25 3. The department of social services with the approval of the
26 governor and the state comptroller may transfer funds appropriated

27 by this section from any subsection of this section for a purpose
 28 specified by any other subsection of this section.

1 SEC. 4. There is appropriated from the general fund of the state
 2 for the fiscal year beginning July 1, 1976 and ending June 30, 1977
 3 to the department of social services, the following amounts, or so
 4 much thereof as may be necessary, to be used for the purpose
 5 designated:

	1976-1977 <u>Fiscal Year</u>
6	
7	
8 DIVISION OF MENTAL HEALTH RESOURCES INSTITUTIONS	
9 1. For the mental health institute at Cherokee	\$ 5,800,000
10 2. For the mental health institute at Clarinda	4,780,000
11 3. For the mental health institute at Independence	5,850,000
12 4. For the mental health institute at Mount Pleasant	4,700,000
13 5. For the Glenwood state hospital-school	9,000,000
14 6. For the Woodward state hospital-school	9,100,000

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

20 8. Hospital-school charges to counties.

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

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

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

36 9. The department of social services with the approval of the governor and the
 37 state comptroller may transfer funds appropriated by this section from any
 38 subsection of this section for a purpose specified by any other subsection of this
 39 section.

1 SEC. 5. There is appropriated from the general fund of the state for the fiscal
 2 year beginning July 1, 1976 and ending June 30, 1977 to the department of social
 3 services, the following amounts, or so much thereof as may be necessary, to be
 4 used for the purposes designated:

	1976-1977 <u>Fiscal Year</u>
5	
6	
7 SPECIAL PROGRAMS DIVISION	
8 1. For aid to the blind	\$ 40,000
9 2. For aid to the dependent children	41,000,000

10 It is the intent of the general assembly in appropriating funds in this subsection
 11 that, notwithstanding the provisions of section two hundred thirty-nine point
 12 eighteen (239.18), of the Code, the department of social services shall not reduce
 13 the standard of payment for recipients in the aid to dependent children program
 14 or establish eligibility criteria for recipients in the aid to dependent children
 15 program which are more restrictive than federal regulations.

16	3. For aid to Indians residing on a settlement	48,000
17	4. For medical assistance	50,000,000
18	It is the intent of the general assembly in appropriating funds in this subsection	
19	that, notwithstanding the provisions of section two hundred forty-nine A point	
20	four (249A.4), subsection one (1), of the Code, the department of social services	
21	shall not reduce the level of services provided to nor restrict eligibility criteria for	
22	clients in the medical assistance program until the department has received such	
23	instructions from the joint appropriations subcommittee on human resources of	
24	the committees on appropriations, pursuant to the study mandated by Senate File	
25	1124 as enacted by the 1976 Session of the Sixty-sixth General Assembly.	
26	It is the intent of the general assembly that the joint subcommittee, in	
27	consultation with the consultants employed for the study, make specific	
28	recommendations for the program content and the funding level of the medical	
29	assistance program during the 1976 legislative interim in accordance with the	
30	intent of Senate File 1124 of the Sixty-sixth General Assembly. It is further the	
31	intent of the general assembly that the governor be encouraged to transfer funds	
32	to supplement the appropriation made for the medical assistance program by this	
33	subsection, should such transfer of funds become necessary.	
34	5. For contractual services-medical carrier	950,000
35	6. For foster care:	
36	a. Foster care and group homes	7,000,000
37	b. For increased level of payments for foster family care	920,000
38	7. For subsidized adoptions	150,000
39	8. For work and training programs	420,000
40	9. For adult and children services	1,300,000
41	10. For homemaker services	350,000
42	11. For state supplementary assistance	4,000,000
43	12. For state supplementary assistance for the blind	275,000

44 13. The department of social services with the approval of the governor and the
 45 state comptroller may transfer funds appropriated by this section from any
 46 subsection of this section for a purpose specified by any other subsection of this
 47 section.

48 14. Notwithstanding the provisions of section eight point thirty-three (8.33) of
 49 the Code, unencumbered or unobligated funds appropriated by the Acts of the
 50 Sixty-sixth General Assembly, 1975 Session, chapter nine (9), section one (1),
 51 subsection six (6), paragraphs d and k, and any supplemental appropriation for
 52 medical assistance and state supplementation to supplemental security income
 53 remaining on June 30, 1976 shall be available for expenditure during the fiscal
 54 year beginning July 1, 1976 and the unencumbered or unobligated funds
 55 remaining on June 30, 1977 shall revert to the general fund of the state on
 56 September 30, 1977.

57 15. It is the intent of the general assembly that funds appropriated by this
 58 section may be used to fund services to a child in his or her own home when such
 59 service may be an alternative to placement in a foster care home.

1 SEC. 6. Section two hundred seventeen point three (217.3), subsection two (2),
 2 Code 1975, is amended to read as follows:

3 2. Adopt and establish policy for the operation and conduct of the department
 4 of social services, *subject to any guidelines which may be adopted by the general*
 5 *assembly*, and the implementation of all services and programs thereunder.

1 SEC. 7. Section two hundred seventeen point four (217.4), Code 1975, is
 2 amended to read as follows:

3 **217.4 Meetings of council.** The council shall meet at least ~~four times a year~~
 4 ~~monthly~~. ~~Special~~ Additional meetings shall be called by the ~~chairman~~ *chairperson*
 5 or upon written request of any three members thereof *as necessary to carry out the*
 6 *duties of the council*. The ~~chairman~~ *chairperson* shall preside at all meetings or in
 7 ~~his~~ *the* absence of the ~~chairperson~~ *chairperson* the vice ~~chairman~~ *chairperson* shall preside. The

8 members of the council shall be paid a per diem of forty dollars per day while in
 9 session, and their reasonable and necessary expenses while attending such
 10 meetings. The amount of per diem any one member may receive in any fiscal year
 11 beginning with the date of employment shall not exceed eight hundred dollars.

1 SEC. 8. Section two hundred nineteen point fourteen (219.14), Code 1975, is
 2 amended by striking the section and inserting in lieu thereof the following:

3 **219.14 Contributing to own support.** Every member of the home who receives
 4 a pension, compensation or gratuity from the United States government, or
 5 income from any source of more than twenty dollars per month, shall contribute
 6 to his or her own maintenance or support while a member of the home. The
 7 amount of the contribution and the method of collection shall be determined by
 8 the director, but the amount shall in no case exceed the actual cost of keeping
 9 and maintaining such a person in the home. The director may require any
 10 member of the home to render such assistance in the care of the home and its
 11 grounds as his or her psychosocial and physical condition will permit, as a phase
 12 of that member's rehabilitation program. The director shall compensate each
 13 member who furnishes such assistance at rates established by the director in
 14 accordance with the provisions of section seventeen (17) of the United States fair
 15 labor standards Act (52 Stat 1068, 29 USC 214), as amended to January 1, 1976.

1 SEC. 9. Section two hundred thirty point twenty (230.20), Code 1975, is
 2 amended by striking the section and inserting in lieu thereof the following:

3 **230.20 Statement of charges to counties.** The superintendent of each state
 4 hospital for the mentally ill established by section two hundred twenty-six point
 5 one (226.1) of the Code, or his designee, shall on the tenth day of July, October,
 6 January and April of each year, compute the amounts which are due the state
 7 from each county for services rendered by the hospital to patients chargeable to
 8 those counties. Each hospital's charges for services rendered in a particular
 9 quarter shall be based on that hospital's expenditures during the immediately
 10 preceding quarter, and shall be computed as follows:

11 1. The expenditures of the hospital during the preceding calendar quarter shall
 12 be separately computed by program in accordance with generally accepted
 13 accounting procedures. In so doing, the superintendent or his designee shall not
 14 include any of the following:

15 a. The costs of food, lodging and other maintenance provided to persons not
 16 patients of the hospital.

17 b. The costs of certain direct medical services, which shall be charged directly
 18 against the patient who received the services. The direct medical services to which
 19 this paragraph is applicable shall be specifically identified in rules adopted by the
 20 department of social services in accordance with chapter seventeen A (17A) of the
 21 Code, and may include but need not be limited to x-ray, laboratory and dental
 22 services.

23 c. The cost of outpatient and state placement services, which shall be charged
 24 directly against the patient who received the services at a rate to be established by
 25 the state director on the basis of the actual cost of the services.

26 2. The total patient days of service provided during the preceding calendar
 27 quarter shall be identified and accumulated for each program for which
 28 expenditures are separately computed under subsection one (1) of this section.

29 3. The total expenditure during the preceding calendar quarter computed for
 30 each program pursuant to subsection one (1) of this section shall be divided by
 31 the total patient days of service provided during the calendar quarter by that
 32 program, determined pursuant to subsection two (2) of this section, to derive the
 33 average daily patient cost for each program.

34 4. Each county shall be charged an amount computed as follows:

35 a. The charges attributable to each inpatient chargeable to that county,
 36 calculated by multiplying the average daily patient cost for each program under
 37 which the patient was served by the number of days the patient was so served

38 during the calendar quarter, and adding the cost of direct medical services
39 received by the patient during the calendar quarter; and

40 b. The charges attributable to each outpatient chargeable to that county who
41 was served by the hospital during the calendar quarter, calculated at the cost
42 established under subsection one (1), paragraph c of this section.

43 5. An individual statement shall be prepared for any patient on or before the
44 fifteenth day of the month next succeeding the month in which that patient leaves
45 the hospital, and a general statement shall be prepared at least quarterly for each
46 county to which charges are made under this section. Except as otherwise
47 required by sections two hundred twenty-four A point two (224A.2) and two
48 hundred twenty-four A point three (224A.3) of the Code, the general statement
49 shall list the name of each patient chargeable to that county who was served by
50 the hospital during the preceding month or calendar quarter and the amount due
51 on account of each patient, and the county shall be billed for one hundred
52 percent of the stated charge for each patient, unless otherwise specified in the
53 current appropriation for support of the state hospitals. The statement prepared
54 for each county shall be certified by the superintendent of the hospital to the state
55 comptroller and a duplicate statement shall be mailed to the auditor of that
56 county.

57 6. All or any reasonable portion of the charges incurred for services rendered to
58 any patient, to the most recent date for which the charges have been computed,
59 may be paid at any time by the patient or by any other person on the patient's
60 behalf. Any payment so made shall be credited against the patient's account and,
61 if the charges so paid have previously been billed to a county, reflected in the
62 hospital's next general statement to that county.

1 SEC. 10. Section two hundred thirty point twenty-one (230.21), Code 1975, is
2 amended to read as follows:

3 **230.21 Duty of county auditor and treasurer.** The county auditor, upon
4 receipt of ~~such certificate~~ *the duplicate statement required by section nine (9) of this*
5 *Act, shall thereupon* enter the same to the credit of the state in his ledger of state
6 accounts, and at once issue a notice to his county treasurer, authorizing him to
7 transfer the amount *billed to the county by the statement* from the county mental
8 health and institutions fund to the general state revenue, which notice shall be
9 filed by the treasurer as his authority for making such transfer; ~~and. The auditor~~
10 ~~shall include promptly remit*~~ *the amount so transferred in his next remittance of*
11 ~~state taxes~~ to the treasurer of state, designating the fund to which it belongs.

1 SEC. 11. Section two hundred thirty point twenty-two (230.22), Code 1975, is
2 amended to read as follows:

3 **230.22 Penalty.** Should any county fail to pay ~~these bills~~ *the amount billed by*
4 *a statement submitted pursuant to section nine (9) of this Act* within sixty days from
5 the date of ~~certificate~~ *from the statement is certified* by the superintendent, the
6 state comptroller shall charge the delinquent county the penalty of one percent
7 per month on and after sixty days from ~~the date of certificate~~ *the statement is*
8 *certified* until paid. Provided, however, that the penalty shall not be imposed if the
9 county has notified the comptroller of error or questionable items in the billing, in
10 which event, the comptroller may suspend penalty only during the period of
11 negotiation.

1 SEC. 12. Section two hundred thirty point twenty-three (230.23), Code 1975, is
2 amended to read as follows:

3 **230.23 Cost paid from institution mental health and institutions fund.** All
4 expenses required to be paid by counties for the care, admission, commitment,
5 and transportation of mentally ill patients in state hospitals shall be paid by the
6 board of supervisors from the ~~state institution~~ *county mental health and institutions*
7 *fund.*

*See also Chapter 1104, §10 for conflicting provision

1 SEC. 13. The sections of this Act amending sections two hundred thirty point
2 twenty (230.20), two hundred thirty point twenty-one (230.21), two hundred thirty
3 point twenty-two (230.22), and two hundred thirty point twenty-three (230.23),
4 Code 1975, shall take effect July 1, 1977.

1 SEC. 14. Section two hundred thirty-seven A point sixteen (237A.16), Code
2 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. To purchase assistance to child care centers for program
4 development and staff development in meeting standards for child care centers
5 established under this chapter.

1 SEC. 15. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
2 sixty-two (62), section two (2), subsection two (2), is amended to read as follows:

3 2. The hospital schools revolving fund shall be composed of moneys
4 appropriated by the general assembly for capital expenditures at the hospital
5 schools and moneys which become available to the hospital schools from the
6 federal government for such purposes pursuant to Title nineteen (XIX) of the
7 United States Social Security Act. *Moneys in the revolving fund may be expended*
8 *without regard to order of deposit or source of funds.*

1 SEC. 16.

2 1. Unless otherwise provided in this Act, all institutional receipts of the
3 department of social services shall be deposited in the general fund except rentals
4 charged to employees or others for room, apartment, or house and meals, which
5 shall be available to the institutions, and except for receipts from farm products
6 which shall be used for necessary farm expenses and repair.

1 SEC. 17. Each hospital-school shall, upon receipt of any payment made under
2 chapter two hundred forty-nine A (249A) of the Code for the care of any patient,
3 segregate an amount equal to that portion of the payment which is required by
4 law to be made from nonfederal funds. The money segregated shall be deposited
5 in the medical assistance fund of the department of social services.

1 SEC. 18. Chapter two hundred forty-nine A (249A), Code 1975, is amended by
2 adding the following new section:

3 **NEW SECTION. Assistance to mentally retarded residents of county care**
4 **facilities or certain other licensed facilities.**

5 1. Assistance may be furnished under this chapter, in accordance with
6 subsection two (2) of this section, to a mentally retarded person who is otherwise
7 eligible for such assistance, to pay all or a portion of the cost of maintaining that
8 person as a resident of:

9 a. A county care facility, or portion thereof, which is licensed in accordance
10 with the provisions of chapter one hundred thirty-five C (135C) of the Code, and
11 is certified as an intermediate care facility for the mentally retarded in accordance
12 with federal and state standards governing the medical assistance program.

13 b. Another intermediate care facility for the mentally retarded that is so
14 licensed and certified, when the mentally retarded person eligible for assistance is
15 residing in the facility with approval of the county board of supervisors of the
16 county in which that person resided prior to entering the facility.

17 2. Assistance may be furnished under this section only in cases where the
18 county board of supervisors or the operator of the alternative intermediate care
19 facility for the mentally retarded has entered into an agreement with the
20 department to provide services that are in accordance with the department's
21 appropriate district plan for delivery of services to mentally retarded and
22 developmentally disabled citizens, and to upgrade and maintain the facility, or
23 portion thereof, in accordance with the provisions of the technical plan of
24 correction that has been approved for the facility. Assistance shall be furnished
25 only when it is determined that adequate funding is available.

26 Each county board entering into an agreement with the department under this
 27 subsection shall agree to reimburse the department from the county poor fund or
 28 the county mental health and institutions fund, on a monthly basis, for that
 29 portion of the cost of assistance furnished under this section which is not paid
 30 from federal funds. The department shall place all such reimbursements from
 31 counties in the appropriation for medical assistance, and may use the reimbursed
 32 funds for any purpose for which the funds so appropriated by the general
 33 assembly may lawfully be used. Any county-reimbursed funds remaining
 34 unexpended shall revert to the general fund of the state in the same manner as
 35 the original appropriation.

1 SEC. 19. All federal grants to and the federal receipts of the agencies
 2 appropriated funds under this Act are appropriated for the purposes set forth in
 3 such federal grants or receipts except the veterans per diem payable for veterans
 4 at the veterans home shall be deposited in the general fund.

1 SEC. 20. Funds appropriated by this Act shall not be used for capital
 2 improvements, except funds appropriated in section one (1), subsection four (4) of
 3 this Act.

Approved June 28, 1976

CHAPTER 1133

THE IOWA ANNIE WITTENMYER HOME

H. F. 1460

AN ACT striking references to the Iowa Annie Wittenmyer Home.

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

1 SECTION 1. Section two hundred eighteen point one (218.1), Code 1975, is
 2 amended by striking subsection eleven (11).

1 SEC. 2. Section two hundred eighteen point three (218.3), subsection one (1),
 2 Code 1975, is amended to read as follows:

3 1. The director of the division of child and family services of the department of
 4 social services shall have primary authority and responsibility relative to the
 5 following said institutions: ~~Soldiers Home, Training School for Boys, Training~~
 6 ~~School for Girls, Juvenile Home and The Annie Wittenmyer Home Iowa veteran's~~
 7 ~~home, the training school for girls, the training school for boys and the Iowa juvenile~~
 8 ~~home.~~

1 SEC. 3. Section two hundred eighteen point thirty-four (218.34), Code 1975, is
 2 amended to read as follows:

3 **218.34 State agents.** A sufficient number of persons shall be appointed as
 4 state agents for the ~~soldier's orphans home, the two training schools, the Iowa~~
 5 ~~juvenile home, and the women's reformatory.~~

1 SEC. 4. Section two hundred forty-four point one (244.1), Code 1975, is
 2 amended to read as follows:

3 **244.1 Definitions—objects.** For the purpose of this chapter ~~the words~~
 4 ~~"director", unless the context otherwise requires:~~

5 1. "Director" or "state director" ~~shall mean means~~ the director of the division of
 6 child and family services of the department of social services.

7 2. "Home" means the Iowa juvenile home.

8 3. "Superintendent" means the superintendent of the Iowa juvenile home.

9 The Iowa juvenile home and ~~The Iowa Annie Wittenmyer Home~~ shall be
10 maintained for the purpose of providing care, custody and education of such
11 children as are committed ~~thereto~~ to the home. Such children shall be wards of the
12 state. Their education shall embrace instruction in the common school branches
13 and in such other higher branches as may be practical and will enable ~~said the~~
14 children to gain useful and self-sustaining employment. The state director and the
15 ~~superintendents~~ superintendent of the ~~homes~~ home shall assist all discharged
16 children in securing suitable homes and proper employment.

1 SEC. 5. Section two hundred forty-four point two (244.2), Code 1975, is
2 amended to read as follows:

3 **244.2 Salaries.** The ~~salaries~~ salary of the ~~superintendents~~ superintendent of
4 ~~said homes~~ the home shall be determined by the state director.

1 SEC. 6. Section two hundred forty-four point three (244.3), unnumbered
2 paragraph one (1), Code 1975, is amended to read as follows:

3 Admission to ~~said homes~~ the home shall be granted to resident children of the
4 state under seventeen years of age, as follows, giving preference in the order
5 named:

1 SEC. 7. Section two hundred forty-four point four (244.4), Code 1975, is
2 amended to read as follows:

3 **244.4 Procedure.** The procedure for commitment to ~~said homes~~ the home
4 shall be the same as provided by chapter 232, but admission may be granted on
5 voluntary applications signed by the legal custodian of the child and approved by
6 a judge of a court of record, or by the board of supervisors, of the county of the
7 child's residence. Such applications shall be subject to the approval of the state
8 director and shall be in such form as he or she may prescribe. Any child not
9 mentally normal, or who is incorrigible, or who has any vicious habits, or whose
10 presence in the ~~homes~~ home would be inimical to the moral or physical welfare of
11 normal children therein, shall be denied voluntary admission to ~~said homes~~ the
12 home.

1 SEC. 8. Section two hundred forty-four point five (244.5), Code 1975, is
2 amended to read as follows:

3 **244.5 Transfers.** The state director may transfer to the ~~homes~~ home minor
4 wards of the state from any institution under ~~his~~ the state director's charge or
5 under the charge of any other director of the department of social services; but
6 no person shall be so transferred who is not mentally normal, or who is
7 incorrigible, or has any vicious habits, or whose presence in the ~~homes~~ home
8 would be inimical to the moral or physical welfare of normal children therein,
9 and any such child in the ~~homes~~ home may be transferred to the proper state
10 institution.

1 SEC. 9. Section two hundred forty-four point six (244.6), Code 1975, is
2 amended to read as follows:

3 **244.6 Profits and earnings.** Any money earned by a child who is admitted to
4 or placed in foster care from ~~either~~ of the ~~homes~~ home shall be used, held or
5 otherwise applied for the exclusive benefit of that child, in accordance with
6 section 234.37.

1 SEC. 10. Section two hundred forty-four point ten (244.10), Code 1975, is
2 amended to read as follows:

3 **244.10 Placing child under contract.** Any child received in ~~said homes~~ the
4 home, unless adopted, may be placed by the department in foster care with any
5 proper person or family. The foster care arrangement shall provide for the
6 custody, care, education, maintenance, and earnings of the child for a fixed time
7 which shall not extend beyond the age of majority, except that the time may

8 extend beyond the child's eighteenth birthday until ~~he~~ *the child* is twenty-one
 9 years of age if ~~he~~ *the child* is regularly attending an approved school in pursuance
 10 of a course of study leading to a high school diploma or its equivalent, or
 11 regularly attending a course of vocational technical training either as a part of a
 12 regular school program or under special arrangements adapted to the individual
 13 person's needs.

1 SEC. 11. Section two hundred forty-four point fourteen (244.14), Code 1975, is
 2 amended to read as follows:

3 **244.14 Counties liable.** Each county shall be liable for sums paid by the
 4 home in support of all its children to the extent of a sum equal to one-half of the
 5 net cost of the support and maintenance of its children. The superintendent of
 6 ~~The Iowa Annie Wittenmyer Home and the Iowa juvenile home~~ shall certify to
 7 the state comptroller on the first day of each fiscal quarter the amount chargeable
 8 to each county for such support. The sums for which each county is so liable shall
 9 be charged to the county and collected as a part of the taxes due the state, and
 10 paid by the county from the county mental health and institutions fund at the
 11 same time state taxes are paid.

12 Should any county fail to pay these bills within sixty days from the date of
 13 certificate from superintendent, the state comptroller shall charge the delinquent
 14 county the penalty of one percent per month on and after sixty days from date of
 15 certificate until paid. Such penalties shall be credited to the general fund of the
 16 state.

1 SEC. 12. Section four hundred forty-four point twelve (444.12), subsection one
 2 (1), paragraph f, Code 1975, is amended to read as follows:

3 f. Care of children admitted or committed to the Iowa juvenile home at Toledo
 4 ~~of The Iowa Annie Wittenmyer Home.~~

1 SEC. 13. Sections two hundred forty-four point nine (244.9) and two hundred
 2 forty-four point fifteen (244.15), Code 1975, are repealed.

Approved May 27, 1976

CHAPTER 1134

TRANSFER OF PRISONERS

H. F. 503

AN ACT relating to transfer of prisoners of institutions administered by the department of social services.

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

1 SECTION 1. Section two hundred eighteen point ninety (218.90), Code 1975, is
 2 amended by striking the section and inserting in lieu thereof the following:

3 **218.90 Transfer of prisoners.** The director of the division of the department
 4 of social services which has jurisdiction of the adult correctional institutions of
 5 this state may transfer any prisoner from an adult correctional institution to any
 6 other institution under the department's jurisdiction, or to any other appropriate
 7 institution or place, when necessary in order that the prisoner may receive needed
 8 mental or physical examination or treatment. The director shall retain jurisdiction
 9 over a prisoner who is transferred under this section.

Approved March 26, 1976

CHAPTER 1135

IOWA HOUSING FINANCE AUTHORITY

S. F. 1242

AN ACT making technical amendments to the Iowa housing finance authority.

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

1 SECTION 1. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
2 one hundred thirty-eight (138), section two (2), is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 8. The net earnings of the authority, beyond that necessary
5 for retirement of its notes, bonds or other obligations, or to implement the public
6 purposes and programs herein authorized, shall not inure to the benefit of any
7 person other than the state. Upon termination of the existence of the authority,
8 title to all property owned by the authority, including any such net earnings of
9 the authority, shall vest in the state. The state reserves the right at any time to
10 alter, amend, repeal, or otherwise change the structure, organization, programs or
11 activities of the authority, including the power to terminate the authority, except
12 that no law shall ever be passed impairing the obligation of any contract or
13 contracts entered into by the authority to the extent that any such law would
14 contravene article one (I), section twenty-one (21) of the Constitution of the state
15 of Iowa or article one (I), section ten (10) of the Constitution of the United
16 States.

1 SEC. 2. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
2 hundred thirty-eight (138), is amended by striking section twenty-nine (29).

1 SEC. 3. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
2 hundred thirty-eight (138), section thirty-four (34), is amended to read as follows:

3 Sec. 34. NEW SECTION. **Liberal interpretation—severability.** This Act, being
4 necessary for the welfare of this state and its inhabitants, shall be liberally
5 construed to effect its purposes. *If any part or provision of this Act or the*
6 *application thereof to any person or circumstances is held to be invalid or*
7 *unenforceable, such invalidity or unenforceability shall not affect any other parts or*
8 *provisions or applications of the Act which can be given effect without the invalid or*
9 *unenforceable parts or provisions or application, and to this end the parts and*
10 *provisions of this Act are declared to be severable.*

Approved April 5, 1976

CHAPTER 1136

PSYCHOPATHIC (PSYCHIATRIC) HOSPITAL

H. F. 1436

AN ACT relating to the state psychopathic hospital.

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

1 SECTION 1. Section two hundred twenty-five point one (225.1), Code 1975, is
2 amended to read as follows:

3 **225.1 Establishment.** There shall be established a state *psychopathic*
4 *psychiatric* hospital, especially designed, kept, and administered for the care,
5 observation, and treatment of those persons who are afflicted with abnormal
6 mental conditions.

1 SEC. 2. Section two hundred twenty-five point two (225.2), Code 1975, is
2 amended to read as follows:

3 **225.2 Name—location.** It shall be known as the state *psychopathic*
4 *psychiatric* hospital, and shall be located at Iowa City, and integrated with the
5 college of medicine and hospital of the state University of Iowa.

1 SEC. 3. Section two hundred twenty-five point five (225.5), Code 1975, is
2 amended to read as follows:

3 **225.5 Co-operation of hospitals.** The medical director of the *said state*
4 *psychiatric* hospital shall seek to bring about systematic co-operation between the
5 several state hospitals for the mentally ill and the *said state psychopathic*
6 *psychiatric* hospital.

1 SEC. 4. Section two hundred twenty-five point seven (225.7), Code 1975, is
2 amended to read as follows:

3 **225.7 Classes of patients.** Patients admitted to the *said state psychopathic*
4 *psychiatric* hospital shall be divided into four classes:

- 5 1. Voluntary private patients.
- 6 2. Committed private patients.
- 7 3. Voluntary public patients.
- 8 4. Committed public patients.

1 SEC. 5. Section two hundred twenty-five point ten (225.10), Code 1975, as
2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
3 hundred thirty-nine (139), section forty-two (42), is amended to read as follows:

4 **225.10 Voluntary public patients.** Persons suffering from mental diseases may
5 be admitted as voluntary public patients as follows: Any physician authorized to
6 practice medicine, osteopathy or osteopathic medicine in the state of Iowa may
7 file information with any district court of the state or with any judge thereof,
8 stating that the physician has examined the person named therein and finds that
9 the person is suffering from some abnormal mental condition that can probably
10 be remedied by observation, treatment, and hospital care; that the physician
11 believes it would be appropriate for the person to enter the state *psychopathic*
12 *psychiatric* hospital for that purpose and that the person is willing to do so; and
13 that neither the person nor those legally responsible for the person are able to
14 provide the means for such observation and hospital care.

1 SEC. 6. Section two hundred twenty-five point eleven (225.11), Code 1975, as
2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
3 hundred thirty-nine (139), section forty-three (43), is amended to read as follows:

4 **225.11 Initiating commitment procedures.** When a court finds upon
5 completion of a hearing held pursuant to section twelve (12) of this Act that the
6 contention that a respondent is seriously mentally impaired has been sustained by
7 clear and convincing evidence, and the application filed under section six (6) of
8 this Act also contends or the court otherwise concludes that it would be
9 appropriate to refer the respondent to the state *psychopathic psychiatric* hospital
10 for a complete psychiatric evaluation and appropriate treatment pursuant to
11 section thirteen (13) of this Act, the judge may order that a financial investigation
12 be made in the manner prescribed by section two hundred twenty-five point
13 thirteen (225.13) of the Code.

1 SEC. 7. Section two hundred twenty-five point fourteen (225.14), Code 1975,
2 as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
3 one hundred thirty-nine (139), section forty-six (46), is amended to read as
4 follows:

5 **225.14 Finding and order.** Upon the filing of the report of a financial
6 investigation made pursuant to an order issued under section two hundred
7 twenty-five point eleven (225.11) of the Code, the judge of the district court as
8 aforesaid shall review it and make a determination in the matter. If the judge
9 finds that the respondent is an appropriate subject for referral to the state
10 ~~psychopathic~~ *psychiatric* hospital, and that the respondent and those legally
11 responsible for him or her are unable to pay the expenses thereof, the judge shall
12 enter an order directing that the respondent shall be sent to the state
13 ~~psychopathic~~ *psychiatric* hospital at the state University of Iowa for observation,
14 treatment, and hospital care as a committed public patient.

1 SEC. 8. Section two hundred twenty-five point fifteen (225.15), Code 1975, as
2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
3 hundred thirty-nine (139), section forty-seven (47), is amended to read as follows:

4 **225.15 Examination and treatment.** When the respondent arrives at the state
5 ~~psychopathic~~ *psychiatric* hospital it shall be the duty of the ~~director, or of some~~
6 ~~physician acting for him, admitting physician~~ to examine the respondent and
7 determine whether or not, in the physician's judgment, the patient is a fit subject
8 for such observation, treatment, and hospital care. If, upon examination, the
9 physician decides that such patient should be admitted to the hospital, ~~the~~
10 ~~medical director shall provide the patient with~~ *the patient shall be provided* a
11 proper bed in the hospital; and the physician ~~or surgeon~~ who shall have charge of
12 the patient shall proceed with such observation, medical ~~or surgical~~ treatment,
13 and hospital care as in the physician's judgment are proper and necessary, in
14 compliance with sections thirteen (13) through sixteen (16) of this Act.

1 SEC. 9. Section two hundred twenty-five point sixteen (225.16), unnumbered
2 paragraph one (1), Code 1975, as amended by Acts of the Sixty-sixth General
3 Assembly, 1975 Session, chapter one hundred thirty-nine (139), section forty-eight
4 (48), is amended to read as follows:

5 If the judge of the district court, or the clerk of the court, as aforesaid, finds
6 from the physician's information which was filed under the provisions of section
7 two hundred twenty-five point ten (225.10) of the Code, that it would be
8 appropriate for the person to enter the state ~~psychopathic~~ *psychiatric* hospital, and
9 the report of the county attorney shows that neither the person nor those legally
10 responsible for him or her are able to pay the expenses thereof, or are able to pay
11 only a part of the expenses, the judge or clerk shall enter an order directing that
12 the person shall be sent to the state ~~psychopathic~~ *psychiatric* hospital at the state
13 University of Iowa for observation, treatment, and hospital care as a voluntary
14 public patient.

1 SEC. 10. Section two hundred twenty-five point seventeen (225.17),
2 unnumbered paragraph one (1), Code 1975, as amended by Acts of the Sixty-sixth
3 General Assembly, 1975 Session, chapter one hundred thirty-nine (139), section
4 forty-nine (49), is amended to read as follows:

5 If the judge of the district court finds upon the review and determination made
6 under the provisions of section 225.14 that the respondent is an appropriate
7 subject for placement at the state ~~psychopathic~~ *psychiatric* hospital, and that the
8 respondent or those legally responsible for him or her are able to pay the
9 expenses thereof, the judge shall enter an order directing that the respondent shall
10 be sent to the state ~~psychopathic~~ *psychiatric* hospital at the state University of
11 Iowa for observation, treatment, and hospital care as a committed private patient.

1 SEC. 11. Section two hundred twenty-five point eighteen (225.18), Code 1975,
2 is amended to read as follows:

3 **225.18 Attendants.** The court or clerk may, in his *or her* discretion, appoint
4 some person to accompany ~~said~~ *the* committed public patient or ~~said~~ *the*
5 voluntary public patient or ~~said~~ *the* committed private patient from the place
6 where ~~he~~ *the patient* may be to the state ~~psychopathic~~ *psychiatric* hospital of the

7 state University at Iowa City, or to accompany such patient from the said
 8 hospital to such place as may be designated by the court or clerk. If the patient
 9 ~~be~~ is a female, the person appointed to accompany her must be a woman.

1 SEC. 12. Section two hundred twenty-five point twenty (225.20), Code 1975, as
 2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
 3 hundred thirty-nine (139), section fifty (50), is amended to read as follows:

4 **225.20 Compensation for physician.** The physician making the examination
 5 on which is based any information filed under section two hundred twenty-five
 6 point ten (225.10) of the Code shall receive such sum as the court may direct for
 7 each and every examination information so made, and ~~his~~ the actual necessary
 8 expenses incurred *by the physician* in making such examination, in conformity
 9 with the requirements of this chapter, if the person named in the information is
 10 referred to the state ~~psychopathic~~ *psychiatric* hospital.

1 SEC. 13. Section two hundred twenty-five point twenty-two (225.22), Code
 2 1975, is amended to read as follows:

3 **225.22 Liability of private patients—payment.** Every committed private
 4 patient, if ~~he~~ *the patient* has an estate sufficient for that purpose, or if those legally
 5 responsible for ~~his~~ *the patient's* support are financially able, shall be liable to the
 6 county and state for all expenses paid by them in behalf of such patient. All bills
 7 for the care, nursing, observation, treatment, medicine, and maintenance of such
 8 patients shall be paid by the state comptroller in the same manner as those of
 9 committed and voluntary public patients as ~~hereinafter~~ *provided in this chapter*,
 10 unless ~~said~~ *the patient* or those legally responsible for ~~him~~ *the patient* make such
 11 settlement with the ~~medical director of said state psychopathic~~ *psychiatric*
 12 hospital.

1 SEC. 14. Section two hundred twenty-five point twenty-three (225.23), Code
 2 1975, is amended to read as follows:

3 **225.23 Collection for treatment.** If the bills for such patient are paid by the
 4 state, it shall be the duty of the ~~medical director of the said state psychopathic~~
 5 *psychiatric* hospital to file a certified copy of the claim which has been so paid,
 6 with the auditor of the proper county, who shall proceed to collect the same by
 7 action, if necessary, in the name of the state ~~psychopathic~~ *psychiatric* hospital, and
 8 when collected pay the same to the state comptroller. The ~~said medical director~~
 9 *hospital* shall also, at the same time, forward a duplicate of the account to the
 10 state comptroller.

1 SEC. 15. Section two hundred twenty-five point twenty-five (225.25), Code
 2 1975, is amended to read as follows:

3 **225.25 Commitment of private patient as public.** If any patient ~~be~~ *is* admitted
 4 to the state ~~psychopathic~~ *psychiatric* hospital and thereafter an order of
 5 commitment of ~~said the patient~~ as a public patient ~~be~~ *is* made by the court or
 6 judge or clerk having jurisdiction thereof, the expense of keeping and maintaining
 7 ~~said the patient~~ from the date of the filing of the information upon which ~~said the~~
 8 order is made shall be paid by the state.

1 SEC. 16. Section two hundred twenty-five point twenty-seven (225.27), Code
 2 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session,
 3 chapter one hundred thirty-nine (139), section fifty-one (51), is amended to read
 4 as follows:

5 **225.27 Discharge—transfer.** The ~~medical director of the state psychopathic~~
 6 *psychiatric* hospital may, at any time, discharge any patient as recovered, as
 7 improved, or as not likely to be benefited by further treatment. If the patient
 8 being so discharged was involuntarily hospitalized, the ~~director~~ *hospital* shall
 9 notify the committing judge or court thereof as required by section fourteen (14),
 10 subsection three (3), or section sixteen (16) of this Act, whichever is applicable.
 11 The court or judge shall, if necessary, appoint some person to accompany the

12 discharged patient from the state ~~psychopathic~~ *psychiatric* hospital to such place
13 as the ~~director~~ *hospital* or the court may designate, or authorize the ~~medical~~
14 ~~director~~ *hospital* to appoint such attendant.

1 SEC. 17. Section two hundred twenty-five point twenty-eight (225.28), Code
2 1975, is amended to read as follows:

3 **225.28 Appropriation.** The state shall pay to the state ~~psychopathic~~
4 *psychiatric* hospital, out of any money in the state treasury not otherwise
5 appropriated, all expenses for the administration of ~~said~~ *the* hospital, and for the
6 care, treatment, and maintenance of committed and voluntary public patients
7 therein, including their clothing and all other expenses of ~~said~~ *the* hospital for ~~said~~
8 *the* public patients. The bills for ~~said~~ *the* expenses shall be rendered monthly in
9 accordance with rules agreed upon by the state comptroller and the state board of
10 regents.

1 SEC. 18. Section two hundred twenty-five point thirty (225.30), Code 1975, as
2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
3 hundred thirty-nine (139), section fifty-two (52), is amended to read as follows:

4 **225.30 Blanks—audit.** The medical faculty of the hospital of the college of
5 medicine of the state University of Iowa shall prepare blanks containing such
6 questions and requiring such information as may be necessary and proper to be
7 obtained by the physician who examines a person or respondent whose referral to
8 the state ~~psychopathic~~ *psychiatric* hospital is contemplated. A judge may request
9 that a physician who examines a respondent as required by section ten (10) of this
10 Act complete such blanks in duplicate in the course of the examination. A
11 physician who proposes to file an information under section two hundred twenty-
12 five point ten (225.10) of the Code shall obtain and complete such blanks in
13 duplicate and file them with the information. The blanks shall be printed by the
14 state and a supply thereof shall be sent to the clerk of each district court of the
15 state. The state comptroller shall audit, allow, and pay the cost of the blanks as
16 other bills for public printing are allowed and paid.

1 SEC. 19. Section two hundred twenty-five point thirty-two (225.32), Code
2 1975, is amended to read as follows:

3 **225.32 Report and order to accompany patient.** One of ~~said~~ *the* duplicate
4 reports shall be sent to the state ~~psychopathic~~ *psychiatric* hospital with the patient,
5 together with a certified copy of the order of the court.

1 SEC. 20. Section two hundred twenty-five point thirty-three (225.33), Code
2 1975, is amended to read as follows:

3 **225.33 Death of patient—disposal of body.** In the event that a committed
4 public patient or a voluntary public patient or a committed private patient should
5 die while at the state ~~psychopathic~~ *psychiatric* hospital or at the general hospital of
6 the college of medicine of the state University of Iowa, the ~~medical director of the~~
7 ~~said~~ *state* ~~psychopathic~~ *psychiatric* hospital is ~~hereby authorized and directed to~~
8 *shall* have the body prepared for shipment in accordance with the rules ~~and~~
9 ~~regulations~~ prescribed by the state board of health for shipping such bodies; and
10 it shall be the duty of the state board of regents to make arrangements for the
11 embalming and such other preparation as may be necessary to comply with ~~said~~
12 *the* rules ~~and~~ *regulations*; and for the purchase of suitable caskets.

1 SEC. 21. Section two hundred twenty-five point thirty-four (225.34), Code
2 1975, is amended to read as follows:

3 **225.34 Appropriation.** The state shall pay, to the state ~~psychopathic~~
4 *psychiatric* hospital, out of any money in the state treasury not otherwise
5 appropriated, the cost of the casket, the embalming, and all other expenses
6 incurred in preparing the body for shipment, and, in addition thereto, the cost of
7 transportation from Iowa City to the place where the ~~said~~ *patient* lived at the time
8 when ~~he~~ *the patient* was committed or taken to the ~~said~~ *state* ~~psychopathic~~

9 *psychiatric hospital*; said expenses to be paid in accordance with the provisions of
10 ~~section 225.28.~~

1 SEC. 22. Section two hundred twenty-five point forty-three (225.43), Code
2 1975, is amended to read as follows:

3 **225.43 Mental health research fund.** There is ~~hereby~~ created as a permanent
4 fund in the office of the treasurer of state to be known as the mental health
5 research fund, and for the purpose of establishing and maintaining ~~said the~~ fund
6 for each fiscal year ~~beginning July 1, 1957~~, there is appropriated thereto from
7 funds in the general fund, not otherwise appropriated, the sum of seventy-five
8 thousand dollars. Any balance in ~~said the~~ fund on June 30 of ~~the second~~ each
9 fiscal year shall revert to the general fund.

1 SEC. 23. Section two hundred twenty-five point forty-four (225.44), Code
2 1975, is amended to read as follows:

3 **225.44 Purpose of fund.** The purpose of the ~~said~~ mental health research fund
4 is to provide for improvement in the care, diagnosis and treatment of adults and
5 children afflicted with mental or emotional illness or mental retardation, and for
6 the prevention thereof, through research and study at the state ~~psychopathic~~
7 *psychiatric hospital*, the mental health institutes, hospital for epileptics and schools
8 for mentally retarded.

1 SEC. 24. Section two hundred twenty-five point forty-five (225.45), Code 1975,
2 is amended to read as follows:

3 **225.45 Approval of use by board of regents.** Money from the mental health
4 research fund shall be requisitioned for research projects by the ~~medical director~~
5 ~~of the state psychopathic psychiatric hospital~~ after consultation with the
6 professional co-ordination board and any special research study committee that
7 the ~~said director hospital~~ appoints or employs to evaluate any given research
8 project or activity. Such requisitions shall be filed ~~by the director~~ with the state
9 board of regents. Approval of such requisitions by the state board of regents shall
10 be authority for the state comptroller to issue a warrant upon the mental health
11 research fund payable to the agency or agencies conducting the research.

1 SEC. 25. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
2 hundred thirty-nine (139), section one (1), subsection eight (8), paragraph b, is
3 amended to read as follows:

4 b. The state ~~psychopathic psychiatric hospital~~ established by chapter two
5 hundred twenty-five (225) of the Code; or

1 SEC. 26. Sections two hundred twenty-five point four (225.4), two hundred
2 twenty-five point six (225.6), and two hundred twenty-five point twenty-nine
3 (225.29), Code 1975, are repealed.

Approved May 20, 1976

CHAPTER 1137

JUVENILE COURT

S. F. 273

AN ACT relating to the issuance and service of a summons and notice by the juvenile court.

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

1 SECTION 1. Section two hundred thirty-two point four (232.4), Code 1975, is
2 amended to read as follows:

3 **232.4 Hearing—appearance—summons.** After a petition has been filed and
4 unless the parties named in section 232.5 voluntarily appear, the court shall set a
5 time for hearing and shall issue a summons requiring the person who has custody
6 or control of the child to appear with the child before the court at a time and
7 place stated. The summons shall recite briefly the substance of the petition or
8 shall have attached a copy of the petition and shall give notification of the right
9 to counsel provided for in section 232.28 *and of the right to request the court to*
10 *appoint counsel.*

1 SEC. 2. Section two hundred thirty-two point five (232.5), Code 1975, is
2 amended to read as follows:

3 **232.5 Service of notice.** The court shall have notice of the pendency of the
4 case and of the time and place of the hearing *and all subsequent hearings* served
5 upon the *acknowledged* parents; *upon the* guardian; or legal custodian of a
6 *legitimate* child *and the child or upon the mother, guardian, or legal custodian of*
7 *an illegitimate* child if they are not summoned to appear as provided in section
8 232.4. The notice shall recite briefly the substance of the petition or shall have
9 attached a copy of the petition and shall give notification of the right to counsel
10 provided for in section 232.28 *and of the right to request the court to appoint counsel.*

Approved May 28, 1976

CHAPTER 1138

AID TO DEPENDENT CHILDREN

S. F. 1105

AN ACT relating to the distribution of monthly aid to dependent children payments.

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

1 SECTION 1. Section two hundred thirty-nine point five (239.5), Code 1975, is
2 amended by adding the following new unnumbered paragraph:

3 **NEW UNNUMBERED PARAGRAPH.** The state comptroller shall, no later than
4 January 1, 1977 and upon receipt of a written signed request from the person
5 entitled to receive assistance established by this chapter, order that payments be
6 made directly to a bank, savings and loan association, or credit union of his or
7 her choice.

Approved May 25, 1976

CHAPTER 1139

PUBLIC WORK EMPLOYMENT FOR AID RECIPIENTS

H. F. 1589

AN ACT relating to and appropriating funds for programs for low income and elderly persons.

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

1 SECTION 1. Any person who, on or after the effective date of this Act, is
2 receiving or has obtained approval of an application to receive assistance under
3 chapter two hundred thirty-nine (239) of the Code, and who is an eligible person
4 as defined by section two hundred forty-nine C point one (249C.1), subsection
5 five (5) of the Code, may be referred to the employment security commission for
6 placement in public works positions available pursuant to this Act or to such
7 other authority as may be applicable.

1 SEC. 2. The employment security commission, in consultation with the
2 commissioner of social services, shall establish a procedure for assignment of
3 persons referred under section one (1) of this Act to positions available in public
4 works projects. The employment security commission shall arrange with units of
5 local government for establishment of such projects, which may include any type
6 of work or endeavor that is within the scope of authority of the unit of local
7 government involved so long as the project meets the following requirements:

8 1. The project must create new employment opportunities and not fund existing
9 employment of persons working for the local government unit or resume funding
10 of projects for which the local government unit has, without fault, terminated
11 employees within the previous six months and has not recalled those employees.

12 2. The benefits of the project result must inure primarily to the community or
13 public at large.

14 3. The following conditions of employment must be satisfied:

15 a. The unit of local government with which the project is arranged must be the
16 employer of the persons hired under the project.

17 b. The employees under the project must be paid at the same rate as other
18 employees doing similar work for that unit of local government.

19 c. The employees must be considered regular employees of the unit of local
20 government involved and must be entitled to participate in benefit programs of
21 that unit of local government, including but not limited to workmen's
22 compensation, but shall not be entitled to qualify for unemployment
23 compensation benefits on the basis of employment under the project.

1 SEC. 3. The employment security commission shall select not to exceed two
2 target counties for implementation of sections one (1) and two (2) of this Act. In
3 selecting the target county or counties in which this Act is to be implemented, the
4 employment security commission shall be guided by the following criteria:

5 1. The total number of unemployed persons in the county.

6 2. The number of unemployed persons in the county as a percentage of the
7 available work force there.

8 3. The total number of persons receiving assistance under chapter two hundred
9 thirty-nine (239) of the Code in that county.

10 4. The number of persons receiving assistance under chapter two hundred
11 thirty-nine (239) of the Code in that county as a percentage of the total
12 population of the county.

13 5. The number of unemployed heads of households receiving assistance under
14 chapter two hundred thirty-nine (239) of the Code in that county.

15 6. The number of unemployed heads of households receiving assistance under
16 chapter two hundred thirty-nine (239) in that county as a percentage of all
17 recipients of such assistance in that county.

1 SEC. 4. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
2 hundred ten (110), section fourteen (14), is amended to read as follows:

3 Sec. 14. There is appropriated from the general fund of the state for the fiscal
4 ~~year~~ *period* beginning July 1, 1975 and ending June 30, ~~1976~~ 1977 to the office for
5 planning and programming the sum of ~~eighty one hundred twenty thousand~~
6 ~~(80,000)~~ (120,000) dollars; or so much thereof as is necessary to carry out the
7 provisions of section fifteen (15) of this Act. *Notwithstanding the provisions of*
8 *section eight point thirty-three (8.33) of the Code, funds appropriated by this section*
9 *shall be expended in their entirety and shall not revert to the general fund of the state.*

1 SEC. 5. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
2 hundred ten (110), section fifteen (15), subsections one (1) and two (2), are
3 amended to read as follows:

4 1. The office for planning and programming shall distribute the sum
5 appropriated under section fourteen (14) of this Act for the purpose of assisting
6 lower income elderly persons to winterize their homes. For purposes of this
7 section, "lower income" means persons who meet the requirements for "lower
8 income families" described in section eight (8), subsection f of the United States
9 Housing Act of 1937, as amended by the Housing and Community Development
10 Act of 1974 (Public Law ninety-three dash three hundred eighty-three (93-383));
11 section two hundred one (201), subsection a whose income, as defined in section
12 four hundred twenty-five point seventeen (425.17), subsection one (1) of the Code, is
13 less than nine thousand dollars.

14 2. Such sum Funds shall be allocated at the rate of no more than five thousand
15 (5,000) dollars for equally between each of the office's sixteen planning regions
16 and shall be distributed to those political subdivisions or their agencies or other
17 local organizations within each region which best demonstrate an ability to
18 provide assistance in winterizing the homes of lower income elderly persons in
19 that region. "Best demonstrating an ability to provide assistance" means the
20 ability to deliver adequate assistance to the largest number of persons within each
21 region. *Not more than one hundred fifty dollars of state funds shall be used to*
22 *winterize a living unit. Preference shall be given in the distribution of state funds to*
23 *elderly homeowners.*

1 SEC. 6. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
2 hundred ten (110), section seventeen (17), is amended to read as follows:

3 Sec. 17. There is appropriated from the general fund of the state to the retired
4 Iowan employment fund created in section seven (7) of this Act for the fiscal ~~year~~
5 *period* beginning July 1, 1975 and ending June 30, ~~1976~~ 1977, the sum of ~~one two~~
6 hundred thousand ~~(100,000)~~ (200,000) dollars, or so much thereof as is necessary,
7 to be used according to the provisions of sections six (6) through ten (10) of this
8 Act.

1 SEC. 7. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
2 ninety-four (94), is repealed.

1 SEC. 8. There is appropriated from the general fund of the state for the fiscal
2 period commencing with the effective date of this Act and ending June 30, 1977
3 the following amounts, or so much thereof as is necessary, for the following
4 agencies to be used in the manner designated:

5 1. To the employment security commission to provide alternative
6 employment through public work projects pursuant to sections one (1)
7 and three (3) of this Act and chapter two hundred forty-nine C (249C)
8 of the Code\$ 260,000

9 2. To the state conservation commission\$ 400,000

10 a. One-half of the funds appropriated by this subsection may be allocated by
11 the state conservation commission, upon application, to county conservation

12 boards. In determining the allocations the commission shall consider the
13 unemployment rate in the applicant's county and the improvement or
14 maintenance proposed in the application.

15 b. The funds appropriated by this subsection shall be used to provide public
16 employment programs maintaining and developing lands and waters owned by
17 the state conservation commission and county conservation boards. Persons who
18 are unemployed shall be eligible to participate in the public employment
19 programs. Persons whose unemployment benefits have expired or who are
20 ineligible for unemployment benefits and unemployed persons who are heads of
21 households shall be given preference for participation in the public employment
22 programs.

23 c. The participants shall be paid at the same rate as employees of the state
24 conservation commission or county conservation board doing similar work. A
25 participant shall not be deemed an employee of the state or of its subdivisions
26 except for the purposes of workmen's compensation.

27 d. The director of the state conservation commission shall develop procedures
28 and forms for applications by the county conservation boards, monitor the
29 programs for compliance with the provisions of this Act, evaluate the effects of
30 the programs, and provide the necessary staff support to carry out the provisions
31 of this Act.

32 3. To the office for planning and programming, to establish up to five
33 additional Iowa youth conservation corps camps for youth from both
34 rural and urban counties\$ 85,000

1 SEC. 9. The employment security commission, the state conservation
2 commission and the office for planning and programming shall each submit to
3 the general assembly by March 1, 1978 a report evaluating the programs
4 conducted by them with the funds appropriated by section five (5) of this Act.

1 SEC. 10. There is appropriated from the general fund of the state to the
2 commission on the aging for the fiscal year commencing July 1, 1976 and ending
3 June 30, 1977, the sum of one hundred thousand (100,000) dollars, or so much
4 thereof as may be necessary, to be distributed to area agencies on aging for use in
5 establishing not more than eight senior citizens centers. Area agencies shall
6 submit requests for funds accompanied by a program plan to the commission. In
7 allocating funds provided by this section, the commission shall give preference to
8 those area agencies whose programs plans include provisions for offering elderly
9 day care services and which indicate how the programs to be offered by the
10 center will provide alternatives to the institutionalization of elderly persons.
11 However, the inclusion of elderly day care services in the program plan shall not
12 be a prerequisite for the receipt of funds. Funds shall be distributed equally
13 among urban and rural areas served by agencies submitting acceptable program
14 plans. The commission on the aging shall submit a report to the First Session of
15 the Sixty-seventh General Assembly not later than thirty days after its convening
16 which shall assess the effectiveness of the programs offered by the senior citizens
17 centers which are receiving funds, including how the centers provide effective
18 alternatives to the institutionalization of elderly persons. The report shall also
19 recommend to the general assembly policy changes and additional programs
20 designed to prevent the institutionalization of elderly persons.

1 SEC. 11. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in the Quad-City Times, a

3 newspaper published in Davenport, Iowa, and in The Altoona Herald, a
4 newspaper published in Altoona, Iowa.

Approved June 26, 1976

Pursuant to the authority vested in the undersigned, Secretary of State of Iowa, under the provisions of Section 3.9, Code of Iowa, 1975, there being no newspaper by the name of The Altoona Herald, published in Altoona, Iowa, I hereby designate The Altoona Herald-Mitchellville Index, published in Altoona, Iowa, to publish the foregoing Act, House File 1589.

MELVIN D. SYNHORST, *Secretary of State*

I hereby certify that the foregoing Act, House File 1589, was published in the Quad-City Times, Davenport, Iowa on July 9, 1976, and in The Altoona Herald-Mitchellville Index, Altoona, Iowa on July 8, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1140

FEDERAL PRISONERS

S. F. 253

AN ACT relating to exchange of inmates with federal bureau of prisons.

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

1 SECTION 1. Chapter two hundred forty-five (245), Code 1975, is amended by
2 adding the following new section:

3 **NEW SECTION. Federal prisoners.** Inmates sentenced for any term by any
4 court of the United States may be received by the superintendent into the
5 women's reformatory and there kept in pursuance of their sentences. Inmates at
6 the women's reformatory may also be transferred to the federal bureau of prisons.
7 If an inmate objects to her transfer to the federal bureau of prisons, the inmate
8 shall be afforded a hearing as provided in section two hundred seventeen point
9 twenty-two (217.22) of the Code.

1 SEC. 2. Chapter two hundred forty-six point eleven (246.11), Code 1975, is
2 amended to read as follows:

3 **246.11 Federal prisoners.** ~~Convicts~~ *Inmates* sentenced for any term at ~~hard~~
4 ~~labor~~ by any court of the United States may be received by the warden into the
5 penitentiary or the men's reformatory and there kept in pursuance of their
6 sentences. *Inmates at either the penitentiary or men's reformatory may also be*
7 *transferred to the federal bureau of prisons. If an inmate objects to his transfer to the*
8 *federal bureau of prisons, the inmate shall be afforded a hearing as provided in section*
9 *two hundred seventeen point twenty-two (217.22) of the Code.*

1 SEC. 3. Chapter* two hundred seventeen point twenty-two (217.22), Code
2 1975, is amended to read as follows:

3 **217.22 Interstate compact board—~~hearing~~ Transfer hearing.** An inmate who
4 objects to confinement in a receiving state pursuant to the interstate corrections
5 compact *or transfer to the federal bureau of prisons* may request a hearing before a
6 board appointed by the governor and serving at his pleasure and composed of
7 three members of the general public, one of whom shall be a former inmate.
8 Members of the board shall be paid forty dollars per diem and actual and
9 necessary expenses from appropriated funds.

10 The board shall bar the transfer of the inmate to a receiving state *or the federal*
11 *bureau of prisons* when a majority of its members are of the opinion that the
12 transfer does not serve to promote the treatment, rehabilitation, or best interests
13 of the offender. The burden of proof shall lie with the department of social

14 services and all decisions of the hearing board shall be final.

Approved May 28, 1976

*According to enrolled Act

CHAPTER 1141

LEGAL TREATMENT OF MALES AND FEMALES

H. F. 1063

AN ACT relating to certain statutory provisions affecting the legal treatment of male and female persons.

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

1 SECTION 1. Section two hundred forty-five point one (245.1), Code 1975, is
2 amended by striking unnumbered paragraph two (2).

1 SEC. 2. Section two hundred forty-five point seven (245.7), Code 1975, is
2 amended to read as follows:

3 **245.7 Term of commitments.** A female convicted of a felony shall not be
4 detained in said reformatory under one commitment for a period longer than the
5 maximum term of imprisonment provided by law for said felony. A female
6 convicted of a crime ~~less than felony and sentenced to a term of less than one year~~
7 shall not be detained therein ~~longer than five years under one commitment~~.

1 SEC. 3. Section two hundred fifty-two A point one (252A.1), unnumbered
2 paragraph two (2), Code 1975, is amended to read as follows:

3 The purpose of this uniform chapter is to secure support in civil proceedings
4 for dependent ~~wives spouses~~, children and poor relatives from persons legally
5 responsible for their support.

1 SEC. 4. Section two hundred fifty-two A point two (252A.2), subsection four
2 (4), Code 1975, is amended to read as follows:

3 4. "Dependent" shall mean and include a ~~wife spouse~~, child, mother, father,
4 grandparent or grandchild who is in need of and entitled to support from a
5 person who is declared to be legally liable for such support by the laws of the
6 state or states wherein the petitioner and the respondent reside.

1 SEC. 5. Section two hundred fifty-two A point three (252A.3), subsections one
2 (1), two (2), six (6) and seven (7), Code 1975, are amended to read as follows:

3 1. A ~~husband spouse~~ in one state is hereby declared to be liable for the support
4 of his wife ~~or her husband~~ and any child or children under eighteen years of age
5 and any other dependent residing or found in the same state or in another state
6 having substantially similar or reciprocal laws, and, if possessed of sufficient
7 means or able to earn such means, may be required to pay for their support a fair
8 and reasonable sum according to his ~~or her~~ means, as may be determined by the
9 court having jurisdiction of the respondent in a proceeding instituted under this
10 chapter.

11 2. A ~~mother parent~~ in one state is hereby declared to be liable for the support
12 of his ~~or her~~ child or children under eighteen years of age residing or found in the
13 same state or in another state having substantially similar or reciprocal laws,
14 whenever the father ~~or mother~~ of such child or children is dead, or cannot be
15 found, or is incapable of supporting such child or children, and, if ~~she the liable~~
16 ~~parent~~ is possessed of sufficient means or able to earn such means, ~~he or she~~ may
17 be required to pay for the support of such child or children a fair and reasonable
18 sum according to his ~~or her~~ means, as may be determined by the court having
19 jurisdiction of the respondent in a proceeding instituted under this chapter.

20 6. A *man* or woman who was or is held out as *her husband* or his wife by a ~~man~~
 21 *person* by virtue of a common law marriage recognized as valid by the laws of the
 22 initiating state and of the responding state shall be deemed the legitimate *wife*
 23 *spouse* of such ~~man~~ *person*.

24 7. Notwithstanding the fact that the respondent has obtained in any state or
 25 country a final decree of divorce or separation from his wife *or her husband* or a
 26 decree dissolving his *or her* marriage, the respondent shall be deemed legally
 27 liable for the support of any dependent child of such marriage.

1 SEC. 6. Section two hundred fifty-two A point six (252A.6), subsections one
 2 (1) and three (3), subsection four (4), unnumbered paragraph one (1), and
 3 subsections ten (10) and thirteen (13), Code 1975, are amended to read as follows:

4 1. A proceeding under this chapter shall be commenced by a petitioner, or a
 5 petitioner's representative, by filing a verified petition in the court in equity in the
 6 county of the state wherein he *or she* resides or is domiciled, showing the name,
 7 age, residence and circumstances of the petitioner, alleging that he *or she* is in
 8 need of and is entitled to support from the respondent, giving ~~his~~ *the respondent's*
 9 name, age, residence and circumstances, and praying that the respondent be
 10 compelled to furnish such support. The petitioner may include in or attach to the
 11 petition any information which may help in locating or identifying the respondent
 12 including, but without limitation by enumeration, a photograph of the
 13 respondent, a description of any distinguishing marks of his *or her* person, other
 14 names and aliases by which he *or she* has been or is known, the name of his *or her*
 15 employer, his *or her* fingerprints, or social security number.

16 3. If the court of this state acting as an initiating state finds that the petition
 17 sets forth facts from which it may be determined that the respondent owes a duty
 18 of support and that a court of the responding state may obtain jurisdiction of the
 19 respondent or his *or her* property, it shall so certify and shall cause three copies of
 20 (a) the petition (b) its certificate and (c) this chapter to be transmitted to the court
 21 in the responding state. If the name and address of such court is unknown and
 22 the responding state has an information agency comparable to that established in
 23 the initiating state it shall cause such copies to be transmitted to the state
 24 information agency or other proper official of the responding state, with a request
 25 that it forward them to the proper court, and that the court of the responding
 26 state acknowledge their receipt to the court of the initiating state.

27 4. When the court of this state, acting as a responding state, receives from the
 28 court of an initiating state the aforesaid copies, it shall docket the cause, notify
 29 the county attorney or other official acting as petitioner's representative, set a
 30 time and place for a hearing, and take such action as is necessary in accordance
 31 with the laws of this state to serve notice and thus obtain jurisdiction over the
 32 respondent. If a court of the state, acting as a responding state, is unable to
 33 obtain jurisdiction of the respondent or his *or her* property due to inaccuracies or
 34 inadequacies in the petition or otherwise, the court shall communicate this fact to
 35 the court in the initiating state, shall on its own initiative use all means at its
 36 disposal to trace the respondent or his *or her* property, and shall hold the case
 37 pending the receipt of more accurate information or an amended petition from
 38 the court in the initiating state.

39 10. If a respondent, duly summoned by a court in the responding state,
 40 willfully fails without good cause to appear as directed in the summons, he *or she*
 41 shall be punished in the same manner and to the same extent as is provided by
 42 law for the punishment of a defendant or witness who willfully disobeys a
 43 summons or subpoena duly issued out of such court in any other action or
 44 proceeding cognizable by said court.

45 13. A respondent who shall willfully fail to comply with or violate the terms or
 46 conditions of the support order or of his *or her* probation shall be punished by the
 47 court in the same manner and to the same extent as is provided by law for a
 48 contempt of such court or a violation of probation ordered by such court in any
 49 other suit or proceeding cognizable by such court.

1 SEC. 7. Section two hundred forty-five point six (245.6), Code 1975, is
2 repealed.

Approved May 7, 1976

CHAPTER 1142

DISCHARGED INMATES OF PENAL INSTITUTIONS

S. F. 1139

AN ACT relating to providing discharged and paroled 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), Code 1975,
2 as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
3 one hundred forty-six (146), section one (1), is further amended by striking the
4 section and inserting in lieu thereof the following:

5 **245.14 Clothing, money, and transportation.** When an inmate is discharged,
6 paroled, or placed on work release, the warden or superintendent shall furnish
7 her, at state expense, appropriate clothing and transportation to the place in this
8 state indicated in the inmate's discharge, parole, or work release plan. When an
9 inmate is discharged, paroled, or placed on work release, the warden or
10 superintendent shall provide her, at state expense, money in accordance with the
11 following schedule:

- 12 1. Upon discharge or parole, one hundred dollars.
- 13 2. Upon being placed on work release, fifty dollars.
- 14 3. Upon going from an educational work release to parole or discharge, fifty
15 dollars.

16 Those inmates receiving payment under subsections two (2) or three (3) of this
17 section shall not be eligible for payment under subsection one (1) of this section
18 unless they are returned to the institution. The superintendent shall maintain an
19 account of all funds expended pursuant to this section.

1 SEC. 2. Section two hundred forty-six point forty-four (246.44), Code 1975, as
2 amended by the Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
3 one hundred forty-six (146), section two (2), is further amended by striking the
4 section and inserting in lieu thereof the following:

5 **246.44 Clothing, transportation and money.** When an inmate is discharged,
6 paroled, or placed on work release, the warden or superintendent shall furnish
7 him, at state expense, appropriate clothing and transportation to the place in this
8 state indicated in the inmate's discharge, parole, or work release plan. When an
9 inmate is discharged, paroled or placed on work release, the warden or
10 superintendent shall provide him, at state expense, money in accordance with the
11 following schedule:

- 12 1. Upon discharge or parole, one hundred dollars.
- 13 2. Upon being placed on work release, fifty dollars.
- 14 3. Upon going from an educational work release to parole or discharge, fifty
15 dollars.

16 Those inmates receiving payment under subsections two (2) or three (3) of this
17 section shall not be eligible for payment under subsection one (1) of this section

18 unless they are returned to the institution. The warden or superintendent shall
19 maintain an account of all funds expended pursuant to this section.

1 SEC. 3. Section two hundred forty-seven point sixteen (247.16), Code 1975, is
2 repealed.

Approved April 26, 1976

CHAPTER 1143

DIRECTORS OF COMMISSION FOR AGING AND CIVIL RIGHTS

H. F. 812

AN ACT to allow the governor to appoint the directors of certain commissions.

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

1 SECTION 1. Section two hundred forty-nine B point five (249B.5), Code 1975,
2 is amended to read as follows:

3 **249B.5 Executive director.** ~~The commission~~ *governor with the consent of two-*
4 *thirds of the members of the senate* shall appoint an executive director who shall
5 serve as executive officer of the commission. Notwithstanding the provisions of
6 section 19A.3, the executive director shall be subject to the state merit system in
7 matters related to salary and benefits.

1 SEC. 2. Section six hundred one A point three (601A.3), Code 1975, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. The governor with the consent of two-thirds of the
4 members of the senate shall appoint a director who shall serve as the executive
5 officer of the commission.

1 SEC. 3. Section six hundred one A point five (601A.5), subsection one (1),
2 Code 1975, is amended to read as follows:

3 1. To ~~appoint and~~ prescribe the duties of a director and *appoint and prescribe*
4 *the duties of* such investigators and other employees and agents as the commission
5 shall deem necessary for the enforcement of this chapter.

Approved April 7, 1976

CHAPTER 1144

TEACHERS' CERTIFICATES

H. F. 1472

AN ACT to change the requirements for awarding a permanent professional teachers' certificate.

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

1 SECTION 1. Section two hundred fifty-seven point ten (257.10), subsection
2 eleven (11), Code 1975, is amended to read as follows:

- 3 11. Constitute the board for the certification of administrative, supervisory and
 4 instructional personnel for the public school systems of the state; prescribe types
 5 and classes of certificates to be issued, the subjects and fields and positions which
 6 such certificates shall cover and determine the requirements for certificates;
 7 establish standards for the acceptance of degrees, credits, courses, and other
 8 evidences of training and preparation from institutions of higher learning, junior
 9 colleges, normal schools, or other training institutions, both public and private,
 10 within or without the state, for the certification of their students. The state board
 11 shall have and exercise all the powers and perform all the duties imposed upon
 12 the board of educational examiners under the provisions of chapter 260. *The*
 13 *minimum requirements for awarding a permanent professional certificate shall be:*
 14 1. *a professional certificate,*
 15 2. *four years of successful teaching experience, and*
 16 3. *a master's degree or a professional degree beyond the baccalaureate degree.*

Approved June 23, 1976

CHAPTER 1145

HIGH SCHOOL EQUIVALENCY DIPLOMAS

H. F. 1040

AN ACT relating to applications and fees for high school equivalency diplomas.

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

- 1 SECTION 1. Section two hundred fifty-nine A point two (259A.2), Code 1975,
 2 as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 3 one hundred fifty-four (154), section two (2), is amended by striking unnumbered
 4 paragraph two (2) and inserting in lieu thereof the following:
 5 Application shall be made to a testing center approved by the department of
 6 public instruction, accompanied by an application fee in an amount prescribed by
 7 the department. The test scores shall be forwarded by the testing center to the
 8 department.

Approved April 26, 1976

CHAPTER 1146

EDUCATION PROGRAMS

S. F. 1261

AN ACT relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs in this 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 for the
 2 fiscal year beginning July 1, 1976 and ending June 30, 1977 except as provided in
 3 subsection four (4) of this section, the following sums, or so much thereof as may

4 be necessary, to be used by the following agencies for the purposes designated:
5
6 1976-1977
Fiscal Year

7	1. IOWA COMMISSION FOR THE BLIND	
8	For salaries, support, maintenance and miscellaneous purposes \$	686,000
9	2. BONUS BOARD	
10	a. For the war orphans educational aid fund created by section	
11	thirty-five point eight (35.8) of the Code \$	40,000
12	b. For the service compensation fund \$	1,000,000
13	c. For salaries, support, maintenance and miscellaneous purposes	
14	of the bonus board \$	93,700
15	3. DEPARTMENT OF GENERAL SERVICES—EDUCATIONAL RADIO AND TELEVISION	
16	FACILITY	
17	a. Headquarters	
18	For salaries, support, maintenance and miscellaneous purposes \$	754,800
19	b. Production	
20	For salaries, support, maintenance and miscellaneous purposes \$	535,700
21	c. Transmitter	
22	For salaries, support, maintenance and miscellaneous purposes \$	1,964,700
23	4. Unencumbered or unobligated balances of funds appropriated by paragraph	
24	b of subsection two (2) of this section remaining on June 30, 1978 shall revert to	
25	the general fund on September 30, 1978.	

1 SEC. 2. There is appropriated from the general fund of the state to the higher
2 education facilities commission for the fiscal year beginning July 1, 1976 and
3 ending June 30, 1977, the following sums or so much thereof as may be necessary,
4 to be used for the funding of the following programs for the purposes designated:

5 1976-1977
6 Fiscal Year

7	1. HIGHER EDUCATION FACILITIES COMMISSION.	
8	For salaries, support, maintenance and miscellaneous purposes \$	193,000
9	2. TUITION GRANT PROGRAM	
10	To finance tuition grants to full-time resident students attending	
11	accredited private institutions of higher education in Iowa under	
12	sections two hundred sixty-one point nine (261.9) to two hundred	
13	sixty-one point sixteen (261.16) of the Code \$	9,500,000
14	3. SCHOLARSHIP PROGRAM	
15	To finance scholarships awarded by the higher education facilities	
16	commission under subsection four (4) of section two hundred sixty-	
17	one point two (261.2) of the Code \$	350,000
18	4. VOCATIONAL-TECHNICAL TUITION GRANTS	
19	To finance tuition grants to full-time resident students attending a	
20	vocational-technical program at an area school in the state under	
21	section two hundred sixty-one point seventeen (261.17) of the Code .. \$	150,000

1 SEC. 3. Section two hundred sixty-one point nine (261.9), subsection five (5),
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 5. "Accredited private institution" means an institution of higher learning
4 located in Iowa which is operated privately and not controlled or administered by
5 any state agency or any subdivision of the state, *except for county hospitals as*
6 *provided in paragraph d of this subsection, and*

1 SEC. 4. Section two hundred sixty-one point nine (261.9), subsection five (5),
2 Code 1975, is amended by adding the following new paragraph:

3 d. Which is a school of nursing accredited by the national league for nursing
4 and approved by the board of nurse examiners, including such a school operated,
5 controlled, and administered by a county public hospital.

1 SEC. 5. Section two hundred sixty-one point nine (261.9), Code 1975, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. "Half-time resident student" means an individual resident
4 of Iowa who is enrolled at an accredited private institution in a course of study
5 including at least six semester hours or the trimester or quarter equivalent of six
6 semester hours. "Course of study" does not include correspondence courses.

1 SEC. 6. Section two hundred sixty-one point ten (261.10), Code 1975, is
2 amended to read as follows:

3 **261.10 Who qualified.** A tuition grant may be awarded to any resident of
4 Iowa who is admitted and in attendance as a full-time *or half-time* resident
5 student at any accredited private institution and who establishes financial need.

1 SEC. 7. Section two hundred sixty-one point eleven (261.11), Code 1975, is
2 amended to read as follows:

3 **261.11 Extent of grant.** A qualified *full-time resident* student may receive
4 tuition grants for not more than eight semesters of undergraduate study or the
5 trimester *or quarter* equivalent. *A qualified half-time resident student may receive*
6 *tuition grants for not more than sixteen semesters of undergraduate study or the*
7 *trimester or quarter equivalent.*

1 SEC. 8. Section two hundred sixty-one point twelve (261.12), Code 1975, as
2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty
3 (60), section four (4), is amended to read as follows:

4 **261.12 Amount of grant.**

5 1. The amount of a tuition grant to a qualified *full-time* student for the fall and
6 spring semesters, or the trimester equivalent, shall be the amount of his financial
7 need for that period. However, a tuition grant shall not exceed the lesser of:

8 † a. The total tuition and mandatory fees for that student for two semesters or
9 the trimester *or quarter* equivalent, less the base amount determined annually by
10 the higher education facilities commission, which base amount shall be within ten
11 dollars of the average tuition for two semesters or the trimester equivalent of
12 undergraduate study at the state universities under the board of regents, but in
13 any event the base amount shall not be less than four hundred dollars; or

14 ‡ b. One thousand three hundred dollars.

15 2. *The amount of a tuition grant to a qualified half-time student for the fall and*
16 *spring semesters, or the trimester or quarter equivalent, shall be one-half the amount*
17 *which would be paid for a qualified full-time student under the provisions of subsection*
18 *one (1) of this section.*

1 SEC. 9. Chapter two hundred sixty-one (261), Code 1975, is amended by
2 adding the following new section:

3 NEW SECTION. **Appropriation—standing limited.**

4 1. There is appropriated from the general fund of the state to the higher
5 education facilities commission for the fiscal year beginning July 1, 1977, and
6 ending June 30, 1978, and for each fiscal year thereafter the sum of ten million
7 (10,000,000) dollars for tuition grants.

8 2. There is appropriated from the general fund of the state to the higher
9 education facilities commission for the fiscal year beginning July 1, 1977, and
10 ending June 30, 1978, and for each fiscal year thereafter the sum of three hundred
11 fifty thousand (350,000) dollars for scholarships.

12 3. There is appropriated from the general fund of the state to the higher
13 education facilities commission for the fiscal year beginning July 1, 1977, and
14 ending June 30, 1978, and for each fiscal year thereafter the sum of one hundred
15 fifty thousand (150,000) dollars for vocational-technical tuition grants.

16 4. This section shall not be construed to be a limitation on any of the amounts
17 which may be appropriated by the general assembly for any program enumerated
18 in this section.

1 SEC. 10. It is the intent of the general assembly to extend the tuition grant
2 program beginning July 1, 1977 to the half-time students as provided in this Act
3 taking at least six semester hours or the trimester or quarter equivalent in the
4 school year beginning in the fall of 1977 and limited to a maximum of five
5 hundred thousand dollars for these half-time students unless this amount is
6 changed by legislative action. It is the further intent to extend eligibility for the
7 tuition grant program to nursing students as defined in this Act, beginning July 1,
8 1977.

1 SEC. 11. There is appropriated from the general fund of the state to the higher
2 education facilities commission for the fiscal year beginning July 1, 1976 and
3 ending June 30, 1977 the sum of one million two hundred thousand (1,200,000)
4 dollars, or so much thereof as may be necessary, to be paid to the college of
5 osteopathic medicine and surgery for the subvention program created pursuant to
6 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty (60),
7 sections five (5) and six (6). The subvention shall be used for the admission and
8 education of not more than thirty percent of each of the three classes of students
9 in the college of osteopathic medicine and surgery for the fiscal year beginning
10 July 1, 1976 and ending June 30, 1977. Funds shall only be expended for resident
11 students and funds expended on behalf of each class shall not exceed four
12 hundred thousand dollars.

1 SEC. 12. There is appropriated from the general fund of the state for the fiscal
2 year commencing July 1, 1976 and ending June 30, 1977 to the higher education
3 facilities commission the sum of thirty thousand (30,000) dollars, or so much
4 thereof as may be necessary, to be used in the manner provided in sections
5 thirteen (13) and fourteen (14) of this Act.

1 SEC. 13. The higher education facilities commission shall contract with the
2 proper officials of states which have accredited schools and colleges of optometry
3 for the admission and education of qualified applicants who are domiciliaries of
4 Iowa and who have demonstrated interest, aptitude, and readiness for study in
5 the field of optometry. In making a final determination of who is a domiciliary of
6 Iowa, the higher education facilities commission shall adopt rules for the
7 academic year commencing in 1976 and for each academic year thereafter
8 consistent with those followed for determining Iowa resident students in section
9 two hundred sixty-one point fifteen (261.15) of the Code and subject to the
10 provisions of chapter seventeen A (17A) of the Code.

1 SEC. 14. In carrying out its duties under the provisions of section thirteen (13)
2 of this Act the higher education facilities commission shall contract for the right
3 of not less than ten qualified persons to enter accredited schools and colleges of
4 optometry during the school year commencing in the year 1976. The higher
5 education facilities commission shall initiate an affirmative action program to
6 insure equal opportunity for participation by women, men, and minority students
7 in the program provided for in this section and section thirteen (13) of this Act.
8 Funds expended on behalf of each person shall not exceed three thousand dollars
9 during any one fiscal year. The higher education facilities commission shall make
10 a report regarding its duties under section thirteen (13) of this Act to the
11 legislative fiscal committee at such time as the legislative fiscal committee shall
12 request.

1 SEC. 15. It shall be a condition of receipt of funds appropriated in sections
2 eleven (11) or twelve (12) of this Act that any college or school receiving funds
3 submit one copy of its most recent annual audit conducted by an independent
4 third party when the audit becomes available to the legislative fiscal committee
5 and the legislative council and submit to a review by the visitation committee on
6 education established in section two point fifty-one (2.51) of the Code augmented
7 by the selection of two members to the visitation committee for each discipline

8 for the purposes of review of the audits. The four additional members shall
 9 consist of two doctors selected from a list of ten doctors of osteopathic medicine
 10 and surgery not on the faculty, staff, or board of the college or its clinics and
 11 submitted by the Iowa society of osteopathic physicians and surgeons, and two
 12 doctors selected from a list of ten doctors of optometry not on the faculty, staff,
 13 or board of any school or college of optometry and submitted by the Iowa
 14 optometric association, appointed by the legislative fiscal committee with the
 15 approval of the legislative council. If the members of the expanded visitation
 16 committee deem it necessary to review the audit, the affected school or college is
 17 subject to review by the expanded visitation committee.

1 SEC. 16. There is appropriated from the general fund of the state for the fiscal
 2 year beginning July 1, 1976 and ending June 30, 1977 to the department of public
 3 instruction the following amounts, or so much thereof as may be necessary, to be
 4 used in the manner designated:

	1976-1977 Fiscal Year
7 1. GENERAL OFFICE ADMINISTRATION	
8 For salaries, support, maintenance and miscellaneous purposes \$	1,982,000
9 2. VOCATIONAL EDUCATION ADMINISTRATION	
10 For salaries, support, maintenance and miscellaneous purposes \$	555,800
11 3. VOCATIONAL EDUCATION	
12 For vocational education aid to secondary schools \$	3,000,000
13 Funds appropriated by this subsection are to be used for aid to school districts 14 for development and the conduct of both continuing and new vocational 15 programs, services and activities of vocational education through secondary 16 schools in accordance with the provisions of chapter two hundred fifty-eight (258) 17 and chapter two hundred eighty A (280A) of the Code, to purchase instructional 18 equipment for vocational and technical courses of instruction in such schools, and 19 to match federal reimbursement for continuing and new secondary vocational 20 programs.	
21 4. VOCATIONAL REHABILITATION	
22 For salaries, support, maintenance and miscellaneous purposes \$	1,905,800
23 5. MIGRANT EDUCATION	
24 For reimbursement to school districts and merged area schools 25 operating education programs for migratory workers and children of 26 migratory workers \$	50,000
27 6. DRUG EDUCATION	
28 For costs to provide educational programs which will aid in the 29 prevention of drug abuse in Iowa and fulfill the drug education 30 requirements of the Code \$	25,000
31 7. ENVIRONMENTAL EDUCATION	
32 For costs to develop educational programs which will result in an 33 awareness and understanding of the environmental problems facing 34 society with special emphasis upon energy problems \$	15,000
35 8. NATIONAL DEFENSE EDUCATION	
36 For the purpose of accepting federal funds originally referred to as 37 the National Defense Education Act of 1958, as amended by the 38 Elementary and Secondary Education Act of 1965, the Elementary 39 and Secondary Education Act of 1970, and the Educational 40 Amendments of 1974, for administration and extension of supervisory 41 and related services by the department for financial assistance for 42 strengthening sciences, mathematics, modern foreign language 43 instruction and other critical subjects administered by the department 44 and for the improvement and expansion of the statistical services of 45 the department of public instruction \$	225,300

46	9. PROFESSIONAL TEACHING PRACTICES COMMISSION	
47	For the use of the professional teaching practices commission to	
48	carry out the provisions of chapter two hundred seventy-two A	
49	(272A) of the Code	\$ 35,000
50	10. VOCATIONAL YOUTH ORGANIZATION FUND	
51	To carry out the provisions of section two hundred fifty-eight point	
52	fourteen (258.14) of the Code.....	\$ 10,000
53	11. SCHOOL FOOD SERVICE	
54	For the purpose of providing assistance to students enrolled in	
55	public school districts and nonpublic schools of the state for	
56	breakfasts, lunches and minimal equipment programs with said funds	
57	being used as state matching funds for federal programs and which	
58	shall be disbursed according to federal regulations	\$ 2,350,000
59	12. SCHOOL BUDGET REVIEW COMMITTEE	
60	a. For supplemental aid to public school districts for transportation	
61	equipment needs which have become necessary because of the	
62	furnishing of transportation to nonpublic school pupils under chapter	
63	two hundred eighty-five (285) of the Code and for enrollment	
64	decreases which are proven to have been caused by the availability of	
65	transportation to nonpublic school pupils in a public school district ..	\$ 200,000
66	b. In approving the distribution of funds for transportation equipment needs	
67	from the appropriation provided in paragraph a of this subsection, the school	
68	budget review committee shall give consideration to those school districts which	
69	transport a high percent of nonpublic school students compared to total students	
70	transported.	
71	c. Funds appropriated to the school budget review committee pursuant to the	
72	Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty (60), section	
73	ten (10), subsection twelve (12), which remain unexpended on the effective date of	
74	this Act shall be available and are appropriated for the 1976-1977 fiscal year.	
75	13. TRANSPORTATION OF NONPUBLIC SCHOOL PUPILS	
76	a. For costs of providing transportation to each resident pupil of a	
77	public school district who attends a nonpublic school and who is	
78	entitled to transportation under chapter two hundred eighty-five (285)	
79	of the Code	\$ 3,450,000
80	b. If the amount appropriated in paragraph a of this subsection is in excess of	
81	the amount required to pay all approved claims under section two hundred	
82	eighty-five point two (285.2) of the Code, then that amount, not to exceed three	
83	hundred thousand (300,000) dollars, shall be transferred to the school budget	
84	review committee for supplemental aid to public school districts for	
85	transportation equipment needs which have become necessary because of the	
86	furnishing of transportation to nonpublic school pupils under chapter two	
87	hundred eighty-five (285) of the Code.	
88	14. COMPACT FOR EDUCATION	
89	For membership fees for Iowa as a member of the education	
90	commission of the states as provided in chapter two hundred seventy-	
91	two B (272B) of the Code.....	\$ 15,750
92	15. MERGED AREA SCHOOLS	
93	a. For general state financial aid to merged areas as defined in section two	
94	hundred eighty A point two (280A.2) of the Code the amount of twenty-nine	
95	million eight hundred thousand (29,800,000) dollars to be allocated as follows:	
96	(1) Merged Area I	\$ 1,326,141
97	(2) Merged Area II	\$ 1,962,975
98	(3) Merged Area III	\$ 1,893,806
99	(4) Merged Area IV	\$ 737,010
100	(5) Merged Area V	\$ 2,380,025

101	(6) Merged Area VI	\$ 2,146,771
102	(7) Merged Area VII	\$ 2,096,543
103	(8) Merged Area IX	\$ 2,039,300
104	(9) Merged Area X	\$ 3,696,976
105	(10) Merged Area XI	\$ 4,553,243
106	(11) Merged Area XII	\$ 1,502,642
107	(12) Merged Area XIII	\$ 1,796,015
108	(13) Merged Area XIV	\$ 691,692
109	(14) Merged Area XV	\$ 1,555,115
110	(15) Merged Area XVI	\$ 1,421,746
111	b. To provide for equipment replacement and upgrading in all	
112	merged area schools on a prorated basis consistent with past	
113	allocations made from equipment inventory listings	\$ 1,350,000
114	c. To provide funds for matching federal reimbursement for	
115	continuing and new vocational education programs in merged area	
116	schools in accordance with the provisions of chapter two hundred	
117	fifty-eight (258) and chapter two hundred eighty A (280A) of the	
118	Code, and to purchase instructional equipment for vocational and	
119	technical courses of instruction in such schools	\$ 8,285,900
120	d. To provide funds for allocation on a pro rata basis to merged	
121	area schools for the payment of increased employer contributions for	
122	the Iowa public employees' retirement system	\$ 787,500
123	e. For levies collectible in the fiscal year beginning July 1, 1976 and ending	
124	June 30, 1977, a board of directors of a merged area is prohibited from levying a	
125	tax under the provisions of section ninety-seven B point nine (97B.9), subsection	
126	three (3), of the Code to pay employer contributions to the Iowa public	
127	employees' retirement system. The state comptroller is directed to delete any such	
128	tax levy from the certified tax askings of a merged area.	

1 SEC. 17. Section two hundred eighty A point twenty-five (280A.25), Code
2 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. Review programs and make recommendations, and
4 approve or disapprove requests of merged area schools to expand their programs.

1 SEC. 18. Section two hundred fifty-seven point nine (257.9)*, subsection five
2 (5), Code 1975, is amended to read as follows:

3 5. Authorize, approve, and require to be used such forms as are needed to
4 promote uniformity, accuracy, and completeness in executing contracts, keeping
5 records, and in pupil and cost accounting, making reports, and to require such
6 reports to be made in such manner as may be recommended by the state
7 superintendent of public instruction. *Prior to January 1, 1978, approve a uniform*
8 *system of program accounting to be implemented by all school districts pursuant to*
9 *plans submitted by the state superintendent.*

1 SEC. 19. Section two hundred fifty-seven point eleven (257.11), Code 1975, is
2 amended to read as follows:

3 **257.11 Superintendent appointed.** The state board shall appoint, effective
4 ~~January 1, 1955~~ *July 1, 1979*, and each four years thereafter, with the approval of
5 two-thirds of the members of the senate, a superintendent of public instruction.

1 SEC. 20. Section two hundred eighty A point twenty-three (280A.23),
2 subsection four (4), Code 1975, is amended to read as follows:

3 4. Have the powers and duties with respect to such schools and colleges, not
4 otherwise provided in this chapter, which are prescribed for boards of directors of
5 local school districts by chapter 279 *except that the board of directors is not*
6 *required to prohibit the use of tobacco and the use or possession of alcoholic liquor or*
7 *beer by any student under the provisions of section two hundred seventy-nine point*
8 *nine (279.9) of the Code.*

*§257.10 probably intended

1 SEC. 21. Section four hundred forty-two point seven (442.7), as amended by
 2 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter seventy-nine (79),
 3 section nineteen (19), is amended by adding the following new subsection:

4 NEW SUBSECTION. For the school year beginning July 1, 1976, the state
 5 percent of growth otherwise computed by the state comptroller under this section
 6 shall be increased by an amount equal to seven-tenths of one percent for school
 7 districts in which all employees are members of the Iowa public employees'
 8 retirement system to compensate for the cost of increased employer contributions
 9 to the Iowa public employees' retirement system.

10 For the school year beginning July 1, 1976, the school budget review committee
 11 may approve an increase in the state percent of growth otherwise computed by
 12 the state comptroller under this section by an amount not to exceed thirty-five
 13 hundredths of one percent for school districts for which contributions are made
 14 both to a retirement system established by the school district under section two
 15 hundred ninety-four point eight (294.8) of the Code and to the Iowa public
 16 employees' retirement system. In order to receive the additional allowable growth,
 17 such school districts shall show that there is a need of additional funds in order to
 18 compensate for the cost of increased employer contributions to retirement
 19 systems.

1 SEC. 22. There is appropriated from the general fund of the state to the state
 2 board of regents for the fiscal year beginning July 1, 1976 and ending June 30,
 3 1977 the following amounts, or so much thereof as may be necessary to be used
 4 for the following purposes, provided that, as a condition for the appropriation of
 5 these funds and notwithstanding any provision of chapter twenty (20) of the Code
 6 to the contrary, the state board of regents, for purposes of implementing
 7 collective bargaining pursuant to chapter twenty (20) of the Code, shall continue
 8 to act as a "public employer" for its academic, professional and scientific, and
 9 other employees who are exempt from its merit system by chapter nineteen A
 10 (19A) of the Code and who are defined as "professional" employees by chapter
 11 twenty (20) of the Code:

	1976-1977
	<u>Fiscal Year</u>
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1. OFFICE OF STATE BOARD OF REGENTS

For salaries, support, maintenance, equipment, and miscellaneous
 purposes, including state board of regents members receiving a per
 diem not to exceed forty dollars per day\$ 257,600

2. STATE UNIVERSITY OF IOWA

a. General university, including lakeside laboratory.

For salaries, support, maintenance, equipment, and miscellaneous
 purposes; and for the pediatric department of the college of medicine
 to fund a program of research in the cause, course, treatment, cure
 and management of diabetes mellitus\$ 58,985,900

b. University hospitals

For salaries, support, maintenance, equipment, and miscellaneous
 purposes; for medical and surgical treatment of indigent patients as
 provided in chapter two hundred fifty-five (255) of the Code\$ 13,871,100

c. Psychopathic hospital

For salaries, support, maintenance, equipment, and miscellaneous
 purposes and for the care, treatment and maintenance of committed
 and voluntary public patients\$ 3,161,600

d. State hygienic laboratory

For salaries, support, maintenance, equipment, and miscellaneous
 purposes\$ 1,130,300

e. Hospital school

For salaries, support, maintenance, equipment, and miscellaneous
 purposes\$ 2,253,800

38	f. Oakdale campus	
39	For salaries, support, maintenance, equipment, and miscellaneous	
40	purposes beyond that amount underwritten from charges to counties,	
41	agencies, and individual patients at no less than twenty-five percent	
42	of per diem cost	\$ 2,419,600
43	3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY	
44	a. General university	
45	For salaries, support, maintenance, equipment, and miscellaneous	
46	purposes	\$ 48,556,200
47	b. Agricultural experiment station	
48	For salaries, support, maintenance, equipment, and miscellaneous	
49	purposes	\$ 5,723,300
50	c. Cooperative extension service in agriculture and home economics	
51	For salaries, support, maintenance, and miscellaneous purposes	\$ 5,159,200
52	4. UNIVERSITY OF NORTHERN IOWA	
53	a. For salaries, support, maintenance, equipment, and	
54	miscellaneous purposes	\$ 20,232,300
55	5. IOWA BRAILLE AND SIGHT-SAVING SCHOOL	
56	For salaries, support, maintenance, equipment, and miscellaneous	
57	purposes	\$ 1,384,300
58	6. STATE SCHOOL FOR THE DEAF	
59	For salaries, support, maintenance, equipment, and miscellaneous	
60	purposes	\$ 2,551,100
61	7. FAMILY PRACTICE PROGRAM	
62	For allocation by the dean of the college of medicine, with	
63	approval of the advisory board, to qualified participants, to carry out	
64	the provisions of chapter one hundred forty-eight C (148C) of the	
65	Code	\$ 815,000

1 SEC. 23. NEW SECTION. **Designation.** The state hospital located at Oakdale
2 shall be known as the Oakdale campus.

1 SEC. 24. NEW SECTION. **Purposes.** The Oakdale campus shall be primarily
2 devoted to health related research, education, and service programs, including
3 experimental health care delivery models. To the extent that Oakdale campus
4 resources are not required to meet the primary purposes, its resources shall be
5 devoted to meeting other related needs of the state university of Iowa.

1 SEC. 25. NEW SECTION. **Governance.** The state board of regents shall have
2 full power to manage, control, and govern the Oakdale campus in the same
3 manner as other institutions under its control.

1 SEC. 26. NEW SECTION. **Patient treatment.** Oakdale campus authorities
2 may provide for treatment of such patients as they deem advisable and for which
3 facilities and services are available. Except for patients admitted who are patients
4 referred from the university hospitals, the Oakdale campus shall collect from the
5 patients or a person liable for such support, such reasonable charges for care,
6 service, and treatment as may be fixed by the state board of regents. Earnings
7 shall be deposited with the treasurer of the state university of Iowa for the use
8 and benefit of the Oakdale campus and to supplement any other sources of
9 income. Patient treatment and care on the Oakdale campus shall be provided by
10 the faculty of the health science colleges of the state university of Iowa, staff of
11 the university hospital, and professional and other staff as may be employed by
12 the Oakdale campus.

1 SEC. 27. NEW SECTION. **Care of patients—professional services.** Physicians
2 and dentists who care for patients on the Oakdale campus may charge for their
3 professional services under such rules and plans as may be approved by the state
4 board of regents.

1 SEC. 28. NEW SECTION. **Integrated treatment of university hospital patients.**
 2 The authorities of the Oakdale campus may authorize patients for admission to
 3 the hospital on the Oakdale campus who are referred from the university
 4 hospitals and who shall retain the same status, classification, and authorization
 5 for care which they had at the university hospitals. Patients referred from the
 6 university hospitals to the Oakdale campus shall be deemed to be patients of the
 7 university hospitals. The provisions of chapter two hundred fifty-five (255) of the
 8 Code and operating policies of the university hospitals shall apply to the patients
 9 and to the payment for their care the same as the provisions apply to patients
 10 who are treated on the premises of the university hospitals.

1 SEC. 29. Section two hundred sixty-two point seven (262.7), subsection six (6),
 2 Code 1975, is amended to read as follows:
 3 6. The ~~state sanatorium~~ *Oakdale campus*.

1 SEC. 30. Chapter two hundred seventy (270), Code 1975, is amended by
 2 adding the following new section:

3 NEW SECTION. There is appropriated from the general fund of the state to the
 4 state board of regents the sum of one hundred forty-eight thousand seven
 5 hundred fifty (148,750) dollars, or so much thereof as is necessary, to be
 6 distributed to the school for the deaf and the Iowa braille and sight-saving school
 7 for payments to the parents or guardians of pupils in either institution as follows:

8 1. Transportation reimbursement at the rate specified in section two hundred
 9 eighty-five point one (285.1), subsection three (3), of the Code to the parents or
 10 guardians of children who do not reside in the institution, but are transported to
 11 the institution on a daily basis.

12 2. Transportation reimbursement at the rate specified in section two hundred
 13 eighty-five point one (285.1), subsection three (3), of the Code to the parents or
 14 guardians for not more than ten trips per year from the institution to the
 15 residence of the parent or guardian and return to the institution for children who
 16 reside in the institution.

1 SEC. 31. Chapter two hundred seventy-one (271), Code 1975, is repealed.

1 SEC. 32. The intent of the general assembly in appropriating funds pursuant
 2 to section twenty-two (22) of this Act is to provide additional funds, if needed,
 3 during the 1977 Session of the general assembly for the purchase of fuel and
 4 electricity if the costs for fuel and electricity will exceed eleven million six
 5 hundred eighty-three thousand (11,683,000) dollars for 1976-77. Any funds
 6 remaining which are in excess of such estimated fuel and electricity costs during
 7 1976-77 may be used for other purposes such as maintenance, equipment, and
 8 miscellaneous purposes.

1 SEC. 33. The state board of regents may transfer funds appropriated to the
 2 Oakdale campus to the university hospitals.

1 SEC. 34. For losses of federal funds during 1975, there is appropriated to the
 2 state board of regents, to be allocated by the board of regents to the institutions
 3 under its control to supplement existing appropriations for such losses the sum of
 4 two million five hundred thousand (2,500,000) dollars, or so much as may be
 5 necessary, from the general fund for the fiscal year 1976-77. No funds shall be
 6 allocated under this section without the approval of the governor and the state
 7 comptroller.

8 The appropriation in this section is intended to supplement existing
 9 appropriations related to educational and capitation grants to the institutions and
 10 not for solely sponsored research grants to the institutions.

1 SEC. 35. All federal grants to and the federal receipts of agencies appropriated
 2 funds under this Act are appropriated for the purposes set forth in such federal
 3 grants or receipts.

1 SEC. 36. Moneys appropriated by this Act shall not be used for capital
2 improvements.

1 SEC. 37. When any laws of this state are in conflict with this Act, the
2 provisions of this Act shall govern for the fiscal year 1976-1977.

Approved June 23, 1976

CHAPTER 1147

TRUSTS ADMINISTERED BY REGENTS

H. F. 1098

AN ACT relating to the authority of the board of regents to administer trusts.

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

1 SECTION 1. Section two hundred sixty-two point nine (262.9), subsection six
2 (6), Code 1975, is amended to read as follows:

3 6. Accept and administer trusts ~~deemed by it beneficial to and perform~~
4 ~~obligations of the institutions and may authorize nonprofit foundations acting solely~~
5 ~~for the support of institutions governed by the board to accept and administer trusts~~
6 ~~deemed by the board to be beneficial. Notwithstanding the provisions of section six~~
7 ~~hundred thirty-three point sixty-three (633.63) of the Code, the board and such~~
8 ~~nonprofit foundations may act as trustee in such instances.~~

Approved March 19, 1976

CHAPTER 1148

BICYCLE REGULATION BY REGENTS

S. F. 1200

AN ACT relating to the regulation of bicycles by the state board of regents.

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

1 SECTION 1. Section two hundred sixty-two point sixty-nine (262.69), Code
2 1975, is amended to read as follows:

3 **262.69 Traffic control and parking.** The state board of regents may make
4 such rules as it deems necessary and proper to provide for the policing, control,
5 and regulation of traffic and parking of vehicles *and bicycles* on the property of
6 any institution under its control. The rules may provide for the use of institutional
7 roads, driveways, and grounds, registration of vehicles *and bicycles*, the
8 designation of parking areas, the erection and maintenance of signs designating
9 prohibitions or restrictions, the installation and maintenance of parking control
10 devices, and assessment, enforcement, and collection of reasonable sanctions for
11 the violation of the rules.

12 Any rules made pursuant to this section may be enforced under procedures
13 adopted by the board for each institution under its control. Sanctions may be

14 imposed upon students, faculty and staff for violation of the rules, including, but
 15 not limited to, a reasonable monetary sanction which may be deducted from
 16 student deposits and faculty or staff salaries or other funds in the possession of
 17 the institution, or added to student tuition bills. The rules made pursuant to this
 18 section may also be enforced by the impoundment of vehicles *and bicycles* parked
 19 in violation of the rules, and a reasonable fee may be charged for the cost of
 20 impoundment and storage, prior to the release of the vehicles *and bicycles* to their
 21 owners. Each institution under the control of the board shall establish procedures
 22 for the determination of controversies in connection with imposition of sanctions.
 23 The procedures shall require giving notice of the violation and the sanction
 24 involved and provide an opportunity for an administrative hearing. Judicial
 25 review of the administrative ruling may be sought in accordance with the terms of
 26 the Iowa administrative procedure Act.

Approved March 23, 1976

CHAPTER 1149

SCHOOL ADMINISTRATORS

H. F. 1582

AN ACT relating to the issuance, continuance, and termination of contracts of school administrators.

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

1 SECTION 1. Chapter two hundred seventy-two A (272A), Code 1975, is
 2 amended by adding the following new section:

3 NEW SECTION. **Appointment of hearing officers.** The commission shall
 4 maintain a list of qualified persons to serve as hearing officers who are
 5 experienced in the educational system of this state when a hearing is requested
 6 under the provisions of section five (5) of this Act. When requested under the
 7 provisions of section five (5) of this Act, the commission shall submit a list of five
 8 qualified hearing officers to the parties. The hearing shall be held pursuant to the
 9 provisions of chapter seventeen A (17A) of the Code relating to contested cases.
 10 The full costs of the hearing shall be shared equally by the parties. A person who
 11 is employed as a teacher or administrator by a school district shall not be eligible
 12 to serve as a hearing officer.

1 SEC. 2. Section two hundred seventy-three point three (273.3), subsection
 2 twelve (12), Code 1975, is amended to read as follows:

3 12. Employ such personnel as may be required, if any, to carry out the
 4 functions of the area education agency which may include the employment of an
 5 administrator who shall possess a superintendent's certificate issued under the
 6 provisions of section 260.9. The administrator shall be employed pursuant to the
 7 provisions of section 279.14 *and the provisions of sections four (4), five (5), and six*
 8 *(6) of this Act.* The salary range for an area education agency administrator shall
 9 be from seventeen thousand dollars to twenty-seven thousand five hundred
 10 dollars per annum, including additional benefits, over and above the additional
 11 benefits given all full-time employees. The provisions of section 279.13 shall apply
 12 to the area education agency board and to all ~~certificated school employees of~~
 13 *teachers employed by the area education agency. The provisions of sections four (4),*
 14 *five (5), and six (6) of this Act shall apply to the area education board and to all*
 15 *administrators employed by the area education agency.*

1 SEC. 3. Chapter two hundred seventy-nine (279), Code 1975, is amended by
2 adding sections four (4) through six (6) of this Act.

1 SEC. 4. **NEW SECTION. Continuing contract for administrators.** Contracts
2 with administrators shall be in writing and shall contain all of the following:

3 1. The term of employment.

4 2. The length of time during the school year services are to be performed.

5 3. The compensation per week of five consecutive days or month of four
6 consecutive weeks.

7 4. A statement that the contract is invalid if the administrator is under contract
8 with another board of directors in this state covering the same period of time,
9 until such contract shall have been released or terminated by its provisions.

10 5. Such other matters as may be agreed upon.

11 The contract shall be signed by the president and the administrator and shall
12 be filed with the secretary of the board before the administrator enters upon
13 performance of the contract. A contract shall not be tendered by an employing
14 board to an administrator under its jurisdiction prior to March fifteenth. A
15 contract shall not be required to be signed by the administrator and returned to
16 the board in less than twenty-one days after being tendered.

17 An administrator's contract shall be governed by the provisions of this section
18 and sections five (5) and six (6) of this Act and not by section two hundred
19 seventy-nine point thirteen (279.13) of the Code. For purposes of this section and
20 sections five (5) and six (6) of this Act, the term "administrator" includes school
21 superintendents, assistant superintendents, educational directors, principals,
22 assistant principals, and other certificated school supervisors as defined under the
23 provisions of section twenty point four (20.4) of the Code.

1 SEC. 5. **NEW SECTION. Contract with administrators—automatic continuation
2 or termination.** An administrator's contract shall remain in force and effect for
3 the period stated in the contract. The contract shall be automatically continued in
4 force and effect for one year beyond the end of its term, except as modified or
5 terminated by mutual agreement of the board of directors and the administrator,
6 or until terminated as hereinafter provided.

7 An administrator may file his or her written resignation with the secretary of
8 the board on or before May first of each year or the date specified by the board
9 for return of the contract, whichever date occurs first.

10 Administrators employed in a school district for less than two consecutive
11 years are probationary administrators. However, a board may waive the
12 probationary period for any administrator who has previously served a
13 probationary period in another school district and the board may extend the
14 probationary period for an additional year with the consent of the administrator.
15 If a board determines that it should terminate a probationary administrator's
16 contract, the board shall notify the administrator not later than March thirty-first
17 that the contract will not be renewed beyond the current year. The notice shall be
18 in writing by letter, personally delivered, or mailed by certified mail. The
19 notification shall be complete when received by the administrator. Within ten
20 days after receiving the notice, the administrator may request a private conference
21 with the board to discuss the reasons for termination. The board's decision to
22 terminate a probationary administrator's contract shall be final unless the
23 termination was based upon an alleged violation of a constitutionally guaranteed
24 right of the administrator.

25 The board may, by majority vote of the membership of the board, cause the
26 contract of an administrator to be terminated. If the board determines that it
27 should consider the termination of a nonprobationary administrator's contract,
28 the following procedure shall apply:

29 On or before March thirty-first, the administrator shall be notified in writing
30 by a letter personally delivered or mailed by certified mail that the board has
31 voted to consider termination of the contract. The notification shall be complete

32 when received by the administrator.

33 The notice shall state the specific reasons to be used by the board for
34 considering termination which for all administrators except superintendents shall
35 be for just cause.

36 Within five days after receipt of the written notice that the board has voted to
37 consider termination of the contract, the administrator may request in writing to
38 the secretary of the board that the notification be forwarded to the professional
39 teaching practices commission along with a request that the professional teaching
40 practices commission submit a list of five qualified hearing officers to the parties.
41 Within three days from receipt of the list the parties shall select a hearing officer
42 by alternatively removing a name from the list until only one name remains. The
43 person whose name remains shall be the hearing officer. The parties shall
44 determine by lot which party shall remove the first name from the list. The
45 hearing shall be held no sooner than ten days and not later than thirty days
46 following the administrator's request unless the parties otherwise agree. If the
47 administrator does not request a hearing, the board, not later than April fifteenth,
48 may determine the continuance or discontinuance of the contract. Board action
49 shall be by majority roll call vote entered on the minutes of the meeting. Notice
50 of board action shall be personally delivered or mailed to the administrator.

51 The hearing officer selected shall notify the secretary of the board and the
52 administrator in writing concerning the date, time, and location of the hearing.
53 The board may be represented by a legal representative, if any, and the
54 administrator shall appear and may be represented by counsel or by
55 representative, if any. A transcript or recording shall be made of the proceedings
56 at the hearing. No school board member or administrator shall be liable for any
57 damage to any administrator or board member if any statement made at the
58 hearing is determined to be erroneous as long as the statement was made in good
59 faith.

60 The hearing officer shall, within ten days following the date of the hearing,
61 make a proposed decision as to whether or not the administrator should be
62 dismissed, and shall give a copy of the proposed decision to the administrator and
63 the school board. Findings of fact shall be prepared by the hearing officer. The
64 proposed decision of the hearing officer shall become the final decision of the
65 board unless within ten days after the filing of the decision the administrator files
66 a written notice of appeal with the board, or the board on its own motion
67 determines to review the decision.

68 If the administrator appeals to the board, or if the board determines on its own
69 motion to review the proposed decision of the hearing officer, a private hearing
70 shall be held before the board within five days after the petition for review, or
71 motion for review, has been made or at such other time as the parties may agree.
72 The private hearing shall not be subject to the provisions of chapter twenty-eight
73 A (28A) of the Code. The board may hear the case de novo upon the record as
74 submitted before the hearing officer. In cases where there is an appeal from a
75 proposed decision or where a proposed decision is reviewed on motion of the
76 board, an opportunity shall be afforded to each party to file exceptions, present
77 briefs and present oral arguments to the board which is to render the final
78 decision. The secretary of the board shall give the administrator written notice of
79 the time, place, and date of the hearing. The board shall meet within five days
80 after the hearing to determine the question of continuance or discontinuance of
81 the contract. The board shall make findings of fact which shall be based solely on
82 the evidence in the record and on matters officially noticed in the record.

83 The decision of the board shall be in writing and shall include findings of fact
84 and conclusions of law, separately stated. Findings of fact, if set forth in statutory
85 language, shall be accompanied by a concise and explicit statement of the
86 underlying facts and supporting the findings. Each conclusion of law shall be
87 supported by cited authority or by reasoned opinion.

88 When the board has reached a decision, opinion, or conclusion, it shall
 89 convene in open meeting and by roll call vote determine the continuance or
 90 discontinuance of the administrator's contract. The record of the private
 91 conference and findings of fact and exceptions shall be exempt from the
 92 provisions of chapter sixty-eight A (68A) of the Code. The secretary of the board
 93 shall immediately personally deliver or mail notice of the board's action to the
 94 administrator.

95 The administrator may within thirty days after notification by the board of
 96 discontinuance of the contract appeal to the district court of the county in which
 97 the administrative office of the school district is located.

98 The court may affirm the board action. The court shall reverse, modify, or
 99 grant any other appropriate relief from the board action, equitable or legal, and
 100 including declaratory relief, if substantial rights of the administrator have been
 101 prejudiced because the board action is:

102 1. In violation of constitutional or statutory provisions.

103 2. In excess of the statutory authority of the board.

104 3. In violation of board policy or rule.

105 4. Made upon unlawful procedure.

106 5. Affected by other error of law.

107 6. Is unsupported by substantial evidence in the record made before the board
 108 when that record is reviewed as a whole.

109 7. Unreasonable, arbitrary, or capricious, or characterized by an abuse of
 110 discretion or clearly unwarranted exercise of discretion.

1 SEC. 6. NEW SECTION. **Discharge of administrator.** An administrator may
 2 be discharged at any time during the contract year for just cause. The
 3 administrator shall be notified in writing that the board has voted to consider
 4 termination of the administrator's contract and the applicable procedures of
 5 section five (5) of this Act shall apply.

Approved June 23, 1976

CHAPTER 1150

EDUCATIONAL LEAVE

H. F. 1581

AN ACT relating to educational leaves of absence for school employees.

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

1 SECTION 1. Section two hundred seventy-nine point twelve (279.12), Code
 2 1975, is amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The board may approve a policy for
 4 educational leave for certificated school employees and for reimbursement for
 5 tuition paid by certificated school employees for courses approved by the board.
 6 For the purpose of this section "educational leave" means a leave granted to an
 7 employee for the purpose of study including study in areas outside of a teacher's
 8 area of specialization, travel, or other reasons deemed by the board to be of value
 9 to the school system.

Approved June 23, 1976

CHAPTER 1151

TEACHERS' CONTRACTS

S. F. 205

AN ACT relating to the issuance, continuation, and termination of teachers' contracts.

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

1 SECTION 1. Section two hundred seventy-nine point thirteen (279.13), Code
2 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **279.13 Contracts with teachers—automatic continuation.**

5 1. Contracts with teachers, which for the purpose of this section means all
6 certificated employees of a school district and nurses employed by the board,
7 excluding superintendents, assistant superintendents, principals, and assistant
8 principals, shall be in writing and shall state the number of contract days, the
9 annual compensation to be paid, and any other matters as may be mutually
10 agreed upon. The contract may include employment for a term not exceeding the
11 ensuing school year, except as otherwise authorized.

12 The contract is invalid if the teacher is under contract with another board of
13 directors to teach during the same time period until a release from the other
14 contract is achieved. The contract shall be signed by the president of the board
15 when tendered, and after it is signed by the teacher, the contract shall be filed
16 with the secretary of the board before the teacher enters into performance under
17 the contract.

18 2. The contract shall remain in force and effect for the period stated in the
19 contract and shall be automatically continued for equivalent periods except as
20 modified or terminated by mutual agreement of the board of directors and the
21 teacher or as terminated in accordance with the provisions specified in this
22 chapter. A contract shall not be offered by the employing board to a teacher
23 under its jurisdiction prior to March fifteenth of any year. A teacher who has not
24 accepted a contract for the ensuing school year tendered by the employing board
25 may resign effective at the end of the current school year by filing a written
26 resignation with the secretary of the board. The resignation must be filed not later
27 than the last day of the current school year or the date specified by the employing
28 board for return of the contract, whichever date occurs first. However, a teacher
29 shall not be required to return a contract to the board or to resign less than
30 twenty-one days after the contract has been offered.

31 3. The board shall establish evaluation criteria and shall implement evaluation
32 procedures. If an exclusive bargaining representative has been certified, the board
33 shall negotiate in good faith with respect to evaluation procedures pursuant to
34 chapter twenty (20) of the Code.

35 4. The superintendent or the superintendent's designee shall notify the teacher
36 not later than March fifteenth that the superintendent will recommend in writing
37 to the board at a regular or special meeting of the board held not later than
38 March thirty-first that the teacher's continuing contract be terminated effective at
39 the end of the current school year.

40 5. Such notification shall be in writing and shall be personally delivered to the
41 teacher, or mailed by certified mail. The notification shall be complete when
42 received by the teacher. The notification and the recommendation to terminate
43 shall contain a short and plain statement of the reasons, which shall be for just
44 cause, why the recommendation is being made. The notification shall be given at
45 or before the time the recommendation is given to the board.

46 As a part of the termination proceedings, the teacher's complete personnel file
47 of employment by that board shall be available to the teacher, which file shall

48 contain a record of all periodic evaluations between the teacher and appropriate
49 supervisors.

50 Within five days of the receipt of the written notice that the superintendent is
51 recommending termination of the contract, the teacher may request, in writing to
52 the secretary of the board, a private hearing with the board. The private hearing
53 shall not be subject to chapter twenty-eight A (28A) of the Code and shall be held
54 no sooner than ten days and no later than twenty days following the receipt of
55 the request unless the parties otherwise agree. The secretary of the board shall
56 notify the teacher in writing of the date, time, and location of the private hearing,
57 and at least five days before the hearing shall also furnish to the teacher any
58 documentation which may be presented to the board at the private hearing and a
59 list of persons who may address the board in support of the superintendent's
60 recommendation at the private hearing. At least three days before the hearing, the
61 teacher shall provide any documentation he or she expects to present at the
62 private hearing, along with the names of any persons who may address the board
63 on behalf of the teacher. This exchange of information shall be at the time
64 specified unless otherwise agreed.

65 6. The participants at the private hearing shall be at least a majority of the
66 members of the board, their legal representatives, if any, the superintendent, the
67 superintendent's designated representatives, if any, the teacher's immediate
68 supervisor, the teacher, the teacher's representatives, if any, and the witnesses for
69 the parties. The evidence at the private hearing shall be limited to the specific
70 reasons stated in the superintendent's notice of recommendation of termination.
71 No participant in the hearing shall be liable for any damages to any person if any
72 statement at the hearing is determined to be erroneous as long as the statement
73 was made in good faith. The superintendent shall present evidence and argument
74 on all issues involved and the teacher may cross-examine, respond and present
75 evidence and argument in his or her behalf relevant to all issues involved.
76 Evidence may be by stipulation of the parties and informal settlement may be
77 made by stipulation, consent, or default or by any other method agreed upon by
78 the parties in writing. The board shall employ a certified shorthand reporter to
79 keep a record of the private hearing. The proceedings or any part thereof shall be
80 transcribed at the request of either party with the expense of transcription
81 charged to the requesting party.

82 The presiding officer of the board may administer oaths in the same manner
83 and with like effect and under the same penalties as in the case of magistrates
84 exercising criminal or civil jurisdiction. The board shall cause subpoenas to be
85 issued for such witnesses and the production of such books and papers as either
86 the board or the teacher may designate. The subpoenas shall be signed by the
87 presiding officer of the board.

88 In case a witness is duly subpoenaed and refuses to attend, or in case a witness
89 appears and refuses to testify or to produce required books or papers, the board
90 shall, in writing, report such refusal to the district court of the county in which
91 the administrative office of the school district is located, and the court shall
92 proceed with the person or witness as though the refusal had occurred in a
93 proceeding legally pending before the court.

94 The board shall not be bound by common law or statutory rules of evidence or
95 by technical or formal rules of procedure, but it shall hold the hearing in such
96 manner as is best suited to ascertain and conserve the substantial rights of the
97 parties. Process and procedure under this section shall be as summary as
98 reasonably may be.

99 At the conclusion of the private hearing, the superintendent and the teacher
100 may file written briefs and arguments with the board within three days or such
101 other time as may be agreed upon.

102 If the teacher fails to timely request a private hearing or does not appear at the
103 private hearing, the board may proceed and make a determination upon the
104 superintendent's recommendation, which determination in that case shall be not

105 later than April tenth, or not later than five days after the scheduled date for the
106 private hearing, whichever is applicable. The board shall convene in open session
107 and by roll call vote determine the termination or continuance of the teacher's
108 contract.

109 Within five days after the private hearing, the board shall, in executive session,
110 meet to make a final decision upon the recommendation and the evidence as
111 herein provided. The board shall also consider any written brief and arguments
112 submitted by the superintendent and the teacher.

113 The record for a private hearing shall include:

114 a. All pleadings, motions and intermediate rulings.

115 b. All evidence received or considered and all other submissions.

116 c. A statement of all matters officially noticed.

117 d. All questions and offers of proof, objections and rulings thereon.

118 e. All findings and exceptions.

119 f. Any decision, opinion, or conclusion by the board.

120 g. Findings of fact shall be based solely on the evidence in the record and on
121 matters officially noticed in the record.

122 The decision of the board shall be in writing and shall include findings of fact
123 and conclusions of law, separately stated. Findings of fact, if set forth in statutory
124 language, shall be accompanied by a concise and explicit statement of the
125 underlying facts and supporting the findings. Each conclusion of law shall be
126 supported by cited authority or by reasoned opinion.

127 When the board has reached a decision, opinion, or conclusion, it shall
128 convene in open meeting and by roll call vote determine the continuance or
129 discontinuance of the teacher's contract. The record of the private conference and
130 findings of fact and exceptions shall be exempt from the provisions of chapter
131 sixty-eight A (68A) of the Code. The secretary of the board shall immediately
132 mail notice of the board's action to the teacher.

133 7. If the teacher is no longer a probationary teacher, the teacher may, within
134 ten days, appeal the determination of the board to an adjudicator by filing a
135 notice of appeal with the secretary of the board. The notice of appeal shall
136 contain a concise statement of the action which is the subject of the appeal, the
137 particular board action appealed from, the grounds on which relief is sought and
138 the relief sought.

139 Within five days following receipt by the secretary of the notice of appeal, the
140 board or the board's legal representative, if any, and the teacher or the teacher's
141 representative, if any, may select an adjudicator who resides within the
142 boundaries of the merged area in which the school district is located. If an
143 adjudicator cannot be mutually agreed upon within the five-day period, the
144 secretary shall notify the chairperson of the public employment relations board
145 by transmitting the notice of appeal, and the chairperson of the public
146 employment relations board shall within five days provide a list of five
147 adjudicators to the parties. Within three days from receipt of the list of
148 adjudicators, the parties shall select an adjudicator by alternately removing a
149 name from the list until only one name remains. The person whose name remains
150 shall be the adjudicator. The parties shall determine by lot which party shall
151 remove the first name from the list submitted by the chairperson of the public
152 employment relations board. The secretary of the board shall inform the
153 chairperson of the public employee relations board of the name of the adjudicator
154 selected.

155 If the teacher does not timely request an appeal to an adjudicator the decision,
156 opinion, or conclusion of the board shall become final and binding.

157 Within thirty days after filing the notice of appeal, or within further time
158 allowed by the adjudicator, the board shall transmit to the adjudicator the
159 original or a certified copy of the entire record of the private hearing which may
160 be the subject of the petition. By stipulation of the parties to review the
161 proceedings, the record of the case may be shortened. The adjudicator may

162 require or permit subsequent corrections or additions to the shortened record.

163 The record certified and filed by the board shall be the record upon which the
164 appeal shall be heard and no additional evidence shall be heard by the
165 adjudicator. In such appeal to the adjudicator, especially when considering the
166 credibility of witnesses, the adjudicator shall give weight to the fact findings of
167 the board; but shall not be bound by them.

168 Before the date set for hearing a petition for review of board action, which
169 shall be within ten days after receipt of the record unless otherwise agreed or
170 unless the adjudicator orders additional evidence be taken before the board,
171 application may be made to the adjudicator for leave to present evidence in
172 addition to that found in the record of the case. If it is shown to the adjudicator
173 that the additional evidence is material and that there were good reasons for
174 failure to present it in the private hearing before the board, the adjudicator may
175 order that the additional evidence be taken before the board upon conditions
176 determined by the adjudicator. The board may modify its findings and decision
177 in the case by reason of the additional evidence and shall file that evidence and
178 any modifications, new findings, or decisions, with the adjudicator and mail
179 copies of the new findings or decisions to the teacher.

180 The adjudicator may affirm board action or remand to the board for further
181 proceedings. The adjudicator shall reverse, modify, or grant any appropriate relief
182 from the board action if substantial rights of the teacher have been prejudiced
183 because the board action is:

184 a. In violation of a board rule or policy or contract; or

185 b. Unsupported by a preponderance of the competent evidence in the record
186 made before the board when that record is viewed as a whole; or

187 c. Unreasonable, arbitrary or capricious or characterized by an abuse of
188 discretion or a clearly unwarranted exercise of discretion.

189 The adjudicator shall, within fifteen days after the hearing, make a decision
190 and shall give a copy of the decision to the teacher and the secretary of the board.
191 The decision of the adjudicator shall become the final and binding decision of the
192 board unless either party within ten days notifies the secretary of the board that
193 the decision is rejected. The board may reject the decision by majority vote, by
194 roll call, in open meeting and entered into the minutes of the meeting. The board
195 shall immediately notify the teacher of its decision by certified mail. The teacher
196 may reject the adjudicator's decision by notifying the board's secretary in writing
197 within ten days of the filing of such decision.

198 All costs of the adjudicator shall be shared equally by the teacher and the
199 board.

200 8. If either party rejects the adjudicator's decision, the rejecting party shall,
201 within thirty days of the initial filing of such decision, appeal to the district court
202 of the county in which the administrative office of the school district is located.
203 The notice of appeal shall be immediately mailed by certified mail to the other
204 party. The adjudicator shall transmit to the reviewing court the original or a
205 certified copy of the entire record which may be the subject of the petition. By
206 stipulation of all parties to the review proceedings, the record of such a case may
207 be shortened. A party unreasonably refusing to stipulate to limit the record may
208 be taxed by the court for the additional cost. The court may require or permit
209 subsequent corrections or additions to the shortened record.

210 In proceedings for judicial review of the adjudicator's decision, the court shall
211 not hear any further evidence but shall hear the case upon the certified record. In
212 such judicial review, especially when considering the credibility of witnesses, the
213 court shall give weight to the fact findings of the board; but shall not be bound
214 by them. The court may affirm the adjudicator's decision or remand to the
215 adjudicator or the board for further proceedings upon conditions determined by
216 the court. The court shall reverse, modify, or grant any other appropriate relief
217 from the board decision or the adjudicator's decision equitable or legal and
218 including declaratory relief if substantial rights of the petitioner have been

219 prejudiced because the action is:
220 a. In violation of constitutional or statutory provisions; or
221 b. In excess of the statutory authority of the board or the adjudicator; or
222 c. In violation of a board rule or policy or contract; or
223 d. Made upon unlawful procedure; or
224 e. Affected by other error of law; or
225 f. Unsupported by a preponderance of the competent evidence in the record
226 made before the board and the adjudicator when that record is viewed as a
227 whole; or
228 g. Unreasonable, arbitrary or capricious or characterized by an abuse of
229 discretion or a clearly unwarranted exercise of discretion.
230 An aggrieved or adversely affected party to the judicial review proceeding may
231 obtain a review of any final judgment of the district court by appeal to the
232 supreme court. The appeal shall be taken as in other civil cases, although the
233 appeal may be taken regardless of the amount involved.
234 9. The first two consecutive years of employment of a teacher in the same
235 school district are a probationary period. However, a board of directors may
236 waive the probationary period for any teacher who previously has served a
237 probationary period in another school district and the board may extend the
238 probationary period for an additional year with the consent of the teacher. In the
239 case of the termination of a probationary teacher's contract, the provisions of
240 subsections four (4), five (5), and six (6), of this section shall apply. The board's
241 decision shall be final and binding unless the termination was based upon an
242 alleged violation of a constitutionally guaranteed right of the teacher or an
243 alleged violation of public employee rights of the teacher under section twenty
244 point ten (20.10) of the Code.

1 SEC. 2. Section two hundred seventy-nine point twenty-four (279.24), Code
2 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **279.24 Discharge of teacher.** A teacher may be discharged at any time
5 during the contract year for just cause. The superintendent or the
6 superintendent's designee, shall notify the teacher immediately that the
7 superintendent will recommend in writing to the board at a regular or special
8 meeting of the board held not more than fifteen days after notification has been
9 given to the teacher that the teacher's continuing contract be terminated effective
10 immediately following a decision of the board. The procedure for dismissal shall
11 be as provided in subsections five (5) through nine (9) of section two hundred
12 seventy-nine point thirteen (279.13) of the Code. The superintendent may suspend
13 a teacher under this section pending hearing and determination by the board.

Approved May 21, 1976

CHAPTER 1152

AREA VOCATIONAL SCHOOLS

H. F. 1534

AN ACT relating to the establishment of area vocational school attendance centers in counties with cities of over fifty thousand population.

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

1 SECTION 1. Section two hundred eighty A point forty (280A.40), Code 1975, is
2 amended to read as follows:

3 **280A.40 Area vocational school attendance center.** Any merged area shall
4 provide an area vocational school attendance center within a county of the
5 merged area which contains a city of fifty thousand population or more as
6 determined by the ~~most recent~~ 1970 federal decennial census *unless an exemption*
7 *to the requirement is granted by the state board.*

8 *Unnumbered paragraph one (1) of this section notwithstanding, Merged Area I*
9 *shall provide an area vocational school attendance center within Dubuque county.*

Approved May 27, 1976

CHAPTER 1153

SCHOOL TUITION

H. F. 795

AN ACT relating to tuition paid to school districts.

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

1 SECTION 1. Section two hundred eighty-two point one (282.1), Code 1975, is
2 amended to read as follows:

3 **282.1 School age—nonresidents.** Persons between five and twenty-one years
4 of age shall be of school age. A board may establish and maintain evening
5 schools for all residents of the corporation regardless of age and for which no
6 tuition need be charged. Nonresident children ~~and shall be charged the maximum~~
7 *tuition rate as determined in section four (4) of this Act, with the exception that those*
8 *sojourning temporarily in any school corporation may attend school therein upon*
9 *such terms as the board may determine.*

1 SEC. 2. Section two hundred eighty-two point seven (282.7), unnumbered
2 paragraph one (1), Code 1975, is amended to read as follows:

3 The board of directors in any school district may by record action discontinue
4 any or all of its school facilities. When such action has been taken, the board
5 shall designate an appropriate approved public school or schools for attendance.
6 Tuition shall be paid by the resident district as required in ~~section 279.18 and~~
7 ~~section 282.20~~ for all pupils attending designated school, except that high school
8 pupils may attend school of choice and be entitled to tuition, but must attend
9 school designated for attendance to qualify for transportation. Designations shall
10 be made as provided in chapter 285.

1 SEC. 3. Section two hundred eighty-two point twenty (282.20), unnumbered
2 paragraphs one (1), two (2), and three (3), Code 1975, is amended by striking the

3 unnumbered paragraphs and inserting in lieu thereof the following:

4 The school corporation in which the student resides shall pay from the general
5 fund to the secretary of the corporation in which he is permitted to enroll, the
6 maximum tuition fee as prescribed in section two hundred eighty-two point
7 twenty-four (282.24) of the Code.

1 SEC. 4. Section two hundred eighty-two point twenty-four (282.24),
2 unnumbered paragraph one (1), Code 1975, as amended by Acts of the Sixty-sixth
3 General Assembly, 1975 Session, chapter one hundred fifty-three (153), section
4 nine (9), is amended by striking the paragraph and inserting in lieu thereof the
5 following:

6 **282.24 Tuition fees established.** There is established a maximum tuition fee
7 to be charged for students, elementary or high school, residing within another
8 school district or corporation. That fee shall be the state cost per pupil as
9 computed in section four hundred forty-two point eight (442.8) of the Code or the
10 district cost per pupil of the receiving district as computed in section four
11 hundred forty-two point nine (442.9), subsection one (1), paragraph a, of the
12 Code, whichever is the lesser amount.

13 Any school corporation which owns facilities used as attendance centers for
14 students shall maintain an itemized statement of the appraised value of all
15 buildings owned by the school corporation. Beginning July 1, 1976, the appraisal
16 shall be updated at least one time every five years.

1 SEC. 5. Section two hundred eighty-five point one (285.1), subsection twelve
2 (12), Code 1975, is amended to read as follows:

3 12. The pro rata cost of transportation shall be based upon the actual cost for
4 all the children transported in all school buses. It shall include one-seventh of the
5 original net cost of the bus and such other items as shall be determined and
6 approved by the superintendent of public instruction but no part of the capital
7 outlay cost for school buses and transportation equipment for which the school
8 district is reimbursed from state funds or that portion of the cost of the operation
9 of any school bus used in transporting pupils to and from extra-curricular
10 activities shall be included in determining said pro rata cost. In any district where
11 because of unusual conditions, the cost of transportation is in excess of the actual
12 operating cost of the bus route used to furnish transportation to nonresident
13 pupils, the board of the local district may charge a cost equal to the cost of other
14 schools supplying such service to that area, upon receiving approval of the state
15 director of school transportation. ~~Capital outlay for school buses and
16 transportation equipment shall be excluded from the capital outlay in determining
17 tuition costs as provided in section 279.18, and section 282.20.~~

1 SEC. 6. Section two hundred seventy-nine point eighteen (279.18), Code 1975,
2 is repealed.

Approved June 23, 1976

CHAPTER 1154

SCHOOL BUS TRANSPORTATION

H. F. 628

AN ACT relating to school bus transportation requirements.

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

1 SECTION 1. Section two hundred eighty-five point one (285.1), subsection three
2 (3), Code 1975, is amended to read as follows:

3 3. In any district where transportation by school bus is impracticable or where
4 school bus service is not available, the board may require the parents or guardian
5 to transport their children to the school designated for attendance. The parent or
6 guardian shall be reimbursed for such transportation service for elementary pupils
7 by the board of resident district for the distance one way from the pupil's
8 residence to the school designated for attendance at the rate of ~~twenty-eight~~ *fifty-*
9 *six* cents per mile per day irrespective of number of children transported. For
10 high school pupils, the parent or guardian shall be reimbursed ~~forty~~ *eighty* dollars
11 per pupil per year for such service, provided however no family shall receive more
12 than ~~eighty~~ *one hundred sixty* dollars per year for transporting the members of the
13 family who attend high school. The provisions of this section shall apply to
14 eligible nonpublic school pupils as well as to eligible public school pupils.
15 However, reimbursement for nonpublic school pupils shall not exceed ~~forty~~ *eighty*
16 dollars per pupil per year.

17 *The provisions of this subsection shall be effective for transportation of children*
18 *commencing with the second semester of the school year beginning July 1, 1975.*

1 SEC. 2. Section two hundred eighty-five point one (285.1), subsection five (5),
2 Code 1975, is amended to read as follows:

3 5. Where transportation by school bus is impracticable or not available or other
4 existing conditions warrant it, arrangements may be made for use of common
5 carriers according to uniform standards established by the ~~state~~ superintendent of
6 public instruction *and at a cost based upon the actual cost of service and approved by*
7 *the board. The cost shall be the actual cost of service not to exceed forty* dollars
8 *per pupil per year.*

1 SEC. 3. Section two hundred eighty-five point one (285.1), subsection
2 seventeen (17), paragraph c, Code 1975, is amended to read as follows:

3 c. Utilizing the transportation reimbursement provision of subsection 3.
4 However, no reimbursement shall exceed ~~forty~~ *eighty* dollars per nonpublic school
5 pupil per year.

1 SEC. 4. Section two hundred eighty-five point two (285.2), unnumbered
2 paragraph four (4), Code 1975, is amended by striking the paragraph and
3 inserting in lieu thereof the following:

4 Claims for reimbursement shall be made to the department of public
5 instruction by the public school district providing transportation or transportation
6 reimbursement during a school year on a form prescribed by the department, and
7 the claim shall state the services provided and the actual costs incurred. A claim
8 shall not exceed the average transportation costs of the district per pupil
9 transported. Claims shall be accompanied by an affidavit of an officer of the
10 public school district affirming the accuracy of the claim. By February first and
11 by June fifteenth of each year the department shall certify to the state comptroller
12 the amounts of approved claims to be paid, and the state comptroller shall draw
13 warrants payable to school districts which have established claims. Claims shall
14 be allowed where practical, and at the option of the public school district of the

15 pupil's residence, subject to approval by the area education agency of the pupil's
 16 residence, under the provisions of subsection three (3) of section two hundred
 17 eighty-five point nine (285.9) of the Code, the public school district of the pupil's
 18 residence may transport any pupil to a school located in a contiguous public
 19 school district outside the boundary lines of the public school district of the
 20 pupil's residence. The public school district of the pupil's residence may contract
 21 with the contiguous public school district or with a private contractor under the
 22 provisions of section two hundred eighty-five point five (285.5) of the Code to
 23 transport the pupils to the school of attendance within the boundary lines of the
 24 contiguous public school district. The public school district in which the pupil
 25 resides may contract with the contiguous public school district or with a private
 26 contractor under the provisions of section two hundred eighty-five point five
 27 (285.5) of the Code to transport the pupil from the pupil's residence or from
 28 designated school bus collection locations to the school located within the
 29 boundary lines of the contiguous public school district, subject to the approval of
 30 the area education agency of the pupil's residence. The public school district of
 31 the pupil's residence may utilize the reimbursement provisions of section two
 32 hundred eighty-five point one (285.1), subsection three (3) of the Code.

1 SEC. 5. Section two hundred eighty-five point ten (285.10), subsection seven
 2 (7), paragraph b, Code 1975, is amended to read as follows:

3 b. May purchase buses and enter into contract to pay for such buses over a
 4 five-year period as follows: One-fourth of the cost when bus is delivered and the
 5 balance in equal annual installments, plus simple interest due. The interest rate
 6 shall be the lowest rate available and shall not exceed four percent simple interest.
 7 The bus shall serve as security for balance due. Bus bodies and chassis shall be
 8 purchased on separate contracts *unless the bus is constructed as an integral unit,*
 9 *inseparable as to body and chassis, by the manufacturer or is a used or demonstrator*
 10 *bus.*

1 SEC. 6. Section two hundred eighty-five point ten (285.10), subsection nine (9),
 2 Code 1975, is amended to read as follows:

3 9. In the discretion of the board, furnish a school bus and services of a
 4 qualified driver to an organization of, or sponsoring activities for, senior citizens,
 5 children, or handicapped persons in this state. The board shall charge and collect
 6 an amount sufficient to reimburse all costs of furnishing the bus and driver *except*
 7 *when the bus is used for transporting pupils to and from extracurricular activities*
 8 *sponsored by the school.* A school bus shall be used as provided in this subsection
 9 only at times when it is not needed for transportation of pupils.

1 SEC. 7. Section two hundred eighty-five point eleven (285.11), subsection
 2 seven (7), Code 1975, is amended to read as follows:

3 7. No bus shall leave the public highway to receive or discharge pupils *unless*
 4 *their safety is enhanced thereby, or the private road is maintained in the same manner*
 5 *as a public roadway.*

1 SEC. 8. Section two hundred eighty-five point ten (285.10), Code 1975, is
 2 amended by adding the following new subsection:

3 NEW SUBSECTION. In the discretion of the board furnish a school bus and
 4 services of a qualified driver for transportation of persons other than pupils to
 5 activities in which pupils from the school are participants or are attending the
 6 activity or for which the school is a sponsor. The board shall charge and collect
 7 an amount sufficient to reimburse all costs of furnishing the bus and driver. A
 8 school bus shall be used as provided in this subsection only at times when it is not
 9 needed for transportation of pupils.

1 SEC. 9. Section two hundred eighty-five point eleven (285.11), subsection six
 2 (6), Code 1975, is amended to read as follows:

3 6. The use of school buses shall be restricted to transporting pupils to and from
 4 school and to and from extra-curricular activities sponsored by the school when
 5 such extra-curricular activity is under the direction of a qualified member of the
 6 faculty and a part of the regular school program and to transporting other
 7 persons to the extent permitted by section 285.1, subsection 1, and section 285.10,
 8 subsection 9 and section eight (8) of this Act. School employees of districts
 9 operating buses may be transported to and from school and approved activities
 10 which they are required to attend as a result of their responsibilities. Provided,
 11 however, nothing in this subsection shall prohibit the use of school buses in
 12 transporting a school teacher going to and from her school when such school is
 13 on an established school bus route and such teacher makes arrangements with the
 14 district operating such school bus.

1 SEC. 10. Section three hundred twenty-one point three hundred forty-three
 2 (321.343), unnumbered paragraph one (1), Code 1975, is amended to read as
 3 follows:

4 The driver of any motor vehicle carrying passengers for hire, or of any school
 5 bus carrying any school child, or of any vehicle carrying explosive substances or
 6 flammable liquids as a cargo or part of a cargo, before crossing at grade any track
 7 or tracks of a railroad, shall stop such vehicle within fifty feet but not less than
 8 ten feet from the nearest rail of such railroad and while so stopped shall listen
 9 and look in both directions along such track for any approaching train, and for
 10 signals indicating the approach of a train, except as hereinafter provided, and
 11 shall not proceed until he can do so safely.

1 SEC. 11. Section three hundred twenty-one point three hundred seventy-three
 2 (321.373), subsection six (6), Code 1975, is amended by striking the subsection
 3 and inserting in lieu thereof the following:

4 6. No vehicle except a school bus shall be operated on a public highway if the
 5 vehicle is painted the color known as national school bus glossy yellow. A school
 6 bus which has been permanently converted for a purpose other than transporting
 7 pupils to or from school shall be painted a color other than national school bus
 8 glossy yellow, and shall have the "school bus" signs, stop arm, and the special
 9 signal lamps removed.

1 SEC. 12. Section three hundred twenty-one point three hundred seventy-three
 2 (321.373), Code 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. A school bus may be equipped with a white flashing strobe
 4 light mounted on the roof of the bus to afford optimum visibility during periods
 5 of inclement weather. The light shall be of a type approved by the department of
 6 transportation and shall be installed and operated in accordance with rules
 7 promulgated by the department of public instruction. Each new school bus put
 8 into initial service after January 1, 1977 shall be equipped with such a light.

1 SEC. 13. Section three hundred twenty-one point three hundred seventy-eight
 2 (321.378), Code 1975, is amended to read as follows:

3 **321.378 Applicability.** The provisions of sections 321.372 to through 321.380,
 4 shall apply to any and all types of school districts public and nonpublic schools
 5 where children are transported to and from public schools school.

1 SEC. 14. 1. This Act, being deemed of immediate importance, shall take effect
 2 and be in force from and after its publication in The Fremont Gazette, a
 3 newspaper published in Fremont, Iowa, and in The Record, a newspaper
 4 published in Cedar Falls, Iowa.

5 2. The sections of this Act amending section two hundred eighty-five point one
 6 (285.1), subsection five (5), Code 1975; section two hundred eighty-five point two
 7 (285.2), unnumbered paragraph four (4), Code 1975; section two hundred eighty-
 8 five point one (285.1), subsection three (3), Code 1975; and section two hundred
 9 eighty-five point one (285.1), subsection seventeen (17), shall take effect after its

10 publication as provided in paragraph one (1) of this section. The remaining
11 sections of this Act shall take effect on July 1, 1976.

Approved May 24, 1976

I hereby certify that the foregoing Act, House File 628, was published in The Fremont Gazette, Fremont, Iowa on May 27, 1976, and in The Record, Cedar Falls, Iowa on May 29, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1155

SCHOOL BUILDING PLANS

H. F. 467

AN ACT relating to approval of plans for constructing school buildings.

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

1 SECTION 1. Section two hundred ninety-seven point seven (297.7), subsection
2 one (1), Code 1975, is amended to read as follows:

3 1. The provisions of sections 23.2 and 23.18 shall be applicable to the
4 construction or repair of school buildings. Before ~~erecting~~ *constructing* any school
5 building at a cost of more than five thousand dollars, the board of directors shall
6 consult with the building consultant in the department of public instruction as to
7 the most approved plan for such building, *and the building consultant shall return*
8 *the plan together with any recommendations to the board of directors within thirty*
9 *days following the receipt of the plan.*

Approved May 13, 1976

CHAPTER 1156

SCHOOLHOUSE SITES

S. F. 74

AN ACT relating to the use of tax money for purchase and improvement of schoolhouse sites.

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

1 SECTION 1. Section two hundred ninety-seven point five (297.5), Code 1975, is
2 amended to read as follows:

3 **297.5 Tax.** The directors in any high school district maintaining a program
4 kindergarten through grade twelve ~~and having a total enrollment of six hundred~~
5 ~~or more may, at their regular meeting in July, or at a special meeting called for~~
6 ~~that purpose between the time designated for such regular meeting and the third~~
7 ~~Monday in August, by February first of each year~~ certify an amount not exceeding
8 twenty-seven cents per thousand dollars of assessed value to the board of
9 supervisors, who shall levy the amount so certified, and the tax so levied shall be
10 placed in the schoolhouse fund and used only for the purchase *and improvement*
11 of sites in and for said school district *as specified by the directors.*

12 For the purpose of this section, "improvement of sites" includes: grading,
 13 landscaping, seeding and planting of shrubs and trees; constructing new sidewalks,
 14 roadways, retaining walls, sewers and storm drains, and installing hydrants; original
 15 surfacing and soil treatment of athletic fields and tennis courts; furnishing and
 16 installing for the first time, flagpoles, gateways, fences and underground storage tanks
 17 which are not parts of building service systems; demolition work; and special
 18 assessments against the school district for capital improvements such as streets, curbs,
 19 and drains.

20 For the purpose of this section, "purchase of sites" includes legal costs relating to
 21 the site acquisition, costs of surveys of the sites, costs of relocation assistance under
 22 state and federal law, and other costs incidental to the site acquisition.

1 SEC. 2. Notwithstanding the provisions of section two hundred ninety-one
 2 point thirteen (291.13) of the Code, unencumbered funds collected from the levy
 3 authorized in section two hundred ninety-seven point five (297.5) of the Code
 4 prior to July 1, 1976 may be expended for the purposes listed in section one (1) of
 5 this Act.

Approved February 17, 1976

CHAPTER 1157

TRUANTS

H. F. 1162

AN ACT to provide that children may not be prosecuted as criminals under the compulsory education provisions of the Code, and to provide that truants may not be committed to the state training school for boys or the state training school for girls.

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

1 SECTION 1. Section two hundred ninety-nine point eleven (299.11),
 2 unnumbered paragraph two (2), Code 1975, is amended to read as follows:
 3 The truancy officer shall promptly institute criminal proceedings against any
 4 person violating any of the provisions of ~~the truancy law sections two hundred~~
 5 ~~ninety-nine point one (299.1) through two hundred ninety-nine point five (299.5) of the~~
 6 Code.

1 SEC. 2. Section two hundred ninety-nine point thirteen (299.13), Code 1975, is
 2 amended by striking the section and inserting in lieu thereof the following:

3 **299.13** If the child is placed in a school other than a public school and does not
 4 maintain proper conduct, the board may cause the child's removal to an
 5 appropriate school or class. If a child placed in a public school fails to attend or
 6 to maintain proper conduct, the board may place that child in an appropriate
 7 school or class.

Approved May 7, 1976

CHAPTER 1158

PROGRAMS OF HISTORICAL SIGNIFICANCE

S. F. 1126

AN ACT relating to and appropriating funds for programs of historical significance under the jurisdiction of the state archaeologist and the Iowa state historical 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 to the
2 Iowa state historical department for the fiscal year beginning July 1, 1976, and
3 ending June 30, 1977, the following amounts, or so much thereof as may be
4 necessary, to be used in the manner designated:

	1976-1977
	<u>Fiscal Year</u>
7 IOWA STATE HISTORICAL DEPARTMENT	
8 1. State historical board:	
9 For per diem and expense of the board	\$ 15,000
10 2. Division of historical museum and archives:	
11 For salary, support, maintenance and miscellaneous purposes	\$ 323,895
12 3. Division of historic preservation:	
13 For salaries, support, maintenance and miscellaneous purposes	\$ 67,248
14 4. Division of the state historical society:	
15 For salaries, support, maintenance and miscellaneous purposes	\$ 324,163
16 For gathering and controlling bibliographical data on newspapers	\$ 17,170
17 5. Montauk governor's mansion:	
18 For salaries, support, maintenance, capital improvements and	
19 miscellaneous purposes	\$ 54,738

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 set forth in
3 such federal grants or receipts.

1 SEC. 3. It is the recommendation of the general assembly that a nominal
2 entrance fee be charged, as authorized by subsection eleven (11) of section three
3 hundred three point five (303.5) of the Code, for Montauk governor's mansion,
4 with all fees collected to be deposited in the general fund as required by section
5 three hundred three point nine (303.9) of the Code.

1 SEC. 4. The division of the state historical society shall acquire on behalf of
2 the state of Iowa title to the site known as Montauk governor's mansion.

1 SEC. 5. Section three hundred three point three (303.3), Code 1975, is
2 amended to read as follows:

3 **303.3 Divisions of department.** The Iowa state historical department shall
4 consist of the division of historical museum and archives, located in Des Moines,
5 and the division of the state historical society, located in Iowa City, and the
6 division of historic preservation, both located in Iowa City in order to benefit
7 from, and contribute to, the state University of Iowa.

1 SEC. 6. There is appropriated from the general fund of the state for the fiscal
2 year commencing July 1, 1976 and ending June 30, 1977 to the state board of
3 regents, the sum of fifteen thousand (15,000) dollars, or so much thereof as may
4 be necessary, to be used by the state archaeologist in investigating, reporting upon
5 and interring ancient human remains pursuant to section seven (7) of this Act.

1 SEC. 7. Chapter three hundred five A (305A), Code 1975, is amended by
2 adding the following new sections:

3 NEW SECTION. The state archaeologist shall have the primary responsibility
 4 for investigating, preserving and reintering discoveries of ancient human remains.
 5 For the purposes of section six (6) of this Act ancient human remains shall be
 6 those remains found within the state which are more than one hundred fifty years
 7 old. The state archaeologist shall make arrangements for the services of a forensic
 8 osteologist in studying and interpreting ancient burials and may designate other
 9 qualified archaeologists to assist the state archaeologist in recovering physical and
 10 cultural information about the ancient burials. The state archaeologist shall file
 11 with the department of health a written report containing both physical and
 12 cultural information regarding the remains at the conclusion of each
 13 investigation.

14 NEW SECTION. The state archaeologist shall establish, with the approval of the
 15 executive council, a cemetery on existing state lands for the reburial of ancient
 16 human remains found in the state. The cemetery shall not be open to the public.
 17 The state archaeologist in cooperation with the Iowa state conservation
 18 commission shall be responsible for coordinating interment in the cemetery.

1 SEC. 8. Section three hundred thirty-nine point five (339.5), Code 1975, is
 2 amended to read as follows:

3 **339.5 Reports by others.** Every person who knows of the existence of a body
 4 where death occurred in the manner specified in section 339.6, shall notify the
 5 county or state medical examiner or the city or state law enforcement agency or
 6 county sheriff thereof as soon as possible, unless such person shall have good
 7 reason to believe that such notice has already been given. *If the remains are*
 8 *believed to be over one hundred fifty years old, the state archaeologist shall be*
 9 *notified.* Any person who shall fail to give such notice to a ~~medical examiner~~ shall
 10 be guilty of a public offense, and upon conviction thereof shall be punished by a
 11 fine of not more than five hundred dollars or a ~~sentence in the county jail of not~~
 12 ~~more than six months, or by both such fine and imprisonment.~~

1 SEC. 9. Section seven hundred fourteen point twenty-one (714.21), Code 1975,
 2 is amended to read as follows:

3 **714.21 Violating sepulcher.** If any person, without lawful authority, willfully
 4 dig up, disinter, remove, or carry away any human body, or the remains thereof,
 5 *including ancient human remains as defined in section six (6) of this Act,* from its
 6 place of interment; or aid, assist, encourage, incite, or procure the same to be
 7 done or attempted; or willfully receive, conceal, or dispose of any such human
 8 body or the remains thereof; or if any person, with the intent to commit any of
 9 the aforesaid acts, partially perform the same, ~~he~~ *the person* shall be imprisoned in
 10 the penitentiary not more than two years, or be fined not exceeding twenty-five
 11 hundred dollars, or both.

1 SEC. 10.

2 1. It is the intent of the general assembly that, as used in chapter three hundred
 3 three (303) of the Code, "state historical society" means only the division of the
 4 Iowa state historical department, an agency solely of the state, which is
 5 denominated the division of the state historical society. It does not mean or
 6 include any private entity.

7 2. A corporation organized under the laws of this state shall not exercise any
 8 powers or duties exercisable by law by the Iowa state historical department and
 9 its divisions. If a corporation exercises or attempts to exercise these powers or
 10 duties, it shall be subject to an equitable suit for involuntary dissolution by any
 11 interested person.

12 3. Unless specifically designated otherwise, any gift, bequest, devise,
 13 endowment, or grant to or application for membership in the state historical
 14 society shall be presumed to be to or in the division of the state historical society
 15 of the Iowa state historical department.

1 SEC. 11.

2 1. Without personal liability, the director of the division of the state historical
3 society shall immediately take possession of all real or personal property of the
4 state historical society and treat it as property of the state. If any of this property
5 is money, the director shall deposit it as provided in chapter three hundred three
6 (303) of the Code.

7 2. To implement any of the provisions of this Act and notwithstanding
8 anything to the contrary in chapter thirteen (13) of the Code, the executive
9 council may appoint competent legal counsel to represent the Iowa state historical
10 department and its divisions. There is appropriated from unappropriated funds in
11 the general fund of the state an amount necessary to pay the reasonable expense
12 incurred under this subsection.

Approved June 28, 1976

CHAPTER 1159

HISTORICAL PRESERVATION DISTRICTS

H. F. 1498

AN ACT relating to establishment of historical preservation districts.

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

1 SECTION 1. NEW SECTION. **Definitions.** As used in this Act, unless the
2 context otherwise requires:

3 1. "Area of historical significance" means contiguous pieces of property of no
4 greater area than one hundred sixty acres under diverse ownership which:

5 a. Are significant in American history, architecture, archaeology and culture,
6 and

7 b. Possess integrity of location, design, setting, materials, workmanship, feeling
8 and association, and

9 c. Are associated with events that have been a significant contribution to the
10 broad patterns of our history, or

11 d. Are associated with the lives of persons significant in our past, or

12 e. Embody the distinctive characteristics of a type; period; method of
13 construction; represent the work of a master; possess high artistic values;
14 represent a significant and distinguishable entity whose components may lack
15 individual distinction.

16 f. Have yielded, or may be likely to yield, information important in prehistory
17 or history.

18 2. "Commission" is the five-person body, elected by the qualified electors in the
19 historical preservation district from persons living in the district for the purpose
20 of administering this Act.

21 3. "District" means a historical preservation district established under this Act.

22 4. "Division" means the division of historical preservation, Iowa state historical
23 department.

24 5. "Exterior features" means the architectural style, general design and general
25 arrangement of the exterior of a building or other structure, including the kind
26 and texture of the building material and the type and style of all windows, doors,
27 light fixtures, signs and other appurtenant fixtures. In the case of an outdoor
28 advertising sign, "exterior features" means the style, material, size and location of
29 the sign.

30 6. "Property owner" means an individual or corporation who is the owner of
31 real estate for taxation purposes.

1 SEC. 2. NEW SECTION. **Petition.** Not less than ten percent of the eligible
2 voters in an area of asserted historical significance may petition the division for a
3 referendum for the establishment of a district.

4 The petition shall contain a description of the property suggested for inclusion
5 in the district, the reasons justifying the creation of the district.

1 SEC. 3. NEW SECTION. **Action by division.** The division shall hold a hearing
2 not less than thirty days or more than sixty days after the petition is received. The
3 division shall publish notice of the hearing, at a reasonable time before the
4 hearing is to take place, and shall post notice of the hearing in a reasonable
5 number of places within the suggested district. The cost of notification shall be
6 paid by the persons who petition for the establishment of a district.

7 At the hearing the division shall hear interested persons, accept written
8 presentations, and shall determine whether the suggested district is an area of
9 historical significance which may properly be established as a historical
10 preservation district pursuant to the provisions of this Act. The division may
11 determine the boundaries which shall be established for the district. The division
12 shall not include property which is not included in the suggested district unless
13 the owner of such property is given an opportunity to be heard.

14 The division, if it determines that the suggested district meets the criteria for
15 establishment as a historical preservation district, shall indicate the owners of the
16 property and residents included and shall forward a list of such owners and
17 residents to the county commissioner of elections.

18 If the division determines that the suggested district does not meet the criteria
19 for establishment as a historical preservation district, it shall so notify the
20 petitioners.

1 SEC. 4. NEW SECTION. **Referendum.** Within thirty days after the receipt of
2 the list of owners of property and residents within the suggested historical
3 preservation district, the county commissioner of elections shall fix a date not
4 more than forty-five days from the receipt of the petition seeking a referendum on
5 the question of establishment of a historical preservation district. The county
6 commissioner of elections shall specify the polling place within the suggested
7 district that will best serve the convenience of the voters and shall appoint from
8 residents of the proposed district three judges and two clerks of election.

1 SEC. 5. NEW SECTION. **Notice.** The county commissioner of elections shall
2 post notice of the referendum in a reasonable number of places within the
3 suggested district a reasonable time before it is to take place. The notice shall
4 state the purpose of the referendum, a description of the district, the date of the
5 referendum, the location of the polling place, and the hours when the polls will
6 open and close.

1 SEC. 6. NEW SECTION. **Voting.** A person shall be qualified to vote at the
2 referendum if such person is a qualified elector of the area embraced by the
3 proposed historic district. An historic preservation district is established if a
4 majority of the persons voting at the referendum votes in favor of its
5 establishment.

1 SEC. 7. NEW SECTION. **Commission.** At the same time the referendum is
2 held, an election shall be held for the commission. Each voter at the referendum
3 may write upon the ballot the names of not more than five persons who are
4 eligible voters within the district to be members of the commission.

5 The five persons receiving the highest number of votes shall constitute the
6 commission. In the event one of the five receiving the highest number of votes
7 elects not to serve on the commission, the person receiving the next highest
8 number of votes shall serve.

9 Of the initial commission the person receiving the highest number of votes shall
 10 receive a five-year term of office, the next highest a four-year term, the next
 11 highest a three-year term, the next highest a two-year term, and the fifth highest a
 12 one-year term. Thereafter, an election shall be held annually in the district to
 13 elect a member to a five-year term as each term expires.

14 Vacancies in the commission occurring between elections shall be filled by the
 15 remaining members of the commission by majority vote. Should a majority of
 16 those voting vote not to establish the district, the election shall be void.

1 SEC. 8. NEW SECTION. **Controls.** After the establishment of a district, an
 2 exterior portion of any building, exterior fixture, or other exterior structure, or
 3 any above-ground utility structure or any type of outdoor advertising sign shall
 4 not be erected, altered, restored, moved or demolished within such district until
 5 after an application for a certificate of appropriateness as to exterior features has
 6 been submitted to and approved by the commission.

1 SEC. 9. NEW SECTION. **Interior.** The commission shall not consider or
 2 attempt to control the interior arrangement of any building in the district.

1 SEC. 10. NEW SECTION. **Use of structures.** No change in the use of any
 2 structure or property within a designated historical district shall be permitted
 3 until after an application for a certificate of appropriateness has been submitted
 4 to and approved by the commission. For purposes of this section "use" means the
 5 legal enjoyment of property that consists in its employment, exercise, or practice.

1 SEC. 11. NEW SECTION. **Procedures.** Prior to issuance or denial of a
 2 certificate of appropriateness the commission shall take such action as may
 3 reasonably be required to inform persons likely to be materially affected by the
 4 application, and shall give the applicant and such persons an opportunity to be
 5 heard. In cases where the commission deems it necessary, it may hold a public
 6 hearing concerning the application. The commission shall vote upon any
 7 application for a certificate of appropriateness within sixty days after its
 8 submission to the commission.

9 If the commission determines that the proposed construction, reconstruction,
 10 alteration, restoration, moving, demolition, or the change in use is appropriate, it
 11 shall forthwith approve such application and shall issue to the applicant a
 12 certificate of appropriateness.

13 If the commission determines that the proposed construction, reconstruction,
 14 alteration, restoration, moving or demolition of buildings, structures, appurtenant
 15 fixtures, outdoor advertising signs or natural features, or the proposed change in
 16 use would be incongruous with the historical, architectural, archaeological or
 17 cultural aspects of the district, a certificate of appropriateness shall not be issued,
 18 and the commission shall place upon its records the reasons for such
 19 determination and shall notify the applicant of such determination, furnishing the
 20 applicant an attested copy of its reasons and its recommendations, if any, as
 21 appearing in the records of the commission.

22 The commission may approve the application in any case where a person
 23 would suffer extreme hardship, not including loss of profit, unless the certificate
 24 of appropriateness was issued. Any applicant aggrieved by a determination of the
 25 commission may appeal to the district court for the county in which the land
 26 concerned is located within sixty days of the commission's action.

1 SEC. 12. NEW SECTION. **Action by commission.** The commission shall take
 2 action to enjoin any attempts to construct, reconstruct, alter, restore, move, or
 3 demolish any exterior feature, or to change the use of the property within the
 4 district without a certificate of appropriateness.

1 SEC. 13. NEW SECTION. **Ordinary maintenance and repair.** Nothing in this
 2 Act shall be construed to prevent the ordinary maintenance or repair of any
 3 exterior feature in a district which does not involve a change in design, material

4 or outer appearance, nor to prevent the construction, reconstruction, alteration,
5 restoration or demolition of any such feature which is required by public safety
6 because of an unsafe or dangerous condition.

1 SEC. 14. NEW SECTION. **Termination of district.** Two years after the
2 establishment of a district, a referendum for the termination of the district shall
3 be held if ten percent of the eligible voters in the district so request. If the
4 qualified electors, by a majority of those voting, favor termination, this Act will
5 no longer have any effect on the property formerly included in the district.

6 If an election is held to terminate a district under this section and such attempt
7 fails, another referendum for termination of the district in question shall not take
8 place for a period of two years.

Approved May 27, 1976

CHAPTER 1160

LIBRARY SERVICES

S. F. 1191

AN ACT providing for the financing of library services by revising the taxing authority for library maintenance purposes and making an appropriation to 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 to the
2 Iowa library department, including the state regional library system, for the fiscal
3 year beginning July 1, 1976, and ending June 30, 1977, the following amounts, or
4 so much thereof as may be necessary, to be used in the manner designated:

	1976-1977 <u>Fiscal Year</u>
IOWA LIBRARY DEPARTMENT	
1. Law library division:	
For salaries, support, maintenance and miscellaneous purposes	\$ 149,947
2. Medical library division:	
For salaries, support, maintenance and miscellaneous purposes	\$ 93,116
3. State library commission:	
For salaries, support, maintenance and miscellaneous purposes	\$ 291,245
4. Regional library system:	
For state aid except as provided in this subsection	\$ 666,132

16 The general assembly anticipates that federal funds will be available to the
17 regional library system in an amount approximating two hundred sixteen
18 thousand (216,000) dollars. However, if such federal funds do not become
19 available, it is the intent of the general assembly that it will appropriate an
20 amount of funds to replace those funds anticipated that do not become available
21 during the fiscal year beginning July 1, 1976.

1 SEC. 2. Section three hundred three B point nine (303B.9), Code 1975, is
2 amended to read as follows:

3 **303B.9 Local financial support.** A regional board shall have the authority to
4 require as a condition for receiving services under section 303B.6 that a
5 governmental subdivision maintain any ~~millage tax~~ levy for library maintenance
6 purposes that is in effect on July 1, 1973; ~~and that commencing~~ *Commencing* July
7 1, 1977, a ~~public library receiving services under said section shall be funded by~~

8 ~~the local governmental subdivision through a~~ *each city within its corporate*
 9 *boundaries and each county within the unincorporated area of the county shall levy a*
 10 *tax of at least ~~one-quarter mill~~ six and three-fourths cents per thousand dollars of*
 11 *assessed value on the taxable property or at least the monetary equivalent of ~~one-~~*
 12 *~~quarter mill~~ six and three-fourths cents per thousand dollars of assessed value when*
 13 *all or a portion of the funds are obtained from a source other than taxation, for*
 14 *the purpose of providing financial support to the public library which provides library*
 15 *services within the respective jurisdictions.*

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 set forth in
 3 such federal grants or receipts.

1 SEC. 4. Moneys appropriated by this Act shall not be used for capital
 2 improvements.

Approved June 10, 1976

CHAPTER 1161

MINE MAPS

S. F. 1300

AN ACT relating to the availability of mine maps.

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

1 SECTION 1. Section three hundred five point fourteen (305.14), Code 1975, is
 2 amended to read as follows:

3 **305.14 Maps property of state—custody—copies.** The maps so delivered to
 4 the state geologist shall be the property of the state and shall remain in the
 5 custody of the state geologist. They shall be kept at the office of the geological
 6 survey and be open to examination by all persons interested in the ~~same maps~~;
 7 but such examination shall only be made in the presence of the state geologist or
 8 ~~his~~ a designee, and ~~he~~ the state geologist shall not permit any copies of the ~~same~~
 9 maps to be made without the written consent of the operator or the owner of the
 10 property, except as provided in section 305.12 *or if the mine has been abandoned*
 11 *for at least five years.*

Approved May 25, 1976

CHAPTER 1162

HIGHWAY SIGNS

S. F. 1265

AN ACT relating to certain signs and notices providing for changes in the terms referring to certain signs and notices, providing for changes in the annual fee for certain advertising devices and establishing a uniform removal procedure for advertising devices erected or maintained in violation of chapters three hundred six B (306B) or three hundred six C (306C) of the Code.

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

1 SECTION 1. Section three hundred six B point five (306B.5), Code 1975, is
 2 amended by striking the section and inserting in lieu thereof the following:
 3 **306B.5 Removal after notice.** Any advertising device erected or maintained
 4 adjacent to any interstate system after May 21, 1965 in violation of this chapter
 5 or the rules promulgated by the department, is a public nuisance and may be
 6 removed by the department upon thirty days' notice, by certified mail, to the
 7 owner of the advertising device and to the owner of the land on which the
 8 advertising device is located. The notice shall require such owners to remove the
 9 advertising device if it is prohibited or to cause it to conform to this chapter or
 10 rules promulgated by the department if it is not prohibited.

11 1. If the owner of the advertising device or the landowner fails to act within
 12 thirty days as required in the notice, the advertising device shall be deemed to be
 13 forfeited and the department may enter upon the land and remove the advertising
 14 device. Such entry after notice, shall not be deemed a trespass and the
 15 department may be aided by injunction to abate the nuisance and to insure
 16 peaceful entry.

17 2. The cost of removal, including any fees and costs or expenses as may arise
 18 out of any action brought by the department to insure peaceful entry and removal
 19 may be assessed against the owner of the advertising device. Should the owner of
 20 the advertising device fail to pay such fees, costs, or expenses within thirty days
 21 after assessment, the department may institute proceedings in the district court or
 22 small claims division as applicable, to collect said fees, costs, or expenses which
 23 when collected, shall be paid into the "highway beautification fund".

1 SEC. 2. Section three hundred six C point eleven (306C.11), subsection four
 2 (4), Code 1975, is amended to read as follows:

3 4. Official ~~and~~ directional ~~or other traffic control devices or signs.~~ Advertising
 4 ~~devices~~ and notices which shall include, but not be limited to, ~~advertising devices~~
 5 ~~signs~~ and notices pertaining to natural wonders, scenic and historic attractions,
 6 recreational attractions and municipal recognition signs, which shall conform with
 7 rules promulgated by the department, provided that such rules shall be consistent
 8 with national standards promulgated ~~from time to time by the appropriate~~
 9 ~~authority of the federal government,~~ pursuant to Title 23, section 131, paragraph
 10 subsection "c" of the United States Code.

1 SEC. 3. Section three hundred six C point eleven (306C.11), subsection five (5),
 2 Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1976
 3 Session, House File ninety-one (91), section one (1), is amended by adding the
 4 following new paragraph:

5 NEW PARAGRAPH. For the year beginning July 1, 1977, and each subsequent
 6 year the annual fee shall be equal to the sum of twenty-five dollars plus ten
 7 dollars per month. The ten dollar per month portion shall be due on or before the
 8 first of each month or payable quarterly with installments due on or before July
 9 first, October first, January first, and April first of each year. The ten dollar per
 10 month portion of the annual fee shall be used by the department for the design,
 11 construction, erection and maintenance of specific information panels and

12 administration costs of collecting the monthly fee. The twenty-five dollar portion
13 of the annual fee shall be deposited in the highway beautification fund.

1 SEC. 4. Section three hundred six C point thirteen (306C.13), subsection six
2 (6), Code 1975, is amended to read as follows:

3 6. Official ~~advertising devices~~ *and directional signs and notices* and advertising
4 devices concerning the sale or lease of the property or activities conducted upon
5 the property as specified in Title 23, section 131, ~~paragraph subsection "c"~~ of the
6 United States Code, shall not be taken into consideration in determining
7 compliance with spacing requirements.

1 SEC. 5. Section three hundred six C point nineteen (306C.19), paragraphs* one
2 (1) and two (2), Code 1975, are amended to read as follows:

3 1. If the ~~landowner~~ or owner of the advertising device *or the landowner* fails to
4 act within thirty days as required in the notice, *the advertising device shall be*
5 *deemed to be forfeited* and the department may enter upon the land and remove
6 the advertising device. Such entry after notice, shall not be deemed a trespass and
7 the department may be aided by injunction to abate the nuisance and to insure
8 peaceful entry.

9 2. The cost of removal, including any fees and costs or expenses as may arise
10 out of any action brought by the department to insure peaceful entry and
11 removal, ~~shall may~~ be assessed against the owner of the advertising device. Should
12 the owner of the advertising device fail to promptly pay such fees, costs, or
13 expenses, ~~the department shall proceed to advertise and sell the advertising device~~
14 ~~for purposes of collecting the same. Any balance from the total receipts of the~~
15 ~~sale after deducting all fees, costs, and expenses, including those of the sale, shall~~
16 ~~be paid to the owner of the advertising device; however, if in the opinion of the~~
17 ~~department the proceeds of the sale will not be sufficient to justify the expense~~
18 ~~involved, the advertising device may be used, scrapped, dismantled, or otherwise~~
19 ~~destroyed or disposed of by the department as it sees fit within thirty days after~~
20 ~~assessment, the department may institute proceedings in the district court or small~~
21 ~~claims division as applicable, to collect said fees, costs, or expenses which when~~
22 ~~collected, shall be paid into the "highway beautification fund".~~

Approved June 10, 1976

*Subsections probably intended

CHAPTER 1163

BUSINESS SIGNS

H. F. 91

AN ACT relating to fees for posting business signs on specific information panels and advertising permits.

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

1 SECTION 1. Section three hundred six C point eleven (306C.11), subsection five
2 (5), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

3 Commercial vendors using informational signs shall furnish and maintain
4 informational panels to the department and the commercial vendor shall pay an
5 annual fee of twenty-five dollars for each informational panel to the department
6 for posting such informational panels.

7 *Business signs supplied to the department by commercial vendors shall be on panels,*
 8 *with dimensional and material specifications established by the department. No*
 9 *business sign included under the provisions of this Act shall be posted unless it is in*
 10 *compliance with these specifications. The commercial vendor shall pay to the*
 11 *department an annual fee of fifty dollars for each business sign supplied for posting.*
 12 *Upon furnishing the informational panels business signs to the department and*
 13 *payment of the annual twenty-five dollar fee all fees, the department shall post*
 14 *the informational panels business signs on eligible specific information panels and*
 15 *the commercial vendor shall not be required to remove any advertising device,*
 16 *except any advertising device which was unlawfully erected in violation of this*
 17 *section or section 306C.13, as a condition precedent to the posting of such*
 18 *informational panels by the department. There is created in the office of the*
 19 *treasurer of state a fund to be known as the "highway beautification fund" and*
 20 *all funds received for the posting of on informational specific information panels*
 21 *shall be deposited in the "highway beautification fund". Information on motor*
 22 *fuel and associated services may include vehicle service and repair where the*
 23 *same is available.*

1 SEC. 2. Section three hundred six C point eighteen (306C.18), unnumbered
 2 paragraph five (5), Code 1975, is amended to read as follows:

3 The fee for both types of permits shall be ~~five~~ *twenty-five* dollars for the initial
 4 fee and ~~three~~ *five* dollars for each annual renewal. The fees collected for the
 5 above permits shall be credited to a special account entitled the "highway
 6 beautification fund" and all salaries and expenses incurred in administering this
 7 chapter shall be paid from this fund or from specific appropriations for this
 8 purpose, except that surveillance of, and removal of, advertising devices
 9 performed by regular maintenance personnel are not to be charged against the
 10 account.

Approved May 7, 1976

CHAPTER 1164

RAILROAD REGULATION

H. F. 1480

AN ACT relating to rail regulation by providing for certain changes to railroad regulation laws, updating laws relating to the establishment, operation, and powers of a railroad district to aid railroads, allowing the imposition of a tax in the railroad district, revising certain portions of the railroad assistance law, and updating certain other laws relating to railroads and providing penalties.

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

1 SECTION 1. Section three hundred seven point twenty-six (307.26), subsection
 2 nine (9), Code 1975, is amended to read as follows:

3 9. Advise and assist the director regarding agreements with the owners of
 4 ~~operating railroads~~ *railroad corporations* for the ~~upgrading of~~ *restoration,*
 5 *conservation or improvement of railroad as defined in subsection one (1) of section*
 6 *four hundred seventy-nine point two (479.2) of the Code* ~~right of way and trackage~~
 7 *on such terms, conditions, rates, rentals, or subsidy levels as may be in the best*
 8 *interest of the state. The commission may enter into contracts and agreements*
 9 *which are binding only to the extent that appropriations have been or may*
 10 *subsequently be made by the legislature to effectuate the purposes of this*

11 subsection. For purposes of this chapter, "railroad right-of-way and trackage"
 12 includes but shall not be limited to any roadbed, drains, fences, ties, switches,
 13 rails, ballast, signs, signals, lights, equipment, bridges, tools, crossings,
 14 underpasses, overpasses, construction and administration buildings and any and
 15 all other property, rights, easements and interests whether owned in fee or leased.

1 SEC. 2. Section three hundred seven point twenty-six (307.26), Code 1975, is
 2 amended by adding the following new subsections:

3 NEW SUBSECTION. Advise and assist in the establishment and development of
 4 railroad districts upon request.

5 NEW SUBSECTION. Conduct innovative experimental programs relating to rail
 6 transportation problems within the state.

7 NEW SUBSECTION. Enter the role of "applicant" pursuant to the Railroad
 8 Revitalization and Regulatory Reform Act of 1976, United States Public Law
 9 ninety-four dash seven hundred eighty-one (94-781), and take such actions as are
 10 necessary to accomplish this role.

1 SEC. 3. Section three hundred twenty-one point three hundred forty-two
 2 (321.342), Code 1975, is amended to read as follows:

3 **321.342 Stop at certain railroad crossings.** The department with reference to
 4 primary highways and local authorities with reference to other highways under
 5 their jurisdiction are each hereby authorized to designate particularly dangerous
 6 highway grade crossings of railroads, *and to install rumble strips, and* or to erect
 7 stop signs thereat. When such stop signs are erected the driver of any vehicle shall
 8 stop within fifty feet but not less than ten feet from the nearest track of such
 9 grade crossing and shall proceed only upon exercising due care.

1 SEC. 4. Section three hundred twenty-one point three hundred forty-three
 2 (321.343), Code 1975, is amended to read as follows:

3 **321.343 Certain vehicles must stop.** The driver of any motor vehicle carrying
 4 passengers for hire, or of any school bus carrying any school child, or of any
 5 vehicle carrying explosive substances or flammable liquids *or other hazardous*
 6 *materials as defined by the federal department of transportation, 49 Code of Federal*
 7 *Regulations sections one hundred seventy (170) through section one hundred eighty-*
 8 *nine (189) of 1975, as a cargo or part of a cargo, before crossing at grade any*
 9 *track or tracks* of a railroad, shall stop such vehicle within fifty feet but not less
 10 than ten feet from the nearest rail of such railroad and while so stopped shall
 11 listen and look in both directions along such track for any approaching train, and
 12 for signals indicating the approach of a train, except as hereinafter provided, and
 13 shall not proceed until he can do so safely.

14 No stop need be made at any such crossing where a police officer or a traffic-
 15 control signal directs traffic to proceed.

16 ~~This section shall not apply at street railway grade crossings within a business~~
 17 ~~or residence district.~~

1 SEC. 5. Section three hundred thirty-two point three (332.3), Code 1975, as
 2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
 3 hundred eighty-seven (187), section one (1), is amended by adding the following
 4 new subsection:

5 NEW SUBSECTION. To enter into an agreement with the state department of
 6 transportation, shippers, a railroad corporation, a city or another county to
 7 provide financial assistance for railroad services. The agreement shall be
 8 administered by the state department of transportation and moneys necessary to
 9 implement the agreement shall be credited to the railroad assistance fund.
 10 However, this section shall not preclude a county from establishing an escrow
 11 fund to be used as collateral for a loan for railroad improvement, which loan
 12 shall be credited to the railroad assistance fund. Moneys appropriated pursuant to
 13 this subsection shall be from the county general fund, subject to the limitation
 14 provided in Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two
 15 hundred thirty-one (231).

1 SEC. 6. Section four hundred seventy-four point ten (474.10), Code 1975, is
2 amended to read as follows:

3 **474.10 General jurisdiction of transportation department.** The state
4 department of transportation shall have general supervision of all railroads in the
5 state, express companies, car companies, ~~sleeping car companies,~~ freight and
6 freight-line companies, ~~interurban railway companies,~~ motor carriers, and any
7 common carrier engaged in the transportation of passengers or freight by
8 railroads. ; ~~except street railroads.~~ It shall investigate any alleged neglect or
9 violation of law by any such common carrier, its agents, officers, or employees.

1 SEC. 7. Section four hundred seventy-four point twelve (474.12), Code 1975, is
2 amended to read as follows:

3 **474.12 Inspection—notice to repair.** ~~It~~ *The department shall from time to*
4 *time carefully examine into and inspect the condition of each railroad, its tracks,*
5 *bridges, and equipment, and the manner of its conduct, operation, and*
6 *management with regard to the public safety and convenience in the state rail*
7 *facilities, equipment, rolling stock, operations, and pertinent records at reasonable*
8 *times and in a reasonable manner to insure proper operations. Employees of the*
9 *department shall have proper identification which shall be displayed upon request. If*
10 *found by it unsafe, it the department shall immediately notify the railroad*
11 *company corporation whose duty it is to put the same in repair, which shall be*
12 *done by it within such time as the department shall fix. If any corporation fails to*
13 *perform this duty the department may forbid and prevent it from running trains*
14 *over the defective portion while unsafe or may regulate the speed and operation of*
15 *trains moving over the defective portion of the railroad. If the railroad corporation*
16 *violates any requirement provided by the department, the railroad corporation shall be*
17 *subject to a fine of not more than one hundred dollars for each day the repairs have*
18 *not been made from the date the department set for repairs to be completed. The court*
19 *may consider the willingness and ability of the railroad corporation to cooperate in*
20 *removing the safety hazard. Moneys received from the assessment of any fine shall be*
21 *credited to the rail assistance fund.*

1 SEC. 8. Section four hundred seventy-four point fourteen (474.14), Code 1975,
2 as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
3 one hundred seventy (170), section five (5), is amended to read as follows:

4 **474.14 Changes in operation and improvements.** When, in the judgment of
5 the department, any ~~railway~~ *railroad* corporation fails in any respect to comply
6 with the terms of its charter or articles of incorporation or the laws of the state;
7 ~~or when in its judgment any repairs are necessary upon its road or change in the~~
8 ~~mode of operating its road or conducting its business, is reasonable and expedient~~
9 ~~in order to promote the security, convenience, and accommodation of or if any~~
10 ~~railroad corporation fails to operate its railroad and business in a reasonable and~~
11 ~~expedient manner which is safe and convenient to the public, the department may~~
12 ~~make an order prescribing such improvements and changes as it finds to be~~
13 ~~proper and shall serve an order upon such corporation. A report of such~~
14 ~~proceedings shall be included in its annual report to the governor.~~ Nothing in this
15 section or ~~sections~~ *section 474.12 and 474.13* shall be so construed as relieving any
16 ~~to nullify railroad company~~ from its responsibility or liability for damage to
17 person or property by any railroad corporation.

1 SEC. 9. Section four hundred seventy-four point fifteen (474.15), Code 1975, is
2 amended to read as follows:

3 **474.15 Abandoning station.** It shall be unlawful for any railroad ~~company~~
4 ~~corporation~~ *owning or operating, or which may hereafter own or operate,* any
5 railroad in whole or in part in this state, to abandon any station ~~in any city or~~
6 ~~village~~ on its line of railroad, within this state, or to remove the depot ~~therefrom,~~
7 or to withdraw agency service ~~therefrom,~~ unless it shall first have filed notice of

8 its intention with the department and otherwise complied with the provisions of
 9 this section and sections 474.16 and 474.17. Upon the filing receipt of such notice
 10 the department shall designate the place or places within such city or village
 11 where specify a notice shall be posted published and the railroad company
 12 corporation shall thereupon, at its own expense, cause to be posted at the place or
 13 places so designated, such notice to be published at least fifteen days' notice of
 14 intention days in advance of action to abandon or discontinue such station or
 15 agency, or remove such depot, and shall file proof of such posting publication with
 16 the department. The notice shall be in such form as prescribed by the department
 17 and shall be published in a newspaper published in the county in which the station is
 18 located. An alternative notice procedure giving comparable public notice by registered
 19 mail to affected shippers may be prescribed by the department according to rules
 20 promulgated under chapter seventeen A (17A) of the Code.

1 SEC. 10. Section four hundred seventy-four point sixteen (474.16), Code 1975,
 2 is amended to read as follows:

3 **474.16 Objections—hearing.** Any person or persons directly affected by the
 4 proposed abandonment or discontinuance of any station or agency, or removal of
 5 any depot, may file written objections thereto with the department, stating the
 6 grounds for such objections, within fifteen days from the time of the posting
 7 publication of the notice as provided in section 474.15. Upon the filing of such
 8 objections the department board shall fix the time and place for a hearing thereon
 9 , which hearing shall be held within sixty days from the filing of such objections.
 10 Written notice of the time and place of such hearing shall be mailed by the
 11 department board to the railroad company corporation and the person or persons
 12 filing objections at least ten days prior to the date fixed for such hearing.

1 SEC. 11. Section four hundred seventy-four point seventeen (474.17), Code
 2 1975, is amended to read as follows:

3 **474.17 Order of department board.** Upon said hearing the department board
 4 may prohibit the abandonment or discontinuance of such station or agency, or
 5 the removal of the depot, or may make such other order as is warranted by the
 6 evidence produced at such hearing. But if no objections are filed as hereinbefore
 7 provided, the department shall board may make an order permitting the railroad
 8 company corporation to proceed with such abandonment or discontinuance, or
 9 removal of the depot.

1 SEC. 12. Section four hundred seventy-four point eighteen (474.18), Code
 2 1975, is amended to read as follows:

3 **474.18 Investigation and inquiry.** The department shall or board may
 4 investigate and inquire into the management of the business of all common
 5 carriers subject to the its jurisdiction of said department and keep itself well
 6 informed as to the manner and method in which the same is conducted. It The
 7 board or department shall have the right to obtain from them full and complete
 8 information necessary to enable the department or board to perform its duties
 9 including the administration of railroad assistance agreements. It The board on its
 10 own initiative or upon request of the department shall have power to require the
 11 attendance and testimony of witnesses, the production of all books, papers, tariff
 12 schedules, contracts, agreements, and documents, relating to any matter under
 13 investigation, and to inspect the same and to examine under oath or otherwise
 14 any officer, director, agent, or employee of any common carrier; to issue
 15 subpoenas and to enforce obedience thereto.

1 SEC. 13. Section four hundred seventy-four point twenty (474.20), Code 1975,
 2 is amended to read as follows:

3 **474.20 Aid from courts.** The department or board may invoke the aid of any
 4 court of record in any county where the carrier extends, the state in requiring the
 5 attendance and testimony of witnesses and the production of books, papers, tariff
 6 schedules, agreements, and other documents. Any court having jurisdiction where

7 ~~any of the~~ inquiry is ~~carried on~~ shall, in case of the refusal of any person to obey
 8 a subpoena or other process, issue an order requiring any of the officers, agents,
 9 or employees of any carrier or other person to appear before the department ~~or~~
 10 ~~board~~ and produce all books and papers required by such order and testify in
 11 relation to any matter under investigation. ~~A failure to obey any such order of the~~
 12 ~~court shall be punished as a contempt.~~

1 SEC. 14. Section four hundred seventy-four point twenty-one (474.21), Code
 2 1975, is amended to read as follows:

3 **474.21 Hindering or obstructing department.** Any person who shall willfully
 4 obstruct it ~~or its members the department or board~~ in the performance of their
 5 duties, or who shall refuse to give any information within ~~his that person's~~
 6 possession that may be required by ~~it the board or department~~ within the line of ~~its~~
 7 ~~their~~ duty, shall be fined not exceeding one thousand dollars, in the discretion of
 8 the court.

1 SEC. 15. Section four hundred seventy-four point twenty-three (474.23), Code
 2 1975, is amended to read as follows:

3 **474.23 Cumulative remedies.** Nothing in this chapter or chapter 479 shall be
 4 construed to estop or hinder any persons ~~or corporations~~ from bringing action
 5 against any railway ~~company corporation~~ for any violation of the laws of the state
 6 ~~for the government of railroads.~~

1 SEC. 16. Section four hundred seventy-four point twenty-six (474.26), Code
 2 1975, is amended to read as follows:

3 **474.26 When order effective—violation.** All rules, ~~and orders, and regulations~~
 4 affecting public rights, made by the department ~~or board~~, as now or may hereafter
 5 be authorized for the direction and observance of railroads in this state, shall be
 6 in full force and effect from and after the date fixed by the department ~~or board~~.
 7 If any railroad fails, neglects, or refuses to comply with any rule, ~~or order, or~~
 8 ~~regulation~~ made by the department ~~or board~~ within the time specified, it shall, for
 9 each day of such failure, pay a penalty of ~~fifty one hundred~~ dollars. *Such moneys*
 10 *shall be credited to the railroad assistance fund.*

1 SEC. 17. Section four hundred seventy-four point twenty-nine (474.29), Code
 2 1975, is amended to read as follows:

3 **474.29 Remitting penalty.** ~~When any~~ *If a* common carrier ~~shall fail~~ *fails* in a
 4 judicial review proceeding to secure a vacation of the order objected to, it may
 5 apply to the court in which the review proceeding is finally adjudicated for an
 6 order remitting the penalty which has accrued during the ~~pendency of the~~ review
 7 proceeding. Upon a satisfactory showing that the petition for judicial review was
 8 filed in good faith and not for the purpose of delay, and that there were
 9 reasonable grounds to believe that the order was unreasonable or unjust or that
 10 the power of the department ~~or board~~ to make the same was doubtful, such court
 11 may remit the penalty that has accrued during the ~~pendency of the~~ review
 12 proceeding.

1 SEC. 18. Section four hundred seventy-four point thirty (474.30), Code 1975, is
 2 amended to read as follows:

3 **474.30 Costs—attorney's fees.** When a decree shall be entered against a
 4 railroad ~~company corporation~~ or person under sections ~~474.24 four hundred~~
 5 ~~seventy-four point twenty-five (474.25) of the Code to 474.29~~ the court shall render
 6 judgment for costs, and attorney's fees for counsel representing the state.

1 SEC. 19. Section four hundred seventy-four point thirty-four (474.34), Code
 2 1975, is amended to read as follows:

3 **474.34 Complaints.** Any person, ~~firm, corporation, association, mercantile,~~
 4 ~~agricultural, or manufacturing society, body politic, or municipal organization,~~
 5 ~~city or county~~ may file with the department a petition setting forth any particular
 6 in which any common carrier has violated the law to which it is subject and the

7 amount of damages sustained by reason thereof. The department shall furnish to
 8 the carrier against which complaint is filed, a copy thereof, and a reasonable time
 9 shall be fixed *by the board* within which such carrier shall answer the petition or
 10 satisfy the demand therein made. If such carrier fails to satisfy the complaint
 11 within the time fixed or there ~~shall appear~~ *appears* to be reasonable grounds for
 12 investigating the matters set forth in said petition, the ~~department~~ *board* shall hear
 13 and determine the questions involved and make such orders as it shall find to be
 14 proper. ~~No petition so filed shall be dismissed on the grounds that the petitioner~~
 15 ~~has not suffered any direct damage.~~ When the ~~department~~ *ascertains* or *board* has
 16 reason to believe that any carrier is violating any of the laws to which it is
 17 subject, it may institute an investigation and cause a hearing to be ~~made held~~
 18 before it in relation to such matters in all respects as fully as if a petition had
 19 been filed.

1 SEC. 20. Section four hundred seventy-four point thirty-five (474.35), Code
 2 1975, is amended to read as follows:

3 **474.35 Investigation—report.** When a hearing has been ~~had held~~ before the
 4 ~~department~~ *board* after notice, it shall make a report in writing setting forth the
 5 findings of fact and its conclusions together with its recommendations or orders
 6 as to what reparation, if any, the offending carrier shall make to any party who
 7 has suffered damage. Such finding of fact shall thereafter in all legal proceedings
 8 be prima-facie evidence of every fact found. All reports of hearings and
 9 investigations made by the ~~department~~ *board* shall be entered of record and a
 10 copy furnished to the carrier against which the complaint was filed, to the party
 11 complaining, and to any other person having a direct interest in the matter. *A*
 12 *reasonable fee not to exceed the actual duplication costs may be charged for the*
 13 *copies.*

1 SEC. 21. Section four hundred seventy-four point thirty-six (474.36), Code
 2 1975, is amended to read as follows:

3 **474.36 Orders—compliance —release.** When the ~~department~~ *board* finds as the
 4 result of any investigation *or hearing* that a common carrier has violated or is
 5 violating any of the provisions of law to which it is subject, or that any
 6 complainant or other person has sustained damages by reason of such violation,
 7 the ~~department~~ *board* shall ~~notify order~~ such carrier to cease such violation at
 8 once and shall fix a time within which it shall pay the amount of damage which
 9 has been found due to any person as a result of such violation. ~~Upon a~~
 10 ~~satisfactory showing to the department that the carrier has complied with the~~
 11 ~~notice in the time and manner required, it shall thereupon be relieved from~~
 12 ~~further liability or penalty for that particular violation of law, and the department~~
 13 ~~shall enter of record such release.~~

1 SEC. 22. Section four hundred seventy-four point thirty-seven (474.37), Code
 2 1975, is amended to read as follows:

3 **474.37 Violation of order—petition—notice.** When any ~~common carrier shall~~
 4 ~~violate or fail person violates or fails to~~ obey any lawful order or requirement of
 5 the department *or board*, the department *or board* shall apply in a *summary way*
 6 by petition in the name of the state, against such ~~common carrier person~~, to the
 7 district court of *any county through which such carrier owns or operates a line of*
 8 *railroad or in which the failure or violation of such order occurred*, alleging such
 9 violation or failure to obey; the court shall hear and determine the matter set
 10 forth in ~~said the~~ petition on reasonable notice to the ~~common carrier person~~, to be
 11 fixed by the court and to be served in the same manner as original notices for the
 12 commencement of action.

1 SEC. 23. Section four hundred seventy-four point thirty-eight (474.38), Code
 2 1975, is amended to read as follows:

3 **474.38 Interested party may begin proceedings.** Any person, ~~firm, or~~
 4 ~~corporation or city or county~~ interested in the matter of enforcing any order or
 5 requirement of the department *or board*, may file a petition against such ~~carrier~~
 6 *person*, alleging the failure to comply with such order or requirement and praying
 7 summary relief to the same extent and in the same manner as the department *or*
 8 *board* may do under section 474.37, and the proceedings after the filing of such
 9 petition shall be the same as in ~~said~~ section ~~provided~~ *four hundred seventy-four*
 10 *point thirty-seven (474.37) of the Code.*

1 SEC. 24. Section four hundred seventy-four point thirty-nine (474.39), Code
 2 1975, is amended to read as follows:

3 **474.39 Duty of general department and board counsel and county attorney.**
 4 When any proceeding has been instituted under sections 474.37 and 474.38, the
 5 department general counsel *or the legal counsel of the board* shall prosecute the
 6 same, and the county attorney of the county in which such proceeding is pending
 7 shall render such assistance as the department general counsel *or the board legal*
 8 *counsel* may require ~~of him~~.

1 SEC. 25. Section four hundred seventy-four point forty (474.40), Code 1975, is
 2 amended to read as follows:

3 **474.40 Hearing in equity—injunction.** All such causes shall be in equity, and
 4 the order or report of the department *or board* in question shall be *considered*
 5 prima-facie evidence ~~of the matters contained therein~~. If the court shall find that
 6 the order or requirement in question is lawful and has been violated, it shall issue
 7 an injunction or other proper process; ~~mandatory or otherwise, to compel~~
 8 ~~obedience to such order or requirement.~~

1 SEC. 26. Section four hundred seventy-four point forty-two (474.42), Code
 2 1975, is amended to read as follows:

3 **474.42 Appeal—effect.** An appeal to the supreme court shall not stay or
 4 supersede the order of the court or the execution of any writ or process thereon.
 5 When appeal is taken by the department *or board*, it shall not be required to give
 6 an appeal bond or security for costs.

1 SEC. 27. Section four hundred seventy-four point forty-three (474.43), Code
 2 1975, is amended to read as follows:

3 **474.43 Suits by department board.** When the ~~department~~ *board* has reason to
 4 believe that any ~~common carrier person~~ has been guilty of ~~extortion or~~ unjust
 5 discrimination, ~~it the board~~ shall ~~immediately~~ cause ~~actions~~ *action* to be
 6 commenced ~~and prosecuted~~ against such ~~carrier person~~. Such action may be
 7 brought in *the district court of any county through or into which any line of the*
 8 *railway owned or operated by such carrier person may extend. No actions thus*
 9 ~~commenced shall be dismissed unless the department and the department general~~
 10 ~~counsel consent thereto. The court in which any such action is pending may, in its~~
 11 ~~discretion, give preference as to the time of trial of such action over other~~
 12 ~~business, except criminal cases.~~

1 SEC. 28. Section four hundred seventy-four point forty-eight (474.48), Code
 2 1975, is amended by striking the section and inserting in lieu thereof the
 3 following:

4 **474.48 Details of report.** The report shall be compiled pursuant to rules
 5 adopted pursuant to chapter seventeen A (17A) of the Code by the department.
 6 The report shall include but not be limited to anticipated capital improvements
 7 projected over the next five years and anticipated abandonments which may
 8 occur over the same period of time. The department may provide that certain
 9 portions of the report, except those portions dealing with anticipated
 10 abandonments, remain confidential if the department determines that the release
 11 of the information may cause an undue competitive advantage or disadvantage to
 12 a railroad corporation if the information is released. The information may be
 13 classified as confidential only with the approval of the director of the department.

1 SEC. 29. Section four hundred seventy-four point fifty-four (474.54), Code
2 1975, is amended to read as follows:

3 **474.54 Definition.** As used in this chapter, unless the context otherwise
4 requires "department" means the state department of transportation and "board"
5 means the transportation regulation board.

1 SEC. 30. Section four hundred seventy-six point twenty-seven (476.27), Code
2 1975, is amended to read as follows:

3 **476.27 Motorbuses—airial transportation.** Any ~~railroad company~~ person
4 operating a railroad in this state may own and operate ~~over the highways of this~~
5 ~~state for hire and as a any other~~ common carrier of passengers, freight, mail or
6 ~~express, automobile buses or motor vehicles,~~ subject to the *applicable state* laws of
7 the state applicable to the use of such highways by motor vehicle carriers, and
8 may also own and operate equipment for, and engage in aerial transportation,
9 subject to the laws of the state applicable thereto. Any such railroad company
10 person may purchase and own capital stock and securities of a corporation
11 organized for or engaged in the business of a ~~motor common carrier, or of aerial~~
12 ~~transportation.~~

1 SEC. 31. Section four hundred seventy-seven point thirteen (477.13), Code
2 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **477.13 Brakes on trains and engines.** A train or engine shall not be operated
5 in this state which does not have an operational braking system which complies
6 with Title forty-five (45), sections one (1) et seq., U.S.C.

1 SEC. 32. Section four hundred seventy-seven point fifteen (477.15), Code 1975,
2 is amended to read as follows:

3 **477.15 Violations.** Any ~~railroad corporation, company, or person~~ operating a
4 ~~railroad train or engine in this state and using a locomotive engine, or running a~~
5 ~~train of cars, or using any freight car, way caboose, or other car contrary to the~~
6 ~~provisions of sections 477.12 to 477.14 and four hundred seventy-seven point thirteen~~
7 ~~(477.13) of the Code shall be guilty of a misdemeanor, and shall be subject to a~~
8 ~~fine of not less than five hundred nor more than one thousand dollars for each~~
9 ~~and every offense; but such penalties shall not apply to companies hauling cars~~
10 ~~belonging to railroads other than those of this state which are engaged in~~
11 ~~interstate traffic, and moneys so collected shall be credited to the railroad assistance~~
12 ~~fund.~~

1 SEC. 33. Section four hundred seventy-seven point eighteen (477.18), Code
2 1975, is amended to read as follows:

3 **477.18 Exceptions.** The provisions of section 477.17 shall not apply to
4 switching or yard service at stations or places where regular switch engines are
5 not employed exclusively as switch engines, or during a period of not exceeding
6 twelve hours, when a switch engine is being cleaned or washed out, and also
7 switching by work trains; and where regular switch engines are disabled by
8 accident, or in need of repairs, or there is an unusual or unexpected amount of
9 work, switching, under such conditions, with ordinary engines, for a period of not
10 to exceed forty-eight hours, shall not be considered a violation of this statute.

1 SEC. 34. Section four hundred seventy-seven point twenty-six (477.26), Code
2 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session,
3 chapter one hundred seventy (170), section nine (9), is amended to read as
4 follows:

5 **477.26 Standard caboos cars.** The provisions of sections 477.27 and 477.28
6 shall apply to any ~~corporation or to any person or persons~~ while engaged as a
7 common ~~carriers~~ carrier in transportation by railroads ~~rail of passengers or~~
8 ~~property within this state to which the regulative power of this state extends.~~

1 SEC. 35. Section four hundred seventy-seven point forty-two (477.42), Code
2 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session,
3 chapter one hundred seventy (170), section eleven (11), is amended to read as
4 follows:

5 **477.42 Freight offices.** All railroads in the state shall establish and maintain
6 operating offices; at localities accessible and convenient to the public, and
7 ~~correctly set forth their freight tariffs.~~

1 SEC. 36. Section four hundred seventy-seven point fifty-three (477.53), Code
2 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **477.53 Vegetation of right-of-way.** Every railroad corporation shall insure
5 that vegetation on railroad property which is on or immediately adjacent to the
6 roadbed be controlled so that it does not:

- 7 1. Become a fire hazard to track-carrying structures.
- 8 2. Obstruct visibility of railroad signs and signals.
- 9 3. Interfere with railroad employees performing normal trackside duties.
- 10 4. Prevent proper functioning of signal and communication lines.
- 11 5. Prevent railroad employees from visually inspecting moving equipment from
12 their normal duty stations.

13 Nothing in this section shall be construed to exempt a railroad corporation
14 from carrying out noxious weed control programs as provided in chapter three
15 hundred seventeen (317) of the Code.

1 SEC. 37. Section four hundred seventy-seven point sixty-four (477.64), Code
2 1975, is amended to read as follows:

3 **477.64 Sanitation and shelter.** A railway ~~company~~ *corporation* within the
4 state shall provide adequate sanitation and shelter for all railway employees. The
5 Iowa bureau of labor shall adopt rules in accordance with chapter 17A relating to
6 requirements for adequate sanitation and shelter for railway employees.

1 SEC. 38. Chapter four hundred seventy-seven (477), Code 1975, is amended by
2 adding the following new section:

3 **NEW SECTION. Definitions.** As used in this chapter, unless the context
4 otherwise requires:

- 5 1. "Department" means the state department of transportation.
- 6 2. "Board" means the transportation regulation board.

1 SEC. 39. Section four hundred seventy-eight point thirteen (478.13), Code
2 1975, is amended to read as follows:

3 **478.13 Overhead, underground, or more than one crossing.** Such owner of
4 land may serve upon such railroad ~~company~~ *corporation* a request in writing for
5 more than one such ~~farm~~ or private crossing, or for an overhead or underground
6 crossing, accompanied by a plat of his land designating thereon the location and
7 character of crossing desired. If the railroad ~~company~~ *corporation* refuses or
8 neglects ~~for to comply within thirty days after of such service to comply with such~~
9 ~~written~~ request, the owner of the land may make written application to the
10 department to hear and determine his rights in said respect. ~~Such department~~ *The*
11 ~~board,~~ after ~~reasonable~~ notice to the railroad ~~company~~ *corporation**, to construct
12 any crossing or roadway, fix the time for compliance with ~~such the~~ order. The
13 matter of costs shall be in the discretion of the ~~department~~ *board*.

1 SEC. 40. Section four hundred seventy-eight point twenty-one (478.21), Code
2 1975, as amended by the Sixty-sixth General Assembly, 1975 Session, chapter two
3 hundred thirty-two (232), is amended to read as follows:

4 **478.21 Railway and highway crossing at grade.** Wherever a railway track
5 crosses or shall hereafter cross a highway, street or alley, the railway ~~company~~
6 ~~corporation~~ *owning such track and the highway division of the department of*
7 ~~transportation,~~ in the case of primary highways, the board of supervisors of the

*Omission from quoted Code section

8 county in which such crossing is located, in the case of secondary roads, or the
 9 council of the city, in the case of streets and alleys located within a city, may
 10 agree upon the location and, manner of crossing, or crossing protection, or
 11 upgrading thereof, or upon a separation of grades so as to carry such highway
 12 over or under the railway track, and upon any change, alteration, vacation,
 13 physical structure, characteristics and or relocation of such highway, street or alley,
 14 and upon repairs, alteration, or elimination of any crossing, and upon the expense
 15 each party shall pay for such changes, except that if flasher light or gate signals
 16 are ordered or agreed to be installed prior to July 1, 1973, the maintenance of the
 17 crossing and allocation of costs thereof shall be assumed by the railroad and if the
 18 installation of flasher light or gate signals is ordered or agreed to be installed on
 19 or after July 1, 1973, the maintenance thereof shall be assumed equally by the
 20 railroad and upon the approval of the department the grade crossing safety fund.
 21 The department shall not expend more than four hundred fifty dollars for any
 22 one crossing in any one year from the grade crossing fund, provided, however,
 23 nothing in this section limits the provisions of section 364.8. The department shall
 24 become a party to the agreement if grade crossing safety funds are to be used. Up to
 25 seventy-five percent of the maintenance cost of the crossing and an unlimited portion
 26 of the cost of the crossing may be paid from the grade crossing safety fund.

27 Notwithstanding other provisions of this section, maintenance of flasher lights or
 28 gate signals installed or ordered to be installed before July 1, 1973, shall be assumed
 29 wholly by the railroad corporation.

30 Payments from the grade crossing safety fund shall be made to* the treasurer of
 31 state upon certification by the department that the terms of the agreement have been
 32 followed.

33 The department shall promulgate rules according to chapter seventeen A (17A) of
 34 the Code for processing claims to the grade crossing safety funds.

35 The provisions of this section shall not apply to the repair of the grade crossing
 36 surface.

1 SEC. 41. Section four hundred seventy-eight point twenty-two (478.22), Code
 2 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session,
 3 chapter two hundred thirty-two (232), section two (2), is amended to read as
 4 follows:

5 **478.22 Disagreement—application—notice.** If the railway company and said
 6 highway authorities cannot agree upon the changes to be made persons specified in
 7 section four hundred seventy-eight point twenty-one (478.21) of the Code cannot reach
 8 an agreement, either party may make written application to the transportation
 9 regulation board of the department, setting forth the changes and alteration
 10 desired, and said department board requesting resolution of the disagreement. The
 11 board shall fix a date for hearing and give the other party ten days' written notice
 12 by mail of such date. Nothing in this section shall be construed to prohibit either
 13 party from filing written application with the department prior to any
 14 disagreement. The department board shall promulgate rules, pursuant to chapter
 15 seventeen A (17A) of the Code, for processing applications which are filed with
 16 the department board prior to a written disagreement. The transportation
 17 regulation board may set a hearing date after the disagreement has been filed.

1 SEC. 42. Section four hundred seventy-eight point twenty-three (478.23), Code
 2 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session,
 3 chapter two hundred thirty-two (232), section three (3), is amended to read as
 4 follows:

5 **478.23 Hearing—order.** The department board shall hear the evidence of
 6 each party to the controversy, taking into consideration the necessity of such
 7 changes and the expense thereof, the location of any crossing or crossing
 8 protection and the manner in which it shall be constructed and maintained, or
 9 whether a crossing is to be eliminated and the provisions therefor, and may shall
 10 make such an order in relation thereto as shall be equitable, including which may

* "by" probably intended

11 *include, pursuant to the provisions of chapters four hundred seventy-one (471) and four*
 12 *hundred seventy-two (472) of the Code, authority to condemn, and take additional*
 13 *land for such purposes when necessary, and shall determine a solution to resolving*
 14 *the controversy including what portion of the expense shall be paid by any each*
 15 *party to such controversy. In determining what portion of the expense shall be*
 16 *paid by each party the department board may consider the ratio of the benefits*
 17 *accruing to the railroad or the governmental unit or both as it bears to the general*
 18 *public use and benefit and such benefits shall may in the case of construction be*
 19 *consistent with the standards adopted for similar purposes by the federal highway*
 20 *administration under the federal aid highway Act of 1973 as amended to July 1,*
 21 *1976.*

1 SEC. 43. Chapter four hundred seventy-eight (478), Code 1975, is amended by
 2 adding the following new sections:

3 NEW SECTION. There is established a highway railroad grade crossing surface
 4 repair fund in the office of the treasurer of state. The department may credit to
 5 this fund:

- 6 1. Moneys appropriated to the department from the general fund of the state.
- 7 2. Moneys appropriated to the department from the road use tax fund.
- 8 3. Available federal funds.
- 9 4. Moneys acquired by the department from any gift, grant, or contributions
 10 from any source.

11 The total amount of funds, except funds acquired pursuant to subsections three
 12 (3) and four (4) of this section, which shall be credited to the highway railroad
 13 grade crossing surface fund shall not exceed two hundred fifty thousand dollars
 14 in any one year.

15 NEW SECTION. If a grade crossing surface of a railroad track and a highway,
 16 street, or alley shall require repairs or maintenance, the costs for such
 17 maintenance may be paid equally by the owner of the track, the jurisdiction
 18 having primary authority over the highway, street, or alley, and the highway
 19 grade crossing surface repair fund.

20 If the railroad corporation and the jurisdiction having authority agree on the
 21 method of crossing maintenance and establish an agreement to each contribute
 22 one-third of the costs, a copy of the agreement shall be filed with the department
 23 which shall allocate an amount equal to one-third of the cost for the work if
 24 funds are available in the highway railroad grade crossing surface repair fund.
 25 The department shall make appropriate notification if the fund is exhausted in
 26 which case agreements shall not be made under the provisions of this section until
 27 additional funds are available. The fund shall be administered by the department.

28 Upon completion of the agreed repair work, a statement of costs shall be filed
 29 with the department by the railroad corporation in a form and manner prescribed
 30 by the department. The department, upon approval of the statement, shall pay to
 31 the railroad corporation an amount equal to one-third of the cost of the work
 32 from the highway railroad grade crossing surface repair fund. The owner of the
 33 track and the jurisdiction entering into the agreement shall each pay one-third of
 34 the cost.

35 NEW SECTION. If a railroad corporation and the jurisdiction having authority
 36 cannot reach agreement on grade crossing surface repair and maintenance, either
 37 party may appeal to the board if prior to disagreement both parties have filed a
 38 statement with the department to the effect that they have entered into
 39 negotiations on grade crossing surface repair and maintenance of a particular
 40 crossing. The board shall resolve the dispute in the manner provided in section
 41 four hundred seventy-eight point twenty-two (478.22) and section four hundred
 42 seventy-eight point twenty-three (478.23) of the Code, except for the allocation of
 43 costs.

44 NEW SECTION. A railroad corporation or its employees shall not operate any
 45 train in such a manner as to prevent vehicular use of any highway, street or alley

46 for a period of time in excess of ten minutes except:

- 47 1. When necessary to comply with signals affecting the safety of the movement
48 of trains.
49 2. When necessary to avoid striking any object or person on the track.
50 3. When the train is disabled.
51 4. When the train is in motion except while engaged in switching operations.
52 5. When there is no vehicular traffic waiting to use the crossing.
53 6. When necessary to comply with governmental safety regulations.

54 Any officer or employee of a railroad corporation violating any provision of
55 this section shall, upon conviction be subject to the penalty provided in section
56 four hundred seventy-eight point twenty (478.20) of the Code. An employee shall
57 not be guilty of such violation if his action was necessary to comply with the
58 direct order or instructions of a railroad corporation or its supervisors. Such guilt
59 shall then be with the railroad corporation.

60 The provisions of this section notwithstanding, a political subdivision may pass
61 a resolution or ordinance regulating the length of time a specific crossing may be
62 blocked if the political subdivision demonstrates such a resolution or ordinance is
63 necessary for public safety or convenience. If such a resolution or ordinance is
64 passed the political subdivision shall immediately notify the board and the
65 railroad corporation using the crossing affected by the resolution or ordinance.
66 The resolution or ordinance shall become effective thirty (30) days after such
67 notification unless a person files an objection to the resolution or ordinance with
68 the board. If an objection is filed the board shall hold a hearing according to the
69 rules established by the board. The board may disapprove the resolution or
70 ordinance if public safety or convenience does not require such a resolution or
71 ordinance. Public safety or convenience may include, but shall not be limited to,
72 high traffic density at a specific crossing of a main artery or interference with the
73 flow of authorized emergency vehicles.

74 Political subdivisions shall notify the board within sixty (60) days of the
75 effective date of this Act, of each existing resolution or ordinance which does not
76 conform with the provisions of this section.

77 Such ordinances or resolutions may remain in effect until the board has acted
78 upon each ordinance or resolution under the procedures specified in this section.

1 SEC. 44. Section four hundred seventy-nine point one (479.1), Code 1975, is
2 amended to read as follows:

3 **479.1 Applicability of chapter.** The provisions of this chapter shall apply to
4 the transportation of passengers and property, and to the receiving, delivering,
5 storing, and handling of property wholly within this state, and shall apply to all
6 railroad corporations, express companies, ear companies, sleeping ear companies,
7 freight or freight line companies, and to any common carrier engaged in this state
8 in the transportation of passengers or property by railroad therein, and to
9 shipments of property made from any point within the state to any point within
10 the state, whether the transportation of the same shall be wholly within this state
11 or partly within this state and partly within an adjoining state *intrastate transport*
12 *of persons and property.*

1 SEC. 45. Section four hundred seventy-nine point two (479.2), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the following:

3 **479.2 Definitions.** As used in this chapter unless the context otherwise
4 requires:

- 5 1. "Railroad" means the terminal facilities necessary in the transportation of
6 persons and property and includes bridges, railroad right-of-way, trackage,
7 switches, and other appurtenances necessary for the operation of a railroad,
8 whether owned, leased, or operated under some other contractual agreement.
9 2. "Railway" means a railroad as defined in subsection one (1) of this section.

10 3. "Railway corporation" means all corporations, companies, or persons
11 owning or operating any railroad or carrier in whole or in part within the state.

12 4. "Railroad corporation" means a railway corporation as defined in subsection
13 three (3) of this section.

14 5. "Switching service" means the shifting of a car between two points, both of
15 which are within the industrial vicinity of an industry, a group of industries, a
16 station, or a city, as such industrial vicinity may be defined by the department.

17 6. "Transportation" means all instrumentalities of shipment or carriage as well
18 as services in connection with the actual transport.

19 7. "Rates" means fares, tariffs, tolls, charges, and all classifications, contracts,
20 practices, and rules of common carriers relating to such rates.

21 8. "Joint tariffs" embraces joint rates, tolls, contracts, classifications, and
22 charges.

23 9. "Department" means the state department of transportation.

24 10. "Board" means the transportation regulation board.

1 SEC. 46. Section four hundred seventy-nine point four (479.4), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the following:

3 **479.4 Connections.** If a railroad corporation in this state refuses to connect
4 by proper switches or tracks with the tracks of another railroad corporation or
5 refuses to receive, transport, load, discharge, reload, or return cars furnished by
6 another connecting railroad corporation, the board shall hold a hearing on the
7 dispute. Upon conclusion of the hearing, the board shall issue an order to resolve
8 the dispute. The order may include the allocation of costs between the parties.

1 SEC. 47. Section four hundred seventy-nine point eight (479.8), Code 1975, is
2 amended to read as follows:

3 **479.8 Transporting persons or property for hire—limitation on liability.** ~~No A~~
4 contract, receipt or rule shall ~~not~~ exempt any ~~corporation or~~ person engaged in
5 transporting ~~persons~~ for hire from the liability of a common carrier, or carrier of
6 passengers, which would exist had no contract, receipt, ~~or rule or regulation~~ been
7 made ~~except as may be provided for liability for property loss by order of the board.~~

1 SEC. 48. Section four hundred seventy-nine point ten (479.10), Code 1975, as
2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
3 hundred seventy (170), section twenty-three (23), is amended to read as follows:

4 **479.10 Interchange of traffic—switching and forwarding.** ~~All common~~
5 ~~Common~~ carriers shall, according to their respective powers, afford all reasonable,
6 proper, and equal facilities for the interchange of traffic between their respective
7 lines, and for the receiving, forwarding, and switching of cars and property to and
8 from their several lines, and to and from other lines and places connected
9 therewith; and shall not discriminate in their accommodations, rates, and charges
10 between such connecting lines. Any common carrier may be required to switch
11 and transfer cars for another, for the purpose of being loaded or unloaded, upon
12 such terms and conditions as may be ~~prescribed~~ *ordered* by the ~~department~~ *board*.

1 SEC. 49. Section four hundred seventy-nine point twelve (479.12), Code 1975,
2 is amended to read as follows:

3 **479.12 Reconsignment without charge.** Upon request of the consignee it shall
4 be the duty of any common carrier of freight to reconsign, rebill, and reship from
5 any place of destination within the state to any other place within the state any
6 property in carload lots; ~~whether accompanied by any person or not,~~ brought to
7 said place of destination over its own or other line and treat the same in all
8 respects as an original shipment between such places, provided the charges to first
9 place of destination are paid or secured to the satisfaction of such ~~company~~
10 *corporation*.

1 SEC. 50. Section four hundred seventy-nine point thirteen (479.13), Code 1975,
2 is amended to read as follows:

3 **479.13 Charges to be reasonable.** All *rates and* charges made for any service
4 rendered or to be rendered in the transportation of passengers or property in this
5 state, or for the receiving, delivering, storage, or handling of such property, shall
6 be reasonable and just, and ~~every unjust and unreasonable charge for such service~~
7 ~~is prohibited and declared to be unlawful.~~

1 SEC. 51. Section four hundred seventy-nine point fourteen (479.14),
2 unnumbered paragraph two (2), Code 1975, is amended to read as follows:

3 No such ~~common carrier; or carriers;~~ shall charge or receive any greater
4 compensation in the aggregate for the transportation of persons or of a like kind
5 of property for a shorter than for a longer distance, over the same line or route in
6 the same direction within this state, the shorter being included within the longer
7 distance, or charge any greater compensation as a through rate than the aggregate
8 of the intermediate rates; but this shall not be construed as authorizing any such
9 common carrier ~~or carriers~~ to charge or receive as great a compensation for a
10 shorter as for a longer distance or haul; provided that upon application to the
11 ~~department board~~ such common carrier ~~or carriers~~ may, in special cases, after
12 investigation, be authorized by the ~~department board~~ to charge less for a longer
13 than for a shorter distance for the transportation of persons or property; and the
14 ~~department board~~ may from time to time prescribe the extent to which such
15 designated common carrier ~~or carriers~~ may be relieved from the operation and
16 requirement of this section; but in exercising the authority conferred upon it in
17 this proviso, the ~~department board~~ shall not permit the establishment of any
18 charge to or from the more distant point that is not reasonably compensatory for
19 the service performed; and, if a circuitous rail line or route is, because of such
20 circuitry, granted authority to meet the charges of a more direct line or route to or
21 from competitive points and to maintain higher charges to or from intermediate
22 points on its line, the authority shall not include intermediate points as to which
23 the haul of the petitioning line or route is not longer than that of the direct line or
24 route between the competitive points.

1 SEC. 52. Section four hundred seventy-nine point fifteen (479.15), Code 1975,
2 is amended to read as follows:

3 **479.15 Pooling contracts.** It shall be unlawful for any common carrier
4 subject to the provisions of this chapter to enter into any contract, agreement, or
5 combination with any other common carrier ~~or carriers~~ for the pooling of freight
6 of different and competing railroads, or divide between them the aggregate or net
7 proceeds of the earnings of such railroads, or any portion thereof *without the*
8 *approval of the board when determined to be in the public interest by the board;* and
9 in case of an agreement for the pooling of freights ~~as aforesaid without such~~
10 ~~approval~~, each day of its continuance shall be a separate offense.

1 SEC. 53. Section four hundred seventy-nine point seventeen (479.17), Code
2 1975, is amended to read as follows:

3 **479.17 Violations—treble damages.** In case any common carrier subject to
4 the provisions of this chapter shall do, cause, or permit to be done anything
5 herein prohibited or declared to be unlawful, or shall ~~omit willfully fail to do~~
6 anything in this chapter required to be done, it shall be liable to the person ~~or~~
7 ~~persons~~ injured thereby for three times the amount of damages sustained in
8 consequence, together with costs of suit, and a reasonable attorney's fee to be
9 fixed by the court, on appeal or otherwise, which shall be taxed and collected as
10 part of the costs in the case; but in all cases demand in writing shall be made *of*
11 *the carrier* for the money damages sustained before action is brought for a
12 recovery under this section, and no action shall be brought until the expiration of
13 fifteen days after such demand.

1 SEC. 54. Section four hundred seventy-nine point twenty (479.20),
2 unnumbered paragraph one (1), Code 1975, is amended by striking the paragraph
3 and inserting in lieu thereof the following:

4 The provisions of the following subsections shall constitute prima facie
5 evidence of undue and unjust discriminating rates, charges, accommodations,
6 collections, or receipts.

1 SEC. 55. Section four hundred seventy-nine point twenty (479.20), subsection
2 seven (7), Code 1975, is amended to read as follows:

3 7. Charge, collect, or receive from any person for the use and transportation of
4 any railway car ~~or ears~~ upon its railway a higher or greater compensation in the
5 aggregate than it shall, at the same time, charge, collect, or receive from any other
6 person for the use and transportation of any railway car ~~or ears~~ of the same class
7 for a like purpose, being transported from the same original point in the same
8 direction, over an equal distance of the same railway ~~all such discriminating rates,~~
9 ~~charges, collections, or receipts, whether made directly or by means of any rebate,~~
10 ~~drawback, or other shift or evasion, shall be received as prima facie evidence of~~
11 ~~the unjust discriminations prohibited by this chapter, or~~

1 SEC. 56. Section four hundred seventy-nine point twenty (479.20), Code 1975,
2 is amended by adding the following new subsection:

3 NEW SUBSECTION. Charge any undue or unjust discriminatory rates, charges,
4 accommodations, collections or receipts whether made directly or indirectly by
5 means of a rebate or other method.

1 SEC. 57. Section four hundred seventy-nine point twenty-nine (479.29), Code
2 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session,
3 chapter one hundred seventy (170), section twenty-seven (27), is amended to read
4 as follows:

5 **479.29 Penalty for discrimination.** Any ~~such~~ corporation ~~guilty of extortion,~~
6 ~~or of making any unjust discrimination as to freight rates, or the rates for the use~~
7 ~~and transportation of railway cars, or in receiving, handling, or delivering freights,~~
8 ~~freight~~ shall, upon conviction thereof, be fined in any sum not less than one
9 thousand dollars nor more than five thousand dollars for the first offense, and for
10 each subsequent offense not less than five thousand nor more than ten thousand
11 dollars—such fine to be imposed in a criminal prosecution by indictment; or shall
12 be subject to the liability prescribed in section 479.30, to be recovered as therein
13 provided.

1 SEC. 58. Section four hundred seventy-nine point thirty (479.30), Code 1975, is
2 amended to read as follows:

3 **479.30 Civil forfeiture.** Any ~~such~~ railway corporation ~~guilty of extortion, or~~
4 ~~of making any unjust discrimination as to passenger or freight rates, or the rates~~
5 ~~for the use and transportation of railway cars, or in receiving, handling, or~~
6 ~~delivering freights freight,~~ shall forfeit and pay to the state not less than one
7 thousand nor more than five thousand dollars for the first offense, and not less
8 than five thousand nor more than ten thousand dollars for each subsequent
9 offense, to be recovered in a civil action in the name of the state; and the release
10 from liability or penalty provided for in this chapter shall not apply to a criminal
11 prosecution under section 479.29, or to a civil action under this section.

1 SEC. 59. Section four hundred seventy-nine point forty-six (479.46), Code
2 1975, is amended to read as follows:

3 **479.46 Division of joint rates.** Before the promulgation of such rates, the
4 ~~department board~~ shall notify the railroad ~~companies corporations~~ interested ~~of in~~
5 the schedule of joint rates fixed, and give them a reasonable time ~~thereafter~~ to
6 agree upon a division of the charges provided ~~for therein~~. If such ~~companies~~
7 ~~corporations~~ fail to agree upon a division, and to notify the ~~department board~~
8 thereof, ~~it the board~~ shall, after a hearing of the ~~companies corporations~~ interested,
9 decide the same, taking into consideration the value of terminal facilities and all
10 the circumstances of the haul, and the division so determined by it shall, in all
11 controversies or actions between the ~~railway companies railroad corporations~~
12 interested, be prima-facie evidence of a just and reasonable division thereof.

1 SEC. 60. Section four hundred seventy-nine point forty-nine (479.49), Code
2 1975, is amended to read as follows:

3 **479.49 Rate schedules—filing and ~~publication~~ public access.** Every common
4 carrier, subject to the provisions of this chapter shall file with the ~~department~~
5 *board* and shall print ~~and keep open to public inspection~~ schedules showing the
6 rates for the transportation within this state of persons and property from each
7 point upon its route to all other points thereon and from all points upon its route
8 to all points upon every other route leased, operated, or controlled by it; and
9 from each point on its route or upon any route leased, operated, or controlled by
10 it to all points upon the route of any other common carrier, whenever a through
11 route and a joint rate shall have been established or ordered between any two
12 such points. If no joint rate over a through route has been established, the
13 schedules of the several carriers in such through route shall show the separately
14 established rates, applicable to the through transportation.

15 *Subject to rules which the board shall adopt, the schedules shall be plainly printed*
16 *and a copy of often used schedules shall be kept by every carrier readily accessible to*
17 *and for inspection by the public in every station and office of the carrier where*
18 *passengers or property are received for transportation when the station or office is in*
19 *the charge of an agent. A notice printed in bold type and stating that the often used*
20 *schedules are on file with the agent and open to public inspection, and that the agent*
21 *will assist any person to determine from the schedule any rate shall be posted by the*
22 *carrier in public and conspicuous places in each station or office. The board shall, by*
23 *rule, provide that adequate public access to schedules not often used be provided in a*
24 *different manner.*

1 SEC. 61. Section four hundred seventy-nine point fifty (479.50), Code 1975, is
2 amended to read as follows:

3 **479.50 Detailed requirements.** The schedules ~~aforsaid~~ shall plainly state the
4 places between which such property and persons will be carried, and, separately,
5 all terminal charges, storage charges, ~~being~~ *refrigeration* charges, and all other
6 charges which the ~~department~~ *board* may require to be stated, all privileges or
7 facilities granted or allowed, and all rules ~~or regulations~~ which may in any *wise*
8 way change, affect, or determine any part or the aggregate of such rates, or the
9 value of the various services rendered to the passenger, shipper, or consignee.

10 *The form of every schedule shall be prescribed by the board and shall conform, in*
11 *the case of common carriers, as nearly as may be to the form prescribed by the*
12 *interstate commerce commission.*

1 SEC. 62. Section four hundred seventy-nine point fifty-five (479.55), Code
2 1975, is amended to read as follows:

3 **479.55 Interstate commerce schedules.** When schedules and classifications
4 required by the interstate commerce commission contain in whole or in part the
5 information required by the provisions of this chapter, the posting; ~~publishing,~~
6 and filing of a copy ~~or copies~~ of such schedules and classifications *with the board*
7 shall be deemed a compliance with the requirements of this chapter insofar as
8 such schedules and classifications contain the information required by this
9 chapter, and any additional or different information may be posted; ~~published,~~
10 and filed in a supplementary schedule.

1 SEC. 63. Section four hundred seventy-nine point fifty-six (479.56), Code 1975,
2 is amended to read as follows:

3 **479.56 Partial schedules.** In lieu of filing its ~~entire~~ *often used* schedule in
4 each station or office, any common carrier may, ~~subject to the regulations of the~~
5 ~~department,~~ file ~~or with the board~~ and keep posted at such stations or offices,
6 schedules of such rates as are applicable at, to, and from the places where such
7 stations or offices are located *subject to rules adopted by the board.*

1 SEC. 64. Section four hundred seventy-nine point fifty-seven (479.57), Code
2 1975, is amended to read as follows:

3 **479.57 Changes in schedules.** The ~~department~~ *board* shall have power from
4 time to time, in its discretion, to determine and prescribe by order such changes
5 in the form of the schedules referred to in this chapter as it may find expedient,
6 and to modify the requirements of any of its orders or rules in respect thereto.

1 SEC. 65. Section four hundred seventy-nine point fifty-eight (479.58), Code
2 1975, is amended to read as follows:

3 **479.58 Joint tariff schedules.** The names of the several common carriers
4 which are parties to any joint tariff shall be specified in the schedule ~~or schedules~~
5 showing the same. Unless otherwise ordered by the ~~department~~ *board*, a schedule
6 showing such joint tariff need be filed with the ~~department~~ *board* by only one of
7 the parties if there is also filed with the ~~department~~ *board*, in such form as the
8 ~~department~~ *board* may require, a concurrence in such joint tariff by each of the
9 other parties thereto.

1 SEC. 66. Section four hundred seventy-nine point sixty (479.60), Code 1975, is
2 amended to read as follows:

3 **479.60 Transportation prohibited.** No common carrier shall undertake to
4 perform any service nor engage or participate in the transportation of persons or
5 property between points within this state, until its schedule of rates shall have
6 been filed and ~~published~~ *posted* as herein provided.

1 SEC. 67. Section four hundred seventy-nine point sixty-one (479.61), Code
2 1975, is amended to read as follows:

3 **479.61 Change in rate.** Unless the ~~department~~ *board* otherwise orders, no
4 change shall be made by any common carrier in any rate, except after thirty days'
5 notice to the ~~department~~ *board* and to the public as herein provided. *The board*
6 *shall adopt rules to insure public notice in any action instituted under this section.*

1 SEC. 68. Section four hundred seventy-nine point sixty-two (479.62), Code
2 1975, is amended to read as follows:

3 **479.62 Notice of change.** Such notice shall be given by filing with the
4 ~~department~~ and by keeping open for public inspection *board* new schedules or
5 supplements stating plainly the change ~~or changes~~ to be made in the schedule ~~or~~
6 ~~schedules~~ then in effect, and the time when the change ~~or changes~~ will go into
7 effect.

1 SEC. 69. Section four hundred seventy-nine point sixty-three (479.63), Code
2 1975, is amended to read as follows:

3 **479.63 Changes without notice.** The ~~department~~ *board*, for good cause
4 shown, may allow changes without requiring ~~said~~ thirty days' notice by an order
5 specifying the changes ~~to~~ to be made and the time when they shall take effect,
6 and the manner in which they shall be filed and published.

1 SEC. 70. Section four hundred seventy-nine point sixty-four (479.64), Code
2 1975, is amended to read as follows:

3 **479.64 Indicating change.** When any change is proposed in any rate, such
4 proposed change shall be plainly indicated on the new schedule filed with the
5 ~~department~~ *board*, by some *typographic* character immediately preceding or
6 following the item.

1 SEC. 71. Section four hundred seventy-nine point sixty-five (479.65), Code
2 1975, is amended to read as follows:

3 **479.65 Schedule charge mandatory—refunds and discrimination.** No common
4 carrier, except as otherwise provided, shall charge, demand, collect, or receive a
5 greater or less or different compensation for the transportation of persons or
6 property or for any service in connection therewith than the rates, fares, and
7 charges applicable to such carrier refund or remit in any manner or by any device

8 any portion of the rates, fares, or charges so specified except upon order of the
9 courts or of the ~~department~~ *board* as may be now or hereafter by law provided,
10 nor extend to any shipper or person any privilege or facility in the transportation
11 of passengers or property except such as are specified in such schedules.

1 SEC. 72. Section four hundred seventy-nine point sixty-six (479.66), Code
2 1975, is amended to read as follows:

3 **479.66 Power to revise rates.** Whenever there shall be filed with the
4 ~~department~~ *board* any schedule, stating ~~an a individual or joint rate, the~~
5 ~~department shall have power~~ *board may*, either upon complaint or upon its own
6 motion, ~~at immediately once,~~ and, if it so orders, without answer or formal
7 pleadings by the interested common carrier, ~~or carriers, but upon reasonable~~
8 ~~notice, to enter upon a hearing concerning the propriety of such rate.~~

1 SEC. 73. Section four hundred seventy-nine point sixty-seven (479.67), Code
2 1975, is amended to read as follows:

3 **479.67 Suspension of rates.** Pending the hearing and the decision thereon,
4 such rate shall not go into effect; but the period of suspension of such rate shall
5 not extend more than one hundred twenty days beyond the time when such rate
6 would otherwise go into effect; ~~unless the department, in its discretion, extends~~
7 ~~the period of suspension for a further period of not exceeding thirty days.~~

1 SEC. 74. Section four hundred seventy-nine point sixty-eight (479.68), Code
2 1975, is amended to read as follows:

3 **479.68 Decision.** On such hearing the ~~department~~ *board* shall establish the
4 rates, in whole or in part, or other in lieu thereof, which it shall find to be just
5 and reasonable.

1 SEC. 75. Section four hundred seventy-nine point sixty-nine (479.69), Code
2 1975, is amended to read as follows:

3 **479.69 When rates effective.** All such rates not so suspended shall, on the
4 expiration of thirty days from the time of filing the same with the ~~department~~
5 *board* or of such less time as the said ~~department~~ *board* may grant, go into effect
6 and be the established and effective rates, subject to the power of the ~~department~~
7 *board* after a hearing had upon its own motion or upon complaint, as herein
8 provided, to alter or modify the same.

1 SEC. 76. Section four hundred seventy-nine point seventy (479.70), Code 1975,
2 is amended to read as follows:

3 **479.70 Posting and filing of revised schedules.** After such changes have been
4 authorized by the ~~department~~ *board*, copies of the new or revised schedules shall
5 be posted or filed as provided in this chapter within such reasonable time as may
6 be fixed by the ~~department~~ *board*.

1 SEC. 77. Section four hundred seventy-nine point seventy-two (479.72), Code
2 1975, is amended to read as follows:

3 **479.72 Complaint of violation.** When any person ~~in his own behalf, or in~~
4 ~~behalf of a class of persons similarly situated, or a firm, corporation, or~~
5 ~~association, or any mercantile, agricultural, or manufacturing society, or any body~~
6 ~~politic or municipal organization, city, or county~~ shall make complaint to the
7 ~~department~~ *board* that the rate charged or published by any railway ~~company~~
8 *corporation*, ~~or the maximum rates fixed by the department in the schedule of~~
9 ~~rates made by it, or the maximum rate fixed by law, is unreasonably high or~~
10 ~~discriminating, the department shall~~ *board may* investigate the matter, and, if the
11 charge appears to be well founded, ~~fix a day for hold a hearing the same, giving~~
12 the railway ~~company parties~~ notice of the time and place thereof by mail, ~~directed~~
13 ~~to any division superintendent, general or assistant superintendent, general~~
14 ~~manager, president, or secretary of such company, which notice shall contain the~~
15 ~~substance of the complaint, also the person or persons complaining of the hearing.~~

1 SEC. 78. Section four hundred seventy-nine point seventy-three (479.73), Code
2 1975, is amended to read as follows:

3 **479.73 Hearing—evidence.** ~~Upon~~ *At the time of* the hearing the ~~department~~
4 *board* shall receive any evidence and listen to any arguments ~~offered or~~ presented
5 by either party relevant to the matter under investigation, and the burden of
6 proof shall not be upon the person ~~or persons~~ making the complaint; ~~but it~~ *The*
7 *complainant* shall add to the showing made at such hearing whatever information
8 ~~it the complainant~~ may then have, or can obtain from any source, including
9 schedules of rates actually charged by any railway ~~company~~ *corporation* for
10 substantially the same kind of service, in this or any other state. The lowest rates
11 published or charged by any railway ~~company~~ *corporation* for substantially the
12 same kind of service whether in this or another state, shall, at the instance of the
13 person ~~or persons~~ complaining, be accepted as prima-facie evidence of a
14 reasonable rate for the services under investigation; and if the railway ~~company~~
15 *corporation* complained of is operating a line of railroad beyond the state, or has a
16 traffic arrangement with any such railway ~~company~~ *corporation*, the same shall be
17 taken into consideration in determining what is a reasonable rate; if it be
18 operating a line of railway beyond the state, the rate charged or established for
19 substantially a similar or greater service by it in another state shall also be
20 considered. *The board shall establish just and reasonable rates, in whole or in part or*
21 *modified as the board shall determine.*

1 SEC. 79. Section four hundred seventy-nine point ninety-nine (479.99), Code
2 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **479.99 Passenger tickets—redemption.** Every railroad corporation shall
5 redeem in whole or in part any unused passenger ticket at a rate equal to the
6 transportation value of the unused portion. Any redemption shall be made not
7 more than forty-five days from the date of the refund request.

1 SEC. 80. Section four hundred seventy-nine point one hundred three (479.103),
2 Code 1975, is amended to read as follows:

3 **479.103 Coal Bulk commodities in car lots.** Every person, ~~firm, or corporation~~
4 engaged in operating any railroad within the state shall ~~equip the line of its track~~
5 ~~and thereafter maintain thereon~~ in good order, track scales of sufficient capacity
6 to weigh all carloads of ~~coal bulk commodities which the department may specify~~
7 that may be transported over the ~~said~~ railroad, and shall weigh the same at the
8 request of any owner, consignor, or consignee of such commodities, and furnish
9 written certificates of such weights to such owner, consignor, or consignee as
10 ~~hereinafter provided. Such track scales shall be so installed and maintained at all~~
11 ~~division stations along the line of such railroads within the state, and at such~~
12 ~~other stations as the department shall from time to time direct.~~

1 SEC. 81. Section four hundred seventy-nine point one hundred four (479.104),
2 Code 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **479.104 Commodity weighing—disagreement.** If a railroad corporation and
5 the owner, consignor, or consignee of bulk commodities which are specified by
6 the department cannot reach agreement relative to the weighing of such
7 commodities, appeal may be made to the board which shall, after hearing, issue
8 such order as may be equitable to all parties. The order may include, but not be
9 limited to allocation of installation costs and other costs and place and manner of
10 weighing. The board may adopt rules for the administration of this section.

1 SEC. 82. Section four hundred seventy-nine point one hundred five (479.105),
2 Code 1975, is amended to read as follows:

3 **479.105 Weight at destination—fee.** Such ~~coal bulk commodities designated by~~
4 ~~the department~~ shall be weighed at destination upon request of consignee when
5 there are track scales at such point. If not equipped with track scales at such

6 point, then at nearest practicable point enroute where such scales are maintained,
7 and certificate of weight, showing actual gross, tare, and net weights, shall be
8 furnished to consignee and settlement of freight charges based on these weights
9 agreed to by both parties. A reasonable charge of not more than one dollar per ear
10 may be made for such weighing on request.

1 SEC. 83. Section four hundred seventy-nine point one hundred six (479.106),
2 Code 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **479.106 Weighing commodities.** The department may adopt rules
5 establishing standards by which bulk commodities specified by the department
6 shall be weighed. The rules shall include safety standards, accuracy, style and
7 content of applicable forms and certificates to be used for weighing. Certificates
8 of weight shall be furnished to the consignee and settlement of freight charges
9 shall be based upon those weights but weight shall not be warranted for any other
10 commercial purpose unless so stated upon its face. The department may enter
11 into agreements with the department of agriculture for the administration of part
12 or all of this section.

1 SEC. 84. Section four hundred seventy-nine point one hundred sixteen
2 (479.116), Code 1975, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **479.116 Rules.** The board shall prescribe by rule, pursuant to chapter
5 seventeen A (17A) of the Code, such regulations as may be reasonably necessary
6 for the orderly disposition of claims arising from loss or damage to property
7 tendered for transportation.

1 SEC. 85. Chapter four hundred seventy-nine (479), Code 1975, is amended by
2 adding the following new section:

3 **NEW SECTION.** An employee of the railroad division of the department
4 designated by the director of the department may conduct spot inspections of
5 vehicles subject to registration which are owned or operated by a railroad
6 corporation to determine whether the vehicle is used to transport products or
7 property which may be a safety hazard for the operator of the vehicle subject to
8 registration or any other employee of the railroad corporation who is transported
9 in the vehicle.

1 SEC. 86. Section four hundred eighty-one point one (481.1), Code 1975, is
2 amended to read as follows:

3 **481.1 Buildings on railroad lands.** When a disagreement arises between a
4 railroad ~~company~~ corporation and the owner of any building used for receiving,
5 storing, or manufacturing any article of commerce transported or to be
6 transported, situated on the railroad right of way or any land owned or controlled
7 by the railroad ~~company~~ corporation for railroad purposes, as to the terms and
8 conditions on which the same is to be continued thereon or removed therefrom,
9 or when application is made by any person, firm, or corporation for a site on such
10 lands for the erection and maintenance of such improvements, and the railway
11 company and the applicant cannot agree as to whether such improvement shall
12 be placed on such lands, or as to the character and location of the buildings to be
13 erected and maintained thereon, or as to the terms and conditions under which
14 the same may be placed or operated, such railway company, person, firm, or
15 corporation or person may make written application to the department board and
16 such department the board shall, as speedily as possible after the filing of such
17 application, hear and determine such controversy and make such order in relation
18 thereto as shall be just and equitable between the parties, which order shall be
19 enforced in the same manner as other orders of the department board.

1 SEC. 87. Section four hundred eighty-one point three (481.3), Code 1975, as
2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one

3 hundred seventy (170), section thirty (30), is amended to read as follows:

4 **481.3 Spur tracks.** Every railroad *corporation* shall acquire the necessary
5 rights of way for, by condemnation or purchase, and shall construct, connect, and
6 operate and maintain a reasonably adequate and suitable spur track, whenever
7 such spur track does not necessarily exceed three miles in length, and is required
8 for the successful operation of any existing or proposed mill, elevator, storehouse,
9 warehouse, dock, wharf, pier, manufacturing establishment, lumber yard, coal
10 dock, or other industry or enterprise, and its construction and operation is not
11 unusually unsafe and dangerous, and is not unreasonably harmful to public
12 interest. No such track is required to be constructed until, or if hereafter
13 constructed need not be maintained unless, the ~~department~~ *board*, after hearing,
14 shall have declared the same to be necessary.

1 SEC. 88. Section four hundred eighty-one point four (481.4), Code 1975, is
2 amended to read as follows:

3 **481.4 Cost of construction.** Such railroad ~~company~~ *corporation* may require
4 the person ~~or persons, firm, corporation, or association~~ primarily to be served
5 thereby to pay the legitimate cost and expense of acquiring, by condemnation or
6 purchase, the necessary right of way for such spur track and of constructing the
7 same as shall be determined in separate items by the department. Except as
8 provided in section 481.5 ~~provided~~, the total ~~estimated~~ cost thereof as ascertained
9 by said department shall be deposited with the railroad ~~company~~ *corporation*
10 before it shall be required to incur any expense ~~whatsoever therefor~~. *If an*
11 *agreement cannot be reached, the question shall be referred to the board which may*
12 *after hearing issue an order.*

1 SEC. 89. Section four hundred eighty-one point nine (481.9), Code 1975, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. "Board" means the transportation regulation board.

1 SEC. 90. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two
2 hundred thirty-one (231), section one (1), is amended to read as follows:

3 Section 1. NEW SECTION. **Railroad assistance fund established.** There is
4 established a railroad assistance fund in the office of the treasurer of state.
5 Moneys in this fund shall be expended for providing assistance to railroads for
6 ~~the upgrading railroad roadbeds, track, track structure, and other appurtenances~~
7 ~~of railroad right-of-way of railroad branch lines restoration, conservation, and~~
8 ~~improvement of railroad branch lines.~~ Any unencumbered funds appropriated
9 pursuant to Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one
10 thousand one hundred thirteen (1113), section thirteen (13), or other funds
11 appropriated by the general assembly for branch line railroad assistance shall be
12 deposited in the railroad assistance fund. Any moneys received by ~~the energy~~
13 ~~policy council~~ or the state department of transportation by agreements, grants,
14 gifts, or other means from individuals, companies or other business entities, or
15 ~~political subdivisions of the state cities and counties~~ for the purposes set forth for
16 the fund established pursuant to this section shall be credited to the railroad
17 assistance fund.

1 SEC. 91. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two
2 hundred thirty-one (231), section two (2), is amended to read as follows:

3 Sec. 2. NEW SECTION. **Assistance agreements.** The ~~energy policy council~~
4 ~~and, after the transfer of its duties pursuant to section seven (7) of this Act the~~
5 director of *the department of* transportation with the approval of the state
6 transportation commission, may enter into agreements with railroads, the United
7 States government, ~~individuals, companies or other business entities~~ *persons*, or
8 ~~political subdivisions of the state cities, counties, or railroad districts~~ for carrying
9 out the purposes of this Act. Agreements entered into between the ~~energy policy~~
10 ~~council~~ or the director of *the department of* transportation and railroad ~~companies~~
11 *corporations* pursuant to this section may require payment by the railroad

12 corporation of a portion of increased revenue derived from the improved branch
 13 line into the railroad assistance fund. *The board of supervisors of a county may*
 14 *enter into an agreement with the state department of transportation to receive a*
 15 *portion of the payments made by a railroad corporation to the railroad assistance fund*
 16 *pursuant to this section. The amount received by a county shall not exceed the amount*
 17 *appropriated to the railroad assistance fund by the county pursuant to Acts of the*
 18 *Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-one (231),*
 19 *section five (5).*

1 SEC. 92. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two
 2 hundred thirty-one (231), section three (3), is amended to read as follows:

3 Sec. 3. NEW SECTION. **Federal funds.** ~~The energy policy council and the~~
 4 ~~state department of transportation commission~~ may accept federal funds to carry
 5 out the provisions of this Act. All federal funds received under the provisions of
 6 this Act are appropriated for the purposes set forth in the federal grants.

1 SEC. 93. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two
 2 hundred thirty-one (231), section four (4), is amended to read as follows:

3 Sec. 4. NEW SECTION. **Railroad accounts.** Agreements between the railroad
 4 ~~companies corporations and and the energy policy council~~ or the state department
 5 of transportation which do not require payment of a portion of the increased
 6 revenue derived from the improved branch line railroad to be paid by the railroad
 7 to the railroad assistance fund shall require that the railroad establish and
 8 maintain a separate railroad ~~company corporation~~ fund to which a specified
 9 portion of the increase in revenue derived from the improved railroad branch line
 10 shall be credited and that these funds shall be used by the railroad for
 11 improvement of ~~branch line railroad roadbed, track, track structure, and other~~
 12 ~~appurtenances, restoration, or conservation of railroad right-of-way railroad branch~~
 13 ~~lines~~ within the state. The terms and conditions governing the use of moneys in
 14 the special railroad ~~company corporation~~ fund shall be stipulated in the
 15 agreement. The agreement shall also stipulate a penalty for use of the funds in a
 16 manner other than as set forth in the agreement.

1 SEC. 94. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two
 2 hundred thirty-one (231), section five (5), is amended to read as follows:

3 Sec. 5. NEW SECTION. **County funds.** The board of supervisors of a county
 4 may with the approval of the ~~energy policy council, and after the transfer of its~~
 5 ~~duties pursuant to section seven (7) of this Act, with the approval of the director~~
 6 ~~state department of transportation, appropriate funds from the county general~~
 7 ~~fund to the railroad assistance fund. The county may, according to the provisions of~~
 8 ~~section ninety-one (91) of this Act, receive a partial or total reimbursement for this~~
 9 ~~appropriation. The money shall be used in accordance with this Act only for~~
 10 ~~upgrading railroad property conservation, restoration, or improvement of railroad~~
 11 ~~branch lines~~ within the county providing the funds. In any year the amount of
 12 money transferred to the railroad assistance fund by a county shall not exceed the
 13 amount of property taxes levied against the railroad property within the county.

1 SEC. 95. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two
 2 hundred thirty-one (231), section six (6), is amended to read as follows:

3 Sec. 6. NEW SECTION. **No reversion of funds.** Moneys deposited in the
 4 railroad assistance fund shall not be subject to sections eight point thirty-three
 5 (8.33) and eight point thirty-nine (8.39) of the Code. *However, moneys credited to*
 6 *the fund by a city, county, or railroad district which are unexpended or unobligated*
 7 *following the expiration of an agreement shall be paid back to the city, county, or*
 8 *railroad district.*

1 SEC. 96. Section three hundred seven point twenty-six (307.26), subsection
 2 three (3), Code 1975, is amended by striking paragraph c.

1 SEC. 97. Chapter four hundred eighty (480), Code 1975, is repealed.

1 SEC. 98. Sections three hundred sixty-four point ten (364.10), as amended by
2 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty-seven (67),
3 section thirty-nine (39), four hundred seventy-four point thirteen (474.13), as
4 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
5 hundred seventy (170), section four (4), four hundred seventy-four point twenty-
6 four (474.24), four hundred seventy-four point forty-nine (474.49), four hundred
7 seventy-four point fifty-three (474.53), four hundred seventy-seven point fourteen
8 (477.14), four hundred seventy-seven point thirty-seven (477.37), as amended by
9 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred
10 seventy (170), section six (6)*, four hundred seventy-seven point thirty-eight
11 (477.38), four hundred seventy-seven point thirty-nine (477.39), four hundred
12 seventy-seven point forty (477.40), four hundred seventy-seven point forty-one
13 (477.41), four hundred seventy-seven point fifty-eight (477.58), four hundred
14 seventy-seven point fifty-nine (477.59), four hundred seventy-seven point sixty
15 (477.60), four hundred seventy-eight point twenty-six (478.26)**, four hundred
16 seventy-nine point seven (479.7), four hundred seventy-nine point nineteen
17 (479.19), four hundred seventy-nine point twenty-two (479.22), as amended by
18 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred
19 seventy (170), section twenty-four (24), four hundred seventy-nine point twenty-
20 three (479.23), as amended by Acts of the Sixty-sixth General Assembly, 1975
21 Session, chapter one hundred seventy (170), section twenty-five (25), four hundred
22 seventy-nine point twenty-four (479.24), four hundred seventy-nine point twenty-
23 five (479.25), as amended by Acts of the Sixty-sixth General Assembly, 1975
24 Session, chapter one hundred seventy (170), section twenty-six (26), four hundred
25 seventy-nine point twenty-six (479.26), four hundred seventy-nine point twenty-
26 seven (479.27), four hundred seventy-nine point twenty-eight (479.28), four
27 hundred seventy-nine point thirty-three (479.33), four hundred seventy-nine point
28 thirty-six (479.36), four hundred seventy-nine point thirty-eight (479.38), four
29 hundred seventy-nine point thirty-nine (479.39), four hundred seventy-nine point
30 forty (479.40), four hundred seventy-nine point forty-one (479.41), four hundred
31 seventy-nine point forty-two (479.42), four hundred seventy-nine point forty-three
32 (479.43), four hundred seventy-nine point forty-four (479.44); four hundred
33 seventy-nine point forty-seven (479.47), four hundred seventy-nine point forty-
34 eight (479.48), four hundred seventy-nine point fifty-one (479.51), four hundred
35 seventy-nine point fifty-three (479.53), four hundred seventy-nine point fifty-four
36 (479.54), four hundred seventy-nine point fifty-nine (479.59), four hundred
37 seventy-nine point seventy-one (479.71), four hundred seventy-nine point seventy-
38 four (479.74), four hundred seventy-nine point one hundred (479.100), four
39 hundred seventy-nine point one hundred nine (479.109), four hundred seventy-
40 nine point one hundred ten (479.110), four hundred seventy-nine point one
41 hundred eleven (479.111), four hundred seventy-nine point one hundred twelve
42 (479.112), four hundred seventy-nine point one hundred thirteen (479.113), four
43 hundred seventy-nine point one hundred fourteen (479.114), four hundred
44 seventy-nine point one hundred fifteen (479.115), four hundred seventy-nine point
45 one hundred seventeen (479.117), four hundred seventy-nine point one hundred
46 eighteen (479.118), four hundred seventy-nine point one hundred twenty-one
47 (479.121), four hundred seventy-nine point one hundred twenty-seven (479.127),
48 Code 1975, are repealed.

Approved June 28, 1976

*Section 10 probably intended

**Amended by 66 G.A., Chapter 232, §4

CHAPTER 1165

VEHICLES AND OPERATION THEREOF

H. F. 1332

AN ACT relating to vehicles and the operation of vehicles including vehicle registration, issuance and suspension of operators' licenses, temporary driver permits and instruction permits, vehicle lighting and miscellaneous equipment, operating and passenger rules, imposition of penalties related to equipment and operating and passenger rules, the transfer of motor vehicle certification, and the correction of erroneous, inconsistent and obsolete sections of chapter three hundred twenty-one (321) of the Code referring to duties and operations of the state department of transportation and providing for a motorized bicycle license and specifying the operation requirements for a motorized bicycle.

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

1 SECTION 1. Chapter three hundred eight A (308A), Code 1975, is amended by
2 adding the following new section:

3 NEW SECTION. Bikeways and walkways approved as either incidental features
4 of highway construction projects primarily for motor vehicular traffic or as an
5 independent bikeway or walkway construction project constructed pursuant to
6 the Highway Act of 1973, 23 U.S.C. 217, shall not be constructed as elevated
7 structures joining private buildings or so constructed to provide elevated access or
8 egress facilities to private buildings.

1 SEC. 2. Chapter three hundred twenty-one (321), Code 1975, as amended by
2 Acts of the Sixty-sixth General Assembly, 1975 and 1976 Sessions, is amended by
3 adding the following new section:

4 NEW SECTION. **Motorized bicycle license.**

5 1. The department may issue a motorized bicycle license to any person fourteen
6 years of age or older who has passed the approved driver education course
7 required for applicants for such license. A motorized bicycle license shall entitle
8 the licensee to operate a motorized bicycle while having the license in immediate
9 possession on the highways of the state for a period of two years.

10 2. A motorized bicycle license shall be canceled upon a conviction for a
11 moving traffic violation and reapplication may be made thirty days after the date
12 of cancellation. The cancellation of the license upon conviction for a moving
13 traffic violation shall not result in requiring the applicant to maintain proof of
14 financial responsibility under section three hundred twenty-one A point seventeen
15 (321A.17), of the Code, unless the conviction would otherwise result in a
16 suspension or revocation of a person's operator's license.

17 3. As used in this section, "moving traffic violation" does not include any
18 violation of any section of the Code or any municipal ordinance pertaining to the
19 standards to be maintained for motor vehicle equipment except sections three
20 hundred twenty-one point four hundred thirty (321.430) and three hundred
21 twenty-one point four hundred thirty-one (321.431) of the Code, or any municipal
22 ordinance pertaining to motor vehicle brake requirements as applicable to
23 motorized bicycles.

24 4. A motorized bicycle license is not required to operate a motorized bicycle if
25 possessed of an operator's or chauffeur's license.

26 5. A motorized bicycle license shall terminate upon issuance to the licensee of
27 an operator's or chauffeur's license valid for operation of motorcycles. A valid
28 motorized bicycle license shall be returned to the department prior to issuance of
29 an operator's or chauffeur's license valid for operation of motorcycles.

1 SEC. 3. Section three hundred twenty-one point one (321.1), subsection
2 seventy-two (72), Code 1975, is amended to read as follows:

3 72. A "special truck" means a motor truck not used for hire with a gross weight
4 registration of eight through ~~twelve~~ *eighteen* tons, ~~inclusive~~, used by a person
5 engaged in farming to transport commodities produced only by the owner, or to
6 transport commodities purchased by the owner for use in his own farming
7 operation *or occasional use for charitable purposes*.

1 SEC. 4. Section three hundred twenty-one point one (321.1), Code 1975, as
2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapters
3 sixty-seven (67) and one hundred seventy (170), is amended by adding the
4 following new subsections:

5 NEW SUBSECTION. "Motorized bicycle" or "motor bicycle" means a two-
6 wheeled motor vehicle with an engine having a displacement no greater than fifty
7 cubic centimeters as fixed by the department and not capable of operation at a
8 speed in excess of twenty-five miles per hour on level ground unassisted by
9 human power.

10 NEW SUBSECTION. "Fifth-wheel travel trailer" means a type of travel trailer
11 which is towed by a pickup by a connecting device known as a fifth wheel.
12 However, this type of travel trailer may have an overall length which shall not
13 exceed forty feet.

1 SEC. 5. Section three hundred twenty-one point one (321.1), subsection three
2 (3), Code 1975, is amended to read as follows:

3 3. "Motorcycle" means every motor vehicle having a saddle or seat for the use
4 of the rider and designed to travel on not more than three wheels in contact with
5 the ground including a motor scooter ~~and a bicycle with motor attached~~ but
6 excluding a tractor *and a motorized bicycle*.

1 SEC. 6. Section three hundred twenty-one point four (321.4), Code 1975, is
2 amended to read as follows:

3 **321.4 Rules.** The ~~director~~ *commission* is ~~hereby~~ authorized to adopt and
4 ~~enforce such departmental promulgate administrative~~ rules governing ~~procedure~~
5 ~~procedures~~ as may be necessary to carry out the provisions of this chapter; ~~also~~
6 ~~and~~ to carry out any other laws the enforcement of which is vested in the
7 department.

1 SEC. 7. Section three hundred twenty-one point thirty-four (321.34),
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 The county treasurer upon receiving application, accompanied by proper fee,
4 for registration of a vehicle shall issue to the owner one registration plate for a
5 motorcycle, *motorized bicycle*, truck tractor, trailer, or semitrailer and two
6 registration plates for every other motor vehicle.

1 SEC. 8. Section three hundred twenty-one point thirty-seven (321.37),
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 Registration plates issued for a motor vehicle other than a motorcycle,
4 *motorized bicycle* or a truck tractor shall be attached thereto, one in the front and
5 the other in the rear. The registration plate issued for a motorcycle or other
6 vehicle required to be registered hereunder shall be attached to the rear thereof.
7 The registration plate issued for a truck tractor shall be attached to the front
8 thereof.

1 SEC. 9. Section three hundred twenty-one point forty-four (321.44), Code
2 1975, is amended to read as follows:

3 **321.44 Regulations governing change of motors.** The director is authorized to
4 ~~adopt and~~ enforce such ~~registration~~ rules ~~and regulations~~ *governing registration* as
5 may be deemed necessary *by the commission* and compatible with the public
6 interest with respect to the change or substitution of one engine in place of
7 another in any motor vehicle.

1 SEC. 10. Section three hundred twenty-one point forty-six (321.46),
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 The purchaser or transferee shall immediately apply for and obtain from the
4 county treasurer of his residence a transfer of registration and a new certificate of
5 title for such vehicle except as provided in section 321.48. The purchaser or
6 transferee shall present with the application the certificate of title endorsed and
7 assigned by the previous owner and the signed registration card. *The purchaser or*
8 *the transferee shall not be required to list a social security number as part of the*
9 *application for a registration transfer and a new title.*

1 SEC. 11. Section three hundred twenty-one point fifty-one (321.51), subsection
2 six (6), Code 1975, is amended to read as follows:

3 6. No vehicle sold or otherwise transferred pursuant to the provisions of this
4 section shall be driven upon the highway until a valid official certificate of
5 inspection has been affixed thereto and an unrestricted certificate of title, a
6 registration card, and registration plates for the vehicle have been issued to the
7 purchaser or transferee, except as set out in section 321.98. *However, upon receipt*
8 *of an affidavit signed by the owner of the vehicle stating that the vehicle is reasonably*
9 *safe for operation, an inspection station may issue a permit authorizing the owner to*
10 *operate the vehicle to and from a specific inspection station. The affidavit and permit*
11 *mentioned in this section shall be on forms prescribed and furnished by the department*
12 *which shall forward these forms to each county treasurer where they shall be made*
13 *available upon request, such permit shall be valid for forty-eight hours after issuance*
14 *by inspection station.*

1 SEC. 12. Section three hundred twenty-one point one hundred seventeen
2 (321.117), Code 1975, as amended by Acts of the Sixty-sixth General Assembly,
3 1975 Session, chapter one hundred seventy-one (171), section eleven (11), is
4 amended to read as follows:

5 **321.117 Motorcycle and hearse fees.** For all motorcycles the annual fee shall
6 be ten dollars. *For all motorized bicycles the annual fee shall be five dollars.* When
7 said motorcycle has been registered five times, the annual registration fee shall be
8 five dollars. The annual registration fee for hearses shall be fifty dollars.
9 Passenger car plates shall be issued for hearses.

1 SEC. 13. Section three hundred twenty-one point one hundred twenty-one
2 (321.121), Code 1975, is amended to read as follows:

3 **321.121 Special trucks for farm use.** The registration fee for a special truck
4 shall be one hundred dollars for a gross weight of eight, ~~nine, or ten~~ tons, ~~and one~~
5 ~~hundred fifty dollars for a gross weight of eleven or twelve tons and in addition,~~
6 *fifteen dollars for each ton over eight tons.* Any person convicted of using a truck
7 registered as a special truck for any purpose other than permitted by section
8 321.1, subsection 72, shall, in addition to any other penalty imposed by law, be
9 required to pay regular motor truck registration fees upon such truck. A
10 distinctive decal shall be applied to the special truck registration plate for easy
11 identification.

1 SEC. 14. Section three hundred twenty-one point one hundred twenty-three
2 (321.123), subsection three (3), unlettered paragraph two (2), Code 1975, is
3 amended to read as follows:

4 Travel trailers *and fifth-wheel travel trailers, regardless of whether or not they*
5 ~~are used on the highways,~~ except those in manufacturer's or dealer's stock, an
6 annual fee of twenty cents per square foot of floor space computed on the
7 exterior overall measurements, but excluding three feet occupied by any trailer
8 hitch as provided by and certified to by the owner, to the nearest whole dollar,
9 which amount shall not be prorated or refunded; except the annual fee for travel
10 trailers *of any type,* when registered in Iowa for the first time, shall be prorated on
11 a monthly basis. The registrant of a travel trailer *of any type* shall be issued a
12 "travel trailer" plate. It is further provided the annual fee thus computed shall be
13 limited to seventy-five percent of the full fee after the sixth registration.

1 SEC. 15. Section three hundred twenty-one point one hundred twenty-six
2 (321.126), subsection five (5), unnumbered paragraph one (1), Code 1975, is
3 amended to read as follows:

4 If the motor vehicle is ~~licensed~~ *registered* by the county treasurer during the
5 registration year and the owner or lessee registers the vehicle for prorata under
6 chapter 326, the owner of the registered vehicle shall surrender the registration
7 plates to the county treasurer and may file a claim for refund.

1 SEC. 16. Section three hundred twenty-one point one hundred thirty-four
2 (321.134), unnumbered paragraph one (1), Code 1975, is amended to read as
3 follows:

4 On February ~~+~~ *first* of each year, a penalty of five percent of the annual
5 registration fee shall be added to all fees not paid by that date, and five percent
6 of the annual registration fee shall be added to such fees on the first of each
7 month thereafter that the same remains unpaid, until paid, provided that ~~said the~~ *the*
8 penalty in no case shall be less than one dollar, and provided that the owner of a
9 vehicle who, before February ~~+~~ *first* of any year, surrenders all registration plates
10 for ~~said that~~ *said* vehicle to the county treasurer of the county in which ~~said the~~ *the* plates
11 are of record, shall have the right to register ~~said the~~ *said* vehicle at any later period of
12 ~~said that~~ *said* year by paying the full yearly registration fee without ~~said~~ *said* penalty.
13 Provided, however, that the annual registration fee for trucks, truck tractors, road
14 tractors, trailers and semitrailers, as provided in sections 321.120 to 321.123,
15 inclusive, when said annual registration fee is in excess of seventy dollars, may be
16 payable in two equal semiannual installments *except that semiannual installments*
17 *shall not apply to commercial vehicles subject to proportional registration with a base*
18 *state other than the state of Iowa as defined in section three hundred twenty-six point*
19 *two (326.2), subsection six (6), of the Code.*

1 SEC. 17. Section three hundred twenty-one point one hundred seventy-six
2 (321.176), subsection one (1), Code 1975, is amended to read as follows:

3 1. Any person while operating a *military* motor vehicle in the service of the
4 ~~army, navy, or marine corps~~ *armed forces* of the United States.

1 SEC. 18. Section three hundred twenty-one point one hundred seventy-seven
2 (321.177), subsection one (1), Code 1975, is amended to read as follows:

3 1. To any person, as an operator, who is under the age of sixteen years;
4 provided that, effective August 1, 1966, the department shall not issue a license to
5 any person, as an operator, who is under the age of seventeen years and effective
6 August 1, 1967, the department shall not issue a license to any person, as an
7 operator, who is under the age of eighteen years, without his first having
8 successfully completed an approved driver education course, in which case, the
9 minimum age shall be sixteen years. However, the department may issue a
10 restricted license as provided in section 321.194, or an instruction permit as
11 provided in section 321.180, to any person who is at least fourteen years of age.
12 *The department may issue a license restricted only for use for motorized bicycles as*
13 *provided in this Act, to any person fourteen years of age or older who has successfully*
14 *completed an approved driver's education course established by the department of*
15 *public instruction to acquaint the motorized bicycle operator with the rules of the*
16 *road.*

1 SEC. 19. Section three hundred twenty-one point one hundred seventy-eight
2 (321.178), subsection one (1), unnumbered paragraph three (3), Code 1975, is
3 amended to read as follows:

4 "Student," for purposes of this section, ~~shall mean~~ *means* any person between
5 the ages of fifteen years and twenty-one years who resides in the public school
6 district and who satisfies the preliminary licensing requirements of the department
7 *or any person between fourteen and twenty-one years of age who resides in the public*

8 school district, who satisfies the preliminary licensing requirements of the department
9 for operation of a motorized bicycle and who is enrolled in an approved driver
10 education course for the purpose of qualifying for a motorized bicycle license as
11 provided for in this Act.

1 SEC. 20. Section three hundred twenty-one point one hundred seventy-eight
2 (321.178), Code 1975, as amended by Acts of the Sixty-sixth General Assembly,
3 1975 Session, chapter seventy-nine (79), section fifteen (15), is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. An individual applying for a motorized bicycle license shall
6 take the approved driver education course without meeting the highway driving
7 experience requirement.

1 SEC. 21. Section three hundred twenty-one point one hundred eighty-one
2 (321.181), Code 1975, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. A person issued a temporary driver's permit whose permit
4 is canceled upon conviction for a moving traffic violation may be issued by the
5 department upon a showing of need by the permittee a restricted temporary
6 driver's permit authorizing the permittee to drive from the permittee's residence to
7 designated locations such as the permittee's place of employment during the
8 cancellation period. The temporary restricted driver's permit shall be canceled
9 upon violation of the restrictions of the permit or for conviction of a moving
10 traffic violation and application for a temporary driver's permit or restricted
11 temporary driver's permit may not be made within a time period fixed by the
12 department but not to exceed ninety days.

1 SEC. 22. Section three hundred twenty-one point one hundred eighty-two
2 (321.182), Code 1975, is amended to read as follows:

3 **321.182 Application for license or permit.** Every application for an
4 instruction permit ~~or for~~, an operator's or chauffeur's license ~~or~~, a temporary
5 driver's permit or a motorized bicycle license shall be made upon a form furnished
6 by the department and shall be verified by the applicant before a person
7 authorized to administer oaths, and officers and employees of the department are
8 hereby authorized to administer such oaths without charge. The applicant shall
9 write his usual signature with pen and ink upon the application in the space
10 provided for signature.

1 SEC. 23. Section three hundred twenty-one point one hundred eighty-four
2 (321.184), Code 1975, is amended to read as follows:

3 **321.184 Applications of unmarried minors.** The application of any *unmarried*
4 person under the age of eighteen years for an instruction permit, operator's
5 license, *motorized bicycle license*, or permit issued under section 321.194 shall
6 contain the verified consent and confirmation of applicant's birthday by ~~both the~~
7 ~~father and mother either parent of the applicant, or the parent having custody in~~
8 ~~the event of the legal separation or the death of one parent~~; if neither parent is
9 living, the guardian or other person having custody; or the employer; of such
10 minor may consent. Officers and employees of the department are hereby
11 authorized to administer such oaths without charge.

1 SEC. 24. Section three hundred twenty-one point one hundred eighty-six
2 (321.186), Code 1975, is amended to read as follows:

3 **321.186 Examination of new or incompetent operators.** The department may
4 examine every new applicant for an operator's, *motorized bicycle* or chauffeur's
5 license or any person holding a valid operator's, *motorized bicycle* or chauffeur's
6 license when the department has reason to believe that such person may be
7 physically or mentally incompetent to operate a motor vehicle, or whose driving
8 record appears to the department to justify such an examination. Such
9 examinations shall be held in every county within periods not to exceed fifteen
10 days. It shall include a test of the applicant's eyesight, his ability to read and

11 understand highway signs regulating, warning, and directing traffic, his
 12 knowledge of the traffic laws of this state, and shall include an actual
 13 demonstration of ability to exercise ordinary and reasonable control in the
 14 operation of a motor vehicle and such further physical and mental examinations
 15 as the department finds necessary to determine the applicant's fitness to operate a
 16 motor vehicle safely upon the highways.

1 SEC. 25. Section three hundred twenty-one point one hundred eighty-seven
 2 (321.187), Code 1975, is amended to read as follows:

3 **321.187 Appointment of examiners.** The department is hereby authorized to
 4 appoint persons from the members of the department or may designate the
 5 county sheriff for the purpose of examining applicants for operators', *motorized*
 6 *bicycle* and chauffeurs' licenses. It shall be the duty of any such person so
 7 appointed to conduct examinations of applicants for operators', *motorized bicycle*
 8 and chauffeurs' licenses under the provisions of this chapter to make a written
 9 report of findings and recommendations upon such examination to the
 10 department. Examiners appointed by the department when on duty shall wear a
 11 proper identifying badge or badges as prescribed by the director which shall be
 12 purchased by the department ~~and paid for from the department maintenance~~
 13 ~~fund.~~

1 SEC. 26. Section three hundred twenty-one point one hundred eighty-nine
 2 (321.189), Code 1975, is amended to read as follows:

3 **321.189 Licenses issued.** The department shall upon payment of the required
 4 fee, issue to every applicant qualifying therefor an operator's, *motorized bicycle* or
 5 chauffeur's license as applied for, which license shall bear thereon a distinguishing
 6 number assigned to the licensee, the full name, date of birth, occupation, sex,
 7 residence address, a brief description of the licensee, and the usual signature of
 8 the licensee. No license shall be valid unless it bears the signature of the licensee.
 9 *The distinguishing number assigned to a licensee shall not be the licensee's social*
 10 *security number.*

1 SEC. 27. Section three hundred twenty-one point one hundred ninety
 2 (321.190), Code 1975, is amended to read as follows:

3 **321.190 Carried and exhibited.** Every licensee shall have his operator's or
 4 chauffeur's, *or motorized bicycle* license in his immediate possession at all times
 5 when operating a motor vehicle and shall display the same, upon demand of a
 6 judicial magistrate or district associate judge, a peace officer, or a field deputy or
 7 examiner of the department. However, no person charged with violating this
 8 section shall be convicted if he produces in court, within a reasonable time, an
 9 operator's or chauffeur's *or motorized bicycle* license ~~theretofore~~ issued to him and
 10 valid at the time of his arrest.

1 SEC. 28. Section three hundred twenty-one point one hundred ninety-one
 2 (321.191), unnumbered paragraph one (1), Code 1975, is amended to read as
 3 follows:

4 The fee for an operator's license shall be five dollars if issued for a period of
 5 two years, and ten dollars if issued for a period of four years. The fee for a
 6 chauffeur's license shall be ten dollars if issued for a period of two years, and
 7 twenty dollars if issued for a period of four years. The fee for an instruction
 8 permit shall be three dollars ~~and~~, for a temporary driver's permit, five dollars *and*
 9 *for a motorized bicycle license, five dollars.*

1 SEC. 29. Section three hundred twenty-one point one hundred ninety-two
 2 (321.192), Code 1975, is amended to read as follows:

3 **321.192 Disposal of fees.** Such license fees shall be forwarded by the
 4 department to the treasurer of state who shall place same in the general fund of
 5 the state, provided that for each operator's *and motorized bicycle* license issued by
 6 a county sheriff for which a license fee is paid, the sheriff issuing the same shall

7 be entitled to retain the sum of fifteen cents and for each chauffeur's license, the
8 sum of fifty cents, which shall be credited to the county general fund.

1 SEC. 30. Section three hundred twenty-one point one hundred ninety-three
2 (321.193), unnumbered paragraph one (1), Code 1975, is amended to read as
3 follows:

4 When provided in rules adopted pursuant to chapter 17A, the department upon
5 issuing an operator's or chauffeur's license *or motorized bicycle license* shall have
6 authority whenever good cause appears to impose restrictions suitable to the
7 licensee's driving ability with respect to the type of vehicle or special mechanical
8 control devices required on a motor vehicle which the licensee may operate or
9 such other restrictions applicable to the licensee, including licenses issued under
10 section 321.194, as the department may determine to be appropriate to assure the
11 safe operation of a motor vehicle by the licensee. *The department shall not require*
12 *a person issued a valid operator's or chauffeur's license to comply with any other*
13 *licensing requirements in order to operate a motorized bicycle.*

1 SEC. 31. Section three hundred twenty-one point one hundred ninety-five
2 (321.195), Code 1975, is amended to read as follows:

3 **321.195 Duplicate certificates.** In the event that an instruction permit ~~or~~,
4 operator's or chauffeur's license, *motorized bicycle license* or extension certificate
5 issued under the provisions of this chapter is lost or destroyed, the person to
6 whom the same was issued may upon payment of a fee of two dollars for an
7 operator's or chauffeur's license, ~~or~~ extension certificate *or motorized bicycle*
8 *license*, obtain a duplicate, or substitute thereof, upon furnishing proof
9 satisfactory to the department that such permit, license, or extension certificate
10 has been lost or destroyed.

1 SEC. 32. Section three hundred twenty-one point two hundred one (321.201),
2 Code 1975, is amended by adding the following new unlettered paragraph:

3 NEW UNLETTERED PARAGRAPH. The provisions applicable in sections three
4 hundred twenty-one point two hundred one (321.201) through three hundred
5 twenty-one point two hundred fifteen (321.215) of the Code relating to
6 cancellation, suspension or revocation of an operator's or chauffeur's license are
7 also applicable to motorized bicycle licenses and licensees holding motorized
8 bicycle licenses.

1 SEC. 33. Section three hundred twenty-one point two hundred eleven
2 (321.211), Code 1975, is amended to read as follows:

3 **321.211 Notice and hearing.** Upon suspending the license of any person as
4 hereinbefore authorized the department shall immediately notify the licensee in
5 writing and upon his request shall afford him an opportunity for a hearing before
6 the director or his duly authorized agent as early as practical within not to exceed
7 ~~twenty~~ *thirty* days after receipt of such request in the county wherein the licensee
8 resides unless the department and the licensee agree that such hearing may be
9 held in some other county. Upon such hearing the director or his duly authorized
10 agent may administer oaths and may issue subpoenas for the attendance of
11 witnesses and the production of relevant books and papers and may require a re-
12 examination of the licensee. Upon such hearing the department shall either
13 rescind its order of suspension or, *for good cause appearing therefor*, may extend
14 the suspension of such license or revoke such license.

1 SEC. 34. Section three hundred twenty-one point two hundred sixteen
2 (321.216), Code 1975, is amended to read as follows:

3 **321.216 Unlawful use of license.** It is a misdemeanor, punishable as provided
4 in section 321.482 unless another punishment is otherwise provided, for any
5 person:

6 1. To display or cause or permit to be displayed or have in his possession any
7 canceled, revoked, suspended, fictitious or fraudulently altered temporary driver's

8 permit, temporary instruction permit, *motorized bicycle license*, operator's license,
9 or chauffeur's license.

10 2. To lend his temporary driver's permit, temporary instruction permit,
11 *motorized bicycle license*, operator's license, or chauffeur's license to any other
12 person or knowingly permit the use thereof by another.

13 3. To display or represent as one's own any temporary driver's permit,
14 temporary instruction permit, *motorized bicycle license*, operator's license, or
15 chauffeur's license not issued to him.

16 4. To fail or refuse to surrender to the department upon its lawful demand any
17 temporary driver's permit, temporary instruction permit, *motorized bicycle license*,
18 operator's license, or chauffeur's license which has been suspended, revoked, or
19 canceled.

20 5. To use a false or fictitious name in any application for a temporary driver's
21 permit, temporary instruction permit, *motorized bicycle license*, operator's license,
22 or chauffeur's license or to knowingly make a false statement or to knowingly
23 conceal a material fact or otherwise commit a fraud in any such application.

24 6. To permit any unlawful use of a temporary driver's permit, temporary
25 instruction permit, *motorized bicycle license*, operator's license, or chauffeur's
26 license issued to him.

1 SEC. 35. Section three hundred twenty-one point two hundred eighteen
2 (321.218), Code 1975, is amended by adding the following new unlettered
3 paragraph:

4 **NEW UNLETTERED PARAGRAPH.** Any person operating a motorized bicycle on
5 the highways of the state not possessed of an operator's or chauffeur's license
6 valid for operation of motorcycles or a valid motorized bicycle license, shall, upon
7 conviction, be guilty of a misdemeanor and punished by a fine of not less than
8 five nor more than fifty dollars.

1 SEC. 36. Section three hundred twenty-one point two hundred thirty-one
2 (321.231), Code 1975, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **321.231 Authorized emergency vehicles.**

5 1. The driver of an authorized emergency vehicle, when responding to an
6 emergency call or when in the pursuit of an actual or suspected perpetrator of a
7 felony or in response to an incident dangerous to the public or when responding
8 to but not upon returning from a fire alarm, may exercise the privileges set forth
9 in this section.

10 2. The driver of any authorized emergency vehicle, may:

11 a. Park or stand an authorized emergency vehicle, irrespective of the provisions
12 of this chapter.

13 b. Disregard laws or regulations governing direction of movement for the
14 minimum distance necessary before an alternative route that conform to the
15 traffic laws and regulations is available.

16 3. The driver of a fire department vehicle, police vehicle or ambulance may:

17 a. Proceed past a red or stop signal or stop sign, but only after slowing down as
18 may be necessary for safe operation.

19 b. Exceed the maximum speed limits so long as the driver does not endanger
20 life or property.

21 4. The exemptions granted to an authorized emergency vehicle under
22 subsection two (2) of this section and for a fire department vehicle, police vehicle
23 or ambulance as provided in subsection three (3) of this section shall apply only
24 when such vehicle is making use of an audible signaling device meeting the
25 requirements of section three hundred twenty-one point four hundred thirty-three
26 (321.433) of the Code, or a visual signaling device approved by the department
27 except that use of an audible or visual signaling device shall not be required when
28 exercising the exemption granted under subsection three (3), paragraph b of this
29 section when the vehicle is operated by a peace officer, pursuing a suspected

30 violator of the speed restrictions imposed by or pursuant to this chapter, for the
31 purpose of determining the speed of travel of such suspected violator.

32 5. The foregoing provisions shall not relieve the driver of an authorized
33 emergency vehicle from the duty to drive with due regard for the safety of all
34 persons, nor shall such provisions protect the driver from the consequences of his
35 reckless disregard for the safety of others.

1 SEC. 37. Sections three hundred twenty-one point two hundred thirty-two
2 (321.232) and three hundred twenty-one point two hundred ninety-six (321.296),
3 Code 1975, are repealed.

1 SEC. 38. Section three hundred twenty-one point two hundred thirty-eight
2 (321.238), subsection one (1), Code 1975, is amended to read as follows:

3 1. The director may grant permits for the operation of vehicle inspection
4 stations authorized to issue official certificates of inspection of vehicles. The
5 ~~director~~ *commission* may adopt such rules ~~and regulations~~, subject to the
6 provisions of chapter 17A, as shall be necessary for the efficient operation and
7 maintenance of vehicle inspection stations.

1 SEC. 39. Section three hundred twenty-one point two hundred thirty-eight
2 (321.238), subsection twelve (12), Code 1975, as amended by Acts of the Sixty-
3 sixth General Assembly, 1975 Session, chapter one hundred seventy-nine (179),
4 section one (1), is amended to read as follows:

5 12. Every motor vehicle subject to registration under the laws of this state,
6 except motor vehicles registered under section 321.115 *and motorized bicycles*,
7 when first registered in this state, *other than a registration to a dealer licensed under*
8 *chapter three hundred twenty-two (322) of the Code*, and each time when transferred
9 for use within this state or when registration is changed from a registration as
10 provided in section 321.115 to a regular registration, other than transfers to a
11 dealer licensed under chapter three hundred twenty-two (322), shall be inspected
12 at an authorized inspection station, unless there is affixed to the motor vehicle a
13 valid certificate of inspection which was issued for the motor vehicle not more
14 than sixty days prior to the date on which the vehicle was transferred and the
15 vehicle has not been transferred during the sixty-day period, provided that during
16 a one-year period the vehicle may be transferred between parents and their
17 children or between spouses without another inspection. A vehicle inspection is
18 not required when the transfer of the vehicle or an interest in the vehicle is
19 between spouses or when required pursuant to a decree for dissolution of
20 marriage between former spouses. However, the certificate of inspection for a new
21 motor vehicle which has not previously been sold at retail and which is not sold
22 within sixty days after the date the inspection was performed may be revalidated
23 by the inspection station without another inspection provided the motor vehicle
24 has not been driven more than one hundred miles since the inspection was
25 performed. If the motor vehicle is subject to inspection, the authorized inspection
26 station shall issue and affix a valid certificate of inspection or certificate of
27 rejection, as the case may be, in accordance with the results of the inspection. If
28 an inspection is required, an applicant shall file with an application for title to the
29 vehicle or for registration thereof under the provisions of section 321.23,
30 subsection 2 or 3, with the county treasurer of the county of his residence, a
31 statement on a form provided by the director, signed by an authorized inspection
32 station certifying the date that a certificate of inspection was issued for and
33 affixed to the vehicle. If an inspection is required the county treasurer shall not
34 issue a title to the vehicle to the applicant or register the vehicle unless such
35 statement is filed with the application showing that the inspection of the vehicle
36 was made not more than sixty days prior to the date of sale or transfer, or unless
37 the vehicle was purchased out of this state by a resident of this state who resides
38 outside of this state, but desires to maintain his Iowa residency and he executes a
39 statement to that effect in form and content as prescribed by the director. The

40 county treasurer shall stamp the registration card for such vehicle with the words
 41 "NOT INSPECTED." A vehicle so registered shall be inspected at an authorized
 42 inspection station within fifteen days after being brought into this state. The
 43 county treasurer shall mail the statement of inspection or statement of out-of-
 44 state residency to the department at the time of mailing copies of the registration
 45 receipt. The department may destroy any forms, certificates or statements after
 46 one year from the date they are filed unless they relate to pending appeals.

1 SEC. 40. Section three hundred twenty-one point two hundred thirty-eight
 2 (321.238), subsection twelve (12), Code 1975, as amended by Acts of the Sixty-
 3 sixth General Assembly, 1975 Session, chapter one hundred seventy-nine (179),
 4 section one (1), is amended by adding the following new unnumbered paragraph:

5 NEW UNNUMBERED PARAGRAPH. The provisions of this subsection shall not
 6 be applicable to the transfer of a motor vehicle to the insurer of such vehicle who
 7 obtains ownership of such vehicle as a result of a settlement with the owner
 8 thereof arising out of damage to such vehicle and written proof thereof is
 9 submitted to the county treasurer on forms prescribed by the department.

1 SEC. 41. Section three hundred twenty-one point two hundred thirty-eight
 2 (321.238), subsection twenty-one (21), paragraph c, Code 1975, is amended to
 3 read as follows:

4 c. An employee of the ~~state highway commission~~ department experienced in
 5 automotive mechanics designated by the director of highways.

1 SEC. 42. Section three hundred twenty-one point two hundred thirty-eight
 2 (321.238), subsection twenty-one (21), unnumbered paragraph three (3), Code
 3 1975, is amended to read as follows:

4 After the hearing, the review board may sustain, modify, or reverse the
 5 ~~commissioner's~~ director's order of suspension or revocation. A suspension or
 6 revocation sustained or modified by the review board shall take effect ten days
 7 from the date of the decision. Judicial review of actions of the review board may
 8 be sought in accordance with the terms of the Iowa administrative procedure Act.

1 SEC. 43. Section three hundred twenty-one point two hundred fifty-two
 2 (321.252), unnumbered paragraph one (1), Code 1975, is amended to read as
 3 follows:

4 **321.252 Department to adopt sign manual.** The department shall adopt a
 5 manual and specifications for a uniform system of traffic-control devices
 6 consistent with the provisions of this chapter for use upon highways within this
 7 state. Such uniform system shall correlate with and so far as possible conform to
 8 the system then current as approved by the American association of state
 9 highway and transportation officials.

1 SEC. 44. Section three hundred twenty-one point two hundred fifty-three
 2 (321.253), Code 1975, is amended to read as follows:

3 **321.253 Highway commission Department to erect signs.** The ~~state highway~~
 4 ~~commission~~ department shall place and maintain such traffic-control devices,
 5 conforming to its manual and specifications, upon all primary highways as it shall
 6 deem necessary to indicate and to carry out the provisions of this chapter or to
 7 regulate, warn, or guide traffic. Whenever practical, said devices or signs shall be
 8 purchased from the director of the division of corrections of the department of
 9 social services.

1 SEC. 45. Section three hundred twenty-one point two hundred seventy-five
 2 (321.275), Code 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. The provisions of this section shall apply to motorized
 4 bicycles.

1 SEC. 46. Section three hundred twenty-one point two hundred eighty-eight
 2 (321.288), Code 1975, is amended to read as follows:

3 **321.288 Control of vehicle.** The A person operating a motor vehicle or
 4 motorcycle shall have the same under control at all times and shall reduce the
 5 speed to a reasonable and proper rate:

6 1. When approaching and passing a person walking in the traveled portion of
 7 the public highway.

8 2. When approaching and passing an animal which is being led, ridden, or
 9 driven upon a public highway.

10 3. When approaching and traversing a crossing or intersection of public
 11 highways, or a bridge, or a sharp turn, or a curve, or a steep descent, in a public
 12 highway.

13 4. When approaching and passing a fusee, flares, red reflector electric lanterns,
 14 red reflectors or red flags displayed in accordance with section 321.448, or an
 15 emergency vehicle displaying a revolving or flashing light.

1 SEC. 47. Section three hundred twenty-one point two hundred eighty-eight
 2 (321.288), Code 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. When approaching and passing a slow moving vehicle
 4 displaying a reflective device as provided by section three hundred twenty-one
 5 point three hundred eighty-three (321.383) of the Code.

1 SEC. 48. Section three hundred twenty-one point three hundred seventeen
 2 (321.317), subsection three (3), Code 1975, is amended to read as follows:

3 3. After the thirty-first day of December, 1953, it shall be unlawful for any
 4 person to sell or offer for sale or operate on the highways of the state of Iowa any
 5 vehicle subject to registration under the provisions of this chapter which has never
 6 been registered in this or any other state prior to January 1, 1954, unless such
 7 vehicle is equipped with a directional signal device of a type approved by the
 8 department and is in compliance with the provisions of subsection 2 of this
 9 section. Motorcycles, motor scooters, bicycles with motor attached and semi-
 10 trailers and trailers less than forty inches in width are exempt from the provisions
 11 of this section.

1 SEC. 49. Section three hundred twenty-one point three hundred twenty-four
 2 (321.324), unnumbered paragraph one (1), Code 1975, is amended to read as
 3 follows:

4 Upon the immediate approach of an authorized emergency vehicle with any
 5 lamp or device displaying a red light or flashing red light or an authorized
 6 emergency vehicle of a fire department displaying a blue light from directly in front
 7 thereof, or when the driver is giving audible signal by siren, exhaust whistle, or
 8 bell, the driver of every other vehicle shall yield the right of way and shall
 9 immediately drive to a position parallel to, and as close as possible to, the
 10 righthand edge or curb of the highway clear of any intersection and shall stop
 11 and remain in such position until the authorized emergency vehicle has passed,
 12 except when otherwise directed by a police officer. For the purposes of this section,
 13 "red light" or "blue light" means a light or lighting device that, when illuminated, will
 14 exhibit a solid flashing or strobing red or blue light.

1 SEC. 50. Section three hundred twenty-one point three hundred seventy-six
 2 (321.376), unnumbered paragraph one (1), Code 1975, is amended to read as
 3 follows:

4 The driver of every school bus shall have a regular or special chauffeur's
 5 license issued by the department of public safety, and in addition thereto, must
 6 hold a school bus driver's permit issued by the department of public instruction.

1 SEC. 51. Section three hundred twenty-one point three hundred eighty-three
 2 (321.383), Code 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. Garbage collection vehicles, when operated on the streets
 4 or highways of this state at speeds of twenty-five miles per hour or less, may
 5 display a reflective device of a type and in a manner approved by the director. At
 6 speeds in excess of twenty-five miles per hour the device shall not be visible.

1 SEC. 52. Section three hundred twenty-one point three hundred eighty-five
2 (321.385), Code 1975, is amended to read as follows:

3 **321.385 Head lamps on motor vehicles.** Every motor vehicle other than a
4 motorcycle or motorized bicycle shall be equipped with at least two head lamps
5 with at least one on each side of the front of the motor vehicle, which head lamps
6 shall comply with the requirements and limitations set forth in this chapter.

1 SEC. 53. Section three hundred twenty-one point three hundred ninety-three
2 (321.393), unnumbered paragraph four (4), Code 1975, is amended to read as
3 follows:

4 The provisions of this section shall not prohibit the use of a lighting device or
5 reflector displaying a ~~blue~~ or an amber light when such lighting device or reflector
6 is mounted on a motor truck, trailer, tractor, or motor grader owned by the state,
7 or any political subdivision of the state, or any municipality therein, while such
8 equipment is being used for snow removal, sanding, maintenance, or repair of the
9 public streets or highways.

1 SEC. 54. Section three hundred twenty-one point four hundred twenty-three
2 (321.423), Code 1975, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **321.423 Flashing lights.**

5 1. Definitions. As used in this section, unless the context otherwise requires:

6 a. "Fire department" means a paid or volunteer organized fire department.

7 b. "Member" means a person who is a member in good standing of a fire
8 department.

9 2. A flashing light on or in a motor vehicle is prohibited except as follows:

10 a. On an authorized emergency vehicle.

11 b. On a vehicle as a means of indicating a right or left turn, a mechanical
12 failure, or an emergency stop or intent to stop.

13 c. On a motor vehicle used by a rural mail carrier when stopping or stopped on
14 or near a highway in the process of delivering mail, if such a light is any shade of
15 color between white and amber and if it is mounted as a dome light on the roof
16 of the vehicle.

17 d. On a vehicle being operated under an excess size permit issued under
18 chapter three hundred twenty-one E (321E) of the Code.

19 e. A flashing blue light on a vehicle upon which a blue light is permitted
20 pursuant to subsection three (3) of this section.

21 3. A blue light shall not be used on any vehicle except:

22 a. A vehicle owned or exclusively operated by a fire department; or

23 b. A vehicle authorized by the director when:

24 (1) The vehicle is owned by a member of a fire department.

25 (2) The request for authorization is made by the member on forms provided by
26 the department.

27 (3) Necessity for authorization is demonstrated in the request.

28 (4) The chief of the fire department certifies that the member is in good
29 standing with the fire department and recommends that the authorization be
30 granted.

31 4. The authorization shall expire at midnight on the thirty-first day of
32 December five years from the year in which it was issued, or when the vehicle is
33 no longer owned by the member, or when the member has ceased to be an active
34 member of the fire department or when the member has used the blue light
35 beyond the scope of its authorized use.

36 5. The certificate of authorization shall be carried at all times with the
37 certificate of registration of the authorized vehicle and the operator of the vehicle
38 shall not illuminate the blue light except:

39 a. When the member is en route to the scene of a fire or is responding to an
40 emergency in the line of duty requiring the services of the member;

41 b. When the authorized vehicle is transporting a person requiring emergency
42 care; or

43 c. When the authorized vehicle is at the scene of an emergency.

44 d. The use of a blue light in or on a private motor vehicle shall be for
45 identification purposes only.

46 6. A farm tractor, farm tractor with towed equipment, self-propelled implement
47 of husbandry, road construction or maintenance vehicle, road grader, or other
48 vehicle principally designed for use off the highway which, when operated on a
49 primary or secondary road, is operated at a speed of twenty-five miles an hour or
50 less, shall be equipped with and display an amber flashing light visible from the
51 rear at any time from sunset to sunrise. All vehicles specified in this subsection
52 which are manufactured for sale or sold in this state shall be equipped with an
53 amber flashing light. The type, number, dimensions, and method of mounting of
54 the lights shall be determined by the director. The director, when approving the
55 light, shall be guided as far as practicable by the standards of the American
56 Society of Agricultural Engineers.

1 SEC. 55. Section three hundred twenty-one point four hundred twenty-eight
2 (321.428), unnumbered paragraph one (1), Code 1975, is amended to read as
3 follows:

4 The director is hereby authorized to approve or disapprove lighting devices and
5 to issue and enforce regulations establishing standards and specifications for the
6 approval of such lighting devices, their installation, adjustment and aiming, and
7 adjustment when in use on motor vehicles. Such regulations shall *be approved by*
8 *the transportation commission and shall* correlate with and, so far as practicable,
9 conform to the then current standards and specifications of the society of
10 automotive engineers applicable to such equipment.

1 SEC. 56. Section three hundred twenty-one point four hundred thirty
2 (321.430), subsection one (1), Code 1975, is amended to read as follows:

3 1. Every motor vehicle, other than a motorcycle *or motorized bicycle*, when
4 operated upon a highway shall be equipped with brakes adequate to control the
5 movement of and to stop and hold such vehicle, including two separate means of
6 applying the brakes, each of which means shall be effective to apply the brakes to
7 at least two wheels. If these two separate means of applying the brakes are
8 connected in any way, they shall be so constructed that failure of any one part of
9 the operating mechanism shall not leave the motor vehicle without brakes on at
10 least two wheels.

1 SEC. 57. Section three hundred twenty-one point four hundred thirty
2 (321.430), subsection four (4), paragraph a, Code 1975, is amended to read as
3 follows: a. Any motorcycle *or motorized bicycle*.

1 SEC. 58. Section three hundred twenty-one point four hundred thirty-eight
2 (321.438), Code 1975, is amended to read as follows:

3 **321.438 Windshields and windows.** No person shall drive any motor vehicle
4 equipped with a windshield, sidewings, or side or rear windows which do not
5 permit clear vision. *Every motor vehicle except a motorcycle, or a vehicle included in*
6 *the provisions of section three hundred twenty-one point three hundred eighty-three*
7 *(321.383) or section three hundred twenty-one point one hundred fifteen (321.115) of*
8 *the Code, shall be equipped with a windshield in accordance with section three*
9 *hundred twenty-one point four hundred forty-four (321.444) of the Code.*

1 SEC. 59. Section three hundred twenty-one point four hundred fifty-five
2 (321.455), Code 1975, is amended to read as follows:

3 **321.455 Projecting loads on passenger vehicles.** No passenger-type vehicle
4 shall be operated on any highway with any load carried thereon extending

5 beyond the line of the fenders on the left side of such vehicle nor extending more
6 than six inches beyond the line of the fenders on the right side thereof. *Passengers*
7 *shall not ride on any part of any vehicle unless it is expressly designed either for*
8 *passenger use or designed for carrying livestock, merchandise, or freight.*

1 SEC. 60. Section three hundred twenty-one point four hundred fifty-seven
2 (321.457), subsection three (3), Code 1975, is amended to read as follows:

3 3. Except as to combinations of vehicles, provisions for which are otherwise
4 made in this chapter, no combination of truck tractor and a semitrailer hauling
5 livestock shall have an overall length, inclusive of front and rear bumpers, in
6 excess of sixty feet, nor shall any other combination of vehicles coupled together,
7 unladen or with load, have an overall length, inclusive of front and rear bumpers,
8 in excess of fifty-five feet. Combinations of vehicles consisting of a motor vehicle
9 upon which a van box is fastened and which draws and bears a portion of the
10 weight of a semitrailer purchased by an Iowa resident prior to April 16, 1974, may
11 be operated on the highways of this state with a length exceeding fifty-five feet
12 but not exceeding sixty feet, if a special overlength permit is obtained from the
13 ~~state highway commission~~ *department* for such operation. The special overlength
14 permit shall be issued for the vehicle and such permit shall be valid until such
15 time as the vehicle is no longer operable or until the owner of the vehicle transfers
16 title to the vehicle to a nonresident. All such vehicles purchased after April 16,
17 1974, shall not be allowed to operate on the highways of this state.

1 SEC. 61. Section three hundred twenty-one point four hundred fifty-seven
2 (321.457), subsection five (5), Code 1975, is amended to read as follows:

3 5. No combination of vehicles coupled together which are used exclusively for
4 the transportation of passenger vehicles, light delivery trucks, panel delivery
5 trucks, pickup trucks, travel trailers, boats, farm and industrial tractors and self-
6 propelled farm implements, *nonself-propelled implements of husbandry*, and self-
7 propelled vehicles shall have an unladen length, inclusive of front and rear
8 bumpers in excess of sixty feet, but the passenger vehicles, light delivery trucks,
9 panel delivery trucks, pickup trucks, or boats being transported may extend up to
10 three feet beyond the front and rear bumpers of the transporting vehicles when
11 the overall length of the vehicle with load does not exceed sixty-five feet.

1 SEC. 62. Section three hundred twenty-one point four hundred seventy-eight
2 (321.478), Code 1975, is amended to read as follows:

3 **321.478 Bond.** Prior to entering upon the discharge of his duties as such
4 peace officer, each of said designated employees shall furnish to the ~~commission~~
5 *department* a surety bond to the state in the sum of five hundred dollars,
6 conditioned upon the faithful discharge of his duties.

1 SEC. 63. Section three hundred twenty-one point four hundred eighty-five
2 (321.485), subsection two (2), paragraph b, Code 1975, is amended to read as
3 follows:

4 b. Prepare a memorandum of the alleged traffic violation containing the name
5 and address of such person, the registration number, if any, of his vehicle, the
6 offense alleged to have been committed, and such other information as may be
7 prescribed by the commissioner *of public safety with the concurrence of the director.*

1 SEC. 64. Section three hundred twenty-one point four hundred eighty-five
2 (321.485), unnumbered paragraph two (2), Code 1975, is amended to read as
3 follows:

4 The number of copies and the form of the citations and memorandums
5 authorized by this section shall be as prescribed by the commissioner *of public*
6 *safety with the concurrence of the director.*

1 SEC. 65. Section three hundred twenty-five point thirty-seven (325.37), Code
2 1975, is amended to read as follows:

3 **325.37 Safety equipment and regulations for all truck operators.** "Motor
4 carrier" when used in this section and sections 325.38 and 325.39 means carriers
5 holding a certificate under this chapter, truck operators and contract carriers
6 holding permits under chapter 327, liquid transport carriers holding a certificate
7 under chapter 327A, and private carriers. *However, private carriers operating*
8 *intrastate are not subject to federal drivers compliance and qualification requirements.*

1 SEC. 66. The sections of this Act amending section three hundred twenty-one
2 point forty-six (321.46), unnumbered paragraph one (1), Code 1975, and section
3 three hundred twenty-one point one hundred eighty-nine (321.189), Code 1975,
4 shall be effective January 1, 1977.

Approved June 26, 1976

CHAPTER 1166

SECONDARY ROAD CONSTRUCTION PROGRAM

H. F. 739

AN ACT relating to the priority of secondary road assessment district projects in a secondary road construction program.

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

1 SECTION 1. Section three hundred eleven point seven (311.7), unnumbered
2 paragraphs one (1) and two (2), Code 1975, are amended to read as follows:

3 ~~When any~~ The owner or a group of owners of not less than seventy-five percent
4 of the lands adjacent to, or abutting upon any secondary road ~~or roads shall may,~~
5 on or before October 1 of any year, petition the board of supervisors of their
6 county for the improving by graveling or other suitable surfacing, of ~~said such~~
7 ~~road or roads,~~ and for the assessment of not less than fifty percent (or such
8 greater portion as may be provided in said petition) of the cost of such improving,
9 by graveling or other suitable surfacing, to the lands adjacent to, or abutting upon
10 ~~said such road or roads, the.~~ *When the petition has been filed, the board of*
11 *supervisors shall review the project proposed by the petition and may accept or reject*
12 *the proposed project. If the board of supervisors shall, in the order in which such*
13 *petitions were filed with it, accepts the petition, the board shall include and give*
14 *preference to said such project or projects in the secondary road construction*
15 *program of said county for the ensuing year. When a proper petition is filed, it*
16 *shall retain its preference in succeeding years and establish a priority for the*
17 *completion of such project.*

18 The board of supervisors shall proceed ~~during the ensuing year~~ with the
19 construction and completion of said project *in accordance with its assigned priority*
20 *and under the same procedure as is prescribed generally for the improvement of*
21 *secondary roads by assessment, and shall, as the law may provide, establish a*
22 *special secondary road assessment district and assess against the lands included*
23 *therein not less than fifty percent (or such greater portion as may be provided in*
24 *said petition) of the engineer's estimated cost of the surfacing of the road or roads*
25 *included in said project against all the lands adjacent to or abutting upon the said*
26 *road or roads.*

Approved March 12, 1976

CHAPTER 1167

NOXIOUS WEEDS

H. F. 1123

AN ACT relating to 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), subsection two
 2 (2), Code 1975, is amended to read as follows:
 3 2. Secondary noxious weeds, which shall include butterprint (*Abutilon*
 4 *theophrasti*) annual, cocklebur (*Xanthium commune*) annual, wild mustard
 5 (*Brassica arvensis*) annual, wild carrot (*Daucus carota*) biennial, buckhorn
 6 (*Plantago lanceolata*) perennial, sheep sorrel (*Rumex acetosella*) perennial, sour
 7 dock (*Rumex crispus*) perennial, smooth dock (*Rumex altissimus*) perennial,
 8 *poison hemlock (conium maculatum)*, *wild sunflower (wild strain of Helianthus annus*
 9 *L.) annual*, puncture vine (*Tribulus terrestris*) annual, teasel (*Dipsacus*) biennial.

Approved June 23, 1976

CHAPTER 1168

VEHICLE ANTITHEFT LAW

H. F. 1407

AN ACT relating to a vehicle anti-theft law and providing penalties.

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

- 1 SECTION 1. Section three hundred twenty-one point one (321.1), Code 1975, as
 2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapters
 3 sixty-seven (67) and one hundred seventy (170), is amended by adding the
 4 following new subsections:
 5 NEW SUBSECTION. "Component part" means any part of a vehicle, other than
 6 a tire, having a component part number.
 7 NEW SUBSECTION. "Component part number" means the vehicle identification
 8 derivative consisting of numerical and alphabetical designations affixed to a
 9 component part by the manufacturer or the department or affixed by, or caused
 10 to be affixed by, the owner pursuant to rules promulgated by the department as a
 11 means of identifying the component part.
 12 NEW SUBSECTION. "Vehicle identification number" or the initials VIN mean
 13 the numerical and alphabetical designations affixed to a vehicle or a component
 14 part of a vehicle by the manufacturer or the department or affixed by, or caused
 15 to be affixed by, the owner pursuant to rules promulgated by the department as a
 16 means of identifying the vehicle.
 17 NEW SUBSECTION. "Demolisher" means any agency or person whose business
 18 is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to
 19 wreck or dismantle vehicles.
- 1 SEC. 2. Section three hundred twenty-one point seventy-six (321.76), Code
 2 1975, is amended to read as follows:

3 **321.76 Operating without consent.** ~~If any chauffeur or other~~ *Any person who*
 4 shall without the consent of the owner take, or cause to be taken, any ~~automobile~~
 5 ~~or~~ motor vehicle, and operate or drive, or cause the same to be operated or
 6 driven, ~~he~~ shall be imprisoned in the penitentiary not to exceed one year, or be
 7 imprisoned in the county jail not to exceed six months, or be fined not to exceed
 8 five hundred dollars.

1 SEC. 3. Section three hundred twenty-one point eighty (321.80), Code 1975, is
 2 amended to read as follows:

3 **321.80 Vehicles without manufacturers' numbers.** Any person who knowingly
 4 buys, receives, disposes of, sells, offers for sale, or has in his *or her* possession any
 5 ~~motor~~ vehicle, or ~~engine removed from any component part of a motor~~ vehicle,
 6 from which the manufacturer's serial or engine number or other distinguishing
 7 number or identification mark or number placed thereon under assignment from
 8 ~~the department~~ vehicle identification number or component part number has been
 9 removed, defaced, covered, altered, or destroyed for the purpose of concealing or
 10 misrepresenting the identity of said ~~motor~~ *the* vehicle or ~~engine component part~~ is
 11 guilty of a misdemeanor punishable as provided in section 321.482.

1 SEC. 4. Section three hundred twenty-one point eighty-one (321.81), Code
 2 1975, is amended to read as follows:

3 **321.81 Presumptive evidence.** Whoever shall conceal, barter, sell, *possess* or
 4 dispose of any ~~motor~~ vehicle *or component part* which has been stolen, or shall
 5 disguise, alter, or change such ~~motor~~ vehicle *or component part, or the factory or*
 6 ~~serial number~~ *vehicle identification number or component part number* thereof, or
 7 remove or change the registration plate thereon, or do any act designed to prevent
 8 identification of such ~~motor~~ vehicle *or component part*, shall be presumed to have
 9 knowledge that such ~~motor~~ vehicle *or component part* had been stolen.

1 SEC. 5. Section three hundred twenty-one point eighty-two (321.82), Code
 2 1975, is amended to read as follows:

3 **321.82 Larceny of motor vehicle.** If any person *shall* steal, take and carry
 4 away, irrespective of value, any ~~motor~~ vehicle, he *or she* shall be punished by
 5 imprisonment in the penitentiary not more than ten years, or by fine of not more
 6 than one thousand dollars, or by both such fine and imprisonment.

1 SEC. 6. Section three hundred twenty-one point eighty-three (321.83), Code
 2 1975, is amended to read as follows:

3 **321.83 Jurisdiction.** Jurisdiction of such offense may be in the county where
 4 ~~such motor~~ *the* vehicle *or component part* was stolen, or through or into which it
 5 was taken, carried, or transported by the person or persons who committed the
 6 theft, or by any person or persons confederated with him or them in ~~such~~ *the*
 7 theft.

1 SEC. 7. Section three hundred twenty-one point eighty-four (321.84), Code
 2 1975, is amended to read as follows:

3 **321.84 Seizure of vehicles.** It shall be the duty of any peace officer who
 4 finds a ~~motor~~ vehicle *or component part*, the ~~serial or engine~~ vehicle identification
 5 number *or component part number* of which has been altered, defaced, or
 6 tampered with, and who has reasonable cause to believe that the possessor of
 7 ~~such motor~~ *the* vehicle *or component part* wrongfully holds ~~the same~~ *it*, to
 8 forthwith seize ~~the same~~ *it*, either with or without warrant, and deliver ~~the same~~ *it*
 9 to the sheriff of the county in which it is seized.

1 SEC. 8. Section three hundred twenty-one point eighty-five (321.85), Code
 2 1975, is amended to read as follows:

3 **321.85 Stolen vehicles or component parts.** Whenever any ~~motor~~ vehicle *or*
 4 *component part* is seized under section 321.84 or whenever any ~~motor~~ vehicle *or*
 5 *component part* is stolen or embezzled, and is not claimed by the owner before the
 6 date on which the person charged with ~~the~~ *its* stealing or embezzling ~~of same~~ is

7 convicted, then the officer having the ~~motor~~ vehicle or component part in his or her
 8 custody must, on ~~such~~ that date by certified mail, notify the department that he or
 9 she has such a ~~motor~~ vehicle or component part in his or her possession, giving a
 10 full and complete description of ~~same~~ it, including all marks of identification,
 11 ~~factory and serial~~ vehicle identification numbers and component part numbers.

1 SEC. 9. Section three hundred twenty-one point eighty-six (321.86), Code
 2 1975, is amended to read as follows:

3 **321.86 Notice by director.** The director shall, if the owner appears of record
 4 in his or her office, notify ~~such~~ the owner of the fact that ~~such~~ the ~~motor~~ vehicle or
 5 component part is in the custody of ~~such~~ the officer, and if not of record in his or
 6 her office, ~~said~~ the director shall mail ~~such~~ the description to the county treasurer
 7 of each county.

1 SEC. 10. Section three hundred twenty-one point eighty-seven (321.87), Code
 2 1975, is amended to read as follows:

3 **321.87 Delivery to owner.** If, within forty days thereafter, the owner of ~~such~~
 4 the ~~motor~~ vehicle or component part appears and properly identifies ~~same~~ it, the
 5 officer having ~~said~~ ~~motor~~ the vehicle or component part in his or her custody shall
 6 delivery ~~same~~ it to such owner upon payment by him or her of the costs incurred
 7 incident to the apprehension of ~~said~~ ~~motor~~ the vehicle or component part and the
 8 location of ~~such~~ the owner.

1 SEC. 11. Section three hundred twenty-one point ninety-one (321.91), Code
 2 1975, is amended to read as follows:

3 **321.91 Limitation on liability—penalty for abandonment.**

4 1. No person, firm, corporation, unit of government, garagekeeper or police
 5 authority upon whose property an abandoned ~~motor~~ vehicle is found or who
 6 disposes of such abandoned vehicle in accordance with sections 321.89 and 321.90
 7 shall be liable for damages by reason of the removal, sale, or disposal of such
 8 ~~motor~~ vehicle.

9 2. Any person who abandons a ~~motor~~ vehicle shall be guilty of a misdemeanor.

1 SEC. 12. Section three hundred twenty-one point ninety-two (321.92), Code
 2 1975, is amended to read as follows:

3 **321.92 Altering or changing numbers.** No person shall with fraudulent intent,
 4 deface, destroy, or alter the ~~manufacturer's serial or engine~~ vehicle identification
 5 number or component part number or other distinguishing number or identification
 6 mark of a ~~motor~~ vehicle or component part nor shall any person place or stamp
 7 any serial, engine, or other number or mark upon a ~~motor~~ vehicle or component
 8 part, except one assigned thereto by the department. Any violation of this
 9 provision is a felony punishable as provided in section 321.483.

10 This section shall not prohibit the restoration by an ~~owner~~ of an original ~~serial,~~
 11 ~~engine~~ vehicle identification number, component part number or other number or
 12 mark when such restoration is made ~~under permit~~ issued by the department, nor
 13 prevent any manufacturer from placing in the ordinary course of business
 14 numbers or marks upon ~~motor~~ vehicles or component parts ~~thereof~~.

1 SEC. 13. Section three hundred twenty-one point ninety-three (321.93), Code
 2 1975, is amended to read as follows:

3 **321.93 Defense.** Under a charge of possessing a ~~motor~~ vehicle or component
 4 part, the ~~serial or engine~~ vehicle identification number or component part number of
 5 which is defaced, altered, or tampered with, it shall be a complete defense that the
 6 accused at the time of such possession had in his or her possession a certificate of
 7 title from the officer whose duty it is to register ~~motor~~ vehicles and component
 8 parts in the state in which ~~said~~ ~~motor~~ the vehicle or component part is registered,
 9 showing good and sufficient reason why numbers are defaced, changed, or
 10 tampered with, the original ~~serial or engine~~ vehicle identification number or
 11 component part number, and the ownership of ~~said~~ ~~motor~~ the vehicle or component
 12 part.

1 SEC. 14. Section three hundred twenty-one point ninety-four (321.94), Code
2 1975, is amended to read as follows:

3 **321.94 Test to determine true number.** Where it appears that a ~~factory, serial~~
4 ~~or motor~~ *vehicle identification number or component part* number has been altered,
5 defaced or tampered with, any sheriff, state agent or peace officer ~~of the~~
6 ~~department of justice~~, or inspector employed by the department, or any other
7 person acting under their direction, may apply any recognized process or test to
8 the part containing such number for the purpose of determining the true number.

1 SEC. 15. Section three hundred twenty-one point ninety-five (321.95), Code
2 1975, is amended to read as follows:

3 **321.95 Right of inspection.** Peace officers ~~and~~ *or* examiners employed in the
4 department ~~are hereby given~~ *shall have* the authority to inspect any ~~motor~~ vehicle
5 *or component part in possession of a demolisher or found upon the public highway*
6 *or in any public garage or enclosure in which motor vehicles or component parts*
7 *are kept for sale, storage, hire or repair and for that purpose may enter any such*
8 *public garage or enclosure. Every person doing business as a demolisher or having*
9 *used engines or transmissions which are component parts for sale shall keep an*
10 *accurate and complete record of all vehicles demolished and of such component parts*
11 *purchased or received in the course of business. These records shall contain the name*
12 *and address of the person from whom each such vehicle or component part was*
13 *purchased or received and the date when the purchase or receipt occurred. These*
14 *records shall be open for inspection by any police authority at any time during normal*
15 *business hours. Records required by this section shall be kept for at least three years*
16 *after the transaction which they record.*

1 SEC. 16. Section three hundred twenty-one point ninety-six (321.96), Code
2 1975, is amended to read as follows:

3 **321.96 Prohibited plates—certificates—badges.** No person shall display or
4 cause or permit to be displayed, or have in his *or her* possession, *any vehicle*
5 *identification number or component part number except as provided in this chapter, or*
6 *any canceled, revoked, altered, or fictitious registration number plates,*
7 *registration receipt, certificate of title, chauffeur's license certificate, or*
8 *chauffeur's badge, as the same are respectively provided for in this chapter.*

1 SEC. 17. Section three hundred twenty-one point one hundred (321.100),
2 subsection one (1), Code 1975, is amended to read as follows:

3 1. To alter with a fraudulent intent any certificate of title, manufacturer's or
4 importer's certificate, registration card, registration plate, *manufacturer's vehicle*
5 *identification plate, or permit issued by the department or county treasurer.*

1 SEC. 18. Section three hundred twenty-one point one hundred (321.100), Code
2 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. To hold or use any certificate of title, manufacturer's or
4 importer's certificate, registration card, registration plate, manufacturer's vehicle
5 identification plate, or permit issued by the department or county treasurer, for
6 any vehicle to which such document or plate is not legally assigned.

1 SEC. 19. Chapter three hundred twenty-one (321), Code 1975, is amended by
2 adding the following new section:

3 NEW SECTION. Every person selling new implements of husbandry at retail
4 with a retail list price in excess of five thousand (5,000) dollars upon which the
5 manufacturer has affixed a vehicle identification number shall maintain a record
6 of such number, the name and address of the purchaser and the date of sale for a
7 period of ten years.

Approved June 23, 1976

CHAPTER 1169

ABANDONED VEHICLES

H. F. 324

AN ACT relating to abandoned vehicles.

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

1 SECTION 1. Section three hundred twenty-one point eighty-nine (321.89), Code
2 1975, is amended to read as follows:

3 **321.89 Abandoned motor vehicles.**

4 1. Definitions. As used in this section and sections 321.90 and 321.91 unless the
5 context otherwise requires:

6 a. "Police authority" means the Iowa highway safety patrol or any law
7 enforcement agency of a county or city.

8 b. "Abandoned vehicle" means any of the following:

9 (1) A ~~motor~~ vehicle that has been left unattended on public property for more
10 than forty-eight hours and lacks current registration plates or two or more wheels
11 or other ~~structural~~ parts which renders the vehicle totally inoperable, or

12 (2) A ~~motor~~ vehicle that has remained illegally on public property for more
13 than ~~fifteen days~~ *seventy-two hours*, or

14 (3) A ~~motor~~ vehicle that has been unlawfully parked on private property or has
15 been placed on private property without the consent of the owner or person in
16 control of the property for more than twenty-four hours, or

17 (4) A ~~motor~~ vehicle that has been legally impounded by order of a police
18 authority and has not been reclaimed for a period of ~~thirty~~ *ten* days.

19 (5) *Any vehicle parked on the highway determined by a police authority to create a*
20 *hazard to other vehicle traffic.*

21 (6) *However a vehicle shall not be considered abandoned for a period of fifteen days*
22 *if its owner or operator is unable to move the vehicle and notifies the police authority*
23 *responsible for the geographical location of the vehicle and requests assistance in the*
24 *removal of the vehicle.*

25 c. "Demolisher" means any city or public agency organized for the disposal of
26 solid waste, or any person whose business it is to convert a ~~motor~~ vehicle to junk,
27 processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.

28 2. Authority to take possession of abandoned ~~motor~~ vehicles. A police
29 authority may, and on the request of any other authority having the duties of
30 control of highways or traffic, shall take into custody any abandoned ~~motor~~
31 vehicle on public property and may take into custody any abandoned ~~motor~~
32 vehicle on private property. *A police authority taking into custody an abandoned*
33 *vehicle determined to create a traffic hazard shall report the reasons constituting the*
34 *hazard in writing to the appropriate authority having duties of control of the highway.*
35 The police authority may employ its own personnel, equipment and facilities or
36 hire other personnel, equipment and facilities for the purpose of removing,
37 preserving, storing, or disposing abandoned ~~motor~~ vehicles.

38 3. Notification of owner and lienholders.

39 a. A police authority which takes into custody an abandoned ~~motor~~ vehicle
40 shall notify, within ten days, by certified mail, the last known registered owner of
41 the ~~motor~~ vehicle and all lienholders of record, addressed to their last known
42 address of record, that the abandoned ~~motor~~ vehicle has been taken into custody.
43 Notice shall be deemed given when mailed. The notice shall describe the year,
44 make, model, and serial number of the ~~motor~~ vehicle, set forth the location of the
45 facility where it is being held, inform the owner and any lienholders of their right
46 to reclaim the ~~motor~~ vehicle within ~~fourteen~~ *twenty-one* days after the effective
47 date of the notice upon payment of all towing, preservation, and storage charges

48 resulting from placing the ~~motor~~ vehicle in custody. The notice shall also state
49 that the failure of the owner or lienholders to exercise their right to reclaim the
50 ~~motor~~ vehicle within the time provided shall be deemed a waiver by the owner
51 and all lienholders of all right, title, claim and interest in the ~~motor~~ vehicle and
52 that such failure to reclaim the ~~motor~~ vehicle is deemed consent to the sale of the
53 ~~motor~~ vehicle at a public auction or disposal of the ~~motor~~ vehicle to a demolisher.
54 If the owner and lienholders do not exercise their right to reclaim such ~~motor~~
55 vehicle within the ~~fourteen-day~~ *twenty-one day* reclaiming period, such owner and
56 lienholders shall no longer have any right, title, claim, or interest in or to such
57 ~~motor~~ vehicle. No court in any case in law or equity shall recognize any right,
58 title, claim, or interest of any such owner and lienholders after the expiration of
59 the ~~fourteen-day~~ *twenty-one day* reclaiming period.

60 b. If the identity of the last registered owner cannot be determined, or if the
61 registration contains no address for the owner, or if it is impossible to determine
62 with reasonable certainty the identity and addresses of all lienholders, notice by
63 one publication in one newspaper of general circulation in the area where the
64 ~~motor~~ vehicle was abandoned shall be sufficient to meet all requirements of
65 notice under this section. The published notice may contain multiple listings of
66 abandoned ~~motor~~ vehicles but shall be published within the same time
67 requirements and contain the same information as prescribed for mailed notice in
68 subsection 3, paragraph "a" of this section.

69 c. The owner or any lienholders may, by written request delivered to the police
70 authority prior to the expiration of the ~~fourteen-day~~ *twenty-one day* reclaiming
71 period, obtain an additional fourteen days within which the ~~motor~~ vehicle may be
72 reclaimed.

73 4. Auction of abandoned ~~motor~~ vehicles. If an abandoned ~~motor~~ vehicle has
74 not been reclaimed as provided for in subsection 3, the police authority shall
75 make a determination as to whether or not the ~~motor~~ vehicle shall be sold for use
76 upon the highways. If it is to be sold as a motor vehicle for use upon the
77 highways, it shall first be inspected as required by section 321.238 and have a
78 valid certificate of inspection affixed. If the ~~motor~~ vehicle is not sold for use upon
79 the highways, it shall ~~only~~ be sold to a ~~dealer licensed under chapter 322~~ or to a
80 ~~demolisher~~ for junk, or demolished and sold as a scrap or sold as provided in
81 section 321.88 with a restricted certificate of title and not for use upon the
82 highways. The police authority shall sell the ~~motor~~ vehicle at public auction.
83 Notwithstanding any other provision of this section, any police authority, which
84 has taken into possession any abandoned ~~motor~~ vehicle which lacks an engine or
85 two or more wheels or other ~~structural~~ part which renders the vehicle totally
86 inoperable may dispose of such ~~motor~~ vehicle to a demolisher for junk ~~without~~
87 *after complying with* the notification procedures enumerated in subsection 3 and
88 without public auction. The purchaser of the ~~motor~~ vehicle shall take title free
89 and clear of all liens and claims of ownership, shall receive a sales receipt from
90 the police authority, and shall be entitled to register the ~~motor~~ vehicle and receive
91 a certificate of title if sold for use upon the highways or a restricted certificate of
92 title as the case may be; however, if the ~~motor~~ vehicle is sold or disposed of to a
93 demolisher for junk, the sales receipt by itself shall be sufficient title only for
94 purposes of transferring the ~~motor~~ vehicle to such demolisher for demolition,
95 wrecking, or dismantling and, when so transferred, no further titling of the ~~motor~~
96 vehicle shall be permitted. From the proceeds of the sale of an abandoned ~~motor~~
97 vehicle the police authority shall reimburse itself for the expenses of the auction,
98 the costs of towing, preserving, and storing which resulted from placing the
99 abandoned ~~motor~~ vehicle in custody, all notice and publication costs incurred
100 pursuant to subsection 3, the cost of inspection, and any other costs incurred
101 except costs of bookkeeping and other administrative costs. Any remainder from
102 the proceeds of a sale shall be held for the owner of the ~~motor~~ vehicle or entitled
103 lienholder for ninety days, and shall then be deposited in the reimbursement fund
104 received by the department pursuant to section 321.145, subsection 2. The costs to

105 police authorities of auction, towing, preserving, storage, and all notice and
 106 publication costs, inspection costs and all other costs which result from placing
 107 ~~other~~ abandoned vehicles in custody, whenever the proceeds from a sale of such
 108 ~~other~~ abandoned ~~motor~~ vehicles are insufficient to meet these expenses and costs,
 109 shall be paid from the reimbursement fund of the department under section
 110 321.145, subsection 2. In the event the reimbursement fund is temporarily
 111 exhausted, payment shall be deferred until the reimbursement fund contains
 112 sufficient funds to meet the claims.

113 The state comptroller shall establish by rule a claims procedure to be followed
 114 by police authorities in obtaining expenses and costs from the fund.

Approved June 23, 1976

CHAPTER 1170

TRAVEL TRAILER REGISTRATION

H. F. 744

AN ACT relating to registration of travel trailers.

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

1 SECTION 1. Section three hundred twenty-one point one hundred twenty-three
 2 (321.123), subsection three (3), unnumbered paragraph two (2), Code 1975, is
 3 amended to read as follows:

4 Travel trailers, ~~regardless of whether or not they are used on the highways,~~
 5 except those in manufacturer's or dealer's stock, an annual fee of twenty cents per
 6 square foot of floor space computed on the exterior overall measurements, but
 7 excluding three feet occupied by any trailer hitch as provided by and certified to
 8 by the owner, to the nearest whole dollar, which amount shall not be prorated or
 9 refunded; except the annual fee for travel trailers, when registered in Iowa for the
 10 first time, shall be prorated on a monthly basis. The registrant of a travel trailer
 11 shall be issued a "travel trailer" plate. It is further provided the annual fee thus
 12 computed shall be limited to seventy-five percent of the full fee after the sixth
 13 registration.

14 *A travel trailer may be stored under the provisions of section three hundred twenty-*
 15 *one point one hundred thirty-four (321.134), of the Code, provided the travel trailer is*
 16 *not used for human habitation for any period during storage and is not moved upon*
 17 *the highways of the state. A travel trailer stored under the provisions of section three*
 18 *hundred twenty-one point one hundred thirty-four (321.134) of the Code shall not be*
 19 *subject to either a personal property tax or a mobile home tax assessed under the*
 20 *provisions of chapter one hundred thirty-five D (135D) of the Code.*

Approved March 19, 1976

CHAPTER 1171

MOTOR VEHICLE OPERATORS' LICENSES

S. F. 1145

AN ACT relating to the issuance of cards and licenses by the state department of transportation and providing penalties.

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

1 SECTION 1. Chapter three hundred twenty-one (321), Code 1975, is amended
2 by adding the following new section:

3 NEW SECTION. **Issuance of nonoperator's identification cards—fee.** The
4 department shall, upon application and payment of the required fee, issue to an
5 applicant a nonoperator's identification card, which card shall bear a
6 distinguishing number assigned to the card holder, the full name, date of birth,
7 sex, residence address, a brief description and a colored photograph of the card
8 holder, the usual signature of the card holder, and such other information as the
9 department may by rule require. The card, including the colored photograph,
10 shall be issued to the applicant at the time of application and no positive or
11 negative photograph shall be retained. The department shall, by rule, establish
12 procedures for the application for, and issuance of, a nonoperator's identification
13 card. An identification card shall not be valid unless it bears the usual signature
14 of the card holder.

15 The department shall use a process or processes for issuance of a nonoperator's
16 identification card, that prevents, as nearly as possible, the opportunity for
17 alteration or reproduction of, and the superimposition of a photograph on the
18 nonoperator's identification card without ready detection.

19 The fee for a nonoperator's identification card shall be one dollar and the card
20 shall be valid for the purpose of identification for a period of four years from the
21 date of issuance. A fee of one dollar shall be charged for the voluntary
22 replacement of an identification card.

23 The nonoperator's identification card fees shall be transmitted by the
24 department to the treasurer of state who shall credit such fees to the general fund
25 of the state.

1 SEC. 2. Chapter three hundred twenty-one (321), Code 1975, is amended by
2 adding the following new section:

3 NEW SECTION. **Unlawful use of nonoperator's identification cards.** It is a
4 misdemeanor, punishable as provided in section three hundred twenty-one point
5 four hundred eighty-two (321.482) of the Code, for any person:

6 1. To display or permit to be displayed or possess any fictitious or fraudulently
7 altered nonoperator's identification card.

8 2. To lend his or her nonoperator's identification card to any person or
9 knowingly permit the use of such card by another person.

10 3. To display or represent as one's own a nonoperator's identification card not
11 issued to such person.

12 4. To fail or refuse to surrender to the department upon its lawful demand an
13 expired or invalid nonoperator's identification card.

14 5. To use a false or fictitious name in any application for a nonoperator's
15 identification card or to knowingly make a false statement or to knowingly
16 conceal a material fact or otherwise commit a fraud in any such application.

17 6. To permit any unlawful use of a nonoperator's identification card issued to
18 such person.

1 SEC. 3. Chapter three hundred twenty-one (321), Code 1975, is amended by
2 adding the following new section:

3 NEW SECTION. **Colored photograph—procedures.** The department shall in
4 issuing licenses, permits and nonoperator's identification cards bearing a colored
5 photograph of the licensee, permittee or card holder use such processes that
6 prevent to the maximum extent possible, the alteration or reproduction of the
7 license, permit or card including the ability to superimpose a photograph on a
8 license, permit or card without ready detection.

1 SEC. 4. Section three hundred twenty-one point one hundred eighty-one
2 (321.181), Code 1975, is amended by adding the following new unnumbered
3 paragraph:

4 NEW UNNUMBERED PARAGRAPH. The temporary driver's permit shall bear a
5 colored photograph of the permittee and shall contain such other information as
6 the department may by rule require. The department shall not retain a positive or
7 negative photograph of the permittee.

1 SEC. 5. Section three hundred twenty-one point one hundred eighty-nine
2 (321.189), Code 1975, is amended to read as follows:

3 **321.189 Licenses issued.** The department shall upon payment of the required
4 fee, issue to every applicant qualifying therefor an operator's or chauffeur's
5 license as applied for, which license shall bear thereon a distinguishing number
6 assigned to the licensee, the full name, date of birth, occupation, sex, residence
7 address, a *colored photograph and a brief description of the licensee, and the usual*
8 *signature of the licensee. The number of places where licenses are available shall not*
9 *be reduced because of procedures or equipment required in placing colored*
10 *photographs on licenses or permits. The department shall provide a space on every*
11 *license where the licensee may affix a decal or sticker indicating that the licensee is a*
12 *donor under the Uniform Anatomical Gift Act and a space shall be provided where the*
13 *licensee may affix a symbol indicating the presence of a medical condition. The*
14 *license may contain such other information as the department may by rule require.*
15 No license shall be valid unless it bears the usual signature of the licensee. *The*
16 *department shall not retain a positive or negative photograph of the licensee.*

17 *The licensee may affix a decal or sticker on the license in the space provided which*
18 *indicates that the licensee is a donor under the Uniform Anatomical Gift Act. The*
19 *decal shall not be larger than one-half inch in diameter.*

20 *The use of the decal or sticker on the license shall be authorized only if the licensee*
21 *has complied with the provisions for making a gift under the Uniform Anatomical Gift*
22 *Act and shall be effective only if the licensee carries on or about the licensee's person*
23 *a duly signed and executed donor card as authorized by the Uniform Anatomical Gift*
24 *Act.*

1 SEC. 6. Section three hundred twenty-one point one hundred ninety-five
2 (321.195), Code 1975, is amended to read as follows:

3 **321.195 Duplicate certificates.** In the event that an instruction permit or
4 operator's or chauffeur's license or extension certificate issued under the
5 provisions of this chapter is lost or destroyed, the person to whom the same was
6 issued may upon payment of a fee of two dollars for an operator's or chauffeur's
7 license, or *one dollar for an extension certificate, obtain a duplicate, or substitute*
8 *thereof, upon furnishing proof satisfactory to the department that such permit,*
9 *license, or extension certificate has been lost or destroyed. A fee of one dollar shall*
10 *be charged for the voluntary replacement of an instruction permit or an operator's or*
11 *chauffeur's license.*

1 SEC. 7. If a person desires to obtain an operator's or chauffeur's license in the
2 form authorized by this Act prior to the person's renewal date, such license may
3 be issued as a voluntary replacement upon payment of the required fee.

1 SEC. 8. The provisions of sections one (1) through seven (7) of this Act shall
2 become effective January 1, 1977, except that the department may begin issuing
3 temporary driver's permits, operator's and chauffeur's licenses and nonoperator's

4 identification cards in the form authorized by this Act upon payment of the fee
 5 prescribed in section three hundred twenty-one point one hundred ninety-one
 6 (321.191) of the Code for licenses and permits or the fee prescribed in section one
 7 (1) of this Act for an identification card commencing July 1, 1976.

Approved May 28, 1976

CHAPTER 1172

TRANSPORTATION OF HAZARDOUS MATERIALS

H. F. 736

AN ACT relating to the reporting of accidents involving the transportation of hazardous materials.

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

1 SECTION 1. Chapter three hundred twenty-one (321), Code 1975, is amended
 2 by adding the following new section:
 3 NEW SECTION. Any carrier transporting hazardous materials by rail, air,
 4 water, or upon a public highway in this state, in the case of an accident involving
 5 the transportation of hazardous materials, shall immediately notify the police
 6 radio broadcasting system established by the commissioner of public safety
 7 pursuant to section seven hundred fifty point one (750.1) of the Code or shall
 8 notify a peace officer of the county, township, or municipality in which the
 9 accident occurs. When a local law enforcement agency is informed of the
 10 accident, the agency shall notify the Iowa highway safety patrol. For purposes of
 11 this section "hazardous substances" shall mean hazardous substances as defined
 12 in the federal Transportation Safety Act of 1974 (Public Law ninety-three dash
 13 six hundred thirty-three (93-633), section one hundred three (103)). A person who
 14 violates any provision of this section shall, upon conviction, be guilty of a
 15 misdemeanor.

Approved February 20, 1976

CHAPTER 1173

HAZARDOUS MATERIALS TRANSPORTED

S. F. 1306

AN ACT relating to the reporting of accidents involving the transportation of hazardous materials and providing a penalty.

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

1 SECTION 1. Chapter three hundred twenty-one (321), Code 1975, is amended
 2 by adding the following new section:
 3 NEW SECTION. Any carrier transporting hazardous materials by rail, air,
 4 water, or upon a public highway in this state, in the case of an accident involving
 5 the transportation of hazardous materials, shall immediately notify the police
 6 radio broadcasting system established by the commissioner of public safety

7 pursuant to section seven hundred fifty point one (750.1) of the Code or shall
 8 notify a peace officer of the county, township, or municipality in which the
 9 accident occurs. When a local law enforcement agency is informed of the
 10 accident, the agency shall notify the Iowa highway safety patrol. For purposes of
 11 this section "hazardous substances" shall mean hazardous substances as defined
 12 in the federal Transportation Safety Act of 1974 (Public Law ninety-three dash
 13 six hundred thirty-three (93-633), section one hundred three (103)). A person who
 14 violates any provision of this section shall, upon conviction, be guilty of a
 15 misdemeanor.

1 SEC. 2. House File seven hundred thirty-six (736), as enacted by the Sixty-
 2 sixth General Assembly, 1976 Session, is repealed.

Approved June 23, 1976

CHAPTER 1174

VEHICLE TRANSPORTATION

H. F. 1432

AN ACT relating to vehicle transportation by providing for the use of credit cards for posting bond and payment of certain fines, by providing for the movement of certain oversized construction equipment, by providing for the movement of oversized vehicles on holidays, by revising the hearing procedures on applications for certificates of public convenience and necessity by motor vehicle certificated carriers, by providing for fees collected by the transportation regulation board, by specifying additional scheduled violations, and providing penalties for violations.

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

1 SECTION 1. Section three hundred twenty-one point four hundred eighty-six
 2 (321.486), Code 1975, is amended by striking unnumbered paragraph two (2) and
 3 inserting in lieu thereof the following:

4 When bail is required to guarantee appearance for any offense charged under
 5 this chapter, the following nonexclusive forms shall be permitted subject to the
 6 following limitations:

7 1. A current guaranteed arrest bond certificate as defined in section three
 8 hundred twenty-one point one (321.1), subsection seventy-one (71) of the Code
 9 shall be considered sufficient surety if the defendant is charged with an offense
 10 where the penalty does not exceed two hundred dollars.

11 2. A valid credit card, as defined in section five hundred thirty-seven point one
 12 thousand three hundred one (537.1301), subsection seventeen (17) of the Code
 13 may be used and shall be sufficient surety when the defendant is charged with
 14 any scheduled offense under section seven hundred fifty-three point fifteen
 15 (753.15) of the Code. The defendant may use a credit card for bail purposes only
 16 in accordance with rules of the department of public safety adopted pursuant to
 17 chapter seventeen A (17A) of the Code.

1 SEC. 2. Chapter three hundred twenty-one (321), Code 1975, is amended by
 2 adding the following new section:

3 NEW SECTION. Fines for scheduled traffic violations enumerated in section
 4 seven hundred fifty-three point fifteen (753.15) of the Code may be paid by credit
 5 cards, as defined in section five hundred thirty-seven point one thousand three
 6 hundred one (537.1301), subsection seventeen (17) of the Code, approved for that
 7 purpose by the commissioner of public safety. The commissioner shall enter
 8 agreements with financial institutions extending credit through the use of credit

9 cards to insure reimbursement of the amount of the fine plus appropriate costs to
10 the proper traffic violations office in the state. The commissioner shall adopt rules
11 pursuant to chapter seventeen A (17A) of the Code to implement the provisions
12 of this section.

1 SEC. 3. Section three hundred twenty-one E point three (321E.3), unnumbered
2 paragraph one (1), Code 1975, is amended to read as follows:

3 All movements of mobile homes and other vehicles the width of which,
4 including any load, exceeds the roadway lane width of the highway or street being
5 traversed, shall be under escort. Permits for the movement of indivisible loads
6 and single-trip permits for construction equipment being moved temporarily on
7 highways and streets exceeding ~~thirteen~~ fourteen feet in width or mobile homes of
8 widths including appurtenances exceeding twelve feet, five inches shall be
9 restricted to maximum trip distances in accordance with the following schedule:

1 SEC. 4. Section three hundred twenty-one E point nine (321E.9), subsection
2 seven (7), Code 1975, is amended to read as follows:

3 7. Vehicles or combinations of vehicles consisting of construction machinery
4 being temporarily moved on streets, roads, and highways with a maximum total
5 gross weight limitation and a single axle weight limitation prescribed in section
6 321E.7, an overall width not to exceed ~~thirteen~~ fourteen feet, an overall length not
7 to exceed eighty feet, may be moved for unlimited distances over specified routes
8 when accompanied by official escort approved by the issuing authority. The
9 height of the vehicle or combination of vehicles shall be limited only to the height
10 limitations of underpasses, bridges, power lines, and other established height
11 restrictions on the specified route.

1 SEC. 5. Section three hundred twenty-one E point eleven (321E.11), Code
2 1975, is amended to read as follows:

3 **321E.11 Daylight movement only—holidays.** Movements by permit in
4 accordance with this chapter shall be permitted only during the hours from
5 sunrise to sunset unless it is established by the issuing authority that the
6 movement can be better accomplished at another period of time because of traffic
7 volume conditions.

8 Except as provided in section 321.457, no movement by permit shall be
9 permitted on ~~Sunday~~, holidays, ~~after twelve o'clock noon on Saturdays~~, or after
10 twelve o'clock noon on days preceding holidays and holiday weekends, or special
11 events when abnormally high traffic volumes can be expected. Such restrictions
12 shall not be applicable to urban transit systems as defined in section 321.19,
13 subsection 2. For the purposes of this chapter, holidays shall include ~~New Year's~~
14 ~~Day~~, Memorial Day, Independence Day, ~~Veterans Day~~, and Labor Day;
15 ~~Thanksgiving Day~~, and ~~Christmas Day~~.

1 SEC. 6. Section three hundred twenty-one E point sixteen (321E.16), Code
2 1975, is amended to read as follows:

3 **321E.16 Violations—penalties.** *A person shall not commit any act forbidden or*
4 *fail to perform any act required by the provisions of this chapter or any provision of*
5 *rules adopted pursuant to section three hundred twenty-one E point fifteen (321E.15)*
6 *of the Code. Any person who is convicted of a violation of any provision other*
7 *than length, height, width, or weight of any permit issued under this chapter shall*
8 *be punished by a fine of not less than one hundred dollars, nor more than five*
9 *hundred dollars. The fine for violation of the length, height, width, and weight*
10 *allowed by permit shall be based upon the difference between the actual length,*
11 *height, width, and weight of the vehicle and load and the maximum allowable by*
12 *permit and in accordance with section 321.482 for violations of length, height, or*
13 *width limitations and sections 321.482 and 321.463 for violation of weight*
14 *limitations. If a vehicle with indivisible load traveling under permit is found to be*
15 *in violation of weight limitations, the vehicle operator shall be allowed a*
16 *reasonable amount of time to remove any ice, mud, snow, and other weight*

17 attributable to climatic conditions accumulated along the route prior to
18 application of the penalties prescribed in sections 321.463 and 321.482.

1 SEC. 7. Section three hundred twenty-five point thirteen (325.13), Code 1975,
2 is amended by striking the section and inserting in lieu thereof the following:

3 **325.13 Protests against applications.**

4 1. Upon the filing of the application, the board shall publish a notice to the
5 citizens of each county in which the proposed service will be rendered. The notice
6 shall be published once in a newspaper of general circulation in each county.

7 2. Any person, firm, corporation, city, or county whose rights or interests may
8 be affected may file written objections with the board.

9 3. A protest against the granting of the application shall state specifically the
10 grounds upon which it is made and contain a concise statement of the interest of
11 the person filing a protest in the proceeding.

12 4. A protest shall be filed with the board not later than thirty days from the
13 date of the publication of notice.

14 5. Upon receipt of any protests complying with subsection three (3) of this
15 section, the board shall set the matter for hearing not less than ten days following
16 the expiration of the time in which protests may be made and shall give notice to
17 all persons who have filed protests of the time and place of the hearing.

1 SEC. 8. Section three hundred twenty-five point seventeen (325.17), Code
2 1975, is amended to read as follows:

3 **325.17 Testimony receivable.** *¶ The board shall consider the application and*
4 *any objections filed thereto and may hear testimony to aid it in determining the*
5 *propriety of granting the application.*

1 SEC. 9. Section three hundred twenty-five point nineteen (325.19), Code 1975,
2 is amended to read as follows:

3 **325.19 Expense of hearing.** The applicant shall pay all the costs and
4 expenses of the hearing and necessary preliminary investigation in connection
5 therewith before his application shall be granted. *The board shall establish*
6 *appropriate fees which shall be paid to the department at the time the application is*
7 *filed.*

1 SEC. 10. Section three hundred twenty-six point ten (326.10), Code 1975, is
2 amended to read as follows:

3 **326.10 Minimum fee.** The minimum fee for each vehicle registered with this
4 state under an apportionment agreement shall not be less than ten dollars for
5 each truck or truck tractor and two dollars for each trailer. *If the department*
6 *enters into an apportionment agreement where minimum fees are not permitted, the*
7 *provisions of this section shall not apply.* In addition to proportional registration
8 fees, the department shall collect the amounts of fees due as hereinafter provided
9 for the issuance of plates, stickers or other identification of all vehicles subject to
10 proportional registration.

1 SEC. 11. Section seven hundred fifty-three point thirteen (753.13),
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 The commissioner of public safety shall adopt a uniform, combined traffic
4 citation and complaint, which shall be used for charging all traffic violations in
5 Iowa under state law or municipal ordinance, unless the defendant is charged by
6 information or section 321.236, subsection 1, is applicable. Each citation and
7 complaint shall be serially numbered and shall be in quadruplicate, and the
8 officer shall deliver the original and a copy to the court where the defendant is to
9 appear, a copy to the defendant, and a copy to the law enforcement agency of the
10 officer. The court shall forward the copy of the citation and complaint in
11 accordance with section 321.207. The citation and complaint shall contain, among
12 other things, spaces for the parties' names and for the information required by
13 section 321.485, subsection 2; a place where the defendant may sign the promise

14 to appear referred to in section 321.486; a list of the minimum fines prescribed by
 15 section 753.15, either separately or by groups; a brief explanation of sections
 16 753.16 and 753.17; and a space where the defendant may sign an admission of the
 17 violation when such section 753.16 is applicable. *The citation and complaint may*
 18 *contain a space for the imprint of a credit card.* Every citation and complaint shall
 19 require the defendant to appear before a court at a specified time and place.
 20 Notwithstanding section 321.485, subsection 2, the officer may arrest the
 21 defendant although a citation and complaint is used to charge the violation, if
 22 authorized by section 755.4.

1 SEC. 12. Section seven hundred fifty-three point fifteen (753.15), subsection
 2 six (6), Code 1975, is amended to read as follows:

3 6. Excess speed up to ten miles per hour over the legal limit, ~~twenty~~ ten dollars.

1 SEC. 13. Section seven hundred fifty-three point fifteen (753.15), Code 1975, is
 2 amended by adding the following new subsections:

3 NEW SUBSECTION. No evidence or improper evidence of intrastate authority
 4 carried or displayed, twenty-five dollars.

5 NEW SUBSECTION. No evidence or improper evidence of interstate authority
 6 carried or displayed, one hundred dollars.

7 NEW SUBSECTION. No or improper carrier identification markings, fifteen
 8 dollars.

9 NEW SUBSECTION. Operation of vehicle by unqualified driver, twenty-five
 10 dollars.

11 NEW SUBSECTION. Operating a vehicle in violation of maximum hours of
 12 service or failure to maintain and display evidence of hours of service, twenty-five
 13 dollars.

1 SEC. 14. Section seven hundred fifty-three point sixteen (753.16), subsection
 2 three (3), paragraph a, Code 1975, is amended to read as follows:

3 a. If the defendant wishes to admit the violation, the officer may release the
 4 defendant upon observing him mail the citation and complaint, admission, and
 5 minimum fine, together with five dollars costs, to a traffic violations office in the
 6 county, in an envelope furnished by the officer. The officer may allow the
 7 defendant *to use a credit card pursuant to rules adopted pursuant to section two (2) of*
 8 *this Act by the department of public safety or to mail a check in the proper amount*
 9 *in lieu of cash.* If the check is not paid by the drawee for any reason, the
 10 defendant may be held in contempt of court. The officer shall advise the
 11 defendant of the penalty for nonpayment of the check.

1 SEC. 15. Sections three hundred twenty-five point fourteen (325.14), three
 2 hundred twenty-five point fifteen (325.15), three hundred twenty-five point
 3 sixteen (325.16) and three hundred twenty-five point twenty (325.20), Code 1975,
 4 are repealed.

Approved June 28, 1976

CHAPTER 1175

AIRPORTS AND AERONAUTICS

S. F. 1278

AN ACT relating to airports and aeronautics and providing for a fee.

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

1 SECTION 1. Section three hundred twenty-eight point one (328.1), subsection
2 thirteen (13), Code 1975, is amended to read as follows:

3 13. "~~Municipality~~" "*Governmental subdivision*" means any county, *or* city,
4 ~~village or township~~, of this state, and any other political subdivision, public
5 corporation, authority, or district in this state which is or may be authorized by
6 law to acquire, establish, construct, maintain, improve, and operate landing areas
7 and other air navigation facilities.

1 SEC. 2. Section three hundred twenty-eight point one (328.1), Code 1975, is
2 amended by adding the following new subsections:

3 NEW SUBSECTION. "Air carrier airport" means an existing public airport
4 regularly served by an air carrier, other than a supplemental air carrier,
5 certificated by the civil aviation board under section four hundred one (401) of
6 the Federal Aviation Act of 1958.

7 NEW SUBSECTION. "General aviation airport" means any airport that is not an
8 air carrier airport.

1 SEC. 3. Section three hundred twenty-eight point twelve (328.12), subsection
2 four (4), Code 1975, is amended to read as follows:

3 4. Technical services available. It shall, insofar as is reasonably possible, make
4 available the engineering, *management consulting*, and other technical services of
5 the department, without charge, in connection with aeronautics.

1 SEC. 4. Section three hundred twenty-eight point twelve (328.12), subsection
2 five (5), Code 1975, as amended by Acts of the Sixty-sixth General Assembly,
3 1975 Session, chapter thirty-five (35), section sixteen (16), is amended to read as
4 follows:

5 5. Intervention. It may participate as party plaintiff or defendant, or as
6 intervenor, complainant or movant, on behalf of the state or any ~~municipality~~
7 *governmental subdivision* or citizen thereof, in any proceeding having to do with
8 aeronautics.

1 SEC. 5. Section three hundred twenty-eight point twelve (328.12), Code 1975,
2 is amended by adding the following new subsections:

3 NEW SUBSECTION. **Sufficiency ratings.** It shall issue sufficiency ratings for
4 all airports in the state based on the functional classification of those airports as
5 set out in the department's annual transportation plan.

6 NEW SUBSECTION. **Centralized purchasing agency.** It may encourage
7 governmental subdivisions to utilize its services as a centralized purchasing
8 agency for items including but not limited to airport and aeronautics equipment
9 and chemicals.

10 NEW SUBSECTION. **Safety inspections.** It may enter into agreements and
11 otherwise cooperate with federal authorities in the safety inspection of registered
12 landing areas and may promulgate safety standards for airports.

13 NEW SUBSECTION. **Newsletter.** It may publish and distribute by subscription
14 a state aeronautics newsletter or magazine. The department may charge a
15 reasonable fee for subscriptions to such a newsletter or magazine.

1 SEC. 6. Section three hundred twenty-eight point thirteen (328.13), Code 1975,
2 is amended to read as follows:

3 **328.13 Co-operation with federal government.** The ~~commission~~ *department* is
4 authorized to cooperate with the government of the United States, and any
5 agency or department thereof, in the *planning*, acquisition, construction,
6 improvement, maintenance and operation of airports and other air navigation
7 facilities in this state, and to comply with the provisions of the laws of the United
8 States and any regulations made thereunder for the expenditures of federal
9 moneys upon such airports and other navigation facilities; ~~provided, however,~~
10 ~~that no matching of federal funds by state funds may be made unless such federal~~
11 ~~moneys have been accepted by the general assembly.~~

1 SEC. 7. Section three hundred twenty-eight point fourteen (328.14), Code
2 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **328.14 Authority to receive federal moneys for the state and governmental**
5 **subdivisions.**

6 1. The department shall act as agent for the state and shall upon request act as
7 agent for a governmental subdivision which owns a general aviation or air carrier
8 airport in accepting, receiving and receipting for all federal moneys provided that
9 the request is submitted to the department by March first of each year. The
10 department when acting as agent shall contract for all airport projects in which
11 planning, construction, acquisition or improvements include federal or state
12 funds, and the political subdivision owning the airport shall select all consultants.
13 The department shall not have jurisdiction over the operation or maintenance of
14 the airport after completion of the project, except for those contractual
15 stipulations agreed to by all parties prior to receipt of state funds.

16 2. The department shall include in the annual report made by the department
17 to the governor a report of all federal moneys it accepts, receives and receipts for
18 under the provisions of this section.

1 SEC. 8. Section three hundred twenty-eight point fifteen (328.15), Code 1975,
2 is amended to read as follows:

3 **328.15 Contracts—law governing.** All contracts for the *planning*, acquisition,
4 construction, improvement, maintenance, and operation of airports, or other air
5 navigation facilities made by the ~~commission~~ *department*, either as the agent of
6 this state or of any ~~municipality~~ ~~or made by any such municipality itself~~
7 ~~governmental subdivision~~, shall be made pursuant to the laws of this state
8 governing the making of like contracts; provided, however, that where such
9 undertaking is financed wholly or partially with federal moneys, the ~~commission~~
10 ~~department~~, as such agent, or the ~~municipality~~ ~~governmental subdivision~~ acting for
11 itself, may let contracts in the manner prescribed by the federal authorities, acting
12 under the laws of the United States, and any rules or regulations made
13 thereunder, notwithstanding any other state law to the contrary.

1 SEC. 9. Section three hundred twenty-eight point sixteen (328.16), Code 1975,
2 is amended to read as follows:

3 **328.16 Disposition of federal funds.** All moneys accepted for disbursement
4 by the ~~commission~~ *department* pursuant to section 328.14 shall be deposited in the
5 state treasury, and, unless otherwise prescribed by the authority from which the
6 money is received, kept in separate funds, designated according to the purposes
7 for which the moneys were made available, and held by the state in trust for such
8 purposes. All such moneys are hereby appropriated for the purposes for which the
9 same were made available, to be expended in accordance with federal laws and
10 regulations and with this chapter. The ~~commission~~ *department* is authorized,
11 whether acting for this state or as the agent of any of its ~~municipalities~~
12 ~~governmental subdivisions~~, or when requested by the United States government or
13 any agency or department thereof, to disburse such moneys for the designated

14 purposes, but this shall not preclude any other authorized method of
15 disbursement.

1 SEC. 10. Section three hundred twenty-eight point nineteen (328.19), Code
2 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session,
3 chapter one hundred eighty-six (186), is amended by striking the section and
4 inserting in lieu thereof the following:

5 **328.19 Registration.**

6 1. The department shall promulgate rules pursuant to the provisions of chapter
7 seventeen A (17A) of the Code governing the issuance by the department of
8 certificates of registration to all airports in this state which are open for use by the
9 public and governing the annual renewal of those certificates. These rules shall
10 require that an airport applying for a certificate of registration or for a renewal
11 shall comply with minimum standards of safety as promulgated by the
12 department, adopt safe air traffic patterns, and demonstrate that such air traffic
13 patterns are safely coordinated with those of all existing airports and approved
14 airport sites in its vicinity before the certificates of registration or certificate of
15 renewal may be issued. Certificates of registration or renewal may be issued
16 subject to any conditions the department deems necessary to carry out the
17 purposes of this section. The department may, after notice and opportunity for
18 hearing as provided in chapter seventeen A (17A) of the Code, revoke any
19 certificate of registration or renewal, or may refuse to issue a renewal, when it
20 determines:

- 21 a. That there has been an abandonment of the airport as such;
- 22 b. That there has been a failure to comply with the conditions of the
23 registration or renewal thereof; or
- 24 c. That because of change of physical or legal conditions or circumstances the
25 airport has become either unsafe or unusable for the aeronautical purposes for
26 which the registration or renewal was issued.

27 2. The department shall promulgate rules pursuant to the provisions of chapter
28 seventeen A (17A) of the Code governing the issuance by the department of
29 certificates of airport site approval. These rules shall provide that any person or
30 governmental subdivision desiring or planning to construct or establish an airport
31 shall obtain a certificate of site approval prior to acquisition of the site or prior to
32 the construction or establishment of the airport. The department shall charge a
33 reasonable fee, based on the cost of a safety inspection of the site approval
34 application, for the issuance of a certificate of site approval, and shall issue such a
35 certificate if it finds:

- 36 a. That the site is adequate for the proposed airport;
- 37 b. That such proposed airport, if constructed or established, will conform to
38 minimum standards of safety as promulgated by the department; and
- 39 c. That safe air traffic patterns are established for the proposed airport which
40 are safely coordinated with the traffic patterns of all existing airports and
41 approved airport sites in its vicinity.

42 3. A certificate of site approval shall remain in effect until a certificate of
43 registration has been issued to an airport located on the approved site as provided
44 in subsection one (1) of this section, unless the department, after notice and
45 opportunity for hearing, revokes the certificate of site approval upon a finding
46 that:

- 47 a. There has been an abandonment of the site as an airport site;
- 48 b. There has been a failure within two years to develop the site as an airport, or
49 to comply with the conditions of the approval; or
- 50 c. Because of change of physical or legal conditions or circumstances the site is
51 no longer usable for the aeronautical purposes for which the approval was
52 granted.

53 4. No certificate of site approval shall be required for the site of any existing
54 airport.

55 5. In considering an application for approval of a proposed airport site or the
56 issuance of an airport registration certificate under subsections one (1) and two
57 (2) of this section, the department may, on its own motion or upon the request of
58 an affected or interested person, hold a hearing as provided in chapter seventeen
59 A (17A) of the Code.

1 SEC. 11. Section three hundred twenty-eight point thirty-five (328.35), Code
2 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **328.35 Exceptions to registration requirements.**

5 1. The provisions of sections three hundred twenty-eight point nineteen (328.19)
6 and three hundred twenty-eight point twenty (328.20) of the Code shall not apply
7 to:

8 a. An aircraft which has been registered by a foreign country with which the
9 United States has a reciprocal agreement covering the operations of registered
10 aircraft.

11 b. An aircraft which is owned by a resident of this state but which is
12 continuously located and operated beyond the boundaries of the state.

13 c. Any airport, landing area, or other air navigation facility owned or operated
14 by the federal government within this state.

15 2. No minimum standards of safety shall apply to the approval of sites or
16 registration or renewal of a registration certificate for an airport owned by anyone
17 other than a governmental subdivision.

18 3. No registration or site approval is required for an airport maintained solely
19 for personal use and not for hire.

1 SEC. 12. Chapter three hundred twenty-eight (328), Code 1975, is amended by
2 adding the following new sections:

3 **NEW SECTION. Marking public aircraft.** All aircraft owned by the state or a
4 governmental subdivision of the state shall be marked to show ownership in a
5 readily apparent manner. The department may promulgate regulations for
6 marking such aircraft.

7 **NEW SECTION. Biennial report.** The commission shall publish biennially an
8 airport directory which shall contain a listing of all airports in the state which are
9 open to public use. The department may charge a reasonable fee based on the
10 cost of publication and distribution to those persons receiving a copy of the
11 directory.

12 **NEW SECTION. Inspections of governmental subdivision airports.** All
13 governmental subdivision airports shall be inspected by the department between
14 July 1, 1976 and July 1, 1977 and shall have one year from the date of inspection
15 to comply with the rules established by the department.

1 SEC. 13. Section three hundred twenty-nine point one (329.1), subsection two
2 (2), Code 1975, is amended by striking the subsection and inserting in lieu thereof
3 the following:

4 2. "Airport hazard" means any structure or tree or use of land which would
5 exceed the federal obstruction standards as contained in fourteen Code of Federal
6 Regulations sections seventy-seven point twenty-one (77.21), seventy-seven point
7 twenty-three (77.23) and seventy-seven point twenty-five (77.25) as revised March
8 4, 1972, and which obstruct the air space required for the flight of aircraft and
9 landing or takeoff at an airport or is otherwise hazardous to such landing or
10 taking off of aircraft.

1 SEC. 14. Section three hundred thirty point nine (330.9), unnumbered
2 paragraph three (3), Code 1975, is amended to read as follows:

3 ~~The commission~~ *department* shall ~~furthermore require~~ *issue approval of the plans*
4 *and specifications if it finds that the plans and specifications be they are in*
5 *substantial accord with the rules promulgated by the department or with the*
6 *regulations of the United States department of commerce federal aviation*

7 *administration* or other department of the federal government having general
 8 supervision of air navigation as it relates to plans and specifications for airports.
 9 ~~And if so found it shall approve such plans and specifications.~~

Approved May 28, 1976

CHAPTER 1176

AIRCRAFT POOL

H. F. 1584

AN ACT creating a state aircraft pool and a state aircraft revolving fund, providing for the transfer of aircraft and certain personnel, and making appropriations.

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

1 SECTION 1. Chapter three hundred twenty-eight (328), Code 1975, is amended
 2 by adding the following new section:

3 **NEW SECTION. State aircraft pool and revolving fund.**

4 1. There is created within the department a state aircraft pool consisting of
 5 state-owned aircraft to be used for the purpose of providing air transportation to
 6 state officers, employees and other persons authorized to travel on official state
 7 business. The department shall promulgate rules relating to the operation and use
 8 of the state aircraft pool. The use of state aircraft in the state aircraft pool for
 9 official state business shall be scheduled by the department.

10 2. The following persons may be transported in state pool aircraft:

11 a. Any elected or appointed officer of state government.

12 b. Any employee of state government.

13 c. Any other person who may be traveling on official public business in the
 14 interest of the state when authorized by a department head.

15 3. There is created a state aircraft revolving fund which shall be used by the
 16 department to purchase, sell, operate, maintain and repair aircraft in the state
 17 aircraft pool. No state department or agency, except the department of public
 18 safety, the state board of regents and the department, shall purchase or sell
 19 aircraft. The department shall determine the hourly operational cost of the
 20 various aircraft in the state aircraft pool and submit a monthly statement to each
 21 state agency using aircraft from the pool. The operational cost shall be paid by
 22 the state agency to the department in the same manner as other expenses of the
 23 state agency are paid and the payment shall be credited to the state aircraft
 24 revolving fund. All expenses relating to the operation and maintenance of the
 25 aircraft in the state aircraft pool shall be paid from the state aircraft revolving
 26 fund. The operation costs of an aircraft shall include all expenses relating to the
 27 operation and maintenance of aircraft including the salaries, support, and
 28 maintenance of state aircraft pool personnel and insurance, hangar rental, office
 29 supply and equipment and other miscellaneous overhead costs.

30 4. All state departments, boards, and commissions, except the department of
 31 public safety and the state board of regents, shall charter aircraft from the state
 32 aircraft pool. If aircraft are not available within the pool, the state aircraft pool
 33 may provide for the chartering or rental of aircraft from other public or private
 34 persons or agencies.

35 5. The department shall report annually to the general assembly not later than
 36 January fifteenth on the status of the state aircraft pool, which report shall
 37 include information on the operational status of each aircraft, operational income
 38 and expenses, number of travelers, and recommendations relating to future needs.

1 **SEC. 2. State-owned aircraft transferred.** Effective July 1, 1976, the following
2 state-owned aircraft are assigned to the state aircraft pool and the ownership
3 transferred to the state aircraft pool of the department of transportation:

4 1. A Cessna 421 aircraft, registered as N4211A, transferred from the
5 department of public defense.

6 2. A Piper Aztec aircraft, registered as N321SC, transferred from the state
7 conservation commission.

8 3. A Piper Aztec aircraft, registered as N13867, owned by the department of
9 transportation.

10 4. A Piper Comanche aircraft, registered as N9247P, owned by the department
11 of transportation.

1 **SEC. 3. Appropriations.** There is appropriated from the general fund of the
2 state for the fiscal year beginning July 1, 1976 and ending June 30, 1977, the
3 following sums, or so much thereof as may be necessary, to the following
4 departments for the purposes specified:

5 1. State conservation commission, to be credited to the state fish and
6 game protection fund to reimburse the user fee portion of the depreciated
7 original purchase price of the transferred Piper Aztec aircraft \$ 32,853

8 2. Department of transportation, to be credited to the primary road
9 fund to reimburse the user fee portion of the depreciated value of the
10 transferred Piper Aztec aircraft \$ 11,068

11 3. Department of transportation, to be credited to the state aviation
12 fund to reimburse the user fee portion of the depreciated value of the
13 original purchase price of the transferred Piper Comanche aircraft \$ 37,413

14 4. Department of transportation, to be credited to the state aircraft
15 revolving fund for the purpose of purchasing replacement aircraft and
16 repairing and improving aircraft in the state aircraft pool \$ 70,000

17 5. Department of transportation, to be credited to the state aircraft
18 revolving fund for the salaries, support, maintenance, and miscellaneous
19 expenses of state aircraft pool personnel \$ 90,000

1 **SEC. 4. Transfer of personnel.**

2 1. Effective July 1, 1976, the pilot employed by the state conservation
3 commission and the pilot employed by the department of public defense for the
4 purpose of providing air transportation for the governor and other state
5 administrative officials, shall be transferred to the department of transportation
6 and assigned with the pilots employed by the department of transportation to the
7 state aircraft pool.

8 2. Effective July 1, 1976, any unencumbered balance of funds remaining on
9 June 30, 1976 in the revolving fund created under section twenty-nine A point
10 seventy-eight (29A.78) of the Code shall revert to the general fund of the state
11 and any unencumbered balance of funds remaining on June 30, 1976 in the
12 revolving fund created under three hundred seven A point six (307A.6) of the
13 Code shall revert to the primary road fund.

1 **SEC. 5.** Section one hundred seven point twenty-four (107.24), Code 1975, is
2 amended by striking subsection ten (10).

1 **SEC. 6.** Sections twenty-nine A point seventy-eight (29A.78) and three
2 hundred seven A point six (307A.6), Code 1975, are repealed.

Approved June 28, 1976

CHAPTER 1177

COUNTY SERVICE DISTRICTS

S. F. 1244

AN ACT authorizing the board of supervisors to establish and govern certain service districts.

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

1 SECTION 1. Section three hundred thirty-two point three (332.3), Code 1975, is
 2 amended by adding the following new subsection:
 3 NEW SUBSECTION. To assume and exercise the powers and duties of a
 4 governing body under the provisions of chapters three hundred fifty-seven (357),
 5 three hundred fifty-seven A (357A), three hundred fifty-seven B (357B), three
 6 hundred fifty-eight (358) or four hundred sixty-two (462) of the Code if a
 7 governing body established under any such chapters has insufficient membership
 8 to perform the powers and duties of a governing body. The board of supervisors
 9 may, upon petition of the number of property owners within a proposed district
 10 and filing of a bond as provided in section three hundred fifty-seven A point two
 11 (357A.2) of the Code, establish a service district within the unincorporated area of
 12 the county and exercise the powers and duties granted under chapters three
 13 hundred fifty-seven (357), three hundred fifty-seven A (357A), three hundred
 14 fifty-seven B (357B), three hundred fifty-seven C (357C), three hundred fifty-eight
 15 (358), three hundred fifty-nine (359), three hundred eighty-four (384), division
 16 four (IV), or four hundred sixty-two (462) of the Code within such district.

Approved May 28, 1976

CHAPTER 1178

COUNTY BUILDINGS

S. F. 1203

AN ACT relating to bids for maintenance or construction of county buildings.

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

1 SECTION 1. Section three hundred thirty-two point seven (332.7), Code 1975, is
 2 amended to read as follows:
 3 **332.7 Contracts and bids required.** No building shall be erected or repaired
 4 when the probable cost thereof will exceed ~~two~~ five thousand dollars except under
 5 an express written contract and upon proposals therefor, invited by advertisement
 6 for three weeks in all the official newspapers of the county in which the work is to
 7 be done.
 8 *Contracts for the construction or repair of buildings, the probable cost of which*
 9 *does not exceed five thousand dollars, shall be let either through the formal bidding*
 10 *procedures specified herein or through informal bidding by notifying in writing at least*
 11 *three qualified bidders at least two weeks prior to letting the contract. The informal*
 12 *bids received, together with a statement of the reasons for use of said informal*
 13 *procedure and bid acceptance, shall be entered in the minutes of the board of*
 14 *supervisors meeting at which such action was taken.*

Approved May 25, 1976

CHAPTER 1179

SHERIFFS' USE OF VEHICLES

S. F. 1249

AN ACT relating to vehicles used by sheriffs and deputies.

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

- 1 SECTION 1. Chapter three hundred thirty-two (332), Code 1975, is amended by
 2 adding the following new section:
 3 NEW SECTION. Sheriffs and deputies shall not use private automobiles in the
 4 performance of their duties of office unless such use is pursuant to a contract
 5 made between the board of supervisors and the sheriff or deputy, as the case may
 6 be, as set forth in subsection eighteen (18) of section three hundred thirty-two
 7 point three (332.3) of the Code. If no such contract is made regarding use of
 8 private vehicles, the board of supervisors must provide as many county-owned
 9 automobiles as the board determines are needed for the sheriff and deputies to
 10 perform their duties of office.

Approved April 15, 1976

CHAPTER 1180

COUNTY GOVERNMENT ASSISTANCE

S. F. 1276

AN ACT making appropriations to certain funds for providing assistance to local governing bodies including the municipal assistance fund and county government assistance fund created by this Act.

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

- 1 SECTION 1. NEW SECTION. **Fund created.** There is created a "county
 2 government assistance fund" in the office of the treasurer of state. Funds
 3 appropriated to such fund and distributed pursuant to section two (2) of this Act
 4 shall be used, insofar as practicable, for projects and programs developed and
 5 maintained for citizens of the county residing outside the incorporated areas of
 6 any city in the county.
- 1 SEC. 2. NEW SECTION. **Distribution of funds.** On or before December
 2 fifteenth of each fiscal year the state comptroller shall distribute the funds in the
 3 county government assistance fund to each county in the state in the proportion
 4 that the population residing in the unincorporated area of each county is to the
 5 total population residing in the unincorporated areas of all of the counties.
 6 For purposes of this section "population" shall be based on the most recent
 7 federal census.
- 1 SEC. 3. There is appropriated from the general fund of the state to the county
 2 government assistance fund, established pursuant to section one (1) of this Act,
 3 for the fiscal year beginning July 1, 1976 and ending June 30, 1977, the sum of
 4 four million (4,000,000) dollars, or so much thereof as may be necessary, to be
 5 used for state assistance to counties, with distribution in accordance with section
 6 two (2) of this Act.

1 SEC. 4. There is appropriated from the general fund of the state to the
 2 municipal assistance fund, established in section four hundred five point one
 3 (405.1) of the Code, for the fiscal year beginning July 1, 1976 and ending June 30,
 4 1977, the sum of twelve million (12,000,000) dollars, or so much thereof as may be
 5 necessary, to be used for state assistance to municipalities, with distribution in
 6 accordance with section four hundred five point one (405.1) of the Code.

Approved June 23, 1976

CHAPTER 1181

SECOND DEPUTY SHERIFFS

S. F. 1122

AN ACT relating to the employment rights of second deputy sheriffs.

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

1 SECTION 1. Section three hundred forty-one A point seven (341A.7), Code
 2 1975, is amended to read as follows:

3 **341A.7 Classifications.** The classified civil service positions covered by this
 4 chapter shall include persons actually serving as deputy sheriffs who are salaried
 5 pursuant to section 340.8, but do not include a chief deputy sheriff, two second
 6 deputy sheriffs in counties with a population of more than one hundred thousand,
 7 and four second deputy sheriffs in counties with a population of more than two
 8 hundred thousand. A deputy sheriff serving with permanent rank under this
 9 chapter may be designated chief deputy sheriff or second deputy sheriff and
 10 retain such rank during the period of his service as chief deputy sheriff *or second*
 11 *deputy sheriff* and shall, upon termination of his duties as chief deputy sheriff *or*
 12 *second deputy sheriff*, revert to his permanent rank.

Approved April 15, 1976

CHAPTER 1182

CITY ORDINANCES

H. F. 1363

AN ACT relating to cities and notice that must be given before public ways and grounds can be vacated, filing of certain annexation materials, method of notice of results of certain elections, selection of a date for certain special elections, permanent maintenance of resolutions, and adoption of supplements to codes of ordinances.

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

1 SECTION 1. Section three hundred sixty-four point twelve (364.12), subsection
 2 two (2), paragraph a, Code 1975, is amended to read as follows:

3 a. Public ways and grounds may be temporarily closed by resolution, ~~and~~
 4 *Following notice as provided in section three hundred sixty-two point three (362.3) of*
 5 *the Code, such public ways and grounds may be vacated by ordinance.*

1 SEC. 2. Section three hundred sixty-eight point seven (368.7), unnumbered
2 paragraph two (2), Code 1975, as amended by Acts of the Sixty-sixth General
3 Assembly, 1975 Session, chapter two hundred three (203), section fifteen (15), is
4 amended to read as follows:

5 An application for annexation under this section must be approved by
6 resolution of the council which receives the application. If the territory is within
7 the urbanized area of a city other than the city to which the request for
8 annexation is directed, the application must also be approved by the board. Upon
9 receiving ~~the required~~ approval, *of the council, the city clerk* shall file a copy of
10 the map and resolution with the board. The annexation is completed when the
11 board has filed copies of the applicable portions of the proceedings as required in
12 section three hundred sixty-eight point twenty (368.20), subsection two (2) of the
13 Code.

1 SEC. 3. Section three hundred sixty-eight point twenty (368.20), subsection one
2 (1), Code 1975, is amended to read as follows:

3 1. Serve and publish notice of the result as provided in section ~~368.15~~ *three*
4 *hundred sixty-two point three (362.3) of the Code.*

1 SEC. 4. Section three hundred seventy-two point nine (372.9), subsection three
2 (3), Code 1975, is amended to read as follows:

3 3. The proposed home rule charter must be submitted at a special city election
4 on a date selected by the mayor *after consulting regarding the date on which the*
5 *election may most conveniently be held with the county commissioner of elections who*
6 *will be responsible for conducting the election. The* ~~However,~~ *the date of the election*
7 *must be not less than thirty nor more than sixty days after the last publication of*
8 *the proposed home rule charter.*

1 SEC. 5. Section three hundred seventy-two point thirteen (372.13), subsection
2 five (5), Code 1975, is amended to read as follows:

3 5. The council shall determine its own rules and maintain records of its
4 proceedings. City records and documents, or accurate reproductions thereof, must
5 be maintained for at least ten years, except that ordinances, *resolutions*, council
6 proceedings, and records and documents relating to real property transactions or
7 bond issues must be maintained permanently.

1 SEC. 6. Section three hundred eighty point eight (380.8), unnumbered
2 paragraph four (4), Code 1975, as amended by Acts of the Sixty-sixth General
3 Assembly, 1975 Session, chapter one hundred ninety-seven (197), section twenty-
4 three (23), is amended to read as follows:

5 Ordinances and amendments which become effective after adoption of a code
6 of ordinances may be compiled as supplements to the code, and upon adoption of
7 the supplement by ~~ordinance~~ *resolution*, become part of the code of ordinances.

Approved April 19, 1976

CHAPTER 1183

JUDGMENTS AGAINST CITIES

H. F. 1362

AN ACT relating to payment of judgments by cities.

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

1 SECTION 1. If a final judgment is entered against a city with a population of
2 five hundred or less for an amount in excess of eighty-eight thousand dollars over
3 and above what is covered by liability insurance, such city may spread the
4 budgeting and payment of that portion not covered by insurance over a period of
5 time not to exceed ten years. Interest shall be paid by the city on the unpaid
6 balance. This paragraph shall only apply to final judgments entered but not fully
7 satisfied prior to the effective date of this Act.

1 SEC. 2. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in The Sioux City Journal, a
3 newspaper published in Sioux City, Iowa, and in The Anthon Herald, a
4 newspaper published in Anthon, Iowa.

Approved 10, 1976

I hereby certify that the foregoing Act, House File No. 1362, was published in The Sioux City Journal, Sioux City, Iowa on March 18, 1976, and in The Anthon Herald, Anthon, Iowa on March 24, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1184

SHORT-TERM LOANS TO CITIES

H. F. 1361

AN ACT relating to short-term loans of cities.

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

1 SECTION 1. Section three hundred eighty-four point ten (384.10), Code 1975, is
2 amended to read as follows:

3 **384.10 Short-term loans.** A city may negotiate short-term loans, and may
4 issue warrants as provided in chapter 74, in anticipation of and not in excess of
5 its estimated revenues for the current fiscal year; ~~except that.~~ *However,* natural
6 disaster loans from the state or federal government *and loans for projects where*
7 *payment of state or federal funds has been guaranteed but receipt of such funds may*
8 *not coincide with the fiscal year,* may be negotiated in anticipation of revenues for
9 a period of time longer than the current fiscal year.

Approved April 26, 1976

CHAPTER 1185

SPECIAL ASSESSMENTS

H. F. 1009

AN ACT relating to the effective date of special assessments.

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

1 SECTION 1. Section three hundred eighty-four point fifty-one (384.51), Code
 2 1975, is amended by adding the following new unnumbered paragraph:
 3 NEW UNNUMBERED PARAGRAPH. After adopting the resolution of necessity,
 4 the clerk shall certify to the county auditor of each county in which the city is
 5 located, a copy of the resolution of necessity, the plat and the schedule of
 6 assessments. In counties in which taxes are collected in two or more places, the
 7 resolution of necessity, the plat and the schedule of assessments shall be certified
 8 to the office of county auditor where the special assessments are collected. The
 9 county auditor shall preserve such resolution, plat and schedule as a part of the
 10 records of his or her office until the city certifies final assessment schedule as
 11 provided in section three hundred eighty-four point sixty (384.60) of the Code or
 12 certifies that the public improvement has been abandoned.

1 SEC. 2. Section three hundred eighty-four point sixty-five (384.65), subsection
 2 five (5), Code 1975, is amended to read as follows:

3 5. From the date of ~~adoption of the resolution of necessity~~ *filing of a certified*
 4 *copy of the resolution of necessity, the plat, and the schedule of assessments as*
 5 *provided in section three hundred eighty-four point fifty-one (384.51) of the Code*, all
 6 special assessments with all interest and penalties become and remain a lien on
 7 the benefited properties until paid, and have equal precedence with ordinary
 8 taxes, and are not divested by any judicial sale.

Approved April 7, 1976

CHAPTER 1186

CITY BONDS AND PLEDGE ORDERS

S. F. 1325

AN ACT relating to bonds and pledge orders issued by cities.

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

1 SECTION 1. Section three hundred eighty-four point eighty-two (384.82), Code
 2 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session,
 3 chapter two hundred three (203), section thirty-six (36), is amended to read as
 4 follows:

5 **384.82 Procedure for financing.**

6 1. A city may carry out projects, borrow money, and issue revenue bonds and
 7 pledge orders to pay all or part of the cost of projects, such revenue bonds and
 8 pledge orders to be payable solely and only out of the net revenues of the city
 9 utility, combined utility system, city enterprise, or combined city enterprise
 10 involved in the project. The cost of a project includes the construction contracts,
 11 interest upon the revenue bonds and pledge orders during the period or estimated

12 period of construction and for twelve months thereafter, or for twelve months
 13 after the acquisition date, *such reserve funds as the governing body may deem*
 14 *advisable in connection with the project and the issuance of revenue bonds and pledge*
 15 *orders*, and the cost of engineering, architectural, technical, and legal services,
 16 preliminary reports, surveys, property valuations, estimates, plans, specifications,
 17 notices, acquisition of real and personal property, consequential damages or costs,
 18 easements, rights of way, supervision, inspection, testing, publications, printing
 19 and sale of bonds and provisions for contingencies. A city may sell revenue bonds
 20 at public or private sale in the manner prescribed by chapter 75 and may deliver
 21 revenue bonds and pledge orders to the contractors, sellers, and other persons
 22 furnishing materials and services constituting a part of the cost of the project in
 23 payment therefor.

24 2. A city may issue revenue bonds to refund revenue bonds, pledge orders, and
 25 other obligations which are by their terms payable from the net revenues of the
 26 same city utility, combined utility system, city enterprise, or combined city
 27 enterprise, or from a city utility comprising a part of the combined utility system
 28 or a city enterprise comprising a part of the combined city enterprise, at lower,
 29 the same, or higher rates of interest. A city may sell refunding revenue bonds at
 30 public or private sale in the manner prescribed by chapter 75 and apply the
 31 proceeds thereof to the payment of the obligations being refunded, and may
 32 exchange refunding revenue bonds in payment and discharge of the obligations
 33 being refunded. The principal amount of any refunding revenue bonds may
 34 exceed the principal amount of the obligations being refunded to the extent
 35 necessary to pay any premium due on the call of the obligations being refunded
 36 and to fund interest accrued ~~on and prior to the delivery of the refunding revenue~~
 37 ~~bonds and to accrue on the obligations being refunded.~~

Approved May 28, 1976

CHAPTER 1187

MUNICIPAL IMPROVEMENT DISTRICTS

S. F. 356

AN ACT authorizing the establishment and funding of self-supported municipal improvement districts.

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

1 SECTION 1. NEW SECTION. **Definitions.** As used in this Act, unless the
 2 context requires otherwise:

3 1. "District" means a self-supported municipal improvement district which may
 4 be created and the property therein taxed in accordance with this Act.

5 2. "Improvement" means any of the following:

6 a. All or any part of a city enterprise as defined in section three hundred
 7 eighty-four point twenty-four (384.24), subsection two (2) of the Code.

8 b. Public improvements as defined in section three hundred eighty-four point
 9 thirty-seven (384.37), subsection one (1) of the Code.

10 c. Those structures, properties, facilities or actions, the acquisition,
 11 construction, improvement, installation, reconstruction, enlargement, repair,
 12 equipping, purchasing, or taking of which would constitute an essential corporate
 13 purpose or general corporate purpose as defined in subsections three (3) and four
 14 (4) of section three hundred eighty-four point twenty-four (384.24) of the Code.

15 3. "Self-liquidating improvement" means any facility or property proposed to
 16 be leased in whole or in part to any person or governmental body to further the
 17 corporate purposes of the city and:

- 18 a. To aid in the commercial development of the district.
 19 b. To further the purposes of the district; or
 20 c. Not substantially reduce the city's property tax base.

21 4. "Cost" of any improvement or self-liquidating improvement includes
 22 construction contracts and the cost of engineering, architectural, technical, and
 23 legal services, preliminary reports, property valuations, estimates, plans,
 24 specifications, notices, acquisition of real and personal property, consequential
 25 damages or costs, easements, rights-of-way, supervision, inspection, testing,
 26 publications, printing and sale of bonds, interest during construction and for not
 27 more than six months thereafter, and provisions for contingencies.

28 5. The use of the conjunctive "and" includes the disjunctive "or" and the use of
 29 the disjunctive "or" includes the conjunctive "and", unless the context clearly
 30 indicates otherwise.

31 6. All definitions in section three hundred sixty-two point two (362.2) of the
 32 Code are incorporated by reference as a part of this Act, except as provided in
 33 subsection seven (7) of this section.

34 7. "Property" means real property as defined in section four point one (4.1),
 35 subsection eight (8) of the Code.

36 8. "Property owner" or "owner" means the owner of property, as shown by the
 37 transfer books in the office of the county auditor of the county in which the
 38 property is located.

1 SEC. 2. NEW SECTION. **Authorization.** A city which proposes to create a
 2 district, to provide for its existence and operation, to provide for improvements or
 3 self-liquidating improvements for the district, to authorize and issue bonds for the
 4 purposes of the district, and to levy the taxes authorized by this Act must do so in
 5 accordance with the provisions of this Act.

1 SEC. 3. NEW SECTION. **Establishment of district.**

2 1. Districts may be created by action of the council in accordance with the
 3 provisions of this Act. A district shall:

4 a. Be comprised of contiguous property wholly within the boundaries of the
 5 city. A self-supported municipal improvement district shall not be comprised of
 6 any property in districts which are zoned for any use other than commercial or
 7 industrial.

8 b. Be given a descriptive name containing the words "self-supported municipal
 9 improvement district".

10 c. Be comprised of property related in some manner, including but not limited
 11 to present or potential use, physical location, condition, relationship to an area, or
 12 relationship to present or potential commercial or other activity in an area, so as
 13 to be benefited in any manner, including but not limited to a benefit from present
 14 or potential use or enjoyment of the property, by the condition, development or
 15 maintenance of the district or of any improvement or self-liquidating
 16 improvement of the district, or be comprised of property the owners of which
 17 have a present or potential benefit from the condition, development or
 18 maintenance of the district or of any improvement or self-liquidating
 19 improvement of the district.

20 2. The council shall initiate proceedings for establishing a district upon the
 21 filing with its clerk of a petition containing:

22 a. The signatures of at least twenty-five percent of all owners of property within
 23 the proposed district. These signatures must together represent ownership of
 24 property with an assessed value of twenty-five percent or more of the assessed
 25 value of all of the property in the proposed district.

26 b. A description of the boundaries of the proposed district or a consolidated
27 description of the property within the proposed district.

28 c. The name of the proposed district.

29 d. A statement of the maximum rate of tax that may be imposed upon property
30 within the district. The maximum rate of tax may be stated in terms of separate
31 maximum rates for the debt service tax, the capital improvement fund tax, and
32 the operation tax, or in terms of a maximum combined rate for all three.

33 e. The purpose of the establishment of the district, which may be stated
34 generally, or in terms of the relationship of the property within the district or the
35 interests of the owners of property within the district, or in terms of the
36 improvements or self-liquidating improvements proposed to be developed for the
37 purposes of the district, either specific improvements, self-liquidating
38 improvements, or general categories of improvements, or any combination of the
39 foregoing.

40 f. A statement that taxes levied for the self-supported improvement district
41 operation fund shall be used for the purpose of paying maintenance expenses of
42 improvements or self-liquidating improvements financed pursuant to this Act for
43 a specified length of time, along with any options to renew, if such taxes are to be
44 used for this maintenance purpose.

45 3. The council shall notify the city planning commission upon the receipt of a
46 petition. It shall be the duty of the city planning commission to make
47 recommendations to the council in regard to the proposed district. The city
48 planning commission shall, with due diligence, prepare an evaluative report for
49 the council on the merit and feasibility of the project. The council shall not hold
50 its public hearings or take further action on the establishment of the district until
51 it has received the report of the city planning commission. In addition to its
52 report, the commission may, from time to time, recommend to the council
53 amendments and changes relating to the project.

54 If no city planning commission exists, the council shall notify the metropolitan
55 or regional planning commission upon receipt of a petition, and such commission
56 shall have the same duties as the city planning commission set forth in this
57 subsection. If no planning commission exists, the council shall notify the zoning
58 commission upon receipt of a petition, and such commission shall have the same
59 duties as the city planning commission set forth in this subsection. If no planning
60 or zoning commission exists, the council shall call a hearing on the establishment
61 of a district upon receipt of a petition.

62 4. Upon the receipt of the commission's final report the council shall set a time
63 and place for a meeting at which the council proposes to take action for the
64 establishment of the district, and shall publish notice of the meeting as provided
65 in section three hundred sixty-two point three (362.3) of the Code, and the clerk
66 shall send a copy of the notice by certified mail not less than fifteen days before
67 the meeting to each owner of property within the proposed district at the owner's
68 address as shown by the records of the county auditor. If a property is shown to
69 be in the name of more than one owner at the same mailing address, a single
70 notice may be mailed addressed to all owners at that address. Failure to receive a
71 mailed notice is not grounds for objection to the council's taking any action
72 authorized in this Act.

73 5. In addition to the time and place of the meeting for hearing on the petition,
74 the notice must state:

75 a. That a petition has been filed with the council asking that a district be
76 established.

77 b. The name of the district.

78 c. The purpose of the district.

79 d. The property proposed to be included in the district.

80 e. The maximum rate of tax which may be imposed upon the property in the
81 district.

82 6. At the time and place set in the notice the council shall hear all owners of
83 property in the proposed district or residents of the city desiring to express their
84 views. The council must wait at least thirty days after the public hearing has been
85 held before it may adopt an ordinance establishing a district which must be
86 comprised of all the property which the council finds has the relationship or
87 whose owners have the interest described in section three (3), subsection one (1),
88 paragraph c of this Act. Property included in the proposed district need not be
89 included in the established district. However, no property may be included in the
90 district that was not included in the proposed district until the council has held
91 another hearing after it has published and mailed the same notice as required in
92 subsections four (4) and five (5) of this section on the original petition to the
93 owners of the additional property, or has caused a notice of the inclusion of the
94 property to be personally served upon each owner of the additional property, or
95 has received a written waiver of notice from each owner of the additional
96 property.

97 7. Adoption of the ordinance establishing a district requires the affirmative vote
98 of three-fourths of all of the members of the council, or in cities having but three
99 members of the council, the affirmative vote of two members. However if a
100 remonstrance has been filed with the clerk signed by at least twenty-five percent
101 of all owners of property within the proposed district representing ownership of
102 property with an assessed value of twenty-five percent or more of the assessed
103 value of all of the property in the proposed district, the adoption of the ordinance
104 requires a unanimous vote of the council.

105 8. The clerk shall cause a copy of the ordinance to be filed in the office of the
106 county recorder of each county in which any property within the district is
107 located.

108 9. At any time prior to adoption of an ordinance establishing a district, the
109 entire matter of establishing such district shall be withdrawn from council
110 consideration if a petition is filed with its clerk containing the signatures of at
111 least forty percent of all owners of property within the proposed district or
112 signatures which together represent ownership of property with an assessed value
113 of forty percent or more of the assessed value of all property within the proposed
114 district.

115 10. The adoption of an ordinance establishing a district is a legislative
116 determination that the property within the district has the relationship or its
117 owners have the interest required under section three (3), subsection one (1),
118 paragraph c of this Act and includes all of the property within the area which has
119 that relationship or the owners of which have that interest in the district.

120 11. Any resident or property owner of the city may appeal the action and the
121 decisions of the council, including the creation of the district and the levying of
122 the proposed taxes for the district, to the district court of the county in which any
123 part of the district is located, within thirty days after the date upon which the
124 ordinance creating the district becomes effective, but the action and decision of
125 the council are final and conclusive unless the court finds that the council
126 exceeded its authority. No action may be brought questioning the regularity of
127 the proceedings pertaining to the establishment of a district or the validity of the
128 district, or the propriety of the inclusion or exclusion of any property within or
129 from the district, or the ability of the city to levy taxes in accordance with the
130 ordinance establishing the district, after thirty days from the date on which the
131 ordinance creating the district becomes effective.

132 12. The procedural steps for the petitioning and creation of the district may be
133 combined with the procedural steps for the authorization of any improvement or
134 self-liquidating improvement, or the procedural steps for the authorization of any
135 tax, or any combination thereof.

136 13. The rate of debt service tax referred to in the petition and the ordinance
137 creating the district shall only restrict the amount of bonds which may be issued,
138 and shall not limit the ability of the city to levy as necessary in subsequent years

139 to pay interest and amortize the principal of that amount of bonds.
140 14. The ordinance creating the district may provide for the division of all of the
141 property within the district into two or more zones based upon a reasonable
142 difference in the relationship of the property or the interest of its owners, whether
143 the difference is qualitative or quantitative. The ordinance creating the district
144 and establishing the different zones may establish a different maximum rate of
145 tax for each zone, or may provide that the rate of tax for a zone shall be a certain
146 set percentage of the tax levied in the zone which is subject to the highest rate of
147 tax.

1 **SEC. 4. NEW SECTION. Amendments to district.**

2 1. The ordinance creating the district may be amended and property may be
3 added to the district and the maximum rate of taxes referred to in the ordinance
4 may be increased at any time in the same manner and by the same procedure as
5 for the establishment of a district. All property added to a district shall be subject
6 to all taxes currently and thereafter levied including debt service levies for bonds
7 previously or thereafter issued.

8 2. Action by the council amending the ordinance creating the district, including
9 adding any eligible property or deleting any property within the district or
10 changing any maximum rate of taxes, shall be by ordinance adopted by an
11 affirmative vote of three-fourths of all of the members of the council, or in cities
12 having but three members of the council, the affirmative vote of two members.
13 However, if a remonstrance has been filed with the clerk signed by at least
14 twenty-five percent of all owners of property within the district and all property
15 proposed to be included representing ownership of property with an assessed
16 value of twenty-five percent or more of the assessed value of all the property in
17 the district and all property proposed to be included, the amending ordinance
18 must be adopted by unanimous vote of the council.

19 3. The clerk shall cause a copy of the amending ordinance to be filed in the
20 office of the county recorder of each county in which any property within the
21 district as amended is located.

22 4. At any time prior to council amendment of the ordinance creating the
23 district, the entire matter of amending such ordinance shall be withdrawn from
24 council consideration if a petition is filed with its clerk containing either the
25 signatures of at least forty percent of all owners of property within the district
26 and all property proposed to be included or signatures which together represent
27 ownership of property with an assessed value of forty percent or more of the
28 assessed value of all property within the district and all property proposed to be
29 included.

30 5. Any resident or property owner of the city may appeal the action or
31 decisions of the council amending the ordinance creating the district, to the
32 district court of the county in which any part of the district, as amended, is
33 located, within fifteen days after the date upon which the ordinance amending the
34 ordinance creating the district becomes effective, but the action and decision of
35 the council are final and conclusive unless the court finds that the council
36 exceeded its authority. No action may be brought questioning the regularity of
37 the proceedings pertaining to the amended ordinance or the validity of the district
38 as amended, or the propriety of the inclusion or exclusion of any property within
39 or from the amended district, or the ability of the city to levy taxes in accordance
40 with the ordinance establishing the district, as amended, after thirty days from the
41 date upon which the amending ordinance becomes effective.

42 6. All other provisions in section three (3) of this Act shall apply to an
43 amended district and to the ordinance amending the ordinance creating the
44 district with the same effect as they apply to the original district and the
45 ordinance creating the original district.

1 SEC. 5. NEW SECTION. **Dissolution.** A district may be dissolved and
2 terminated by action of the council rescinding the ordinance creating the district,
3 and any subsequent ordinances amending the district, by an affirmative vote of
4 three-fourths of all members of the council, or in cities having but three members
5 of the council, the affirmative vote of two members. However, if a remonstrance
6 has been filed with the clerk signed by at least twenty-five percent of all owners
7 of property within the district representing ownership of property with an
8 assessed value of twenty-five percent or more of the assessed value of all the
9 property in the district, the rescission of the ordinance creating the district, and
10 any subsequent ordinances amending the district, requires a unanimous vote of
11 the council.

12 At any time prior to action of the council rescinding the ordinance creating the
13 district, and any subsequent ordinances amending the district, the entire matter of
14 dissolving a district shall be withdrawn from council consideration if a petition is
15 filed with its clerk containing the signatures of at least forty percent of all owners
16 of property within the district or signatures which together represent ownership of
17 property with an assessed value of forty percent or more of the assessed value of
18 all property within the district.

1 SEC. 6. NEW SECTION. **Improvements.** When a city proposes to construct
2 an improvement the cost of which is to be paid or financed under the provisions
3 of this Act, it must do so in accordance with the provisions of this section, as
4 follows:

5 1. The council shall initiate proceedings for a proposed improvement upon
6 receipt of a petition signed by at least twenty-five percent of all owners of
7 property within the district representing ownership of property with an assessed
8 value of twenty-five percent or more of the assessed value of all the property in
9 the district.

10 2. Upon the receipt of such a petition the council shall notify the city planning
11 commission, if one exists, the metropolitan or regional planning commission, if
12 one exists, or the zoning commission, if one exists, in the order set forth in
13 subsection three (3) of section three (3) of this Act. Upon notification by the
14 council, the commission shall prepare an evaluative report for the council on the
15 merit and feasibility of the improvement and carry out all other duties as set forth
16 in subsection three (3) of section three (3) of this Act. If no planning or zoning
17 commission exists, the council shall call a hearing on a proposed improvement
18 upon receipt of a petition.

19 3. Upon the receipt of the commission's report the council shall set a time and
20 place of meeting at which the council proposes to take action on the proposed
21 improvement and shall publish and mail notice as provided in subsections four
22 (4) and five (5) of section three (3) of this Act.

23 4. The notice must include a statement that an improvement has been
24 proposed, the nature of the improvement, the source of payment of the cost of the
25 improvement, and the time and place of hearing.

26 5. At the time and place set in the notice the council shall hear all owners of
27 property in the district or residents of the city desiring to express their views. The
28 council must wait at least thirty days after the public hearing has been held
29 before it may take action to order construction of the improvement. The
30 provisions of section three (3), subsections seven (7) and nine (9), of this Act
31 relating to the adoption of the ordinance establishing a district, the requisite vote
32 therefor, the remonstrance thereto and the withdrawal of the entire matter from
33 council consideration apply to the adoption of the resolution ordering the
34 construction of the improvement.

35 6. If the council orders the construction of the improvement, it shall proceed to
36 let contracts therefor in accordance with division six (VI) of chapter three
37 hundred eighty-four (384) of the Code.

38 7. The adoption of a resolution ordering the construction of an improvement is
 39 a legislative determination that the proposed improvement is in furtherance of the
 40 purposes of the district and that all property in the district will be affected by the
 41 construction of the improvement, or that all owners of property in the district
 42 have an interest in the construction of the improvement.

43 8. Any resident or property owner of the city may appeal the action or
 44 decisions of the council ordering the construction of the improvement to the
 45 district court of the county in which any part of the district is located within
 46 thirty days after the adoption of the resolution ordering construction of the
 47 improvement, but the action and decisions of the council are final and conclusive
 48 unless the court finds that the council exceeded its authority. No action may be
 49 brought questioning the regularity of the proceedings pertaining to the ordering of
 50 the construction of an improvement, or the right of the city to apply moneys in
 51 the capital improvement fund referred to in this Act to the payment of the costs
 52 of the improvement, or the right of the city to issue bonds referred to in this Act
 53 for the payment of the costs of the improvement, or the right of the city to levy
 54 taxes which with any other taxes authorized by this Act do not exceed the
 55 maximum rate of tax that may be imposed upon property within the district for
 56 the payment of principal of and interest on bonds issued to pay the costs of the
 57 improvement, after thirty days from the date of adoption of the resolution
 58 ordering construction of the improvement.

59 9. The procedural steps contained in this section may be combined with the
 60 procedural steps for the petitioning and creation of the district or the procedural
 61 steps for the authorization of any tax or any combination thereof.

1 SEC. 7. NEW SECTION. **Self-liquidating improvements.** When a city proposes
 2 to construct a self-liquidating improvement, the cost of which is to be paid or
 3 financed under the provisions of this Act, it must do so in accordance with the
 4 provisions of this section as follows:

5 1. Subsections one (1), through five (5) of section six (6) of this Act are
 6 applicable to a self-liquidating improvement to the same extent as they are
 7 applicable to an improvement and the proceedings initiating a self-liquidating
 8 improvement shall be governed thereby.

9 2. Before the council may order the construction of a self-liquidating
 10 improvement, and after hearing thereon, it must find that the self-liquidating
 11 improvement and the leasing of a part or the whole of it to any person or
 12 governmental body will further the corporate purposes of the city and will:

- 13 a. Aid in the commercial development of the district.
- 14 b. Further the interests of the district; or
- 15 c. Not substantially reduce the city's property tax base.

16 3. If the council orders the construction of the self-liquidating improvement,
 17 any contracts shall be let therefor in accordance with division six (VI) of chapter
 18 three hundred eighty-four (384) of the Code.

19 4. The adoption of a resolution ordering the construction of a self-liquidating
 20 improvement is a legislative determination that the proposed self-liquidating
 21 improvement and the leasing of a part or the whole of it to any person or
 22 governmental body will further the corporate purposes of the city and will:

- 23 a. Aid in the commercial development of the district.
- 24 b. Further the interests of the district; or
- 25 c. Not substantially reduce the city's property tax base.

26 5. A city may lease any or all of a self-liquidating improvement to any person
 27 or governmental body.

28 6. A city may issue revenue bonds payable from the income and receipts
 29 derived from the self-liquidated improvement. Division five (V) of chapter three
 30 hundred eighty-four (384) of the Code applies to revenue bonds for self-
 31 liquidating improvements and the term "city enterprise" as used in that division
 32 shall be deemed to include self-liquidating improvements authorized by this Act.

33 7. Any resident or property owner of the city may appeal a decision of the
 34 council to order the construction of a self-liquidating improvement or to lease any
 35 or all of a self-liquidating improvement to the district court of the county in
 36 which any part of the district is located, within thirty days after the adoption of
 37 the resolution ordering the self-liquidating improvement, but the action of the
 38 council is final and conclusive unless the court finds that the council exceeded its
 39 authority.

40 8. No action may be brought questioning the regularity of the proceedings
 41 pertaining to the ordering of the construction of a self-liquidating improvement
 42 after thirty days from the date of adoption of the resolution ordering construction
 43 of the self-liquidating improvement. No action may be brought questioning the
 44 regularity of the proceedings pertaining to the leasing of any or all of a self-
 45 liquidating improvement after thirty days from the date of the adoption of a
 46 resolution approving the proposed lease. In addition to the limitation contained in
 47 section three hundred eighty-four point ninety-two (384.92) of the Code, no
 48 action may be brought which questions the legality of revenue bonds or the power
 49 of the city to issue revenue bonds or the effectiveness of any proceedings relating
 50 to the authorization and issuance of revenue bonds relating to a self-liquidating
 51 improvement after thirty days from the time the bonds are ordered issued by the
 52 city.

53 9. The procedural steps contained in this section may be combined with the
 54 procedural steps for the petitioning and creation of the district.

1 SEC. 8. NEW SECTION. **Operation tax.** A city may establish a self-supported
 2 improvement district operation fund, and may certify taxes not to exceed the rate
 3 limitation as established in the ordinance creating the district, or any amendment
 4 thereto, each year to be levied for the fund against all of the property in the
 5 district, for the purpose of paying the administrative expenses of the district,
 6 which may include but are not limited to administrative personnel salaries, a
 7 separate administrative office, planning costs including consultation fees,
 8 engineering fees, architectural fees, and legal fees and all other expenses
 9 reasonably associated with the administration of the district and the fulfilling of
 10 the purposes of the district. The taxes levied for this fund may also be used for
 11 the purpose of paying maintenance expenses of improvements or self-liquidating
 12 improvements financed pursuant to this Act for a specified length of time with
 13 one or more options to renew if such is clearly stated in the petition which
 14 requests the council to authorize construction of the improvement or self-
 15 liquidating improvement, whether or not such petition is combined with the
 16 petition requesting creation of a district. Parcels of property which are assessed as
 17 residential property for property tax purposes are exempt from the tax levied
 18 under this section. A tax levied under this section is not subject to the levy
 19 limitation in section three hundred eighty-four point one (384.1) of the Code.

1 SEC. 9. NEW SECTION. **Capital improvement fund.** A city may establish a
 2 capital improvement fund for a district and may certify taxes, not to exceed the
 3 rate established by the ordinance creating the district, or any subsequent
 4 amendment thereto, each year to be levied for the fund against all of the property
 5 in the district, for the purpose of accumulating moneys for the financing or
 6 payment of a part or all of the costs of any improvement or self-liquidating
 7 improvement. However, parcels of property which are assessed as residential
 8 property for property tax purposes are exempt from the tax levied under this
 9 section. A tax levied under this section is not subject to the levy limitations in
 10 sections three hundred eighty-four point one (384.1) or three hundred eighty-four
 11 point seven (384.7) of the Code.

1 SEC. 10. NEW SECTION. **Debt service fund.** A city shall establish a self-
 2 supported municipal improvement district debt service fund whenever any self-
 3 supported municipal improvement district bonds are issued and outstanding,

4 other than revenue bonds, and shall certify taxes to be levied against all of the
 5 property in the district for the debt service fund in the amount necessary to pay
 6 interest as it becomes due and the amount necessary to pay, or to create a sinking
 7 fund to pay, the principal at maturity of all self-supported municipal
 8 improvement district bonds as authorized in section eleven (11) of this Act, issued
 9 by the city. However, parcels of property which are assessed as residential
 10 property for property tax purposes are exempt from the tax levied under this
 11 section.

1 **SEC. 11. NEW SECTION. Self-supported municipal improvement district bonds.**

2 1. A city may issue and sell self-supported municipal improvement district
 3 bonds at public or private sale payable from taxes which must be levied in
 4 accordance with chapter seventy-six (76) of the Code. The bonds are payable
 5 from the levy of unlimited ad valorem taxes on all the taxable property within the
 6 district through the district debt service fund authorized by section ten (10) of this
 7 Act. When self-supported municipal improvement district bonds are issued and
 8 taxes are levied in accordance with chapter seventy-six (76) of the Code, the taxes
 9 shall continue to be levied, until the bonds and interest thereon are paid in full,
 10 against all of the taxable property that was included in the district at the time of
 11 the issuance of the bonds, regardless of any subsequent removal of any property
 12 from the district or the dissolution of the district.

13 2. The proceeds of the sale of the bonds may be used to pay any or all of the
 14 costs of any improvement, or be used to pay any legal indebtedness incurred for
 15 the cost of any improvement including bonds or warrants previously issued to pay
 16 the costs of an improvement, or bonds may be exchanged for the evidences of
 17 such legal indebtedness.

18 3. Before the council may institute proceedings for the issuance of bonds, it
 19 shall proceed in the same manner as is required for the institution of proceedings
 20 for the issuance of bonds for an essential corporate purpose as provided in
 21 subsection two (2) of section three hundred eighty-four point twenty-five (384.25)
 22 of the Code, and all of the provisions of that subsection apply to bonds issued
 23 pursuant to this section.

24 4. A city may issue bonds authorized by this section pursuant to a resolution
 25 adopted at a regular or special meeting by an affirmative vote of a majority of the
 26 total members to which the council is entitled. The proceeds of a single bond
 27 issue may be used for various improvements.

28 5. The provisions of sections three hundred eighty-four point twenty-nine
 29 (384.29), three hundred eighty-four point thirty (384.30), and three hundred
 30 eighty-four point thirty-one (384.31) of the Code apply to bonds issued pursuant
 31 to this section, except that the bonds shall be designated "municipal improvement
 32 district bonds".

33 6. No action may be brought which questions the legality of bonds issued
 34 pursuant to this section or the power of a city to issue the bonds or the
 35 effectiveness of any proceedings relating to the authorization and issuance of the
 36 bonds after thirty days from the time the bonds are ordered issued by the city.

1 **SEC. 12. NEW SECTION. Payment for improvements.** The costs of
 2 improvements may be paid from any of the following sources or a combination
 3 thereof:

4 1. The capital improvement fund referred to in section nine (9) of this Act.

5 2. The proceeds of bonds referred to in section eleven (11) of this Act.

6 3. Any other funds of the city which are legally available to pay all or a portion
 7 of the cost of an improvement. The fact that an improvement is initiated under
 8 the provisions of this Act, or any of the costs of an improvement or any part of
 9 an improvement are being paid under the provisions of this Act, shall not
 10 preclude the city from paying any costs of an improvement from any fund from
 11 which it might otherwise have been able to pay such costs. In addition, and not in
 12 limitation of the foregoing, any improvement which constitutes an essential

13 corporate purpose or a general corporate purpose as defined in section three
 14 hundred eighty-four point twenty-four (384.24), subsections three (3) and four (4)
 15 of the Code, may be financed in whole or in part with the proceeds of the
 16 issuance of general obligation bonds of the city pursuant to the provisions of
 17 division three (III) of chapter three hundred eighty-four (384) of the Code.

18 4. Payment for the costs of an improvement may also be made in warrants
 19 drawn on any fund from which payment for the improvement may be made. The
 20 warrants, unless paid upon presentation, draw interest at a rate not to exceed
 21 seven percent per annum from the date of presentation for payment. If such
 22 funds are depleted, anticipatory warrants may be issued which do not constitute a
 23 violation of section three hundred eighty-four point ten (384.10) of the Code, even
 24 if the collection of taxes or income from the sale of bonds applicable to the
 25 improvement is after the end of the fiscal year in which the warrants are issued. If
 26 the city arranges for the private sale of anticipatory warrants, they may be sold
 27 and the proceeds used to pay the costs of the improvement. Such warrants may
 28 be used to pay other persons furnishing services constituting a part of the cost of
 29 the improvement.

1 SEC. 13. NEW SECTION. **Parking fee abatements.** A city may apply moneys
 2 in the operation fund of the district to prepay parking fees at any city parking
 3 facility located in or used in conjunction with the district but only after notice
 4 and hearing as required by section six (6) of this Act. The authority to prepay
 5 such fees shall exist only for the period of time set out in the notice to owners and
 6 in the resolution of the council authorizing the application of funds for that
 7 purpose. Upon the application of sufficient amounts of prepaid fees, the city need
 8 not charge individual users of the parking facility. Before adopting a resolution
 9 authorizing the application of funds for such purpose, the council must find that
 10 the application will further the purposes of the district, including but not limited
 11 to increasing the commercial activity in the district.

1 SEC. 14. NEW SECTION. **Independent provisions.** The provisions of this Act
 2 with respect to notice, hearing and appeal for the construction of improvements
 3 and self-liquidating improvements and the issuance and sale of bonds are in lieu
 4 of the provisions contained in chapters seventy-five (75) and twenty-three (23) of
 5 the Code, or any other law, unless specifically referred to and made applicable by
 6 this Act.

Approved June 28, 1976

CHAPTER 1188

JOINT ELECTRICAL UTILITIES

S. F. 1338

AN ACT providing that for the purposes of chapter three hundred ninety (390) of the Code, ownership of certain transmission facilities may include the right to the use of an amount of the capacity thereof.

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

1 SECTION 1. Section three hundred ninety point one (390.1), Code 1975, as
 2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
 3 hundred ninety-nine (199), section one (1), is amended by adding the following
 4 new subsection:

5 NEW SUBSECTION. "Own and ownership" in the case of transmission facilities,
6 including substations and associated facilities, which are located in Iowa, may
7 include the right to the use of an amount of the capacity thereof, if the joint
8 agreement so provides.

Approved June 23, 1976

CHAPTER 1189

CIVIL SERVICE

S. F. 1086

AN ACT relating to local civil service commissions providing for changes in qualification requirements.

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

1 SECTION 1. Section four hundred point two (400.2), Code 1975, is amended to
2 read as follows:

3 **400.2 Qualifications.** The commissioners must be citizens of Iowa, *eligible*
4 *electors as defined in chapter thirty-nine (39) of the Code*, and residents of the city
5 for more than five years next preceding their appointment, and shall serve
6 without compensation. No person while on said commission, shall hold or be a
7 candidate for any office of public trust. Provided, this section notwithstanding,
8 when a human rights commission has been established by any city, the director
9 thereof shall ex officio be a member, without vote, of the civil service commission.

1 SEC. 2. Section four hundred point eight (400.8), subsection one (1), Code
2 1975, as amended by Acts of the General Assembly, 1975 Session, chapter two
3 hundred (200), section one (1), is amended to read as follows:

4 1. The commission shall at such times as shall be found necessary under such
5 rules, including minimum and maximum age limits, as shall be prescribed and
6 published in advance by the commission and posted in the city hall, hold
7 examinations for the purpose of determining the qualifications of applicants for
8 positions under civil service, other than promotions, which examinations shall be
9 practical in character and shall relate to such matters as will fairly test the mental
10 and physical ability of the applicant to discharge the duties of the position to
11 which ~~he~~ *the applicant* seeks appointment. Provided, however, that such physical
12 examination of applicants for appointment to the positions of policeman,
13 policewoman, police matron or ~~fireman~~ *firefighter* shall be held under the
14 direction of and as specified by the boards of trustees of the fire or police
15 retirement systems established by section 411.5. *An applicant shall not be*
16 *discriminated against on the basis of height, weight, sex, or race in determining*
17 *physical or mental ability of the applicant. Reasonable rules relating to strength,*
18 *agility, and general health of applicants shall be prescribed.*

19 *The costs of the physical examination required under this subsection shall be paid*
20 *from the trust and agency fund of the city.*

1 SEC. 3. Section four hundred point thirteen (400.13), unnumbered paragraph
2 one (1), Code 1975, is amended to read as follows:

3 The chief of the fire department and the chief of the police department shall be
4 appointed from the chiefs' civil service eligible lists. Such lists shall be determined
5 by original examination open to all persons applying, whether or not members of
6 the employing city. The chief of a fire department shall have had a minimum of
7 five years' experience in a fire department, *or three years experience in a fire*

8 *department and two years of comparable experience or educational training.* The
 9 chief of a police department shall have had a minimum of five years experience in
 10 a public law enforcement agency, *or three years experience in a public law*
 11 *enforcement agency and two years of comparable experience or educational training.*
 12 A chief of a police department or fire department shall maintain his civil service
 13 rights as determined by section 400.12.

Approved June 23, 1976

CHAPTER 1190

LAND PLATS

H. F. 909

AN ACT relating to the platting of land.

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

1 SECTION 1. Section four hundred nine point one (409.1), Code 1975, is
 2 amended to read as follows:

3 **409.1 Subdivisions or additions.** Every original proprietor of any tract or
 4 parcel of land; *of forty acres or less or of more than forty acres if divided into parcels*
 5 *any of which are less than forty acres and every original proprietor of any tract or*
 6 *parcel of land of any size located within a city or within two miles of a city subject to*
 7 *the provisions of section four hundred nine point fourteen (409.14) of the Code, who*
 8 ~~has subdivided, or shall hereafter~~ *subdivide the same into three or more parts, for*
 9 ~~the purpose of laying out a city, or addition thereto, or part thereof, or suburban~~
 10 ~~lots,~~ shall cause a registered land surveyor's plat of such ~~subdivisions~~ *subdivision,*
 11 with references to known or permanent monuments, to be made by a registered
 12 land surveyor holding a certificate issued under the provisions of chapter 114,
 13 giving the bearing and distance from some corner of a ~~lot or block in said city the~~
 14 ~~subdivision~~ *to some corner of the congressional division of which said city, or*
 15 ~~addition~~ *it is a part, which shall accurately describe all the subdivisions thereof,*
 16 numbering the same by progressive numbers, giving their dimensions by length
 17 and breadth, and the breadth and courses of all the streets and alleys established
 18 therein.

19 *The registered surveyor shall certify on the plat of the subdivision that the plat is a*
 20 *true and correct representation of the lands surveyed. The certification shall be signed*
 21 *by the surveyor and shall display the surveyor's registration number and official seal.*

22 *Prior to, or at the time of conveyance of the tract or a parcel thereof, the proprietor*
 23 *shall cause a certified copy of the plat to be recorded by the county recorder for*
 24 *assessment and taxation purposes, and the county recorder shall forward certified*
 25 *copies of the plat to the county auditor and assessor. The recording of a plat pursuant*
 26 *to this paragraph is in addition to any other requirement of this chapter, and the*
 27 *recording for assessment and taxation purposes shall not constitute a dedication or*
 28 *impose any liability upon the state or any of its political subdivisions.*

1 SEC. 2. Section four hundred nine point twelve (409.12), Code 1975, is
 2 amended to read as follows:

3 **409.12 Record—filing.** The signed and acknowledged plat and the attorney's
 4 opinion, together with the certificates of the clerk, recorder, and treasurer, and the
 5 affidavit and bond, if any, together with the certificate of approval of the council,
 6 shall be entered of record in the proper record books in the office of the county
 7 recorder. When so entered, the plat only shall be entered of record in the office

8 offices of the county auditor and assessor and shall be of no validity until so filed,
9 in both those offices.

10 A plat certified by the council shall supersede any plat recorded for assessment and
11 taxation purposes pursuant to section four hundred nine point one (409.1) of the Code
12 and any plat so superseded shall be voided.

1 SEC. 3. Section four hundred nine point fourteen (409.14), unnumbered
2 paragraphs one (1) and seven (7), Code 1975, are amended to read as follows:

3 No county auditor or recorder shall hereafter file or record, nor permit to be
4 filed or recorded, any plat purporting to lay out or subdivide any tract of land
5 into lots and blocks within any city having a population by the latest federal
6 census of twenty-five thousand or over, or within a city of any size which by
7 ordinance adopts the restrictions of this section or, except as hereinafter provided,
8 within two miles of the limits of such city, unless such plat has been first filed
9 with and approved by the council of such city as provided in section 409.7, and
10 after review and recommendation by the city plan commission in cities where such
11 commission exists.

12 If any such plat of land is tendered for recording in the office of the county
13 recorder or county auditor of any county in which any city of the above class
14 may be situated, it shall be the duty of such county recorder and auditor to
15 examine such plat, to ascertain whether the endorsement of approval by the city
16 council, as herein provided for, shall appear thereon. If it shall, and the plat
17 otherwise conforms to the provisions of law, said officers officer shall accept same
18 for recording. If such endorsement does not appear thereon said officers officer
19 shall refuse and decline to accept such plat, and any filing thereof shall be void.
20 Any failure to observe the provisions of this section on the part of any county
21 recorder or county auditor shall constitute a misdemeanor in office.

1 SEC. 4. Section four hundred nine point fifteen (409.15), Code 1975, is
2 amended to read as follows:

3 **409.15 Disapproval—appeal.** In case, on application for such approval of any
4 plat, the city council shall fail to either approve or reject the same within sixty
5 days from date of application, the person proposing said plat shall have the right
6 to file the same with the county recorder, assessor and auditor. If said plat is
7 disapproved by the council such disapproval shall point out wherein said
8 proposed plat is objectionable. From the action of the council refusing to approve
9 any such plat, the applicant shall have the right to appeal to the district court
10 within twenty days after such rejection by filing written notice of appeal with the
11 city clerk. Such appeal shall be triable de novo as an equitable proceeding and
12 accorded such preference in assignment as to assure its prompt disposition.

1 SEC. 5. Section four hundred nine point seventeen (409.17), Code 1975, is
2 amended to read as follows:

3 **409.17 Change of name of street.** Cities shall have authority to change by
4 ordinance the name of a platted street. The mayor and city clerk shall certify and
5 file the ordinance, after its passage, with the county recorder, assessor and county
6 auditor. The county auditor shall make the proper changes on the plats found in
7 the office of the auditor. The county recorder shall enter the instrument of record
8 and make a reference on the margin of the original plat or upon a reference sheet
9 or page attached to the original plat for that purpose.

1 SEC. 6. Section four hundred nine point twenty-six (409.26), Code 1975, is
2 amended to read as follows:

3 **409.26 Replatting.** The owner of any lots in a plat vacated may cause the
4 same and a proportionate part of the adjacent streets and public grounds to be
5 replatted and numbered by the county surveyor or registered land surveyor in the
6 same manner as is required for platting in the first instance, and when such plat is
7 acknowledged by such owner, and is recorded in the recorder's office of the
8 county as provided in this chapter, such lots may be conveyed and assessed by the
9 numbers given them on such plat.

1 SEC. 7. Section four hundred nine point thirty-eight (409.38), Code 1975, is
2 amended to read as follows:

3 **409.38 Resurvey of city plats.** In all cases where the original plat of any city
4 ~~or village~~, or any addition thereto *or subdivision thereof*, has been or may be lost
5 or destroyed after the sale and conveyance of any subdivision, block or lot
6 thereof by the original proprietor and before the same shall have been recorded,
7 or the property so platted has been indefinitely located or the plat is materially
8 defective, any three persons owning real property within the limits of such plat
9 may have the same resurveyed and replatted, and such plat recorded as
10 hereinafter directed.

1 SEC. 8. Section four hundred nine point forty-three (409.43), Code 1975, is
2 amended to read as follows:

3 **409.43 Plat certified and filed—effect.** When the surveyor has completed the
4 plat *pursuant to the resurvey*, he shall attach his certificate thereto, to the effect
5 that it is a just, true, and accurate plat of said city, ~~village~~, or addition so
6 surveyed by him; which shall be filed for record ~~in the office of the recorder of~~
7 ~~the proper county in the offices of the county recorder, county auditor and assessor,~~
8 and from the date of such filing it shall be treated in all courts of this state as
9 though the same had been made by the original proprietor thereof.

10 *Any resurvey plat so recorded shall supersede a previously recorded plat for*
11 *assessment and taxation purposes unless the county auditor objects thereto in writing.*
12 *A person aggrieved by an objection of the auditor may appeal within thirty days after*
13 *the mailing of the written objection to the board of supervisors as provided in chapter*
14 *four hundred forty-one (441) of the Code.*

1 SEC. 9. Chapter four hundred nine (409), Code 1975, is amended by adding
2 sections ten (10) through thirteen (13) of this Act.

1 SEC. 10. NEW SECTION. **Monumentation.**

2 1. Prior to the offering of the plat of any subdivision for record, the registered
3 land surveyor shall confirm the prior establishment of permanent control
4 monuments at each controlling corner on the boundaries of the parcel or tract of
5 land being subdivided. If no permanent control monuments exist, the registered
6 land surveyor shall establish at least two permanent control monuments for each
7 block created, or if the area subdivided into lots is less than a block in size, at
8 least two permanent control monuments shall be established for the subdivision.
9 Permanent control monuments shall be constructed of reasonably permanent
10 material solidly embedded in the ground and capable of being detected by
11 commonly used magnetic or electronic equipment. The registered land surveyor
12 shall affix a cap of reasonably inert material bearing an embossed or stencil cut
13 marking of the Iowa registration number of the registered land surveyor to the
14 top of the monument.

15 2. Other monuments established prior to the recording of the plat of the
16 subdivision and described on the plat shall be considered monuments of record
17 and shall be given the same weight as original permanent control monuments if
18 the monuments remain undisturbed in their original positions. The additional
19 monuments shall be constructed and embedded according to the provisions for
20 permanent control monuments prescribed in subsection one (1) of this section.

21 3. Monuments other than the permanent control monuments required in
22 subsection one (1) of this section shall not be required to be established before the
23 recording of the plat or the conveyancing of lands by reference to the plat if the
24 registered land surveyor includes in the certification of the plat that the additional
25 monuments required by this chapter or by any local ordinance shall be
26 established before a specified future date.

27 4. Additional monuments shall be constructed and embedded according to the
28 provisions for permanent control monuments prescribed in subsection one (1) of
29 this section, and shall be set at all of the following locations whether set prior to
30 the recording of the plat, or subsequent to such recording:

31 a. At every corner and angle point of every lot, block or parcel of land created.

32 b. At every point of intersection of the outer boundary of the subdivision with
33 an existing or created right-of-way line of any street, railroad, or other way.

34 c. At every point of curve, tangency, reversed curve, or compounded curve on
35 every right-of-way line established.

36 When the placement of a monument required by this chapter at the prescribed
37 location is impractical, it is permissible to establish a reference monument in close
38 proximity to the prescribed location. If the reference monument is established
39 prior to the recording of the plat and its location properly shown on the plat, the
40 reference monument shall have the same status as other monuments of record.
41 Where any point requiring monumentation has been previously monumented, the
42 existence of the monument shall be confirmed by the registered land surveyor.
43 The existing monument shall be considered a monument of record when properly
44 shown and described on the recorded plat.

1 SEC. 11. NEW SECTION. **Plats made for record.** Every plat of a subdivision
2 offered for record shall conform to all of the following provisions where
3 applicable:

4 1. The plat shall be a permanent copy or a photographic print made on a stable
5 plastic film. Exact copies of the plat to be recorded shall be provided to and filed
6 by the county recorder, assessor and auditor. The original plat drawing shall
7 remain the property of the registered land surveyor.

8 2. The size of each sheet showing any portion of the subdivided lands shall not
9 be greater than eighteen inches by twenty-four inches nor less than eight and one-
10 half inches by eleven inches.

11 3. Whenever more than one sheet is used to accurately portray the lands
12 subdivided, each sheet shall display both the number of the sheet and the total
13 number of sheets included in the plat, as well as clearly labeled match lines
14 indicating where the other sheets adjoin. An index sheet shall be provided to
15 show the relationship between the sheets.

16 4. A maximum scale of one hundred feet to one inch shall be used unless
17 permission to use a different scale is obtained in writing from the local governing
18 body. The scale used shall be clearly stated and graphically illustrated by a bar
19 scale drawn on every sheet showing any portion of the lands subdivided.

20 5. Subdivisions shall be designated, by name or as otherwise prescribed, in bold
21 letters inside the margin at the top of each sheet included in the plat.

22 6. An arrow indicating the northern direction shall be drawn in a prominent
23 place on each sheet included in the plat.

24 7. All monuments to be of record shall be adequately described and clearly
25 identified on the plat. When additional monuments are to be established
26 subsequent to the recording of the plat as provided in subsection three (3) of
27 section ten (10) of this Act, the location of the additional monuments shall be
28 shown on the plat.

29 8. Sufficient survey data shall be shown to positively describe the bounds of
30 every lot, block, street, easement, or other areas shown on the plat, as well as the
31 outer boundaries of the subdivided lands.

32 9. All distances shall be shown in feet to the nearest one-hundredth of a foot,
33 and in accordance with the definition of a foot adopted by the United States
34 bureau of standards. All measurements shall refer to the horizontal plane.

35 10. The course of every boundary line shown on the plat shall be indicated by a
36 direct bearing reference or by an angle between the boundary line and an
37 intersecting line having a shown bearing, except when the boundary line has an
38 irregular or constantly changing course, as along a body of water, or when a

39 description of the boundary line is better achieved by measurements shown at
40 points or intervals along a meander line having a shown course. All bearings and
41 angles shown shall be given to at least the nearest minute of arc.

42 11. Curve data shall be stated in terms of radius, central angle, and tangent, or
43 length of curve, and unless otherwise specified by local ordinance curve data for
44 streets of uniform width may be shown only with reference to the center line, and
45 lots fronting on such curves may show only the chord bearing and distance of
46 such portion of the curve as is included in their boundary. In all other cases, the
47 curve data must be shown for the line affected.

48 12. The minimum unadjusted acceptable error of closure for all subdivision
49 boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.

50 13. When any lot or portion of the subdivision is bounded by an irregular line,
51 the major portion of that lot or subdivision shall be enclosed by a meander line
52 showing complete data with distances along all lines extending beyond the
53 enclosure to the irregular boundary shown with as much certainty as can be
54 determined or as "more or less", if variable. In all cases, the true boundary shall
55 be clearly indicated on the plat.

56 14. All interior excepted parcels shall be clearly indicated and labeled, "not a
57 part of this plat".

58 15. All adjoining properties shall be identified, and where such adjoining
59 properties are a part of a recorded subdivision, the name of that subdivision shall
60 be shown. If the subdivision platted is a re-subdivision of a part or the whole of a
61 previously recorded subdivision, sufficient ties shall be shown to controlling lines
62 appearing on the earlier plat to permit an overlay to be made. Re-subdivisions
63 shall be labeled as such in a subtitle following the name of the subdivision
64 wherever the name appears on the plat.

65 16. The purpose of any easement shown on the plat shall be clearly stated and
66 shall be confined to only those easements pertaining to public utilities including
67 gas, power, telephone, water, sewer, and such drainage easements as are deemed
68 necessary for the orderly development of the land encompassed within the plat.
69 All such easements relative to their usage and maintenance shall be approved by
70 the governing or jurisdictional body prior to the recording of the plat.

71 17. A strip of land shall not be reserved by the subdivider unless the land is of
72 sufficient size and shape to be of some practical use or service as determined by
73 the governing body.

74 18. The purpose of all areas dedicated to the public must be clearly indicated
75 on the plat.

1 SEC. 12. NEW SECTION. **Affidavit confirming error on plat.** If an
2 appreciable error or omission in the data shown on any plat duly recorded under
3 the provisions of this chapter is detected by subsequent examinations or revealed
4 by a retracement of the lines run during the original survey of the lands as shown
5 on the plat, the registered land surveyor responsible for the original survey and
6 the preparation of the plat may file an affidavit confirming that the error or
7 omission was made, describing the nature and extent of the error or omission and
8 the appropriate correction that should be substituted for the erroneous data
9 shown on the plat. If the registered land surveyor is deceased, or is no longer
10 available, or unwilling to confirm the error or omission, a similar affidavit may be
11 filed by two registered land surveyors confirming the error through an
12 independent survey. In either case where such affidavit has been filed for record,
13 it shall be the duty of the county recorder, assessor, and auditor to place a
14 notation on copies of the plat stating that the affidavit has been filed, the date
15 filed, and the book and page where it is recorded. The affidavit shall have no
16 effect upon the validity of the plat, or on the information shown thereon, but
17 shall be admissible as evidence in a court and given the same weight as testimony
18 offered voluntarily by an expert witness.

1 SEC. 13. NEW SECTION. **Applicability.** The provisions of this chapter shall
 2 not be applicable to parcels of land divided solely by the conveyance of land for
 3 right-of-way purposes to the state or any of its political subdivisions or other
 4 person having the power of eminent domain.

1 SEC. 14. Section four hundred twenty-eight point seven (428.7), Code 1975, is
 2 amended to read as follows:

3 **428.7 Description of tracts—manner.** ~~No one~~ A description shall *not*
 4 comprise more than one city lot, ~~or more than the sixteenth part of a section~~ or
 5 other smallest subdivision of the land according to the government surveys,
 6 except in cases where the boundaries are so irregular that it cannot be described
 7 in the usual manner in accordance therewith. *However, descriptions may be*
 8 *combined for assessment purposes to allow the assessor to value the property as a unit.*
 9 This section shall apply to known owners and unknown owners, alike.

1 SEC. 15. Chapter four hundred forty-one (441), Code 1975, is amended by
 2 adding the following new sections:

3 NEW SECTION. **Platting for assessment and taxation by auditor.** Whenever a
 4 lot or subdivision of land is owned by two or more persons in severalty, and the
 5 description of one or more of the different parts or parcels thereof cannot, in the
 6 judgment of the county auditor or the assessor, be made sufficiently certain and
 7 accurate for the purposes of assessment and taxation without noting the metes
 8 and bounds of the same, or whenever the original proprietor of any subdivision of
 9 land has sold or conveyed any part thereof, or invested the public with any rights
 10 therein, and has failed to file for record a plat as provided in chapter four
 11 hundred nine (409) of the Code, the county auditor by certified mail shall notify
 12 all of the owners, and demand compliance. If the owners fail to execute and file
 13 the plat within sixty days after the issuance of such notice to execute and file said
 14 plat for record, the auditor shall cause a plat to be made as the auditor deems
 15 appropriate in accordance with the provisions of chapter four hundred nine (409)
 16 of the Code. The auditor may contract for the services of a registered land
 17 surveyor as necessary to comply with this section. Every conveyance of land in
 18 this state shall be deemed to be a warranty that the description therein contained
 19 is sufficiently definite and accurate to enable the auditor to enter the same on the
 20 plat book required to be kept; and when there is presented for entry on the
 21 transfer book any conveyance in which the description is not sufficiently definite
 22 and accurate, the auditor shall note such fact on the deed, with that of the entry
 23 for transfer, and shall notify the person presenting it that the land therein is not
 24 sufficiently described, and that it must be platted within sixty days thereafter. If
 25 the grantor in the conveyance shall neglect for sixty days thereafter to file for
 26 record a plat thereof, then the auditor shall proceed as is provided in this section,
 27 and cause the plat to be made in accordance with the provisions of chapter four
 28 hundred nine (409) of the Code and recorded in the office of the auditor, and the
 29 office of the county recorder, and in the office of the assessor.

30 NEW SECTION. **Execution and filing—effect.** The plat shall be signed and
 31 acknowledged by the auditor, who shall certify that it was executed by the auditor
 32 by reason of the failure of the owners named to do so, and the auditor shall file it
 33 for record in the office of the auditor and in the office of the assessor and in the
 34 office of the county recorder, and when so filed it shall have the same effect as if
 35 executed, acknowledged, and recorded by the owners.

36 NEW SECTION. **Costs and expenses.** A correct statement of the costs and
 37 expenses of the plat, survey, and record, verified by oath, shall be presented by
 38 the auditor to the board of supervisors, which shall allow the same.

39 NEW SECTION. **Collection or assessment of costs.** The auditor shall at the
 40 same time assess the amount pro rata by area upon the several subdivisions of the
 41 tract, lot, or parcel so subdivided, and it shall be collected in the same manner as
 42 general taxes, and shall go to the general county fund.

43 NEW SECTION. **Appeal.** Any person aggrieved by a notice to execute and file
44 a plat given by the auditor, or by the use of an erroneous plat for assessment and
45 taxation purposes, may within thirty days from the date of the notice appeal
46 therefrom to the board of supervisors by giving notice thereof in writing to the
47 board of supervisors and thereupon no further proceeding shall be taken by the
48 auditor.

49 NEW SECTION. **Determination by board.** At its next session the board of
50 supervisors shall determine the matter and direct that a plat be executed and filed
51 or that the auditor accept a plat for filing, and shall specify the time within which
52 the action shall be taken. The aggrieved person shall be given an opportunity to
53 be heard in person or by counsel.

54 NEW SECTION. **Plat requirements.** Every plat required by this chapter shall
55 describe the tract and any other subdivisions of the smallest congressional
56 subdivision of which the same is part, numbering them by progressive numbers,
57 setting forth the courses and distances, the number of acres, and other
58 memoranda as is necessary; and descriptions of the lots or subdivisions according
59 to the number and designation thereof on the plat shall be deemed sufficient for
60 all purposes. A plat recorded pursuant to this chapter is for assessment and
61 taxation purposes only and shall not constitute a dedication or impose any
62 liability upon the state or any of its political subdivisions.

1 SEC. 16. Sections four hundred nine point twenty-seven (409.27), four hundred
2 nine point twenty-eight (409.28), four hundred nine point twenty-nine (409.29),
3 four hundred nine point thirty (409.30), four hundred nine point thirty-one
4 (409.31), four hundred nine point thirty-two (409.32), four hundred nine point
5 thirty-three (409.33), four hundred nine point thirty-four (409.34), four hundred
6 nine point thirty-five (409.35), and four hundred nine point thirty-six (409.36),
7 Code 1975, are repealed.

Approved June 23, 1976

CHAPTER 1191

TAX YEAR FOR INCOME TAXES

H. F. 392

AN ACT relating to the definition of tax year for corporation and individual income tax returns 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 four (422.4), subsection
2 four (4), Code 1975, is amended to read as follows:

3 4. The words "tax year" mean the calendar year, or the fiscal year ending
4 during such calendar year, upon the basis of which the net income is computed
5 under this division.

6 a. If a taxpayer has made the election provided by section four hundred forty-one
7 (441), subsection f, of the Internal Revenue Code of 1954, "tax year" means the
8 annual period so elected, varying from fifty-two to fifty-three weeks.

9 b. If the effective date or the applicability of a provision of this division is expressed
10 in terms of a tax year beginning, including or ending with reference to a specified date
11 which is the first or last day of a month, a tax year described in paragraph a of this
12 subsection shall be treated as beginning with the first day of the calendar month
13 beginning nearest to the first day of the tax year or as ending with the last day of the

14 *calendar month ending nearest to the last day of the tax year.*

15 *c. This section is effective for tax years ending on or after December 14, 1975.*

1 SEC. 2. The provisions of this Act are effective December 14, 1975 for all tax
2 years ending on or after December 14, 1975 and to this extent the provisions of
3 this Act are retroactive.

1 SEC. 3. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in the Dallas County News, a
3 newspaper published in Adel, Iowa, and in the Cherokee Daily Times, a
4 newspaper published in Cherokee, Iowa.

Approved March 19, 1976

I hereby certify that the foregoing Act, House File 392, was published in the Dallas County News, Adel, Iowa on March 24, 1976, and in the Cherokee Daily Times, Cherokee, Iowa on March 25, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1192

INTERNAL REVENUE CODE UPDATED

S. F. 1060

AN ACT relating to references to the internal revenue code in the computation of individual and corporate income tax and the franchise tax 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 four (422.4), subsection
2 seventeen (17), Code 1975, as amended by Acts of the Sixty-sixth General
3 Assembly, 1975 Session, chapter two hundred six (206), section one (1), is
4 amended to read as follows:

5 17. "Internal Revenue Code of 1954" means the Internal Revenue Code of
6 1954, as amended to and including January 1, ~~1975~~ 1976.

1 SEC. 2. Section four hundred twenty-two point thirty-two (422.32), subsection
2 four (4), Code 1975, as amended by Acts of the Sixty-sixth General Assembly,
3 1975 Session, chapter two hundred six (206), section two (2), is amended to read
4 as follows:

5 4. "Internal Revenue Code of 1954" means the Internal Revenue Code of 1954,
6 as amended to and including January 1, ~~1975~~ 1976.

1 SEC. 3. Section four hundred twenty-two point sixty-one (422.61), subsection
2 four (4), Code 1975, as amended by Acts of the Sixty-sixth General Assembly,
3 1975 Session, chapter two hundred six (206), section three (3), is amended to read
4 as follows:

5 4. "Net income" means the net income of the financial institution computed in
6 accordance with section 422.35, with the exception that interest and dividends
7 from federal securities shall not be subtracted and interest and dividends from
8 evidences of indebtedness and securities of this state and its political subdivisions,
9 exempt from federal income tax under the Internal Revenue Code of 1954 as
10 amended to and including January 1, ~~1975~~ 1976, shall not be added.

1 SEC. 4. Sections one (1), two (2) and three (3) of this Act are retroactive to
2 January 1, 1975 for tax years beginning on or after January 1, 1975 and to this
3 extent the provisions of this Act are retroactive.

1 SEC. 5. This Act, being deemed of immediate importance, shall take effect
 2 and be in force from and after its publication in the Cherokee Daily Times, a
 3 newspaper published in Cherokee, Iowa, and in the West Des Moines Express, a
 4 newspaper published in West Des Moines, Iowa.

Approved February 6, 1976

I hereby certify that the foregoing Act, Senate File 1060, was published in the Cherokee Daily Times, Cherokee, Iowa, February 12, 1976, and in the West Des Moines Express, West Des Moines, Iowa, February 12, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1193

TRUST DISTRIBUTIONS—INCOME TAX

H. F. 1321

AN ACT relating to accumulated distributions of trusts under the individual income tax 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 six (422.6), Code 1975, is
 2 amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The beneficiary of a trust who receives an
 4 accumulation distribution shall be allowed credit without interest for the Iowa
 5 income taxes paid by the trust attributable to such accumulation distribution in a
 6 manner corresponding to the provisions for credit under the federal income tax
 7 relating to accumulation distributions as contained in the Internal Revenue Code
 8 of 1954. The trust shall not be entitled to a refund of taxes paid on the
 9 distributions. The trust shall maintain detailed records to verify the computation
 10 of the tax.

1 SEC. 2. The provisions of this Act shall be retroactive to January 1, 1976 for
 2 tax years beginning on or after January 1, 1976 and to this extent the provisions
 3 of this Act are retroactive.

Approved May 20, 1976

CHAPTER 1194

INCOME TAX REFERENCE

H. F. 1320

AN ACT to correct an internal code reference under the individual income tax law.

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

1 SECTION 1. Section four hundred twenty-two point sixteen (422.16), subsection
 2 nine (9), Code 1975, is amended to read as follows:
 3 9. The amount of any overpayment of the individual income tax liability of the
 4 employee taxpayer, nonresident, or other person which may result from the
 5 withholding and payment of withheld tax by the employer or withholding agent
 6 to the department under subsections 1 and 12 hereof, as compared to the
 7 individual income tax liability of the employee taxpayer, nonresident, or other
 8 person properly and correctly determined under the provisions of section 422.4, to
 9 and including section 422.25, may be credited against any income tax or
 10 installment thereof then due the state of Iowa and any balance of one dollar or
 11 more shall be refunded to the employee taxpayer, nonresident or other person
 12 with interest at six percent per annum, such interest to begin to accrue forty-five
 13 days after the date the return was due to be filed or was filed, whichever is the
 14 later date. Amounts less than one dollar shall be refunded to the taxpayer,
 15 nonresident, or other person only upon written application, in accordance with
 16 section ~~422.74~~ *four hundred twenty-two point seventy-three (422.73) of the Code*, only
 17 if such application is filed within twelve months after the due date of the return.
 18 Refunds in the amount of one dollar or more provided for by this subsection shall
 19 be paid by the ~~state~~ *treasurer of state* by means of warrants drawn by the
 20 comptroller at the direction of the director, or an authorized employee of the
 21 department, and the taxpayer's return of income shall constitute a claim for
 22 refund for this purpose, except in respect to amounts of less than one dollar.
 23 There is hereby appropriated, out of any funds in the state treasury not otherwise
 24 appropriated, a sum sufficient to carry out the provisions of this subsection.

Approved May 20, 1976

CHAPTER 1195

INTEREST PAYMENTS AND PENALTIES ON SALES AND INCOME
TAXES

H. F. 749

AN ACT relating to interest payments and interest penalties under the retail sales and income taxes.

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

1 SECTION 1. Section four hundred twenty-two point sixteen (422.16), subsection
 2 nine (9), Code 1975, is amended to read as follows:
 3 9. The amount of any overpayment of the individual income tax liability of the
 4 employee taxpayer, nonresident, or other person which may result from the
 5 withholding and payment of withheld tax by the employer or withholding agent
 6 to the department under subsections 1 and 12 hereof, as compared to the
 7 individual income tax liability of the employee taxpayer, nonresident, or other

8 person properly and correctly determined under the provisions of section 422.4, to
 9 and including section 422.25, may be credited against any income tax or
 10 installment thereof then due the state of Iowa and any balance of one dollar or
 11 more shall be refunded to the employee taxpayer, nonresident or other person
 12 with interest at ~~six percent per annum~~ *the rate of three-fourths of one percent per*
 13 *month or fraction of a month*, such interest to begin to accrue ~~forty-five~~ *thirty* days
 14 after the date the return was due to be filed or was filed, whichever is the later
 15 date. Amounts less than one dollar shall be refunded to the taxpayer, nonresident,
 16 or other person only upon written application, in accordance with section 422.74,
 17 only if such application is filed within twelve months after the due date of the
 18 return. Refunds in the amount of one dollar or more provided for by this
 19 subsection shall be paid by the state treasurer by means of warrants drawn by the
 20 comptroller at the direction of the director, or an authorized employee of the
 21 department, and the taxpayer's return of income shall constitute a claim for
 22 refund for this purpose, except in respect to amounts of less than one dollar.
 23 There is hereby appropriated, out of any funds in the state treasury not otherwise
 24 appropriated, a sum sufficient to carry out the provisions of this subsection.

1 SEC. 2. Section four hundred twenty-two point sixteen (422.16), subsection
 2 eleven (11), paragraph e, Code 1975, is amended to read as follows:

3 e. Any amount of tax paid on a declaration of estimated tax shall be a credit
 4 against the amount of tax found payable on a final, completed return, as provided
 5 in subsection 9 hereof, relating to the credit for the tax withheld against the tax
 6 found payable on a return properly and correctly prepared under the provisions
 7 of section 422.5, to and including section 422.25, and any overpayment of one
 8 dollar or more shall be refunded to the taxpayer and such return shall constitute a
 9 claim for refund for this purpose. Amounts less than one dollar shall be refunded
 10 to the taxpayer only upon written application in accordance with section 422.74,
 11 but only if such application is filed within twelve months after the due date for
 12 the return. The ~~civil penalties method~~ *provided by the Internal Revenue Code of*
 13 *1954 for failure to file a declaration or for determining what shall be applicable to*
 14 *the addition to tax* for underpayment of the tax payable shall apply to persons
 15 required to file declarations and make payments of estimated tax under the
 16 provisions of this section *except the amount to be added to the tax for underpayment*
 17 *of estimated tax shall be an amount determined at the rate of three-fourths of one*
 18 *percent per month. This addition to tax specified for underpayment of the tax payable*
 19 *shall not be subject to waiver provisions relating to reasonable cause.* Underpayment
 20 of estimated tax shall be determined in the same manner as provided under the
 21 provisions of the Internal Revenue Code of 1954 and the exceptions therein
 22 provided shall also apply.

1 SEC. 3. Section four hundred twenty-two point twenty-eight (422.28), Code
 2 1975, is amended to read as follows:

3 **422.28 Revision of tax.** A taxpayer may appeal to the director for revision of
 4 the tax, interest or penalties assessed against him at any time within ninety days
 5 from the date of the notice of the assessment of tax, additional tax, interest or
 6 penalties. The director shall grant a hearing and if, upon the hearing, the director
 7 shall determine that the tax, interest or penalties are excessive or incorrect, the
 8 director shall revise them according to the law and the facts and adjust the
 9 computation of the tax, interest or penalties accordingly. The director shall notify
 10 the taxpayer by registered mail of the result of the hearing and shall refund to the
 11 taxpayer the amount, if any, paid in excess of the tax, interest or penalties found
 12 by the director to be due, with interest after sixty days from the date of payment
 13 by the taxpayer at ~~six percent per annum~~ *the rate of three-fourths of one percent per*
 14 *month or a fraction of a month.* The director may, on his own motion at any time,
 15 abate any portion of tax, interest or penalties which he determines is excessive in
 16 amount, or erroneously or illegally assessed. The director shall prepare quarterly
 17 reports, which shall be included in the annual statistical reports required under

18 section 422.75, summarizing each case in which an abatement of tax, interest or
 19 penalties was made under this section, but the report shall not disclose the
 20 identity of the taxpayer.

1 SEC. 4. Section four hundred twenty-two point fifty-eight (422.58), subsection
 2 one (1), Code 1975, is amended to read as follows:

3 1. If any person fails to file a permit holders monthly tax deposit or a return
 4 with the department of revenue on or before the due date, unless it is shown that
 5 such failure was due to reasonable cause, there shall be added to the amount
 6 required to be shown as tax on the *monthly tax deposit or return* five percent of
 7 the amount of the tax if the failure is for not more than one month, with an
 8 additional five percent for each additional month or fraction of a month during
 9 which such failure continues, not exceeding twenty-five percent in the aggregate.
 10 If any person or permit holder fails to remit the tax due with the filing of the
 11 *monthly tax deposit or return* on or before the due date, or fails to pay any amount
 12 of any tax required to be shown on the return, excepting the period between the
 13 completion of an examination of the books and records of a taxpayer and the
 14 giving of notice to the taxpayer that a tax or additional tax is due, there shall be
 15 added to the tax a penalty of five percent on the tax due, unless it is shown that
 16 such failure was due to reasonable cause. When penalties are applicable for
 17 failure to file a *monthly tax deposit or return* and failure to pay the tax due or
 18 required on the *monthly tax deposit or return*, the penalty provision for failure to
 19 file shall be in lieu of the penalty provision for failure to pay the tax due or
 20 required on the *monthly tax deposit or return*. The taxpayer shall also pay interest
 21 on the tax or additional tax at the rate of three-fourths of one percent per month
 22 counting each fraction of a month as an entire month, computed from the date
 23 the *monthly tax deposit or return* was required to be filed. Such penalty and
 24 interest shall be paid to the department and disposed of in the same manner as
 25 other receipts under this division. Unpaid penalties and interest may be enforced
 26 in the same manner as the tax imposed by this division.

Approved April 7, 1976

CHAPTER 1196

FUEL TAX AND INCOME TAX CREDIT

H. F. 1401

AN ACT to authorize the claim for a fuel tax credit claimed on certain state income tax returns filed when the claimant has failed to cancel the refund permit and making the Act retroactive.

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

1 SECTION 1. If in verifying the validity of a claim for a refund of fuel taxes
 2 through an income tax credit under section four hundred twenty-two point
 3 eighty-seven (422.87) of the Code for tax years beginning on or after
 4 January 1, 1975 and ending on or before December 31, 1976, the department
 5 discovers that all requirements of the law with respect to a refund of fuel taxes
 6 through an income tax credit have been complied with except for the provision of
 7 section four hundred twenty-two point eighty-six (422.86) of the Code requiring
 8 cancellation of the refund permit, the department may allow the income tax
 9 credit.

1 SEC. 2. Section one (1) of this Act is effective January 1, 1975 for tax years
2 beginning on or after January 1, 1975, and to this extent, the provisions of section
3 one (1) of this Act are retroactive.

1 SEC. 3. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in the West Des Moines Express, a
3 newspaper published in West Des Moines, Iowa, and in The Forest City Summit,
4 a newspaper published in Forest City, Iowa.

Approved April 19, 1976

I hereby certify that the foregoing Act, House File 1401, was published in the West Des Moines Express, West Des Moines, Iowa on April 22, 1976, and in The Forest City Summit, Forest City, Iowa on April 22, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1197

SPECIAL CHARTER CITY HOMESTEAD TAX CREDIT

H. F. 1576

AN ACT relating to the amount of the homestead tax credit allowed for claims filed between January 1, 1976 and July 1, 1976 and approved in any special charter city which levies and collects its own taxes and making the Act retroactive.

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

1 SECTION 1. Where any special charter city levies and collects its own taxes on
2 the effective date of Senate File one thousand sixty-two (1062), as enacted by the
3 Sixty-sixth General Assembly, 1976 Session, and approved by the governor the
4 amount of the homestead tax credit allowed under Senate File one thousand
5 sixty-two (1062), section twenty (20), as enacted by the Sixty-sixth General
6 Assembly, 1976 Session, and approved by the governor on eligible homesteads
7 within the city shall be computed as follows:

8 1. In an amount equal to the tax levy by the special charter city on the first
9 four thousand five hundred dollars of actual value for each eligible homestead.

10 2. In an amount equal to the remainder of the consolidated tax levy as
11 established by the county auditor on the first four thousand five hundred dollars
12 of actual value for each eligible homestead.

13 The homestead tax credit computed pursuant to subsection one (1) of this
14 section shall only be applicable for each homestead tax credit claimed between
15 January 1, 1976 and July 1, 1976, and approved. The homestead tax credit
16 computed pursuant to subsection two (2) of this section shall be applicable as
17 provided in Senate File one thousand sixty-two (1062)*, sections twenty (20),
18 twenty-one (21), and twenty-two (22), as enacted by the Sixty-sixth General
19 Assembly, 1976 Session and approved by the governor.

1 SEC. 2. In any special charter city which levies and collects its own taxes on
2 the effective date of Senate File one thousand sixty-two (1062), as enacted by the
3 Sixty-sixth General Assembly, 1976 Session, and approved by the governor the
4 city clerk shall compute that amount of credit allowed on each eligible homestead
5 within such city as provided in section one (1), subsection one (1) of this Act. Not
6 later than August 1, 1976, the city clerk shall certify the amount of the homestead
7 tax credits claimed for eligible homesteads in the city to the department of
8 revenue. The department shall reimburse the city in the same manner and at such
9 time as is presently provided by law.

*See Chapter 1067 hereof

1 SEC. 3. The provisions of this Act which are applicable to a special charter
 2 city which levies and collects its own taxes are effective to January 1, 1976 for
 3 credits claimed and approved in 1976 under chapter four hundred twenty-five
 4 (425) of the Code for a homestead tax credit on eligible homesteads which claims
 5 are computed by the city clerk in the manner provided in section one (1),
 6 subsection one (1), of this Act and payable during the fiscal year beginning
 7 July 1, 1976 and ending June 30, 1977 and to this extent the provisions of this Act
 8 are retroactive.

1 SEC. 4. This Act, being deemed of immediate importance, shall take effect
 2 and be in force from and after its publication in the Quad-City Times, a
 3 newspaper published in Davenport, Iowa, and in the Charles City Press, a
 4 newspaper published in Charles City, Iowa.

Approved June 10, 1976

I hereby certify that the foregoing Act, House File 1576, was published in the Quad-City Times, Davenport, Iowa on June 15, 1976, and in the Charles City Press, Charles City, Iowa on June 14, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1198

FISCAL YEARS FOR TAXES

H. F. 1200

AN ACT relating to the assessment date, tax year, collection period, and delinquency dates of property taxes.

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

1 SECTION 1. The three installments of property taxes which became delinquent
 2 on April 1, 1974, October 1, 1974, and April 1, 1975, pursuant to the provisions of
 3 chapter four hundred forty-five (445) of the Code, were the property taxes for the
 4 period beginning January 1, 1973 and ending June 30, 1974.

5 The two installments of property taxes which became delinquent on October 1,
 6 1975, and April 1, 1976, were the property taxes for the fiscal year beginning July
 7 1, 1974 and ending June 30, 1975.

1 SEC. 2. Section four hundred twenty-eight point four (428.4), unnumbered
 2 paragraph one (1)*, Code 1975, is amended to read as follows: Property shall be
 3 ~~taxed~~ assessed for taxation each year. Personal property shall be listed and
 4 assessed each year in the name of the owner of the personal property on the first
 5 day of January and the assessment made shall be the value of the personal property
 6 as of January first of the year of the assessment. Real estate shall be listed and
 7 valued in 1971 and every four years thereafter. The assessment of real estate shall
 8 be the value of the real estate as of January first of the year of the assessment. In any
 9 year, after the year in which an assessment has been made of all the real estate in
 10 any assessing jurisdiction, it shall be the duty of the assessor to value and assess
 11 or revalue and reassess, as the case may require, any real estate that he the
 12 assessor finds was incorrectly valued or assessed, or was not listed, valued and
 13 assessed, in the real estate assessment year immediately preceding, also any real
 14 estate he the assessor finds has changed in value subsequent to January 1 first of

*See also Chapter 1199, §1

15 the preceding real estate assessment year. The assessor shall determine the actual
 16 value and compute the taxable value thereof *as of January first of the year of the*
 17 *reevaluation and reassessment*. The assessment shall be completed as specified in
 18 section 441.28, but no reduction or increase in actual value shall be made for
 19 prior years. If an assessor makes a change in the valuation of the real estate as
 20 provided for herein, the provisions of sections 441.23, 441.37, 441.38 and 441.39
 21 shall apply.

1 SEC. 3. Section four hundred forty-one point thirty-five (441.35), unnumbered
 2 paragraph two (2), Code 1975, is amended to read as follows:

3 In any year after the year in which an assessment has been made of all the real
 4 estate in any taxing district, it shall be the duty of the board of review to meet as
 5 provided in section 441.33, and where it finds the same has changed in value, to
 6 revalue and reassess any part or all of the real estate contained in such taxing
 7 district, and in such case, it shall determine the actual value *as of January first of*
 8 *the year of the revaluation and reassessment* and compute the taxable value thereof,
 9 and any aggrieved taxpayer may petition for a revaluation of his property, but no
 10 reduction or increase shall be made for prior years. If the assessment of any such
 11 property is raised, or any property is added to the tax list by the board, the clerk
 12 shall give notice in the manner provided in section 441.36, provided, however,
 13 that if the assessment of all property in any taxing district is raised the board may
 14 instruct the clerk to give immediate notice by one publication in one of the
 15 official newspapers located in the taxing district, and such published notice shall
 16 take the place of the mailed notice provided for in section 441.36, but all other
 17 provisions of said section shall apply. The decision of the board as to the
 18 foregoing matters shall be subject to appeal to the district court within the same
 19 time and in the same manner as provided in section 441.38.

1 SEC. 4. Chapter four hundred forty-one (441), Code 1975, is amended by
 2 adding the following new sections:

3 NEW SECTION. The assessment date of January first is the first date of an
 4 assessment year period which constitutes a calendar year commencing January
 5 first and ending December thirty-first. All property tax statutes providing for tax
 6 exemptions or credits and requiring, as a prerequisite thereto, that a claim be
 7 filed, shall be construed to require such claims to be filed during the assessment
 8 year. In the event that no claim is required to be filed to procure an exemption or
 9 credit, the status of the property as exempt or taxable on the levy date of the
 10 fiscal year which commences during the assessment year determines its eligibility
 11 for exemption or credit. Any statute requiring proration of property taxes for any
 12 purpose shall be for the assessment year, unless otherwise stated, and such
 13 proration shall be based on the status of the property during the assessment year.

14 NEW SECTION. The assessment date for property taxes for the fiscal period
 15 beginning January 1, 1973 and ending June 30, 1974 and which became
 16 delinquent during the fiscal period beginning January 1, 1974 and ending June 30,
 17 1975, was January 1, 1973. The assessment date for property taxes for the fiscal
 18 year beginning July 1, 1974 and ending June 30, 1975 and which became
 19 delinquent during the fiscal year beginning July 1, 1975 and ending June 30, 1976,
 20 was January 1, 1974. Thereafter, the assessment date is January first for taxes for
 21 the fiscal year which commences six months after the assessment date and which
 22 become delinquent during the fiscal year commencing eighteen months after the
 23 assessment date.

1 SEC. 5. Section four hundred forty-five point thirty-six (445.36), Code 1975, is
 2 amended to read as follows:

3 **445.36 Payment—installments.**

4 1. For fiscal years after July 1, 1975, the property taxes which become delinquent
 5 during the fiscal year shall be for the previous fiscal year.

6 2. No demand of taxes shall be necessary, but it shall be the duty of every
7 person subject to taxation to attend at the office of the treasurer, at some time
8 between the first Monday in August and September 1 following, and pay his *or*
9 *her* taxes in full, or one-half thereof before September 1 succeeding the levy, and
10 the remaining half before March 1 following.

1 SEC. 6. The provisions of section one (1) of this Act shall be retroactive to
2 January 1, 1973. The provisions of sections two (2), three (3), and four (4) of this
3 Act shall be retroactive to January 1, 1976. The provisions of section five (5) of
4 this Act shall be retroactive to July 1, 1975.

1 SEC. 7. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in The Daily Freeman-Journal, a
3 newspaper published in Webster City, Iowa, and in The New Iowa Bystander, a
4 newspaper published in West Des Moines, Iowa.

Approved June 10, 1976.

I hereby certify that the foregoing Act, House File 1200, was published in The Daily Freeman-Journal, Webster City, Iowa, on June 16, 1976, and in The New Iowa Bystander, West Des Moines, Iowa, June 17, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1199

TAX ASSESSMENTS

H. F. 1564

AN ACT relating to equalization and assessment procedures by providing for the assessment of property every two years, providing that the equalized values be included in the assessments for the following year, providing for use of other appraisal methods to be used to determine value of property when market value cannot be determined, providing for appeal by assessors to state board of tax review on final equalization orders, relating to the date of delinquency for nonpayment of first-half property taxes due and payable in the fiscal year beginning July 1, 1976, and adjusting the dates relating to the completion of the assessment and delivery of the abstracts of assessments, notification of taxpayers of adjusted values, the filing of protests, and the sessions of the local boards of review.

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

1 SECTION 1. Section four hundred twenty-eight point four (428.4), unnumbered
2 paragraph one (1), Code 1975, is amended to read as follows:

3 Property shall be ~~taxed~~ *assessed for taxation* each year. Personal property shall
4 be listed and assessed each year in the name of the owner of the personal
5 property on the first day of January *and the assessment made shall be the value of*
6 *the personal property as of January first of the year of the assessment.* Real estate
7 shall be listed and ~~valued in 1974~~ *assessed in 1978* and every ~~four~~ *two* years
8 thereafter. *The assessment of real estate shall be the value of the real estate as of*
9 *January first of the year of the assessment. The year 1978 and each even-numbered*
10 *year thereafter shall be a reassessment year.* In any year, after the year in which an
11 assessment has been made of all the real estate in any assessing jurisdiction, it
12 shall be the duty of the assessor to value and assess or revalue and reassess, as the
13 case may require, any real estate that ~~he~~ *the assessor* finds was incorrectly valued
14 or assessed, or was not listed, valued and assessed, in the real estate assessment
15 year immediately preceding, also any real estate ~~he~~ *the assessor* finds has changed
16 in value subsequent to January ~~1~~ *first* of the preceding real estate assessment year.

17 The assessor shall determine the actual value and compute the taxable value
 18 thereof *as of January first of the year of the revaluation and reassessment*. The
 19 assessment shall be completed as specified in section 441.28, but no reduction or
 20 increase in actual value shall be made for prior years. If an assessor makes a
 21 change in the valuation of the real estate as provided for herein, the provisions of
 22 sections 441.23, 441.37, 441.38 and 441.39 shall apply.

1 SEC. 2. Section four hundred forty-one point twenty-one (441.21), subsection
 2 one (1), unnumbered paragraph nine (9), Code 1975, as amended by Acts of the
 3 Sixty-sixth General Assembly, 1975 Session, chapter two hundred five (205),
 4 section two (2), is amended to read as follows:

5 In the event market value of the property being assessed cannot be readily
 6 established in the foregoing manner, then the assessor may ~~consider~~ *determine the*
 7 *value of the property using the other uniform and recognized appraisal methods*
 8 *including its productive and earning capacity, if any, industrial conditions, its cost,*
 9 *physical and functional depreciation and obsolescence and replacement cost, and*
 10 *all other factors which would assist in determining the fair and reasonable market*
 11 *value of the property but the actual value shall not be determined by use of only*
 12 *one such factor. The following shall not be taken into consideration: Special*
 13 *value or use value of the property to its present owner, and the good will or value*
 14 *of a business which uses the property as distinguished from the value of the*
 15 *property as property. Upon adoption of uniform rules by the revenue department*
 16 *or succeeding authority covering assessments and valuations of such properties,*
 17 *said valuation on such properties shall be determined in accordance therewith for*
 18 *assessment purposes to assure uniformity, but such rules shall not be inconsistent*
 19 *with or change the foregoing means of determining the actual, market, taxable*
 20 *and assessed values.*

1 SEC. 3. Section four hundred forty-one point twenty-three (441.23), Code
 2 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session,
 3 chapter two hundred eighteen (218), section one (1), is amended to read as
 4 follows:

5 **441.23 Notice of valuation.** If there has been an increase or decrease in the
 6 valuation of the property, or upon the written request of the person assessed, the
 7 assessor shall, at the time of making the assessment, inform the person assessed,
 8 in writing, of the valuation put upon his property, and notify him, if he feels
 9 aggrieved, to appear before the board of review and show why the assessment
 10 should be changed. ~~The~~ *In odd-numbered years, the owners of real property shall*
 11 *be notified not later than April fifteenth of any adjustment of the real property*
 12 *assessment. In even-numbered years, the notice of an increase or decrease in the*
 13 *valuation of the property shall be provided to the owners of real property not later than*
 14 *June thirtieth as provided in section four hundred forty-one point forty-nine (441.49) of*
 15 *the Code.*

1 SEC. 4. Section four hundred forty-one point twenty-six (441.26), Code 1975,
 2 is amended to read as follows:

3 **441.26 Assessment rolls and books.** The director of revenue shall each year
 4 prescribe the form of assessment roll to be used by all assessors in assessing real
 5 and personal property, including moneys and credits, in this state, also the form
 6 of pages of the assessor's assessment book. Such assessment rolls shall be in such
 7 form as will permit entering thereon, separately, the names of all persons,
 8 partnerships, corporations, or associations assessed; shall contain a form of oath
 9 or affirmation to be administered to each person assessed, and shall also contain
 10 a notice in *substantially* the following form:

11 "If you are not satisfied that the foregoing assessment is correct, you may file a
 12 protest against such assessment with the board of review on or after April ~~16~~
 13 *sixteenth*, to and including May ~~5~~ *fifth*, of the year of the assessment, such protest
 14 to be confined to the grounds specified in section 441.37. Dated day of

15 , 19.....,County/City Assessor.”

16 *The dates specified in the notice sent to the owner of property in even-numbered*
17 *years shall contain the dates for filing of protests as provided in section four hundred*
18 *forty-one point forty-nine (441.49) of the Code.*

19 Such assessment rolls shall be used in listing the property and showing the
20 values affixed to such property of all persons, partnerships, corporations, or
21 associations assessed, which rolls shall be made in duplicate. Said duplicate roll
22 shall be signed by the assessor, detached from the original and delivered to the
23 person assessed if there has been an increase or decrease in the valuation of the
24 property, or upon the written request of the person assessed. It shall be lawful to
25 combine the affidavit or form of oath or affirmation with reference to real and
26 personal property, and the affidavit or form of oath or affirmation as to moneys
27 and credits, into one affidavit or form of oath or affirmation, and only the one
28 such affidavit or form of oath or affirmation shall be sufficient on the assessment
29 roll. The pages of the assessor’s assessment book shall contain columns ruled and
30 headed for the information required by this chapter and that which the director
31 of revenue may deem essential in the equalization work of the director. The
32 assessor shall return all assessment rolls and any schedules therewith to the
33 county auditor, along with the completed assessment book, as provided in this
34 chapter, and the county auditor shall carefully keep and preserve all such rolls,
35 schedules and book for a period of five years from the time of filing of the same
36 in his office.

1 SEC. 5. Section four hundred forty-one point twenty-eight (441.28), Code
2 1975, is amended to read as follows:

3 **441.28 Assessment rolls—change—notice to taxpayer.** The assessment shall
4 be completed not later than April ~~15~~ *fifteenth in odd-numbered years and not later*
5 *than May fifteenth in even-numbered years.* If the assessor makes any change in an
6 assessment after it has been entered on the assessor’s rolls, he shall note on said
7 roll, together with the original assessment, the new assessment and the reason for
8 the change, together with his signature and the date of the change. Provided,
9 however, in the event the assessor increases any assessment he shall give notice in
10 writing thereof to the taxpayer by mail prior to the meeting of the board of
11 review. No changes shall be made on the assessment rolls after April ~~16~~ *fifteenth*
12 *in odd-numbered years and after May fifteenth in even-numbered years* except by
13 order of the board of review or by decree of court.

1 SEC. 6. Section four hundred forty-one point thirty (441.30), Code 1975, is
2 amended to read as follows:

3 **441.30 Completion of assessment—oath.** The assessment shall be completed
4 by the first day of May *in odd-numbered years or June first in even-numbered years,*
5 and the assessor shall attach to the assessment rolls his oath in the following
6 form:

7 “I, (A B), assessor of city/county of state of
8 Iowa, do solemnly swear (or affirm) that the taxable values of all property,
9 money, and credits, of which a statement has been made and verified by the oath
10 of the person required to list the same, is herein set forth in such statement; that
11 in every case, where I have been required to ascertain the amount or value of any
12 property, I have diligently, and by the best means in my power, endeavored to
13 ascertain the true amount and value, and as I verily believe the taxable values
14 thereof are set forth in the annexed return; in no case have I knowingly omitted
15 to demand of any person, of whom I was required to do so, a statement of the
16 items of his property which he was required by law to list, nor to administer the
17 oath to him, unless he refused to take it, nor in any way connive at any violation
18 or evasion of any of the requirements of the law in relation to the assessment of
19 property for taxation.

20
21 Assessor

22 Subscribed and sworn to (or affirmed) this day of A.D., before me.
 23
 24 Notary Public/Clerk of Court"

1 SEC. 7. Section four hundred forty-one point thirty-three (441.33), Code 1975,
 2 is amended to read as follows:

3 **441.33 Sessions of board of review.** The board of review shall be in session
 4 from May ~~+~~ *first* to May ~~31~~, ~~both inclusive~~, *thirty-first* in each *odd-numbered* year
 5 and for such additional period as may be required under section 441.37 and shall
 6 hold as many meetings as are necessary to discharge its duties. On June ~~+~~ *first* in
 7 any *odd-numbered* year in which a session has not been extended as required
 8 under section 441.37, said board shall return all books, records and papers to the
 9 assessor except undisposed of protests and records pertaining thereto. If it has not
 10 completed its work prior to June ~~+~~ *first*, in those years in which the session has
 11 not been extended under section 441.37 the director of revenue may authorize the
 12 board of review to continue in session for such period as is necessary to complete
 13 its work, but in no event shall the director of revenue approve a continuance
 14 extending beyond ~~August + July fifteenth~~. On June ~~+~~ *first* or on the final day of
 15 any extended session required under section 441.37 or authorized by the director
 16 of revenue as herein provided the board of review shall be adjourned until May ~~+~~
 17 *first* of the following year. It shall adopt its own rules of procedure, elect its own
 18 chairman from its membership, and keep minutes of its meetings. The board shall
 19 appoint a clerk who may be a member of such board or any other qualified
 20 person, except the assessor or any member of his staff. It may be reconvened by
 21 the director of revenue. All undisposed protests in its hands on ~~August + July~~
 22 *fifteenth* shall be automatically overruled and returned to the assessor together
 23 with its other records.

24 *In even-numbered years, the board of review shall be in session at the times*
 25 *designated in section four hundred forty-one point forty-nine (441.49) of the Code.*

26 Within fifteen days following the adjournment of any regular or special session,
 27 the board of review shall submit to the director of revenue, on forms prescribed
 28 by the director, a report of any actions taken during that session.

1 SEC. 8. Section four hundred forty-one point thirty-five (441.35), unnumbered
 2 paragraph two (2), Code 1975, is amended to read as follows:

3 In any year after the year in which an assessment has been made of all of the
 4 real estate in any taxing district, it shall be the duty of the board of review to
 5 meet as provided in section 441.33, and where it finds the same has changed in
 6 value, to revalue and reassess any part or all of the real estate contained in such
 7 taxing district, and in such case, it shall determine the actual value *as of January*
 8 *first of the year of the revaluation and reassessment* and compute the taxable value
 9 thereof, and any aggrieved taxpayer may petition for a revaluation of his
 10 property, but no reduction or increase shall be made for prior years. If the
 11 assessment of any such property is raised, or any property is added to the tax list
 12 by the board, the clerk shall give notice in the manner provided in section 441.36,
 13 provided, however, that if the assessment of all property in any taxing district is
 14 raised the board may instruct the clerk to give immediate notice by one
 15 publication in one of the official newspapers located in the taxing district, and
 16 such published notice shall take the place of the mailed notice provided for in
 17 section 441.36, but all other provisions of said section shall apply. The decision of
 18 the board as to the foregoing matters shall be subject to appeal to the district
 19 court within the same time and in the same manner as provided in section 441.38.

1 SEC. 9. Section four hundred forty-one point thirty-seven (441.37),
 2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 Any property owner or aggrieved taxpayer who is dissatisfied with his
 4 assessment may file a protest against such assessment with the board of review on
 5 or after April ~~16~~ *sixteenth*, to and including May ~~5~~ *fifth*, of the year of the

6 assessment. In any county which has been declared to be a disaster area by
 7 proper federal authorities after March ~~† first~~ and prior to May ~~20 twentieth~~ of said
 8 year of assessment, the time for filing a protest shall be extended to and include
 9 the period from May ~~25 twenty-fifth~~ to June ~~5 fifth~~ of such year. Said protest shall
 10 be in writing and signed by the one protesting or by his duly authorized agent.
 11 *The dates specified in this section shall apply only in odd-numbered years. The time*
 12 *for filing of protests in even-numbered years shall be as provided in section four*
 13 *hundred forty-one point forty-nine (441.49) of the Code. Taxpayer may have an oral*
 14 *hearing thereon if request therefor in writing is made at the time of filing the*
 15 *protest. Said protest must be confined to one or more of the following grounds:*

1 SEC. 10. Section four hundred forty-one point forty-five (441.45), Code 1975,
 2 as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 3 two hundred nineteen (219), sections one (1) and two (2), is amended to read as
 4 follows:

5 **441.45 Abstract to state department of revenue.** The county assessor of each
 6 county and each city assessor shall, on or before ~~the first Monday in~~ July ~~first in~~
 7 ~~odd-numbered years and on or before September fifteenth in even-numbered years,~~
 8 make out and transmit to the department of revenue an abstract of the real and
 9 personal property in his county or city, as the case may be, and file a copy
 10 thereof with the county auditor, in which he shall set forth:

11 1. The number of acres of land and the aggregate taxable values of the same,
 12 exclusive of city lots, returned by the assessors, as corrected by the board of
 13 review.

14 2. The aggregate taxable values of real estate *by class* in each *school district,*
 15 township and city in the county, returned as corrected by the board of review.

16 3. The aggregate taxable values of personal property.

17 4. Other facts as may be required by the director of revenue.

18 In any case where a board of review continues in session beyond June ~~† first~~, in
 19 any ~~odd-numbered year, or beyond August fifteenth in even-numbered years,~~ under
 20 provisions of sections 441.33 and 441.37 the abstract of the real and personal
 21 property shall be made out and transmitted to the department of revenue within
 22 ~~thirty fifteen~~ days after the date of final adjournment by said board.

1 SEC. 11. Section four hundred forty-one point forty-seven (441.47), Code
 2 1975, is amended to read as follows:

3 **441.47 Adjusted valuations.** The director of revenue on or about ~~the third~~
 4 ~~Monday of September in each year August 15, 1977 and every two years thereafter~~
 5 shall ~~adjust the valuation order the equalization of the levels of assessment of each~~
 6 ~~class of property in the several counties assessing jurisdictions by adding to or~~
 7 ~~deducting from the valuation of each kind or class of property such percentage in~~
 8 ~~each case as will may be necessary to bring the same to its taxable value as fixed in~~
 9 ~~this chapter and chapters 427 to 443, inclusive. The director shall also adjust the~~
 10 ~~valuations as between each kind or class of property in any city assessed by a city~~
 11 ~~assessor and each kind or class of property in the same county assessed by the~~
 12 ~~county assessor. The director shall order the equalization of the levels of~~
 13 ~~assessment of each class of property in the first and third year of the quadrennial~~
 14 ~~assessment period. The director shall adjust to actual value the valuation of any class~~
 15 ~~of property as set out in the abstract of assessment when the valuation is at least five~~
 16 ~~percent above or below actual value as determined by the director. For purposes of~~
 17 ~~such value adjustments and before such equalization the director shall adopt, in~~
 18 ~~the manner prescribed by chapter 17A, such rules as may be necessary to~~
 19 ~~determine the level of assessment for each class of property in each county. The~~
 20 ~~rules shall cover: (1) The proposed use of the assessment-sales ratio study set out~~
 21 ~~in section 421.17, subsection 6; (2) the proposed use of any state-wide income~~
 22 ~~capitalization studies; (3) the proposed use of other methods that would assist the~~
 23 ~~director in arriving at the accurate level of assessment of each class of property in~~
 24 ~~each assessing jurisdiction.~~

1 SEC. 12. Section four hundred forty-one point forty-eight (441.48), Code 1975,
2 as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
3 two hundred five (205), section three (3), is amended to read as follows:

4 **441.48 Notice of adjustment.** Before the director of revenue shall adjust the
5 valuation of any kind ~~or~~ class of property any such percentage, the director shall
6 serve ten days' notice by mail, on the ~~county auditor of the county~~ assessor whose
7 valuation is proposed to be adjusted and the director shall hold an adjourned
8 meeting after such ten days' notice, at which time such ~~county or~~ assessing
9 jurisdiction may appear by its city council or board of supervisors, city or county
10 attorney, and other ~~city or county assessing jurisdiction~~ officials, and make written
11 or oral protest against such proposed adjustment, which protest shall consist
12 simply of a statement of the error, or errors, complained of with such facts as
13 may lead to their correction, and at such adjourned meeting final action may be
14 taken in reference thereto.

1 SEC. 13. Section four hundred forty-one point forty-nine (441.49), Code 1975,
2 as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
3 two hundred five (205), section four (4), is amended by striking the section and
4 inserting in lieu thereof the following:

5 **441.49 Adjustment by assessor.** The director shall keep a record of the
6 review and adjustment proceedings and finish such proceedings on or before
7 October first unless for good cause the proceedings cannot be completed by that
8 date. The director shall notify each assessor by mail of the final action taken at
9 the proceedings and specify any adjustments in the valuations of any class of
10 property to be made effective for the assessing jurisdiction.

11 The assessor shall prior to May fifteenth of the year following, in completing
12 the reassessment of real estate as provided in section four hundred twenty-eight
13 point four (428.4) take into consideration the final equalization order of the
14 director to the end that the aggregate actual valuation for each class of property
15 affected by the order will be the amount determined by the director. In making
16 the adjustments the assessor shall see to it that in no case shall the assessed value
17 of an individual property exceed one hundred percent of its actual value
18 determined in accordance with section four hundred forty-one point twenty-one
19 (441.21) of the Code. Not later than May twentieth, the assessor shall submit to
20 the director of revenue, on forms prescribed by the director, a report of all actions
21 he has taken to comply with the equalization order issued to him in October of
22 the preceding year.

23 If the director of revenue determines that the assessor has complied with the
24 equalization order, he shall on or about June first notify the assessor to proceed
25 with the issuance of assessment rolls as provided in section four hundred forty-
26 one point twenty-six (441.26) of the Code, except that the rolls shall contain the
27 statement that protests against the assessment may be filed with the board of
28 review between July first and July twentieth. All assessment rolls shall be
29 delivered not later than June thirtieth.

30 In each even-numbered year the board of review shall be in regular session
31 from July fifteenth to August fifteenth for purposes of performing its functions as
32 defined in sections four hundred forty-one point thirty-three (441.33) through four
33 hundred forty-one point thirty-seven (441.37) of the Code. The director of
34 revenue may authorize the board of review to continue in session for such period
35 as may be necessary to complete its work, but the director shall not approve a
36 continuance extending beyond October fifteenth.

37 If the director of revenue determines that the assessor has not complied with
38 the equalization order by making the necessary adjustments in valuation, he shall
39 on or about June first reconvene the local board of review in special session.
40 During this special session, the board of review shall, by resolution, make the
41 adjustments necessary to comply with the equalization order. The board shall not
42 later than June thirtieth notify, by mail in the form and manner prescribed by the

43 director, all taxpayers in the classes of property affected by the board's action
44 with respect to the implementation of the equalization order. The notice shall
45 contain a statement of the assessed valuation of their property, that they may
46 protest the valuations to the board of review between the dates of July first and
47 July twentieth, and that the board will act on such protests during its July session.
48 Not later than June thirtieth, the board of review shall submit to the director of
49 revenue, on forms prescribed by the director, of its actions taken to comply with
50 the director's equalization order. The director shall have the authority under
51 chapter four hundred twenty-one (421) of the Code to make any orders to a
52 board of review or otherwise take whatever actions deemed necessary to ensure
53 the implementation of the final equalization order.

54 In each even-numbered year, the abstract of assessment provided for in section
55 four hundred forty-one point forty-five (441.45) of the Code shall be submitted to
56 the director by not later than September fifteenth. If the session of a board of
57 review is extended beyond August fifteenth of a reassessment year, the abstract of
58 assessment for the assessing jurisdiction shall be submitted to the director within
59 fifteen days after the final adjournment of the board.

60 Not later than twenty days after the date the final equalization order is issued,
61 the assessor of the affected assessor jurisdiction may appeal the final equalization
62 order to the state board of tax review.

63 The dates contained in this section pertaining to the completion of the
64 assessment, notification of taxpayers, the filing of protests with local boards of
65 review, the sessions of board of review, and the abstracts of assessment, shall
66 pertain only to even-numbered years. In odd-numbered years, the dates
67 pertaining to the completion of the assessment, notification of taxpayers, filing of
68 protest with local boards of review the sessions of local boards of review, and the
69 abstracts of assessment, shall be those dates contained in sections four hundred
70 forty-one point twenty-three (441.23), four hundred forty-one point twenty-six
71 (441.26), four hundred forty-one point twenty-eight (441.28), four hundred forty-
72 one point thirty (441.30), four hundred forty-one point thirty-three (441.33), four
73 hundred forty-one point thirty-seven (441.37), and four hundred forty-one point
74 forty-five (441.45) of the Code.

1 SEC. 14. Notwithstanding the provisions of section four hundred forty-five
2 point thirty-seven (445.37) of the Code, if one-half of the property taxes due have
3 not been paid for October 1, 1976 or thirty days from the date of the certification
4 of the tax list to the county treasurer, whichever date occurs later, the amount due
5 shall become delinquent and subject to the penalties provided in section four
6 hundred forty-five point thirty-nine (445.39) and four hundred forty-five point
7 forty (445.40) of the Code. The provisions of this section shall only be applicable
8 to property taxes levied in 1976 and payable during the fiscal year beginning July
9 1, 1976 and ending June 30, 1977.

Approved June 28, 1976

CHAPTER 1200

ELECTRIC UTILITY SERVICE

S. F. 1258

AN ACT relating to the establishment of electric utility service areas and to the regulation of rural electric cooperative rates by the state commerce commission.

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

1 SECTION 1. Section four hundred thirty-seven point fourteen (437.14),
2 subsection three (3), Code 1975, is amended to read as follows:

3 3. Any electric lines and associated facilities described in this section which are
4 included within the boundaries of a city as a result of annexation, incorporation
5 or otherwise, shall be valued, assessed and taxed in the manner provided for
6 valuation, assessment and taxation of transmission lines under this section ~~and~~
7 ~~may continue service to premises of existing customers as of May 14, 1971, or to~~
8 ~~premises of customers included by subsequent annexation or incorporation within~~
9 ~~such area under the provisions of section 490A.23, except that such lines used to~~
10 ~~serve the premises of such existing customers shall be exchanged or shall be~~
11 ~~purchased at the end of six years from the date the corporate boundaries are so~~
12 ~~extended only upon the voluntary agreement of the utilities involved and~~
13 ~~notwithstanding section 490A.1, all rates charged by a co-operative corporation or~~
14 ~~association to various classes of consumers within the annexed area shall be~~
15 ~~regulated by the Iowa state commerce commission under chapter 490A. Any such~~
16 electric lines, whether transmission or distribution lines, located within the
17 boundaries of a city shall be listed and assessed for taxation as provided in
18 section 437.13 and shall be subject to all ordinances of the city including the
19 authority of any such city to impose taxes, charges or fees as provided by law.

1 SEC. 2. Section four hundred ninety A point one (490A.1), unnumbered
2 paragraph three (3), Code 1975, is amended to read as follows:

3 Mutual telephone companies in which at least fifty percent of the users are
4 owners, *cooperative telephone corporations or associations*, telephone companies
5 having less than two thousand stations, municipally-owned utilities, *and*
6 unincorporated villages which own their own distribution system; ~~and co-~~
7 ~~operative corporations or associations~~ shall not be subject to the rate regulation
8 provided for in this chapter; provided, however, that nothing contained in this
9 chapter shall be construed to apply to municipally-owned water works or rural
10 water districts incorporated and organized pursuant to chapters 357A and 504A.
11 Telephone companies otherwise exempt from rate regulation and having
12 telephone exchange facilities which cross state lines may elect, in writing, filed
13 with the commission, to have their rates regulated by the commission. When such
14 election, in writing, has been filed with the commission, the commission shall
15 assume rate regulation jurisdiction over said companies.

1 SEC. 3. Chapter four hundred ninety A (490A), Code 1975, is amended by
2 adding sections four (4) through eight (8) of this Act.

1 SEC. 4. NEW SECTION. **Definition.** As used in sections five (5) through eight
2 (8) of this Act, unless the context otherwise requires, "electric utility" includes a
3 public utility furnishing electricity as defined in section four hundred ninety A
4 point one (490A.1) of the Code and a city utility as defined in section three
5 hundred ninety point one (390.1) of the Code.

1 SEC. 5. NEW SECTION. **Electric service conflicts—certificates of authority.**

2 1. An electric utility shall not construct or extend facilities or furnish or offer to
3 furnish electric service to the existing point of delivery of any customer already

4 receiving electric service from another electric utility without having first filed
5 with the commission the express written agreement of the electric utility presently
6 serving this customer, except as otherwise provided in this section. Any municipal
7 corporation, after being authorized by a vote of the people, or any electric utility
8 may file a petition with the commission requesting a certificate of authority to
9 furnish electric service to the existing point of delivery of any customer already
10 receiving electric service from another electric utility. If, after notice by the
11 commission to the electric utility currently serving the customer, objection to the
12 petition is not filed and investigation is not deemed necessary, the commission
13 shall issue a certificate within thirty days of the filing of the petition. When an
14 objection is filed, if the commission, after notice and opportunity for hearing,
15 determines that service to the customer by the petitioner is in the public interest,
16 including consideration of any unnecessary duplication of facilities, it shall grant
17 this certificate in whole or in part, upon such terms, conditions, and restrictions
18 as may be justified. Whether or not an objection is filed, any certificate issued
19 shall require that the petitioner pay to the electric utility presently serving the
20 customer, the reasonable price for facilities serving the customer. This price
21 determination by the commission shall include due consideration of the cost of
22 the facilities being acquired, any necessary generating capacity and transmission
23 capacity dedicated to the customer, depreciation, loss of revenue, and the cost of
24 facilities necessary to reintegrate the system of the utility after detaching the
25 portion sold.

26 2. An electric utility shall not construct or extend facilities or furnish electric
27 service to a prospective customer not presently being served, unless its existing
28 service facilities are nearer the proposed point of delivery than the service
29 facilities of any other utility. However, an electric utility may extend electric
30 service and transmission lines if the electric utility closest to the delivery point
31 consents to this extension in writing and a copy of the agreement is filed with the
32 commission or, if the commission, after notice and opportunity for hearing and
33 after giving due consideration to the prevention of unnecessary duplication of
34 facilities, finds that service from an electric utility, other than the closest utility, is
35 in the public interest. This subsection shall not apply if the prospective customers
36 are within an exclusive service area assigned to an electric utility as provided in
37 this Act.

38 3. Notwithstanding subsections one (1) and two (2) of this section, any electric
39 utility may extend electric service and transmission lines to its own utility
40 property and facilities.

41 4. If not inconsistent with the provisions of this Act:

42 a. All rights of municipal corporations under chapter three hundred sixty-four
43 (364) of the Code to grant a person a franchise to erect, maintain, and operate
44 plants and systems for electric light and power within the corporate boundaries,
45 and rights acquired by franchise or agreement shall be preserved in these
46 municipal corporations;

47 b. All rights of city utilities under the city code shall be preserved in these city
48 utilities;

49 c. All rights of city utilities and joint electric utilities under chapter three
50 hundred ninety (390) of the Code shall be preserved in these city utilities and
51 joint electric utilities; and

52 d. All rights of cities under chapter four hundred seventy-two (472) of the Code
53 are preserved. However, prior to the institution of condemnation proceedings, the
54 city shall obtain a certificate of authority from the commission in accordance
55 with this Act and the commission's determination of price under this Act shall be
56 conclusive evidence of damages in these condemnation proceedings.

1 **SEC. 6. NEW SECTION. Electric utility service area maps.**

2 1. On or before July 1, 1977, and subsequently whenever requested by the
3 commission, electric utilities furnishing electricity to the public for compensation

4 in this state shall file, jointly or severally, with the commission detailed maps of
5 their service area drawn to a scale of not less than one inch per mile or drawn to
6 a larger scale if required for clarity showing all of the following:

7 a. The locations of an electric utility's generation, franchised transmission lines,
8 distribution lines, and related facilities as of January 1, 1976.

9 b. All state and federal highways and other public roads within the electric
10 utility's service area.

11 c. All section lines and numbers and township and range numbers within the
12 electric utility's service area.

13 d. The corporate boundaries of all cities within the electric utility's service area.

14 e. All lakes and rivers within the electric utility's service area.

15 f. All railroads within the electric utility's service area.

16 g. Any additional information requested by the commission.

17 2. On or before July 1, 1978, and subsequently when deemed by the
18 commission to be necessary, the commission shall prepare or cause to have
19 prepared a composite map of this state showing the service areas of electric
20 utilities as submitted by the electric utilities. The form and detail of all maps shall
21 be determined by the commission.

1 SEC. 7. NEW SECTION. **Assigned service areas—electric utilities—legislative**
2 **policy.** It is declared to be in the public interest to encourage the development of
3 coordinated statewide electric service at retail, to eliminate or avoid unnecessary
4 duplication of electric utility facilities, and to promote economical, efficient, and
5 adequate electric service to the public. In order to effect that public interest, the
6 commission may establish service areas within which specified electric utilities
7 shall provide electric service to customers on an exclusive basis. Except for good
8 cause expressed through formal public statement, the commission shall establish
9 these exclusive service areas on or before July 1, 1979. These exclusive service
10 area boundaries shall be established by the commission upon the following basis:

11 1. The service area boundaries shall be in a line approximately equidistant
12 between the electric distribution lines of adjacent electric utilities as they existed
13 on January 1, 1976, and as shown by the maps filed in accordance with this Act.
14 However, those boundaries may be modified by the commission to promote the
15 public interest, to preserve existing service areas and electric utilities' rights to
16 serve existing customers, and to prevent unnecessary duplication of facilities, to
17 take account of natural and physical barriers which would make electric service
18 beyond these barriers uneconomic and impractical and those boundaries shall be
19 modified by the commission to take account of the contracts between electric
20 utilities which have been approved by the commission pursuant to subsection two
21 (2) of this section. When an electric utility's exclusive service area is established
22 by the commission to include existing customers presently served by the facilities
23 of another electric utility, unless a voluntary exchange of facilities is agreed upon
24 by the electric utilities involved and approved by the commission, the commission
25 after notice and opportunity for hearing, shall require the purchase of those
26 facilities presently serving these customers at a reasonable price to be determined
27 by the commission. The commission, on its own motion or at the request of an
28 electric utility or municipal corporation, after notice and opportunity for hearing,
29 may modify the boundaries of an electric utility exclusive service area which it
30 has previously established if this modification, including consideration of the
31 factors noted in this subsection, is found to be in the public interest.

32 2. Contracts between electric utilities to designate service areas and customers
33 to be served by the electric utilities or for the exchange of customers between
34 electric utilities, when approved by the commission, shall be valid and enforceable
35 and shall be incorporated into the appropriate exclusive service areas established
36 pursuant to subsection one (1) of this section. The commission shall approve a
37 contract if it finds that the contract will eliminate or avoid unnecessary
38 duplication of facilities, will provide adequate electric service to all areas and

39 customers affected, will promote the efficient and economical use and
 40 development of the electric systems of the contracting electric utilities, and is in
 41 the public interest.

1 **SEC. 8. NEW SECTION. Effect of incorporation, annexation or consolidation.**
 2 The inclusion by incorporation, consolidation, or annexation of any facilities or
 3 service area of an electric utility within the boundaries of any city shall not by
 4 such inclusion impair or affect in any respect the rights of the electric utility to
 5 continue to provide electric utility service and to extend electric service to
 6 prospective customers in accordance with the provisions of this Act.

1 **SEC. 9.** Section four hundred ninety A point twenty-three (490A.23), as
 2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 3 sixty-seven (67), section forty-four (44), and section four hundred ninety A point
 4 twenty-four (490A.24), Code 1975, are repealed.

Approved May 20, 1976

CHAPTER 1201

DEPUTY ASSESSORS CERTIFICATION

S. F. 1063

AN ACT relating to the certification of deputy assessors.

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

1 **SECTION 1.** Acts of the Sixty-fifth General Assembly, 1974 Session, chapter
 2 one thousand two hundred thirty (1230), section seven (7), amending section four
 3 hundred forty-one point eleven (441.11), Code 1973, is amended to read as
 4 follows:

5 **Sec. 7.** Section four hundred forty-one point eleven (441.11), Code 1973, is
 6 amended by striking the section and inserting in lieu thereof the following:

7 **441.11 Incumbent assessors and deputies.** The director of revenue shall grant
 8 a restricted certificate to any city or county assessor *or deputy assessor* holding
 9 office as of January 1, 1976. An assessor possessing such a certificate shall be
 10 considered eligible to remain in his or her present position and to be reappointed
 11 to that position as provided in section four hundred forty-one point eight (441.8)
 12 *and four hundred forty-one point ten (441.10)* of the Code. *A deputy assessor*
 13 *possessing such a certificate shall be considered eligible to remain in his or her present*
 14 *position.* To become eligible for another assessor *or deputy assessor* position,
 15 however, an assessor *or deputy assessor* presently holding office is required to
 16 obtain certification as provided for in section four hundred forty-one point five
 17 (441.5) of the Code.

1 **SEC. 2.** This Act, being deemed of immediate importance, shall take effect
 2 and be in force from and after its publication in The Union, a newspaper
 3 published in West Union, Iowa, and in the Hampton Chronicle, a newspaper
 4 published in Hampton, Iowa.

Approved March 1, 1976

Pursuant to the authority vested in the undersigned, Secretary of State of Iowa, under the provisions of Section 3.9 Code of Iowa, 1975, there being no newspaper by the name of The Union, published in West Union, Iowa, I hereby designate The Fayette County Union, published in West Union, Iowa, to publish the foregoing Act, Senate File 1063.

MELVIN D. SYNHORST, *Secretary of State*

I hereby certify that the foregoing Act, Senate File 1063, was published in The Fayette County Union, West Union, Iowa, March 11, 1976, and in the Hampton Chronicle, Hampton, Iowa, March 11, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1202

AUTISTIC CHILDREN

H. F. 689

AN ACT defining autistic children and clarifying provisions relating to payment of the costs of inpatient or outpatient care of autistic children.

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

1 SECTION 1. Section four hundred forty-four point twelve (444.12), subsection
2 two (2), unnumbered paragraph one (1), Code 1975, is amended to read as
3 follows:

4 Any portion which the board of supervisors may deem advisable of the cost of
5 psychiatric examination and treatment of persons in need thereof or of
6 professional evaluation, treatment, training, habilitation, and care of persons who
7 are mentally retarded, *autistic children* or *persons who* are afflicted by any other
8 developmental disability, at any suitable public or private facility providing
9 inpatient or outpatient care in such county. As used in this subsection,
10 "~~developmental~~": a. "*Developmental disability*" has the meaning assigned that term
11 by title 42, section 2691, subsection 1, United States Code, as amended to
12 January 1, 1974. b. "*Autistic children*" means persons, regardless of age, with severe
13 communication and behavior disorders that became manifest during the early stages of
14 childhood development and that are characterized by a severely disabling inability to
15 understand, communicate, learn and participate in social relationships. "*Autistic*
16 *children*" includes but is not limited to those persons afflicted by infantile autism,
17 *profound aphasia and childhood psychosis.*

Approved May 13, 1976

CHAPTER 1203

LEVEE AND DRAINAGE DISTRICTS

S. F. 547

AN ACT relating to the financing of levees and drainage districts.

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

1 SECTION 1. Chapter four hundred fifty-five (455), Code 1975, is amended by
2 adding the following new section:

3 NEW SECTION. The board of a county with a population of two hundred
4 thousand persons or more that has established a drainage district located partly

5 within the corporate limits of a city may expend federal grants or revenue sharing
 6 money or other funds not derived from local tax levies in amounts as the board
 7 deems proper to pay any part of the cost of improvements authorized in this
 8 chapter. The board may issue general obligation bonds to pay any part of the cost
 9 of improvements authorized in this chapter. The bonds shall be issued according
 10 to the provisions of division three (III) of chapter three hundred eighty-four (384)
 11 of the Code relating to general obligation bonds for essential corporate purposes.

1 SEC. 2. Section four hundred fifty-five point four (455.4), Code 1975, is
 2 amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The term "cost of improvements" means the
 4 costs of any improvement which is subject to assessment, including but not
 5 limited to, the costs of engineering, preliminary reports, property valuations,
 6 estimates, plans, specifications, notices, acquisition of land, easements, rights-of-
 7 way, construction, repair, supervision, inspection, testing, notices and publication,
 8 interest during construction and for a reasonable period following the completion
 9 of construction, and may include the default fund which shall amount to not
 10 more than ten percent of the total cost of an improvement assessed against
 11 benefited property.

Approved May 25, 1976

CHAPTER 1204

WATER POLLUTION CONTROL

H. F. 1477

AN ACT relating to the authority of the department of environmental quality regarding water pollution control and public water supply systems.

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

1 SECTION 1. **Declaration of policy.**

2 1. The general assembly finds and declares that because the Federal Water
 3 Pollution Control Act amendments of 1972, Public Law ninety-two dash five
 4 hundred (92-500), provide for a permit system to regulate the discharge of
 5 pollutants into the waters of the United States and provide that permits may be
 6 issued by states which are authorized to implement the provisions of that Act, it is
 7 in the interest of the people of Iowa to enact the provisions of this Act in order to
 8 authorize the state to implement the provisions of the Federal Water Pollution
 9 Control Act amendments of 1972 and Acts amendatory or supplementary thereto,
 10 and federal regulations and guidelines issued pursuant to that Act.

11 2. The general assembly further finds and declares that because the Federal
 12 Safe Drinking Water Act, Public Law ninety-three dash five hundred twenty-
 13 three (93-523), provides for the implementation of said Act by states which have
 14 adequate authority to do so, it is in the interest of the people of Iowa to
 15 implement the provisions of the Federal Safe Drinking Water Act and federal
 16 regulations and guidelines issued pursuant thereto.

1 SEC. 2. Section four hundred fifty-five B point thirty (455B.30), subsection
 2 three (3), Code 1975, is amended to read as follows:

3 3. "Other waste" means *heat*, garbage, municipal refuse, lime, sand, ashes, offal,
 4 oil, tar, chemicals and all other *substances wastes* which are not sewage or
 5 industrial waste which may pollute the waters of the state.

1 SEC. 3. Section four hundred fifty-five B point thirty (455B.30), subsections
2 five (5), seven (7), and ten (10), Code 1975, are amended to read as follows:

3 5. "Sewer system" means pipe lines or conduits, pumping stations, force mains,
4 *vehicles, vessels, conveyances, injection wells*, and all other constructions, devices
5 and appliances appurtenant thereto used for conducting sewage or industrial
6 waste or other wastes to a point of ultimate disposal *or disposal to any water of the*
7 *state. To the extent that they are not subject to section four hundred two (402) of the*
8 *Federal Water Pollution Control Act as amended ditches, pipes, and drains that serve*
9 *only to collect, channel, direct, and convey nonpoint runoff from precipitation are not*
10 *considered as sewer systems for the purposes of this Act.*

11 7. "Disposal system" means a system for disposing of sewage, industrial waste
12 and other wastes and includes sewer systems, treatment works, *point sources*, and
13 dispersal systems.

14 10. "Person" means ~~the state~~ *or any agency of the state or federal government* or
15 institution thereof, any municipality, governmental subdivision, *interstate body*,
16 public or private corporation, individual, partnership, or other entity and includes
17 any officer or governing or managing body of any municipality, governmental
18 subdivision, *interstate body*, or public or private corporation.

1 SEC. 4. Section four hundred fifty-five B point thirty (455B.30), Code 1975, is
2 amended by adding the following new subsections:

3 NEW SUBSECTION. "Effluent standard" means any restriction or prohibition
4 on quantities, rates, and concentrations of chemical, physical, biological,
5 radiological and other constituents which are discharged from point sources into
6 any water of the state including an effluent limitation, a water quality related
7 effluent limitation, a standard of performance for a new source, a toxic effluent
8 standard or other limitation.

9 NEW SUBSECTION. "Point source" means any discernible, confined, and
10 discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel,
11 conduit, well, discrete fissure, container, rolling stock, concentrated animal
12 feeding operation, or vessel or other floating craft, from which pollutants are or
13 may be discharged.

14 NEW SUBSECTION. "Pollutant" means sewage, industrial waste or other waste.

15 NEW SUBSECTION. "New source" means any building, structure, facility or
16 installation, from which there is or may be the discharge of a pollutant, the
17 construction of which is commenced after the publication of proposed federal
18 rules prescribing a standard of performance which will be applicable to such
19 source, if such standard is promulgated.

20 NEW SUBSECTION. "Schedule of compliance" means a schedule of remedial
21 measures including an enforceable sequence of actions or operations leading to
22 compliance with any effluent standard, water quality standard, or any other
23 requirement of this part of this division or any rule promulgated pursuant thereto.

24 NEW SUBSECTION. "Sewer extension" means pipelines or conduits constituting
25 main sewers, lateral sewers or truck* sewers used for conducting pollutants to a
26 larger interceptor sewer or to a point of ultimate disposal.

27 NEW SUBSECTION. "Water supply distribution system extension" means any
28 extension to the pipelines or conduits which carry water directly from the
29 treatment facility, source or storage facility to the consumer's service connection.

30 NEW SUBSECTION. "Production capacity" means the amount of potable water
31 which can be supplied to the distribution system in a twenty-four hour period.

32 NEW SUBSECTION. "Public water supply system" means a system for the
33 provision to the public of piped water for human consumption, if such system has
34 at least fifteen service connections or regularly serves at least twenty-five
35 individuals. Such term includes any source of water and any collection, treatment,
36 storage, and distribution facilities under control of the operator of such system
37 and used primarily in connection with such system, and any collection or
38 pretreatment storage facilities not under such control which are used primarily in

*According to enrolled Act

39 connection with such system.

40 NEW SUBSECTION. "Maximum contaminant level" means the maximum
41 permissible level of any physical, chemical, biological or radiological substance in
42 water which is delivered to any user of a public water supply system.

1 SEC. 5. Section four hundred fifty-five B point thirty-one (455B.31), Code
2 1975, is amended to read as follows:

3 **455B.31 Administrative agency.** The department shall be the agency of the
4 state to prevent, abate, or control water pollution *and to conduct the public water*
5 *supply program.*

1 SEC. 6. Section four hundred fifty-five B point thirty-two (455B.32),
2 subsection two (2), Code 1975, is amended to read as follows:

3 2. Establish, modify, or repeal *water quality standards, pretreatment standards*
4 *and effluent standards for the water of the state.* The effluent standards may
5 provide for maintaining the existing quality of the water of the state where the
6 quality thereof exceeds the requirements of the water quality standards. *If the*
7 *federal environmental protection agency has promulgated an effluent standard or*
8 *pretreatment standard pursuant to section three hundred one (301), three hundred six*
9 *(306) or three hundred seven (307) of the Federal Water Pollution Control Act, a*
10 *pretreatment or effluent standard adopted pursuant to this section shall not be more*
11 *stringent than the federal effluent or pretreatment standard for such source. This*
12 *section may not preclude the establishment of a more restrictive effluent limitation in*
13 *the permit for a particular point source if the more restrictive effluent limitation is*
14 *necessary to meet water quality standards, the establishment of an effluent standard*
15 *for a source or class of sources for which the federal environmental protection agency*
16 *has not promulgated standards pursuant to section three hundred one (301), three*
17 *hundred six (306) or three hundred seven (307) of the Federal Water Pollution*
18 *Control Act. Except as required by federal law or regulation, the commission shall not*
19 *adopt an effluent standard more stringent with respect to any pollutant than is*
20 *necessary to reduce the concentration of that pollutant in the effluent to the level due*
21 *to natural causes, including the mineral and chemical characteristics of the land,*
22 *existing in the water of the state to which the effluent is discharged. Notwithstanding*
23 *any other provision of this part of this division, any new source, the construction of*
24 *which was commenced after October 18, 1972, and which was constructed as to meet*
25 *all applicable standards of performance for the new source or any more stringent*
26 *effluent limitation required to meet water quality standards, shall not be subject to*
27 *any more stringent effluent limitations during a ten-year period beginning on the date*
28 *of completion of construction or during the period of depreciation or amortization of*
29 *the pollution control equipment for the facility for the purposes of section one hundred*
30 *sixty-seven (167) or one hundred sixty-nine (169) or both sections of the Internal*
31 *Revenue Code of 1954, whichever period ends first.*

1 SEC. 7. Section four hundred fifty-five B point thirty-two (455B.32),
2 subsection three (3), Code 1975, is amended by striking the subsection and
3 inserting in lieu thereof the following:

4 3. Establish, modify or repeal rules relating to the location, construction,
5 operation, and maintenance of disposal systems and public water supply systems
6 and specifying the conditions under which the executive director shall issue,
7 revoke, suspend, modify or deny permits for the operation, installation,
8 construction, addition to or modification of any disposal system or public water
9 supply system, or for the discharge of any pollutant or for the disposal of water
10 wastes resulting from poultry and livestock operations.

11 No rules shall be adopted which regulate the hiring or firing of operators of
12 disposal systems or public water supply systems except rules which regulate the
13 certification of operators as to their technical competency.

1 SEC. 8. Section four hundred fifty-five B point thirty-two (455B.32), Code
2 1975, is amended by adding the following new subsections:

3 NEW SUBSECTION. Establish, modify or repeal rules relating to drinking water
4 standards for public water supply systems. Such standards shall specify maximum
5 contaminant levels or treatment techniques necessary to protect the public health
6 and welfare. The drinking water standards must assure compliance with federal
7 drinking water standards adopted pursuant to the Federal Safe Drinking Water
8 Act.

9 NEW SUBSECTION. Establish, modify or repeal rules relating to inspection,
10 monitoring, record keeping and reporting requirements for the owner or operator
11 of any public water supply or any disposal system or of any source which is an
12 industrial user of a publicly or privately owned disposal system.

13 NEW SUBSECTION. Adopt a statewide plan for the provision of safe drinking
14 water under emergency circumstances. All public agencies, as defined in chapter
15 twenty-eight E (28E) of the Code, shall cooperate in the development and
16 implementation of the plan. The plan shall detail the manner in which the various
17 state and local agencies shall participate in the response to an emergency. The
18 department may enter into any agreement, subject to section four hundred fifty-
19 five B point seven (455B.7) of the Code, with any state agency or unit of local
20 government or with the federal government which may be necessary to establish
21 the role of such agencies in regard to the plan. This plan shall be coordinated
22 with civil defense plans.

23 NEW SUBSECTION. Formulate and adopt specific and detailed statewide
24 standards pursuant to chapter seventeen A (17A) of the Code for review of plans
25 and specifications and the construction of sewer systems and water supply
26 distribution systems and extensions to such systems not later than October 1,
27 1977. The standards shall be based on criteria contained in the "Recommended
28 Standards for Sewage Works" and "Recommended Standards for Water Works"
29 (Ten States Standards) as adopted by the Great Lakes-Upper Mississippi River
30 board of state sanitary engineers, design manuals published by the department,
31 applicable federal guidelines and standards, standard textbooks, current technical
32 literature and applicable safety standards. The rules adopted which directly
33 pertain to the construction of sewer systems and water supply distribution
34 systems and the review of plans and specifications for such construction shall be
35 known respectively as the Iowa Standards for Sewer Systems and the Iowa
36 Standards for Water Supply Distribution Systems and shall be applicable in each
37 governmental subdivision of the state. Exceptions shall be made to the standards
38 so formulated only upon special request to and receipt of permission from the
39 department. The department shall publish the standards and make copies of such
40 standards available to governmental subdivisions and to the public.

1 SEC. 9. Section four hundred fifty-five B point thirty-three (455B.33), Code
2 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **455B.33 Executive director's duties.** The executive director shall:

5 1. Conduct investigations of alleged water pollution or of alleged violations of
6 this part of this division or any rule adopted or any permit issued pursuant
7 thereto upon written request of any state agency, political subdivision, local board
8 of health, twenty-five residents of the state, as directed by the commission, or as
9 may be necessary to accomplish the purposes of this part of this division.

10 2. Conduct periodic surveys and inspection of the construction, operation, self
11 monitoring, record keeping and reporting of all public water supply systems and
12 all disposal systems except as provided in section four hundred fifty-five B point
13 forty-five (455B.45), of the Code.

14 3. Take any action or actions allowed by law which, in the executive director's
15 judgment, are necessary to enforce or secure compliance with the provisions of
16 this part of this division or of any rule or standard established or permit issued

17 pursuant thereto.

18 4. Approve or disapprove the plans and specifications for the construction of
19 disposal systems or water supply distribution systems except for those sewer
20 extensions and water supply distribution system extensions which are reviewed by
21 a city or county public works department as set forth in section sixteen (16) of
22 this Act. The director shall issue, revoke, suspend, modify or deny permits for the
23 operation, installation, construction, addition to or modification of any disposal
24 system or water supply distribution system except for sewer extensions and water
25 supply distribution system extensions which are reviewed by a city or county
26 public works department as set forth in section sixteen (16) of this Act. The
27 director shall also issue, revoke, suspend, modify or deny permits for the
28 discharge of any pollutant. Such permits shall contain such conditions and
29 schedules of compliance as are necessary to meet the requirements of this part of
30 this division and the Federal Water Pollution Control Act amendments of 1972.
31 A permit shall not be issued to operate or discharge from any disposal system
32 unless the conditions of the permit assure that any discharge from the disposal
33 system meets or will meet all applicable state and federal water quality standards
34 and effluent standards and the issuance of the permit is not otherwise prohibited
35 by the Federal Water Pollution Control Act amendments of 1972. All
36 applications for discharge permits shall be subject to public notice and
37 opportunity for public participation including public hearing as the commission
38 may by rule require. The executive director shall promptly notify the applicant in
39 writing of his action and, if the permit is denied, state the reasons for denial. The
40 applicant may appeal to the commission from the denial of a permit or from any
41 condition in any permit if he or she files notice of appeal with the executive
42 director within thirty days of the notice of denial or issuance of the permit. The
43 executive director shall notify the applicant within thirty days of the time and
44 place of the hearing.

45 Copies of all forms or other paper instruments required to be filed during on-
46 site inspections or investigations shall be given to the owner or operator of the
47 disposal system or public water supply system being investigated or inspected
48 before the inspector or investigator leaves the site. Any other report, statement, or
49 instrument shall not be filed with the department unless a copy is sent by
50 ordinary mail to the owner or operator of the disposal system or public water
51 supply system within ten working days of the filing. If an inspection or
52 investigation is done in cooperation with another state department, the
53 department involved and the areas inspected shall be stated.

54 5. Conduct random inspections of work done by city and county public works
55 departments to ensure such public works departments are complying with this
56 Act. If a city or county public works department is not complying with section
57 sixteen (16) of this Act in reviewing plans and specifications or in granting
58 permits or both, the department shall perform these functions in that jurisdiction
59 until the city or county public works department is able to perform them.
60 Performance of these functions in a jurisdiction by a local public works
61 department shall not be suspended or revoked until after notice and opportunity
62 for hearing as provided in chapter seventeen A (17A) of the Code.

63 The department shall give technical assistance to city and county public works
64 departments upon request of such local public works departments.

1 Sec. 10. Section four hundred fifty-five B point thirty-four (455B.34), Code
2 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **455B.34 Violations.** If there is conclusive evidence that any person has
5 violated or is violating any provision of this part of this division, or of any rule or
6 standard established or permit issued pursuant thereto; then:

7 1. The executive director may issue an order directing the person to desist in
8 the practice which constitutes the violation or to take such corrective action as

9 may be necessary to ensure that the violation will cease. The person to whom
10 such order is issued may cause to be commenced a contested case within the
11 meaning of the Iowa administrative procedure Act by filing with the executive
12 director within thirty days a notice of appeal to the commission. On appeal the
13 commission may affirm, modify or vacate the order of the executive director; or

14 2. If it is determined by the executive director that an emergency exists
15 respecting any matter affecting or likely to affect the public health, the executive
16 director may issue any order necessary to terminate the emergency without notice
17 and without hearing. Any such order shall be binding and effective immediately
18 and until such order is modified or vacated at a hearing before the commission or
19 by a court; or

20 3. The executive director or the commission may request the attorney general
21 to institute legal proceedings pursuant to section four hundred fifty-five B point
22 forty-nine (455B.49) of the Code.

1 SEC. 11. Section four hundred fifty-five B point thirty-five (455B.35),
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 In establishing, modifying, or repealing *water* quality standards for the water of
4 the state, or in establishing, modifying, or repealing effluent standards for
5 disposal systems, the commission shall ~~consider~~ *base its decision upon data*
6 *gathered from sources within the state regarding the following:*

1 SEC. 12. Section four hundred fifty-five B point thirty-five (455B.35), Code
2 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. The economic costs and benefits. The goal shall be a
4 reasonable balance between total costs to the people and to the economy, and the
5 resultant benefits to the people of Iowa.

1 SEC. 13. Chapter four hundred fifty-five B (455B), Division three (III), part
2 one (1), Code 1975, is amended by adding the following new section:

3 NEW SECTION. Upon a satisfactory showing by any person to the executive
4 director that public disclosure of any record, report, permit, permit application or
5 other document or information or part thereof would divulge methods or
6 processes entitled to protection as a trade secret, any such record, report, permit,
7 permit application or other document or part thereof other than effluent data and
8 analytical results of monitoring or public water supply systems, shall be accorded
9 confidential treatment. Notwithstanding the provisions of chapter sixty-eight A
10 (68A) of the Code, a person in connection with duties or employment by the
11 department shall not make public any information accorded confidential status,
12 however any such record or other information accorded confidential status may
13 be disclosed or transmitted to other officers, employees or authorized
14 representatives of this state or the United States concerned with carrying out this
15 part of this division or when relevant in any proceeding under this Act.

1 SEC. 14. Section four hundred fifty-five B point thirty-nine (455B.39), Code
2 1975, is amended to read as follows:

3 **455B.39 Judicial review.** ~~Judicial~~ *Except as provided in section twenty (20) of*
4 *this Act, judicial review of any order or other action of the commission or of the*
5 *executive director may be sought in accordance with the terms of the Iowa*
6 *administrative procedure Act. Notwithstanding the terms of said Act, petitions*
7 *for judicial review may be filed in the district court of the county in which the*
8 *alleged offense was committed or such final order was entered. The setting aside*
9 *of any order of the executive director or the commission by the court shall not*
10 *preclude the commission or the executive director from again instituting*
11 *proceedings against the same person if the commission or the executive director*
12 *feels that the public health is endangered.*

1 SEC. 15. Section four hundred fifty-five B point forty-four (455B.44), Code
2 1975, is amended to read as follows:

3 **455B.44 Failure constitutes contempt.** Failure to obey any order issued by
4 the department with reference to ~~matters pertaining to the pollution of water of~~
5 ~~the state a violation of this part of this division or any rule promulgated or permit~~
6 ~~issued pursuant thereto~~ shall constitute prima-facie evidence of contempt. In such
7 event the department may certify to the district court of the county in which such
8 alleged disobedience occurred the fact of such failure. The district court after
9 notice, as prescribed by the court, to the parties in interest shall then proceed to
10 hear the matter and if it finds that the order was lawful and reasonable it shall
11 order the party to comply with the order. If the person fails to comply with the
12 court order, ~~he~~ *that person* shall be guilty of contempt and shall be fined not to
13 exceed five hundred dollars for each day that he *or she* fails to comply with the
14 court order. The penalties provided in this section shall be considered as
15 additional to any penalty which may be imposed under the law relative to
16 nuisances or any other statute relating to the pollution of *any* waters of the state
17 *or related to public water supply systems* and a conviction under this section shall
18 not be a bar to prosecution under any other penal statute.

1 SEC. 16. Section four hundred fifty-five B point forty-five (455B.45), Code
2 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **455B.45 Written permits required.** It shall be unlawful to carry on any of the
5 following activities without first securing a written permit from the executive
6 director, or from a city or county public works department if such local public
7 works department reviews the activity under this section, as required by the
8 commission:

9 1. The construction, installation or modification of any disposal system or
10 water supply distribution system or part thereof or any extension or addition
11 thereto except those sewer extensions and water supply distribution system
12 extensions that are subject to review and approval by a city or county public
13 works department pursuant to this section.

14 2. The construction or use of any new point source for the discharge of any
15 pollutant into any water of the state.

16 3. The operation of any waste disposal system or water supply distribution
17 system or any part of or extension or addition to such system. This provision shall
18 not apply to any pretreatment system the effluent of which is to be discharged
19 directly to another disposal system for final treatment and disposal.

20 Upon adoption of standards by the commission pursuant to section eight (8) of
21 this Act, plans and specifications for sewer extensions and water supply
22 distribution system extensions covered by this section shall be submitted to the
23 city or county public works department for approval if the local public works
24 department employs a qualified, registered engineer who reviews the plans and
25 specifications using the specific state standards known as the Iowa Standards for
26 Sewer Systems and the Iowa Standards for Water Supply Distribution Systems
27 that have been formulated and adopted by the commission pursuant to section
28 eight (8) of this Act. The reviewing engineer shall be a full-time employee of the
29 governmental subdivision and the qualifications of that engineer shall be
30 submitted to the executive director or his designee for approval prior to issuing
31 written permits. The local agency shall issue a written permit to construct if:

32 a. The submitted plans and specifications are in substantial compliance with
33 departmental rules and the Iowa Standards for Sewer Systems and the Iowa
34 Standards for Water Supply Distribution Systems.

35 b. The extensions primarily serve residential consumers and will not result in
36 an increase greater than five percent of the capacity of the treatment works or
37 serve more than two hundred fifty dwelling units or, in the case of an extension to
38 a water supply distribution system, such extension will have a capacity of less
39 than five percent of such system or will serve fewer than two hundred fifty
40 dwelling units; and

41 c. The proposed sewer extension will not exceed the capacity of any treatment
42 works which received a state or federal monetary grant after 1972; and

43 d. The proposed water supply distribution system extension will not exceed the
44 production capacity of any water supply distribution system constructed after
45 1972.

46 After issuing a permit, the city or county public works department shall notify
47 the director of such issuance by forwarding a copy of the permit to the director.
48 In addition, the local agency shall submit quarterly reports to the director
49 including such information as capacity of local treatment plants and production
50 capacity of water supply distribution systems as well as other necessary
51 information requested by the director for the purpose of implementing chapter
52 four hundred fifty-five B (455B) of the Code.

53 Plans and specifications for all other waste disposal systems and water supply
54 distribution systems, including sewer extensions and water supply distribution
55 system extensions not reviewed by a city or county public works department
56 under this section, shall be submitted to the department before a written permit
57 may be issued. The construction of any such waste disposal system or water
58 supply distribution system shall be in accordance with standards formulated and
59 adopted by the commission pursuant to section eight (8) of this Act or otherwise
60 approved by the department. If it is necessary or desirable to make material
61 changes in such plans or specifications, revised plans or specifications together
62 with reasons for the proposed changes must be submitted to the department for a
63 supplemental written permit.

64 Prior to the adoption of statewide standards, the department may delegate the
65 authority to review plans and specifications to those governmental subdivisions if
66 in addition to compliance with subsection three (3) of this section that
67 governmental subdivision agrees to comply with all state and federal regulations
68 and submits a plan for the review of plans and specifications including a
69 complete set of local standard specifications for such improvements.

70 The director may suspend or revoke delegation of review and permit authority
71 after notice and hearing as set forth in chapter seventeen A (17A) of the Code if
72 the director determines that a city or county public works department has
73 approved extensions which do not comply with design criteria, which exceed the
74 capacity of waste treatment plants or the production capacity of water supply
75 distribution systems or which otherwise violate state or federal requirements.

76 The department shall exempt any public water system from any requirement
77 respecting a maximum contaminant level or any treatment technique requirement
78 of an applicable national drinking water regulation insofar as these regulations
79 apply to contaminants which the commission determines are harmless or
80 beneficial to the health of consumers, when the owner of a public water supply
81 system determines that funds are not reasonably available to provide for
82 controlling amounts of those contaminants which are harmless or beneficial to the
83 health of consumers.

1 SEC. 17. Section four hundred fifty-five B point forty-six (455B.46), Code
2 1975, is amended to read as follows:

3 **455B.46 Disposal system plans.** The department may *also* require the owner
4 of a ~~waste~~ disposal system, discharging ~~sewage or wastes~~ *pollutants* into any of the
5 water of the state, *or of a public water supply system* to file with it complete plans
6 of the whole or any part of such system and any other information and records
7 concerning the installation and operation of such system.

1 SEC. 18. Section four hundred fifty-five B point forty-eight (455B.48), Code
2 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **455B.48 Prohibited discharges.** A pollutant shall not be disposed of by
5 dumping, depositing or discharging such pollutant into any water of the state
6 except that this section shall not be construed to prohibit the discharge of

7 adequately treated sewage, industrial waste, or other waste pursuant to a permit
8 issued by the executive director. A pollutant whether treated or untreated shall
9 not be discharged into any state-owned natural or artificial lake.

1 SEC. 19. Section four hundred fifty-five B point forty-nine (455B.49),
2 subsections two (2) and four (4), Code 1975, are amended to read as follows:

3 2. Any person who willfully or negligently discharges any pollutants in
4 violation of ~~section~~ *sections 455B.45 or four hundred fifty-five B point forty-eight*
5 *(455B.48) of the Code* or in violation of any condition or limitation included in
6 any permit issued under section 455B.45 *or in violation of any water quality*
7 *standard or effluent standard* or, with respect to the introduction of pollutants into
8 publicly owned treatment works, violates a pretreatment standard or toxic
9 effluent standard, shall be punished by a fine not to exceed ten thousand dollars
10 for each day of violation. If the conviction is for a violation committed by a
11 person after ~~his~~ *the person's* first conviction under this section, the punishment
12 shall be a fine not to exceed twenty thousand dollars for each day of violation.

13 4. The attorney general shall, at the request of the commission or the executive
14 director, institute any legal proceedings, *including an action for an injunction or a*
15 *temporary injunction*, necessary to enforce the penalty provisions of part 1 of
16 division III of this chapter or to obtain compliance with the provisions of part 1
17 of division III of this chapter or any rules promulgated or any provision of any
18 permit issued under part 1 of division III of this chapter. *In any such action, any*
19 *previous findings of fact of the executive director or the commission after notice and*
20 *hearing shall be conclusive if supported by substantial evidence in the record when the*
21 *record is viewed as a whole.*

1 SEC. 20. Section four hundred fifty-five B point forty-nine (455B.49), Code
2 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. If the attorney general has instituted legal proceedings in
4 accordance with this section, all related issues which could otherwise be raised by
5 the alleged violator in a proceeding for judicial review under section four hundred
6 fifty-five B point thirty-nine (455B.39) of the Code shall be raised in the legal
7 proceedings instituted in accordance with this section.

1 SEC. 21. Chapter four hundred fifty-five B (455B), Division three (III), part
2 one (1), Code 1975, is amended by adding the following new section:

3 NEW SECTION. **Variations and exemptions.** The commission may, after public
4 notice and hearing, grant exemptions from a maximum contaminant level or
5 treatment technique, or both. The commission may also grant a variance from
6 drinking water standards for public water supply systems when the characteristics
7 of the raw water sources, which are available to a system, cannot meet the
8 requirements with respect to maximum contaminant level of such standards
9 despite application of the best treatment techniques which are generally available
10 and provided that the commission determines that the variance will not result in
11 an unreasonable risk to the public health. A schedule of compliance may be
12 prescribed by the commission, at the time the variance or exemption is granted.
13 The commission shall also require such interim measures to minimize the
14 contaminant levels of systems subject to the variance or exemption as may
15 reasonably be implemented.

1 SEC. 22. Section four hundred fifty-five B point seventy-four (455B.74), Code
2 1975, is amended to read as follows:

3 **455B.74 Prior rules.** Any rule adopted or order ~~or permit~~ issued under
4 chapters 136A, 455B and 455C of prior Codes, by the Iowa water pollution
5 control commission or by the state department of health, shall remain effective
6 until modified or rescinded by action of the water quality commission unless such
7 rule is inconsistent or contrary to this division ~~III~~. *Any permit issued under chapter*
8 *four hundred fifty-five B (455B) of prior Codes shall remain effective until modified or*
9 *revoked by the executive director.*

1 SEC. 23. Section four hundred fifty-five B point thirty-two (455B.32),
 2 subsection four (4), and sections four hundred fifty-five B point thirty-seven
 3 (455B.37), four hundred fifty-five B point thirty-eight (455B.38), four hundred
 4 fifty-five B point forty-three (455B.43), four hundred fifty-five B point sixty-five
 5 (455B.65), and four hundred fifty-five B point sixty-six (455B.66), Code 1975, are
 6 repealed.

Approved June 23, 1976

CHAPTER 1205

CONSERVATION COMMISSION, SOIL CONSERVATION AND DEVELOPMENT COMMISSION

H. F. 1558

AN ACT appropriating funds for public projects under the jurisdiction of the state conservation commission, the sewage works construction fund, the department of soil conservation, and the Iowa development commission; and providing penalties.

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 for the
 2 fiscal period beginning July 1, 1976, and ending June 30, 1979, except as provided
 3 in subsection three (3) of this section, to the following named agencies for the
 4 purposes indicated, the following amounts, or so much thereof as is necessary:

5 1. STATE CONSERVATION COMMISSION
 6 For construction, replacement, development and alterations to state
 7 parks and preserves, state forestry facilities and state waters including
 8 artificial lake development; erosion and siltation control; river, stream
 9 and lake access; land acquisition; publications; and engineering and
 10 planning services or to supplement any prior appropriation for such
 11 purposes \$ 4,000,000

12 2. SEWAGE WORKS CONSTRUCTION FUND
 13 a. For the purpose of providing the state's twenty-five percent of the
 14 eligible cost of eligible projects as defined under section four hundred
 15 fifty-five B point sixty-seven (455B.67), subsection four (4) of the
 16 Code, attributable to the period July 1, 1966 through June 30, 1969 \$ 20,000

17 b. For payments to the governing bodies responsible for publicly-
 18 owned sewage treatment facilities which are eligible for seventy-five
 19 percent grants under the federal Water Pollution Act amendments of
 20 1972, eighty-six (86) Stat. eight hundred sixteen (816), in an amount
 21 equal to five percent of the amount approved as the eligible cost of the
 22 project by the Iowa water pollution control commission \$ 6,000,000

23 3. DEPARTMENT OF SOIL CONSERVATION
 24 For cost sharing to provide state funding of not to exceed fifty
 25 percent of the approved cost of permanent soil conservation practices
 26 instituted under chapter four hundred sixty-seven A (467A) of the
 27 Code with priority given to projects on watersheds above state-owned
 28 lakes and to the owner-operated or family-operated farms, except that
 29 not more than five percent of the amount herein appropriated may be
 30 used for cost sharing to abate complaints filed under sections four
 31 hundred sixty-seven A point forty-seven (467A.47) and four hundred
 32 sixty-seven A point forty-eight (467A.48) of the Code \$ 4,000,000
 33 Unencumbered or unobligated funds appropriated by this subsection

34 remaining on June 30, 1980 shall revert to the general fund on September
35 30, 1980.

1 SEC. 2. Section four hundred sixty-seven A point seven (467A.7), Code 1975,
2 is amended by adding the following new subsection:

3 NEW SUBSECTION. The commissioners shall, as a condition for the receipt of
4 any cost share funds for permanent soil conservation practices, require the
5 landowner to covenant an agreement that if the project is removed, altered, or
6 modified so as to lessen its effectiveness without the consent of the state soil
7 conservation committee for a period of ten years after the date of receiving
8 payment the landowner shall refund to the department of soil conservation the
9 public funds used for the project. Such refunds shall be reallocated to the district
10 from which they were refunded to be used for conservation cost sharing. It shall
11 be the duty of the commissioners to assist the state soil conservation committee in
12 the enforcement of this subsection.

1 SEC. 3. When the development of projects in which the state conservation
2 commission has entered into agreements with other units of governments would
3 be delayed by a delay in funding by the state conservation commission, then the
4 commission shall give priority to such projects when allocating unobligated funds
5 appropriated by section one (1), subsection one (1) of this Act.

1 SEC. 4. The funds appropriated by this Act, and any other public funds shall
2 not be used by the conservation commission for the expansion by condemnation
3 of the public hunting and fishing area at Green Island, prior to eighteen months
4 after the effective date of this Act.

1 SEC. 5. The state conservation commission shall not construct any new
2 marina or basin providing moorings for boats at Gull Point state park or any
3 other point on or adjacent to West Okoboji Lake within twelve months after the
4 effective date of this Act.

5 The natural resources visitation subcommittee of the legislative fiscal
6 committee shall confer with the commission before the convening of the Sixty-
7 seventh General Assembly. The commission, after conferring with this committee
8 and with local conservation organizations, shall notify the chairmen of the
9 appropriations committees of their recommendations for location and
10 descriptions of one or more facilities to provide for public boat docking facilities.
11 Unless disapproved by the general assembly by resolution within sixty calendar
12 days after convening the commission may proceed.

1 SEC. 6. Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one
2 thousand twenty-six (1026), section one (1), subsection three (3), is amended by
3 striking the subsection and inserting in lieu thereof the following:

4 VOLGA RIVER. For design and construction of three or more lakes on the Frog
5 Hollow watershed of the Volga River. Construction shall begin within the
6 calendar year 1977 \$1,500,000

1 SEC. 7. Chapter one thousand twenty-six (1026), Acts of the Sixty-fifth
2 General Assembly, 1974 Session, section seven (7), as amended by Acts of the
3 Sixty-sixth General Assembly, 1975 Session, chapter sixty-two (62), section eleven
4 (11), is amended to read as follows:

5 Sec. 7. Funds appropriated by this Act shall not be used for the purchase,
6 construction, or leasing of resort lodges. Unencumbered funds remaining as of
7 June 30, 1977 shall revert to the general fund of the state on September 30, 1977
8 except those funds set aside for dredging under section three (3) of this Act and
9 funds appropriated by this Act to the Volga River dam construction project shall
10 revert to the general fund on September 30, 1979, if unencumbered as of June 30,
11 1979.

1 SEC. 8. There is appropriated the remainder of the state fish and game
 2 protection fund for use by the state conservation commission for the fiscal year
 3 beginning July 1, 1976, and ending June 30, 1977, for capital improvement and
 4 contingencies arising during the fiscal year which are legally payable from the fish
 5 and game protection fund. The remainder is defined as the fish and game
 6 protection fund that is not appropriated by House File one thousand one
 7 hundred forty-one (1141), section two (2), enacted by the Sixty-sixth General
 8 Assembly, 1976 Session. A contingency shall exclude any purpose or project
 9 which was presented to the general assembly by way of a bill and which failed to
 10 become enacted into law. Before any funds shall be allocated, it shall be
 11 determined by the executive council that a contingency exists and that the
 12 proposed allocation shall be for the best interest of the state.

1 SEC. 9. There is appropriated from the general fund of the state for the fiscal
 2 year beginning July 1, 1976 and ending June 30, 1977 to the Iowa development
 3 commission the sum of twenty-four thousand five hundred (24,500) dollars, or so
 4 much thereof as may be necessary, to print the Iowa manufacturer's directory.

1 SEC. 10. All federal grants to and the federal receipts of the agencies
 2 appropriated funds by this Act are appropriated for the purposes set forth in the
 3 federal grants or receipts.

Approved June 20, 1976

CHAPTER 1206

ELECTRIC POWER GENERATORS

H. F. 1470

AN ACT relating to the location and construction of electric power generating facilities 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, unless the
 2 context otherwise requires:

3 1. "Facility" means any electric power generating plant or a combination of
 4 plants at a single site with a total capacity of one hundred megawatts of
 5 electricity or more and those associated transmission lines connecting the
 6 generating plant to either a power transmission system or an interconnected
 7 primary transmission system or both. Transmission lines subject to the provisions
 8 of this Act shall not require a franchise under chapter four hundred eighty-nine
 9 (489) of the Code.

10 2. "Certificate" means a certificate of public convenience, use and necessity
 11 issued pursuant to section six (6) of this Act.

12 3. "Commence to construct" means significant alteration of a site to install
 13 permanent equipment or structures but does not include activities incident to
 14 preliminary engineering, environmental studies or acquisition of a site for a
 15 facility.

16 4. "Agency" means an agency as defined in section seventeen A point two
 17 (17A.2), subsection one (1), of the Code.

18 5. "Regulatory agency" means an agency which issues licenses or permits
 19 required for the construction, operation or maintenance of a facility pursuant to
 20 statutes or rules in effect on the date on which an application for a certificate is

21 accepted by the commission.

22 6. "Commission" means the Iowa state commerce commission.

1 **SEC. 2. NEW SECTION. Certificate required.**

2 1. Commencing January 1, 1977, a person shall not commence to construct a
3 facility except as provided in section nine (9) of this Act unless a certificate for
4 the facility has been issued by the commission. This Act shall not apply to
5 persons who prior to July 1, 1976:

6 a. Have acquired a site for a facility; and,

7 b. Have publicly announced the intention to construct a facility; and,

8 c. Have let contracts for major components of a facility.

9 2. Any significant alteration, as determined by the commission, in the location,
10 construction, maintenance, or operation of a facility whether constructed before
11 or after July 1, 1976 shall require an application for an amendment to a certificate
12 or a certificate, whichever is appropriate. "Significant alteration" shall include but
13 shall not be limited to a change in the type of fuel used by the major electric
14 generating facility.

15 3. Any person required to obtain a certificate or an amendment to a certificate
16 shall construct, operate and maintain the facility according to the terms of the
17 certificate and any amendments to the certificate. A certificate shall only be
18 issued pursuant to this Act.

1 **SEC. 3. NEW SECTION. Application submitted—review.** An application for a
2 certificate or an amendment to a certificate shall be submitted to the commission
3 on such forms as the commission may prescribe. Copies of the application shall
4 be forwarded to regulatory agencies. Regulatory agencies receiving a copy of the
5 application shall conduct a preliminary review of the contents and shall evaluate
6 the application for completeness and compliance with the regulatory agency's
7 permit and licensing requirements within a reasonable amount of time.

1 **SEC. 4. NEW SECTION. Hearing scheduled—notice.**

2 1. The proceeding for the issuance of a certificate or an amendment to a
3 certificate shall be treated in the same manner as a contested case pursuant to the
4 provisions of chapter seventeen A (17A) of the Code. Upon acceptance of an
5 application by the commission, a public hearing shall be scheduled.

6 2. The commission shall serve notice of the proceeding on the following:

7 a. Interested agencies, as determined by the commission, and regulatory
8 agencies.

9 b. County and city zoning authorities from the area in which the proposed site
10 is located.

11 c. Owners of record of real property located within one thousand linear feet of
12 the proposed site.

13 3. Notice of the proceeding in the form provided in section seventeen A point
14 twelve (17A.12), subsection two (2), of the Code shall be published in a
15 newspaper of general circulation in each county in which the proposed site is
16 located once a week for two consecutive weeks with the second publication being
17 at least twenty days prior to the date of the hearing. The commission shall be
18 responsible for publication and delivery of notices required by this section.

19 4. The commission shall conduct the hearing, as described in subsection one (1)
20 of this section, in the county in which the construction of the greater portion of
21 the facility is being proposed.

1 **SEC. 5. NEW SECTION. Proceeding—role of regulatory agencies and local
2 authorities.**

3 1. The commission shall conduct the contested case proceeding. Regulatory
4 agencies which appear on record at the proceeding shall state whether the
5 application meets their permit and licensing requirements. If the application does
6 not meet such requirements, the regulatory agency shall recommend amendments
7 to the application which outline actions necessary to bring the applicant in

8 compliance with the regulatory agency's permit and licensing requirements. The
9 commission shall not issue a certificate for a facility which does not meet the
10 permit and licensing requirements of a regulatory agency.

11 2. If a regulatory agency which received notice pursuant to section four (4) of
12 this Act fails to appear of record in the contested case proceeding, the
13 commission shall conclusively presume that the facility meets the regulatory
14 agency's permit and licensing requirements and the regulatory agency shall
15 immediately issue any license or permit required for the construction, operation
16 or maintenance of the facility.

17 3. City and county zoning authorities designated as parties to the proceeding
18 may appear on record and may state whether the facility meets city, county and
19 airport zoning requirements. The failure of a facility to meet zoning requirements
20 established pursuant to chapters three hundred twenty-nine (329), three hundred
21 fifty-eight A (358A) and four hundred fourteen (414) of the Code shall not
22 preclude the commission from issuing the certificate and to that extent the
23 provisions of this subsection shall supersede the provisions of chapters three
24 hundred twenty-nine (329), three hundred fifty-eight A (358A) and four hundred
25 fourteen (414) of the Code.

1 **SEC. 6. NEW SECTION. Decision—criteria.**

2 The commission shall render a decision on the application in an expeditious
3 manner. A certificate shall be issued to the applicant if the commission finds that:

4 1. The services and operations resulting from the construction of the facility are
5 required by the present or future public convenience, use and necessity; and,

6 2. The applicant is willing to perform such services and construct, maintain,
7 and operate the facility pursuant to the provisions of the certificate and this Act;
8 and,

9 3. The construction, maintenance, and operation of the facility will cause
10 minimum adverse land use, environmental, and aesthetic impact and are
11 consonant with reasonable utilization of air, land and water resources for
12 beneficial purposes considering available technology and the economics of
13 available alternatives.

1 **SEC. 7. NEW SECTION. Issuance of certificate—effect.**

2 1. Issuance of a certificate by the commission:

3 a. Authorizes construction of the facility on the site designated in the certificate
4 according to the terms and conditions stated in the certificate and licenses and
5 permits issued by regulatory agencies during the proceeding; and,

6 b. Gives the applicant the power of eminent domain to the extent and under
7 such conditions as the commission may approve, prescribe and find necessary for
8 the public convenience, use and necessity, proceeding in the manner of works of
9 internal improvement under chapter four hundred seventy-two (472), Code 1975.
10 The burden of proving the necessity for the exercise of the power of eminent
11 domain shall be on the person issued the certificate.

12 2. A certificate may be transferred, subject to the approval of the commission,
13 to a person who agrees to comply with the terms of the certificate including any
14 amendments to the certificate. Certificates shall be transferable by operation of
15 law to any receiver, trustee or similar assignee under a mortgage, deed of trust or
16 similar instrument.

1 **SEC. 8. NEW SECTION. Further approvals prohibited—exception.** Upon
2 issuance of a certificate, notwithstanding any provision of law except statutory
3 requirements relating to the protection of employees engaged in the construction
4 of the facility, a regulatory agency, city or county shall not require any further
5 approval, permit or license for the construction of the facility.

1 **SEC. 9. NEW SECTION. Advance site preparation.** Subsequent to the hearing
2 held pursuant to section five (5) of this Act and in the event of extensive delay in
3 the issuance of a certificate, the commission may permit an applicant having an

4 application docketed for hearing to begin work to prepare the site for
5 construction of the facility. Any activities conducted pursuant to this section shall
6 have no probative value in the commission's decision concerning the actual
7 issuance of a certificate.

1 **SEC. 10. NEW SECTION. Costs of proceeding.** The applicant for a certificate,
2 or an amendment to certificate, shall pay all the costs and expenses incurred by
3 the commission in reaching a decision on the application including the costs of
4 examinations of the site, the hearing, publishing of notice, commission staff
5 salaries, the cost of consultants employed by the commission, and other expenses
6 reasonably attributable to the proceeding.

1 **SEC. 11. NEW SECTION. Single hearing—judicial review.** Notwithstanding
2 the provisions of chapter seventeen A (17A) of the Code:

3 1. Any proceeding or oral presentation held on an application for a certificate
4 or an amendment to a certificate shall be held in lieu of any other proceeding or
5 oral presentation required for a license or permit necessary for the construction,
6 maintenance or operation of a facility.

7 2. The decision of the commission shall be considered a single agency action.
8 The agency action shall be subject to judicial review in the manner provided in
9 chapter seventeen A (17A) of the Code.

10 3. Only parties to the proceeding before the commission may seek judicial
11 review of the final order of the commission.

1 **SEC. 12. NEW SECTION. Rules.** The commission shall adopt rules pursuant
2 to chapter seventeen A (17A) of the Code necessary to implement the provisions
3 of this Act including but not limited to the promulgation of facility siting criteria,
4 the form for an application for a certificate and an amendment to a certificate,
5 the description of information to be furnished by the applicant, the determination
6 of what constitutes a significant alteration to a facility, and the establishment of
7 minimum guidelines for public participation in the proceeding.

1 **SEC. 13. NEW SECTION. Staff assistance—federal preemption.**

2 1. The commission may request staff assistance from other federal, state and
3 local agencies, pursuant to chapter twenty-eight D (28D) of the Code, to assist in
4 discharging the responsibilities assigned to the commission pursuant to this Act.
5 The commission may exercise the powers and responsibilities assigned to the
6 commission under this Act jointly with other governmental agencies pursuant to
7 chapter twenty-eight E (28E) of the Code.

8 2. This Act shall not apply to any facility over which an agency of the federal
9 government has exclusive jurisdiction. When concurrent jurisdiction exists with
10 certain powers reserved to the state, the state shall exercise those powers with
11 respect to facilities operating within this state to the full extent permitted by the
12 Constitution and the laws of the United States.

1 **SEC. 14. NEW SECTION. Penalties.**

2 1. Any person who commences to construct a facility as provided in this Act
3 without having first obtained a certificate, or who constructs, operates or
4 maintains any facility other than in compliance with a certificate issued by the
5 commission or a certificate amended pursuant to this Act, or who causes any of
6 these acts to occur, shall be liable for a civil penalty of not more than ten
7 thousand dollars for each violation or for each day of continuing violation. Civil
8 penalties collected pursuant to this subsection shall be forwarded by the clerk of
9 court to the treasurer of state for deposit in the general fund of the state.

10 2. The district court shall have exclusive jurisdiction to grant restraining orders
11 and temporary or permanent injunctive relief as may be necessary to obtain
12 compliance with this Act.

13 3. Persons convicted of violating any provision of this Act shall be guilty of a
14 misdemeanor and shall be fined not more than one hundred dollars or be
15 imprisoned for not more than thirty days.

1 SEC. 15. Section four hundred eighty-nine point fifteen (489.15), unnumbered
2 paragraph one (1), Code 1975, is amended to read as follows:

3 Any person, company, or corporation having secured a franchise as provided in
4 this chapter, shall thereupon be vested with the right of eminent domain to such
5 extent as the commission may approve, prescribe and find to be necessary for
6 public use, not exceeding one hundred feet in width for right of way and not
7 exceeding one hundred sixty acres in any one location, in addition to right of
8 way, for the location of ~~electric power generating plants and~~ electric substations
9 to carry out the purposes of said franchise; provided however, that where two
10 hundred K V lines or higher voltage lines are to be constructed, the person,
11 company, or corporation may apply to the commerce commission for a wider
12 right of way not to exceed two hundred feet, and the commission may for good
13 cause extend the width of such right of way for such lines to the person,
14 company, or corporation applying for the same. The burden of proving the
15 necessity for public use shall be on the person, company or corporation seeking
16 the franchise. A homestead site, cemetery, orchard or schoolhouse location shall
17 not be condemned for the purpose of erecting an ~~electric power generating plant~~
18 ~~or~~ electric substation. If agreement cannot be made with the private owner of
19 lands as to damages caused by the construction of said transmission line, ~~electric~~
20 ~~power generating plants~~ or electric substations, the same proceedings shall be
21 taken as provided for taking private property for works of internal improvement.

1 SEC. 16. Section four hundred ninety A point twenty-seven (490A.27), Code
2 1975, is repealed.

Approved May 20, 1976

CHAPTER 1207

BUSINESS CORPORATIONS

S. F. 524

AN ACT relating to business corporations.

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

1 SECTION 1. Section four hundred ninety-six A point two (496A.2), Code 1975,
2 is amended by adding the following new subsection:

3 NEW SUBSECTION. "Nonadmitted organization" means any corporation, bank,
4 trust company, mutual savings bank, savings and loan association, national
5 banking association or insurance company which is organized under the laws of
6 another state and which is not entitled under this chapter to procure a certificate
7 of authority to transact business in this state.

1 SEC. 2. Section four hundred ninety-six A point twenty-five (496A.25), Code
2 1975, is amended to read as follows:

3 **496A.25 Shareholders' pre-emptive rights.** Except to the extent limited or
4 denied by this section or by the articles of incorporation, shareholders shall have
5 a pre-emptive right to acquire unissued ~~or treasury~~ shares ~~of or~~ securities
6 convertible into such shares or carrying a right to subscribe to or acquire shares.

7 Unless otherwise provided in the articles of incorporation:

8 1. No pre-emptive right shall exist:

9 a. To acquire any shares issued to directors, officers or employees pursuant to
10 approval by the affirmative vote of the holders of a majority of the shares entitled
11 to vote thereon or when authorized by and consistent with a plan approved by
12 such a vote of shareholders.

13 b. To acquire any shares sold otherwise than for cash.

14 c. *To acquire treasury shares of the corporation.*

15 2. Holders of shares of any class that is preferred or limited as to dividends or
16 assets shall not be entitled to any pre-emptive right.

17 3. Holders of shares of common stock shall not be entitled to any pre-emptive
18 right to shares of any class that is preferred or limited as to dividends or assets or
19 to any obligations, unless convertible into shares of common stock or carrying a
20 right to subscribe to or acquire shares of common stock.

21 4. Holders of common stock without voting power shall have no pre-emptive
22 right to shares of common stock with voting power.

23 5. The pre-emptive right shall be only an opportunity to acquire shares or other
24 securities under such terms and conditions as the board of directors may fix for
25 the purpose of providing a fair and reasonable opportunity for the exercise of
26 such right.

1 SEC. 3. Section four hundred ninety-six A point thirty-four (496A.34),
2 unnumbered paragraph one (1), Code 1975, is amended by striking the paragraph
3 and inserting in lieu thereof the following:

4 All corporate powers shall be exercised by or under the authority of, and the
5 business and affairs of a corporation shall be managed under the direction of, a
6 board of directors consisting of one or more members, except as may be
7 otherwise provided in this chapter or in the articles of incorporation. If any such
8 provision is made in the articles of incorporation, the powers and duties conferred
9 or imposed upon the board of directors by this chapter shall be exercised or
10 performed to such extent and by such person or persons as shall be provided in
11 the articles of incorporation. Directors need not be residents of this state or
12 shareholders of the corporation unless the articles of incorporation or bylaws so
13 require. The articles of incorporation or bylaws may prescribe other qualifications
14 for directors. The board of directors shall have authority to fix the compensation
15 of directors unless otherwise provided in the articles of incorporation.

16 A director shall perform the duties of a director, including the duties as a
17 member of any committee of the board upon which such director may serve, in
18 good faith, in a manner such director reasonably believes to be in the best
19 interests of the corporation, and with such care as an ordinarily prudent person in
20 a like position would use under similar circumstances. In performing such duties,
21 a director shall be entitled to rely on such information, opinions, reports or
22 statements, including financial statements and other financial data, in each case
23 prepared or presented by: (1) One or more officers or employees of the
24 corporation whom the director reasonably believes to be reliable and competent
25 in the matters presented; (2) Counsel, public accountants or other persons as to
26 matters which the director reasonably believes to be within such person's
27 professional or expert competence; or, (3) A committee of the board upon which
28 such director does not serve, duly designated in accordance with a provision of
29 the articles of incorporation or the bylaws, as to matters within its designated
30 authority, which committee the director reasonably believes to merit confidence.
31 However, such director shall not be considered to be acting in good faith if such
32 director has knowledge concerning the matter in question that would cause such
33 reliance to be unwarranted. A person who so performs such duties shall not have
34 liability by reason of being or having been a director of the corporation. A
35 director of a corporation who is present at a meeting of its board of directors at
36 which action on any corporate matter is taken shall be presumed to have assented
37 to the action taken, unless the dissent of such director is entered in the minutes of
38 the meeting, such director files a written dissent to such action with the secretary

39 of the meeting before the meeting's adjournment, or such director forwards such
 40 dissent by registered or certified mail to the secretary of the corporation
 41 immediately after the adjournment of the meeting. Such right to dissent shall not
 42 apply to a director who voted in favor of such action.

1 SEC. 4. Section four hundred ninety-six A point thirty-five (496A.35),
 2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 The number of directors shall be fixed by *or in the manner provided in the articles*
 4 *of incorporation* or the bylaws, except as to the number constituting the initial board
 5 of directors, which number shall be fixed by the articles of incorporation. The
 6 number of directors may be increased or decreased from time to time by
 7 amendment to *or in the manner provided in the articles of incorporation* or the
 8 bylaws, but no decrease shall have the effect of shortening the term of any
 9 incumbent director. In the absence of a bylaw ~~fixing~~ *providing for* the number of
 10 directors *and in the absence of a provision adopted in the manner provided in the*
 11 *articles of incorporation or the bylaws*, the number shall be the same as that ~~stated~~
 12 *provided for* in the articles of incorporation. The names and addresses of the
 13 members of the first board of directors shall be stated in the articles of
 14 incorporation. Such persons shall hold office until the first annual meeting of
 15 shareholders, and until their successors shall have been elected and qualify. At the
 16 first annual meeting of shareholders and at each annual meeting thereafter the
 17 shareholders shall elect directors to hold office until the next succeeding annual
 18 meeting, except in case of the classification of directors as permitted by this
 19 chapter. Each director shall hold office for the term for which he is elected and
 20 until his successor shall have been elected and qualifies, unless removed in
 21 accordance with provisions of this chapter.

1 SEC. 5. Section four hundred ninety-six A point thirty-nine (496A.39), Code
 2 1975, is amended to read as follows:

3 **496A.39 Executive and other committees.** If the articles of incorporation or
 4 the bylaws so provide, the board of directors, by resolution adopted by a majority
 5 of the full board of directors, may designate from among its members an
 6 executive committee and one or more other committees each of which, to the
 7 extent provided in such resolution or in the articles of incorporation or the bylaws
 8 of the corporation, shall have and may exercise all the authority of the board of
 9 directors, ~~but except that~~ no such committee shall have the authority of the board
 10 of directors in reference to ~~amending the articles of incorporation, adopting a~~
 11 ~~plan of merger or consolidation, recommending to the shareholders the sale, lease,~~
 12 ~~exchange or other disposition of all or substantially all the property and assets of~~
 13 ~~the corporation otherwise than in the usual and regular course of its business,~~
 14 ~~recommending to the shareholders a voluntary dissolution of the corporation or a~~
 15 ~~revocation thereof, or amending the bylaws of the corporation. The designation of~~
 16 ~~any such committee and the delegation thereto of authority shall not operate to~~
 17 ~~relieve the board of directors, or any member thereof, of any responsibility~~
 18 ~~imposed by law to: (1) declare dividends or distributions; (2) approve or recommend~~
 19 ~~to shareholders actions or proposals required by this chapter to be approved by~~
 20 ~~shareholders; (3) designate candidates for the office of director, for purposes of proxy~~
 21 ~~solicitation or otherwise, or fill vacancies on the board of directors or any committee~~
 22 ~~thereof; (4) amend the bylaws; (5) approve a plan of merger not requiring shareholder~~
 23 ~~approval; (6) reduce surplus; (7) authorize or approve the reacquisition of shares~~
 24 ~~unless pursuant to a general formula or method specified by the board of directors; or,~~
 25 ~~(8) authorize or approve the issuance or sale of, or any contract to issue or sell, shares~~
 26 ~~or designate the terms of a series of a class of shares; however, the board of directors,~~
 27 ~~having acted regarding general authorization for the issuance or sale of shares, or any~~
 28 ~~contract for issuance or sale, and, in the case of a series, the designation of the series,~~
 29 ~~may, pursuant to a general formula or method specified by the board by resolution or~~
 30 ~~by adoption of a stock option or other plan, authorize a committee to fix the terms of~~
 31 ~~any contract for the sale of the shares and to fix the terms upon which such shares~~

32 *may be issued or sold, including, without limitation, the price, the dividend rate,*
 33 *provisions for redemption, sinking fund, conversion, voting or preferential rights, and*
 34 *provisions for other features of a class of shares, or a series of a class of shares, with*
 35 *full power in such committee to adopt any final resolution setting forth all the terms*
 36 *and to authorize the statement of the terms of a series for filing with the secretary of*
 37 *state under this chapter.*

38 *Neither the designation of any such committee, the delegation to it of authority, nor*
 39 *action by such committee pursuant to such authority shall alone constitute compliance*
 40 *by any member of the board of directors, not a member of the committee in question,*
 41 *with such director's responsibility to act in good faith, in a manner such director*
 42 *reasonably believes to be in the best interests of the corporation, and with such care as*
 43 *an ordinarily prudent person in a like position would use under similar circumstances.*

1 SEC. 6. Section four hundred ninety-six A point forty (496A.40), unnumbered
 2 paragraph two (2), Code 1975, is amended to read as follows:

3 Regular meetings of the board of directors *or any committee designated by the*
 4 *board* may be held with or without notice as prescribed in the bylaws. Special
 5 meetings of the board of directors *or any committee designated by the board* shall
 6 be held upon such notice as is prescribed in the bylaws. Attendance of a director
 7 at a meeting shall constitute a waiver of notice of such meeting, except where a
 8 director attends a meeting for the express purpose of objecting to the transaction
 9 of any business because the meeting is not lawfully called or convened. Neither
 10 the business to be transacted at, nor the purpose of, any regular or special
 11 meeting of the board of directors *or any committee designated by the board* need be
 12 specified in the notice or waiver of notice of such meeting unless required by the
 13 bylaws.

1 SEC. 7. Section four hundred ninety-six A point forty-four (496A.44), Code
 2 1975, is amended to read as follows:

3 **496A.44 Liability of directors and officers in certain cases.** In addition to any
 4 other liabilities imposed by law upon directors and officers of a corporation, *a*
 5 *director shall be liable in the following circumstances,* unless the director complies*
 6 *with the standard provided in this chapter for performance of the duties of directors:*

7 1. ~~Directors of a corporation~~ *A director who ~~vote~~ votes for or ~~assent~~ assents to*
 8 *the declaration of any dividend or other distribution of the assets of a corporation*
 9 *to its shareholders in ~~willful or negligent violation of~~ contrary to the provisions of*
 10 *this chapter or of to any restrictions contained in the articles of incorporation,*
 11 *shall be ~~jointly and severally~~ jointly and severally liable to the corporation jointly and severally with all*
 12 *other directors so voting or assenting for the amount of such dividend which is paid*
 13 *or the value of such assets which are distributed in excess of the amount of such*
 14 *dividend or distribution which could have been paid or distributed without a*
 15 *violation of the provisions of this chapter or of the restrictions in the articles of*
 16 *incorporation.*

17 2. ~~Directors of a corporation~~ *A director who ~~vote~~ votes for or ~~assent~~ assents to*
 18 *the purchase of its the corporation's own shares in ~~willful or negligent violation of~~*
 19 *contrary to the provisions of this chapter or of to any restrictions contained in the*
 20 *articles of incorporation, shall be ~~jointly and severally~~ jointly and severally liable to the corporation*
 21 *jointly and severally with all other directors so voting or assenting for the amount of*
 22 *consideration paid for such shares which is in excess of the maximum amount*
 23 *which could have been paid therefor without a violation of the provisions of this*
 24 *chapter or of the restrictions in the articles of incorporation.*

25 3. ~~The directors of a corporation~~ *A director who ~~vote~~ votes for or ~~assent~~ assents*
 26 *to any distribution of assets of a corporation to its shareholders during the*
 27 *liquidation of the corporation without the payment and discharge of, or making*
 28 *adequate provision for, all known debts, obligations, and liabilities of the*
 29 *corporation shall be ~~jointly and severally~~ jointly and severally liable to the corporation jointly and*
 30 *severally with all other directors so voting or assenting for the value of such assets*
 31 *which are distributed, to the extent that such debts, obligations and liabilities of*

*According to enrolled Act

32 the corporation are not thereafter paid and discharged.

33 A director of a corporation who is present at a meeting of its board of directors
34 at which action on any corporate matter is taken shall be presumed to have
35 assented to the action taken unless his dissent shall be entered in the minutes of
36 the meeting or unless he shall file his written dissent to such action with the
37 person acting as the secretary of the meeting before the adjournment thereof or
38 shall forward such dissent by registered or certified mail to the secretary of the
39 corporation immediately after the adjournment of the meeting. Such right to
40 dissent shall not apply to a director who voted in favor of such action.

41 A director shall not be liable under subsections 1, 2, or 3 of this section if the
42 director relied and acted in good faith upon financial statements of the
43 corporation, represented to the director to be correct by the president or the
44 officer of such corporation having charge of its books of account, or stated in a
45 written report by an independent public or certified public accountant or firm of
46 such accountants fairly to reflect the financial condition of such corporation, nor
47 shall the director be so liable if in good faith in determining the amount available
48 for any such dividend or distribution the director considered the assets to be of
49 their book value. If an officer willfully or negligently submits an incorrect
50 financial statement to a director or directors, and board of directors action,
51 contrary to the provisions of this chapter or of any restrictions in the articles of
52 incorporation, is taken in reliance thereon, the officer shall be liable to the same
53 extent as if the officer were a director voting for or assenting to such action. No
54 director or officer shall be deemed to be negligent within the meaning of this
55 section if the director or officer exercised that diligence, care and skill which an
56 ordinarily prudent person in a like position would exercise use under similar
57 circumstances.

58 Any director against whom a claim shall be asserted under or pursuant to this
59 section for the payment of a dividend or other distribution of assets of a
60 corporation and who shall be held liable thereon, shall be entitled to contribution
61 from the shareholders who accepted or received any such dividend or assets,
62 knowing such dividend or distribution to have been made in violation of the
63 provisions of this chapter or of any restrictions in the articles of incorporation, in
64 proportion to the amounts received by them respectively, and to contribution
65 from any other director found to be similarly liable.

66 Any action seeking to impose liability under this section, other than liability for
67 contribution, shall be commenced only within five years of the action complained
68 of and not thereafter.

1 SEC. 8. Section four hundred ninety-six A point one hundred three
2 (496A.103), Code 1975, is amended to read as follows:

3 **496A.103 Admission of foreign corporation— nonadmitted organization.**

4 1. No foreign corporation shall have the right to transact business in this state
5 until it shall have procured a certificate of authority so to do from the secretary of
6 state. No foreign corporation shall be entitled to procure a certificate of authority
7 under this chapter to transact in this state any business which a corporation
8 organized under this chapter is not permitted to transact. A foreign corporation
9 shall not be denied a certificate of authority by reason of the fact that the laws of
10 the state or country under which such corporation is organized governing its
11 organization and internal affairs differ from the laws of this state, and nothing in
12 this chapter contained shall be construed to authorize this state to regulate the
13 organization or the internal affairs of such corporation.

14 2. Without excluding other activities which may not constitute transacting
15 business in this state, a foreign corporation or nonadmitted organization shall not
16 be considered to be transacting business in this state, for the purposes of this
17 chapter, by reason of carrying on in this state any one or more of the following
18 activities:

- 19 4 a. Maintaining or defending any action or suit or any administrative or
20 arbitration proceeding, or effecting the settlement thereof or the settlement of
21 claims or disputes.
- 22 2 b. Holding meetings of its directors or shareholders or carrying on other
23 activities concerning its internal affairs.
- 24 3 c. Maintaining bank accounts.
- 25 4 d. Maintaining offices or agencies for the transfer, exchange and registration
26 of its securities, or appointing and maintaining trustees or depositaries with
27 relation to its securities.
- 28 5 e. Effecting sales through independent contractors.
- 29 6 f. Soliciting or procuring orders, whether by mail or through employees or
30 agents or otherwise, where such orders require acceptance without this state
31 before becoming binding contracts.
- 32 7 g. Creating as borrower or lender, or acquiring, indebtedness or mortgages or
33 other security interests in real or personal property.
- 34 8 h. Securing or collecting debts due it or enforcing any rights in property
35 securing the same.
- 36 9 i. Transacting any business in interstate commerce.
- 37 10 j. Conducting an isolated transaction completed within a period of thirty
38 days and not in the course of a number of repeated transactions of like nature.

1 SEC. 9. Section four hundred ninety-six A point one hundred eleven
2 (496A.111), Code 1975, is amended by adding the following new unnumbered
3 paragraph:

4 NEW UNNUMBERED PARAGRAPH. If a registered agent of a corporation subject
5 to this section changes its business address to another address within this state,
6 this agent may change the address of the registered office of the agent's
7 corporation by filing a statement for each corporation as required by this section
8 or by filing a single statement covering all corporations named in such statement.
9 However, such statement may be signed by the registered agent alone, must recite
10 that a copy of the statement has been mailed to each corporation, and shall not
11 be subject to the provisions of subsections five (5) and seven (7) of this section.

1 SEC. 10. Section four hundred ninety-six A point one hundred twenty-two
2 (496A.122), Code 1975, is amended to read as follows:

3 **496A.122 Filing of annual report of domestic and foreign corporations.** Such
4 annual report of a domestic or foreign corporation shall be delivered to the
5 secretary of state for filing in his office between the first day of January and the
6 thirty-first day of March of each year, except as otherwise provided in this
7 section. The first annual report of a domestic corporation shall be filed between
8 the first day of January and the thirty-first day of March of the year next
9 succeeding the calendar year in which its corporate existence began, or in which,
10 by voluntary election to adopt the provisions of this chapter, it first became
11 subject to the provisions of this chapter, except that if such existence began in
12 December of any year, or by such adoption it first became subject to the
13 provisions of this chapter in December of any year, its first annual report shall be
14 filed between the first day of January and the thirty-first day of March of the
15 second year succeeding the calendar year in which its corporate existence began,
16 or in which, by such adoption, it first became subject to the provisions of this
17 chapter. The first annual report of a foreign corporation shall be filed between the
18 first day of January and the thirty-first day of March of the year next succeeding
19 the calendar year in which its certificate of authority was issued by the secretary
20 of state except that if such certificate was issued in December of any year, its first
21 annual report shall be filed between the first day of January and the ~~first~~ *thirty-*
22 *first* day of March of the second year succeeding the calendar year in which such
23 certificate was issued by the secretary of state. Such report shall be deemed filed
24 within the required time if deposited in the United States mail with postage
25 prepaid in a sealed envelope, properly addressed and postmarked on or prior to

26 the thirty-first day of March. If the secretary of state finds that such report
 27 conforms to the requirements of this chapter, and that all prior annual reports
 28 required by this chapter to be filed by such corporation or foreign corporation
 29 have been filed and that all annual license fees and penalties, if any, required by
 30 this chapter to have been theretofore paid by such corporation or foreign
 31 corporation have been paid he shall file the same. If he finds that it does not so
 32 conform, he shall promptly return the same to the corporation for any necessary
 33 corrections, in which event the penalties hereinafter prescribed for failure to file
 34 such report within the time hereinabove provided shall not apply, if such report is
 35 corrected to conform to the requirements of this chapter, and is resubmitted to
 36 the secretary of state within thirty days from the date on which it was mailed to
 37 the corporation by the secretary of state, but not later than July ~~1~~ first of the year
 38 in which it is due.

1 SEC. 11. Section four hundred ninety-six A point one hundred forty-two
 2 (496A.142), subsection one (1), Code 1975, is amended to read as follows:

3 1. Except ~~for~~ *as provided in section four hundred ninety-six A point two (496A.2)*
 4 *of the Code, in subsection two (2) of section four hundred ninety-six A point one*
 5 *hundred three (496A.103) of the Code and in this subsection, this chapter shall not*
 6 *apply to or affect corporations subject to the provisions of chapters 174, 176, 482,*
 7 *497, 498, 499, 499A, 504, 506, 508, 510, 512, 514, 515, 518A, 519, 533, 534 of the*
 8 *Code and state banks organized under chapter 524. Such corporations shall*
 9 *continue to be governed by all laws of this state heretofore applicable thereto and*
 10 *as the same may hereafter be amended. This chapter shall not be construed as in*
 11 *derogation of or as a limitation on the powers to which such corporations may be*
 12 *entitled.*

1 SEC. 12. Section four hundred ninety-six A point one hundred forty-two
 2 (496A.142), subsection twelve (12), Code 1975, is amended by striking the
 3 subsection and inserting in lieu thereof the following:

4 12. Any domestic corporation which elects to adopt the provisions of this
 5 chapter by complying with the provisions of subsection three (3) of this section
 6 may, at the same time:
 7 a. Amend or restate its articles of incorporation by complying with the
 8 provisions of this chapter with respect to amending articles of incorporation or
 9 restating articles of incorporation, as the case may be.
 10 b. Take action to enter into a merger or consolidation or to dissolve by
 11 complying with the provisions of this chapter with respect to merger,
 12 consolidation or dissolution, as the case may be.

Approved March 12, 1976

CHAPTER 1208

PROFESSIONAL CORPORATION

S. F. 1111

AN ACT relating to who may form a professional corporation.

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), subsection
 2 one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly,
 3 1975 Session, chapter two hundred thirty-three (233), section one (1), is amended
 4 to read as follows:

5 1. "Profession" means the profession of certified public accountancy,
6 architecture, chiropractic, dentistry, *physical therapy*, *psychology*, professional
7 engineering, land surveying, landscape architecture, law, medicine and surgery,
8 optometry, osteopathy, osteopathic medicine and surgery, *accounting practitioner*,
9 podiatry, *speech pathology*, *audiology*, veterinary medicine, pharmacy and the
10 practice of nursing.

Approved May 28, 1976

CHAPTER 1209

MEMBERSHIP SALES EXCLUSION

H. F. 362

AN ACT relating to the exclusion of banks from membership sales licensing requirements of the Code.

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

1 SECTION 1. Section five hundred three point two (503.2), unnumbered
2 paragraph one (1), Code 1975, is amended to read as follows:

3 The term "association" when used in this chapter shall mean any person, firm,
4 company, partnership, association, or corporation other than building and loan
5 associations, *state and national banks*, insurance companies and associations, and
6 corporations and co-operative associations subject to the provisions of chapters
7 497, 498 and 501, which sell, offer for sale or issue to the public generally
8 memberships or certificates of membership entitling the holder thereof to
9 purchase merchandise, materials, equipment or services on a discount or cost-plus
10 basis.

Approved March 1, 1976

CHAPTER 1210

INSURANCE GUARANTY ASSOCIATION

H. F. 1483

AN ACT relating to the uniform guaranty associaton

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

1 SECTION 1. Section five hundred fifteen B point two (515B.2), subsection three
2 (3), unlettered paragraph two (2), Code 1975, is amended by striking the
3 paragraph and inserting in lieu thereof the following:

4 Covered claim shall not include any amount due any reinsurer, insurer,
5 insurance pool or underwriting association, as subrogation recoveries or otherwise
6 nor shall covered claim include any amount due an attorney or adjustor as fees
7 for services rendered to the insolvent insurer. This paragraph shall not prevent
8 any person from filing such excluded claim with the insolvent insurer or its
9 receiver, but such claim shall not be asserted against the insured of the insolvent
10 insurer except to the extent that such claim exceeds the coverage of the policy
11 issued by the insolvent insurer.

1 SEC. 2. Section five hundred fifteen B point two (515B.2), subsection four (4),
2 Code 1975, is amended to read as follows:

3 4. "Insurer" means an insurer licensed to transact insurance business in this
4 state under either chapter 515 or chapter 520, either at the time the policy was
5 issued or when the insured event occurred. It shall not include county or state
6 mutual assessment associations licensed under chapter 518 or chapter 518A, or
7 fraternal beneficiary societies, orders or associations licensed under chapter 512,
8 or corporations operating nonprofit service plans under chapter 514, or life
9 insurance companies or life, accident or health associations licensed under
10 chapter 508 or chapter 510, or those professions under chapter 519.

1 SEC. 3. Section five hundred fifteen B point five (515B.5), subsection one (1),
2 paragraph c, Code 1975, is amended to read as follows:

3 c. Assess member insurers amounts necessary to pay the obligations of the
4 association under paragraph "a" of this subsection subsequent to an insolvency,
5 the expenses of handling covered claims subsequent to an insolvency, the cost of
6 examinations under section 515B.10, and other expenses authorized by this
7 chapter. The assessment of each member insurer shall be in the proportion that
8 the net direct written premiums of the member insurer for the preceding calendar
9 year bear to the net direct written premiums of all member insurers for the
10 preceding calendar year. Each member insurer shall be notified of the assessment
11 not later than thirty days before it is due. No member insurer may be assessed in
12 any year an amount greater than two percent of that member insurer's net direct
13 written premiums for the preceding calendar year. If the maximum assessment,
14 together with the other assets of the association, does not provide in any one year
15 an amount sufficient to make all necessary payments, the funds available shall be
16 prorated and the unpaid portion shall be paid as soon as funds become available.
17 The association may exempt or defer, in whole or in part, the assessment of any
18 member insurer if the assessment would cause the member insurer's financial
19 statement to reflect amounts of capital or surplus less than the minimum amounts
20 required for a certificate of authority by any jurisdiction in which the member
21 insurer is authorized to transact insurance. Each member insurer *servicing as a*
22 *servicing facility pursuant to this section* may set off against any assessment,
23 authorized payments made on covered claims and expenses incurred in the
24 payment of such claims by the member insurer. *In addition, the association shall*
25 *have the authority to levy an administrative assessment of not more than fifty dollars*
26 *per year per member insurer on a non pro rata basis, which assessment shall be*
27 *credited against any future insolvency assessment. Such assessment shall be used to*
28 *pay authorized expenses not directly attributable to any particular insolvency or*
29 *insolvent insurer. All overdue and unpaid assessments shall draw interest at the rate of*
30 *seven percent per annum.*

1 SEC. 4. Section five hundred fifteen B point five (515B.5), subsection one (1),
2 paragraph d, Code 1975, is amended to read as follows:

3 d. Investigate claims brought against the fund and adjust, compromise, settle,
4 *defend*, and pay covered claims to the extent of the association's obligation and
5 deny all other claims.

1 SEC. 5. Section five hundred fifteen B point five (515B.5), subsection two (2),
2 Code 1975, is amended by striking paragraph g, and inserting in lieu thereof the
3 following:

4 g. If at any time the board of directors finds that the amount assessed for any
5 insolvency exceeds the actual and projected liabilities of that insolvency, it may
6 refund such excess to member insurers in the same proportion that each
7 contributed to the original assessment or assessments. Any assessments or refunds
8 of any member insurer in amounts not to exceed twenty-five dollars may, at the
9 discretion of the board of directors, be waived.

1 SEC. 6. Section five hundred fifteen B point eight (515B.8), subsection two (2),
2 Code 1975, is amended to read as follows:

3 2. The receiver, liquidator, or statutory successor of an insolvent insurer shall
4 be bound by settlements of covered claims by the association or a similar
5 organization in another state. The court having jurisdiction shall grant such
6 claims priority ~~equal to that to which the claimant would have been entitled in~~
7 ~~the absence of this chapter against the assets of the insolvent insurer, including the~~
8 ~~deductible portion thereof, against the assets of the insolvent insurer over all other~~
9 ~~claims not having statutory or secured priority.~~ The expenses of the association or
10 similar organization in handling claims shall be accorded the same priority as the
11 liquidator's expenses.

1 SEC. 7. Section five hundred fifteen B point nine (515B.9), subsection one (1),
2 Code 1975, is amended to read as follows:

3 1. Any person having a claim against his *or her* insurer, under any provision in
4 his *or her* insurance policy, which is also a covered claim shall be required to
5 exhaust first his *or her* right under the policy. ~~Any amount payable on a covered~~
6 ~~claim under this chapter shall be reduced by the amount of recovery under the~~
7 ~~claimant's insurance policy. Any amount recovered or recoverable by a person under~~
8 ~~another insurance policy shall be credited against the policy limits of the policy of the~~
9 ~~insolvent insurer before computing the amount of any covered claim. For purposes of~~
10 ~~this section, another insurance policy means a policy issued by any insurance~~
11 ~~company, whether a member insurer or not, which policy insures against any of the~~
12 ~~types of risks set forth in section five hundred fifteen point forty-eight (515.48) of the~~
13 ~~Code, except those types of risks set forth in section five hundred fifteen point forty-~~
14 ~~eight (515.48), subsection five (5), paragraph a, of the Code, and except those types of~~
15 ~~risks set forth in chapters five hundred eight (508) and five hundred fourteen (514) of~~
16 ~~the Code.~~

1 SEC. 8. Section five hundred fifteen B point sixteen (515B.16), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the following:

3 **515B.16 Stay of proceedings.** All proceedings to which the insolvent insurer
4 is a party or in which it is obligated to defend a party shall be stayed from the
5 date of the insolvency to and including the date set as the deadline for the filing
6 of claims against the insolvent insurer or its receiver. However, upon application,
7 the court having jurisdiction of the receivership, may lengthen or shorten the
8 period, either as to all claims or as to any particular claim.

1 SEC. 9. Chapter five hundred fifteen B (515B), Code 1975, is amended by
2 adding the following new section:

3 **NEW SECTION. Timely filing of claims.** Notwithstanding any other provision
4 of this chapter, a covered claim shall not include any claim filed with the
5 association after the final date set by the court for the filing of claims against the
6 insolvent insurer or its receiver. However the association may waive the
7 requirement of this section when in its discretion the claim was not timely
8 presented due to circumstances beyond the control of the person having the
9 claim.

Approved May 20, 1976

CHAPTER 1211

HOSPITAL LIABILITY INSURANCE

H. F. 1492

AN ACT relating to liability insurance for hospitals.

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

1 SECTION 1. Section five hundred nineteen point five (519.5), Code 1975, as
 2 amended by Acts of the Sixty-sixth General Assembly, chapter two hundred
 3 thirty-nine (239), section twenty (20), 1975 Session, is amended to read as follows:
 4 **519.5 Conditions.** No such certificate shall be issued by the commissioner of
 5 insurance until two hundred fifty *individual applications or ten or more applications*
 6 *from a hospital group*, have been received, and until the commissioner of insurance
 7 has satisfied himself that such mutual insurance corporation has bona fide
 8 applications representing the number of applicants required, and that there is in
 9 the possession of such mutual insurance corporation cash assets amounting to not
 10 less than ten times the maximum single retained risk.

1 SEC. 2. This Act, being deemed of immediate importance, shall take effect
 2 and be in force from and after its publication in The Daily Gate City, a
 3 newspaper published in Keokuk, Iowa, and in the Cherokee Daily Times, a
 4 newspaper published in Cherokee, Iowa.

Approved May 7, 1976

I hereby certify that the foregoing Act, House File 1492, was published in The Daily Gate
 City, Keokuk, Iowa on May 20, 1976, and in the Cherokee Daily Times, Cherokee, Iowa on May 13,
 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1212

CONSUMER CREDIT CODE

H. F. 829

AN ACT relating to the administration of the uniform consumer credit code.

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

1 SECTION 1. Section five hundred twenty-four point two hundred twenty-seven
 2 (524.227), subsection four (4), paragraph c, Code 1975, is amended to read as
 3 follows:
 4 c. ~~A statement~~ *An estimate* of the ~~receipts and~~ disbursements of agency funds
 5 for consumer credit protection during the calendar year ending the preceding
 6 December 31, ~~and of the funds on hand on that date.~~

1 SEC. 2. Section five hundred thirty-three point thirty-seven (533.37),
 2 subsection four (4), paragraph c, Code 1975, is amended to read as follows:
 3 c. ~~A statement~~ *An estimate* of the ~~receipts and~~ disbursements of agency funds
 4 for consumer credit protection during the calendar year ending the preceding
 5 December 31, ~~and of the funds on hand on that date.~~

1 SEC. 3. Section five hundred thirty-four point seventy (534.70), subsection
2 four (4), paragraph c, Code 1975, is amended to read as follows:

3 c. ~~A statement~~ *An estimate* of the receipts and disbursements of agency funds
4 for consumer credit protection during the calendar year ending the preceding
5 December 31; ~~and of the funds on hand on that date.~~

1 SEC. 4. Section five hundred thirty-six point twenty-nine (536.29), subsection
2 four (4), paragraph c, Code 1975, is amended to read as follows:

3 c. ~~A statement~~ *An estimate* of the receipts and disbursements of agency funds
4 for consumer credit protection during the calendar year ending the preceding
5 December 31; ~~and of the funds on hand on that date.~~

1 SEC. 5. Section five hundred thirty-six A point twenty-nine (536A.29),
2 subsection four (4), paragraph c, Code 1975, is amended to read as follows:

3 c. ~~A statement~~ *An estimate* of the receipts and disbursements of agency funds
4 for consumer credit protection during the calendar year ending the preceding
5 December 31; ~~and of the funds on hand on that date.~~

1 SEC. 6. Section five hundred thirty-seven point two thousand three hundred
2 five (537.2305), subsection one (1), Code 1975, is amended to read as follows:

3 1. For the purpose of discovering violations of this chapter or securing
4 information lawfully required, the licensing authority shall examine periodically
5 at intervals he deems appropriate, but not less ~~than annually~~ *frequently than is*
6 *required for other examinations of the licensee by section five hundred twenty-four*
7 *point two hundred seventeen (524.217), five hundred thirty-three point six (533.6), five*
8 *hundred thirty-four point forty-one (534.41), five hundred thirty-six point ten (536.10),*
9 *or five hundred thirty-six A point fifteen (536A.15) of the Code, whichever is*
10 *applicable*, the loans, business, and records of every licensee, except a licensee
11 which has no office physically located in this state and engages in no face-to-face
12 solicitation in this state. In addition, the licensing authority may at any time
13 investigate the loans, business, and records of any lender. For these purposes the
14 licensing authority shall be given free and reasonable access to the offices, places
15 of business, and records of the lender.

1 SEC. 7. Chapter five hundred thirty-seven (537), article six (6), part one (1),
2 Code 1975, is amended by adding the following new section:

3 **NEW SECTION. 537.6117. Administrative rules.**

4 1. The attorney general or his designee pursuant to chapter 17A may adopt,
5 amend and repeal rules which he deems reasonably necessary for the enforcement
6 of this chapter. Each rule so adopted shall be applicable to and binding upon
7 every person subject to the provisions of this chapter.

8 2. An official or agency of this state charged with the enforcement of
9 provisions of this chapter may adopt, amend or repeal rules pursuant to chapter
10 seventeen A* 17A of the Code*, subject to the following limitations:

11 a. A rule adopted pursuant to this subsection which conflicts with a rule
12 adopted by the administrator is void.

13 b. An official or agency shall not adopt a rule which interprets or prescribes
14 law or policy which has not been approved in advance of adoption by the
15 administrator. If, in the opinion of the administrator, the proposed rule interprets
16 the provisions of this chapter, or otherwise should be a rule of general
17 applicability, the administrator may disapprove the proposed rule, in which case
18 the official or agency shall not adopt that rule. The administrator may adopt that
19 rule or a different rule relating to the same subject, or may determine that no rule
20 relating to that subject shall be adopted.

1 SEC. 8. Section five hundred thirty-seven point six thousand two hundred four
2 (537.6204), Code 1975, is repealed.

Approved June 23, 1976

*Words added by Code Editor pursuant to §3.1(3) of the Code

CHAPTER 1213

STATE BANK LOANS TO OFFICERS

H. F. 1367

AN ACT relating to loans by a state bank to its officers.

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

1 SECTION 1. Section five hundred twenty-four point seven hundred six
2 (524.706), subsection one (1), Code 1975, is amended to read as follows:

3 1. a. An executive officer of a state bank may receive loans or extensions of
4 credit from a state bank of which he is an executive officer, resulting in
5 obligations as defined in subsection 1 of section 524.904, not exceeding ~~thirty~~
6 ~~thousand dollars~~, in the aggregate:

7 (1) Such amount as the bank is permitted to lend pursuant to subsection two (2) of
8 section five hundred twenty-four point nine hundred five (524.905) of the Code, if, at
9 the time such obligation is incurred, it is secured by a first lien on a dwelling
10 which is expected, after the obligation is incurred, to be owned by the executive
11 officer and used by him as his residence, ~~and such~~ provided that at the time the
12 loan is made there is no other loan by the bank to the executive officer, under
13 authority of this subparagraph, outstanding; and

14 (2) An amount not exceeding an aggregate of ten thousand dollars outstanding at
15 any one time, to finance the education of a child or children of the executive officer;
16 and

17 (3) Any other loans or extensions of credit which in aggregate do not at any one
18 time exceed five thousand dollars ~~provided, however, a~~.

19 b. A state bank shall not loan money or extend credit to an executive officer of
20 such state bank, nor shall an executive officer of a state bank receive a loan or
21 extension of credit from such state bank, exceeding the limitations imposed by
22 this section or for a purpose other than that authorized by this section; ~~and,~~
23 ~~provided further, such.~~ Such loans or extensions of credit shall not exceed an
24 amount totaling more than twenty percent of the capital and surplus of the state
25 bank and any such loan on real property shall comply with section 524.905. A
26 majority of the board of directors, voting in the absence of the applying officer,
27 whether or not he is also a director, shall give its prior approval to any obligation
28 of an executive officer to the state bank of which he is an executive officer. The
29 form of approval shall be specified by the superintendent, and a copy recorded in
30 the minutes of the board of directors.

1 SEC. 2. Section five hundred twenty-four point seven hundred six (524.706),
2 subsection one (1), Code 1975, is amended by adding the following new
3 paragraph:

4 NEW PARAGRAPH. For the purposes of this subsection, the term "executive
5 officer" means every officer of a state bank who participates or has authority to
6 participate, otherwise than in the capacity of a director, in major policymaking
7 functions of the bank, regardless of whether he has an official title or whether his
8 title contains a designation of assistant and regardless of whether he is serving
9 without salary or other compensation. The chairman of the board, the president,
10 every vice president, the cashier, secretary, and treasurer of a state bank are
11 assumed to be executive officers, unless, by resolution of the board of directors or
12 by the bank's bylaws, but subject to contrary notice by the superintendent as

13 provided in section seven hundred four (704) of this chapter, any such officer
 14 is excluded from participation in major policymaking functions, otherwise than in
 15 the capacity of a director of the bank, and he does not actually participate
 16 therein.

Approved April 2, 1976

CHAPTER 1214

SATELLITE BANKING

H. F. 1478

AN ACT regulating the establishment and use of electronic fund transfer systems maintained off the premises of the principal places of business and offices of financial institutions, and establishing the numbers and locations of offices and electronic fund consumer terminals.

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

DIVISION I

1 SECTION 1. Acts of the Sixty-sixth General Assembly, 1975 Session, Chapter
 2 two hundred forty (240), section four (4), amending chapter five hundred twenty-
 3 four (524), Code 1975, is amended to read as follows:

4 Sec. 4. Chapter five hundred twenty-four (524), Code 1975, is amended by
 5 adding to division eight (VIII) the following new section:

6 **NEW SECTION. Electronic transmission of funds—restrictions.**

7 1. A state bank may engage in any transaction incidental to the conduct of the
 8 business of banking and otherwise permitted by applicable law, by means of
 9 either the direct transmission of electronic impulses to or from customers and
 10 banks or the recording of electronic impulses or other indicia of a transaction for
 11 delayed transmission to a bank. Subject to the provisions of ~~sections eight (8)~~
 12 ~~through twelve (12) division II~~ of this Act*, a state bank may utilize, establish or
 13 operate, alone or with one or more other banks, savings and loan associations
 14 incorporated under the provisions of chapter five hundred thirty-four (534) of the
 15 Code or the Home Owners' Loan Act of 1933 (12 U.S.C. sections 1461-1468),
 16 credit unions incorporated under the provisions of chapter five hundred thirty-
 17 three (533) of the Code or the Federal Credit Union Act (12 U.S.C. sections 1751-
 18 1790), or third parties, ~~terminals or other facilities adaptable to shared usage~~ *the*
 19 *satellite terminals permitted under division two (II) of this Act*, by means of which
 20 customers and banks may transmit and receive electronic impulses constituting
 21 transactions pursuant to this section. *However, such utilization, establishment, or*
 22 *operation shall be lawful only when in compliance with division II of this Act. No*
 23 ~~terminal or other facility utilized pursuant to this section shall be designed in such~~
 24 ~~a manner as to be capable of providing a user thereof, other than a bank, with~~
 25 ~~information concerning the account of any person with the bank, unless such~~
 26 ~~information is essential to complete or prevent the completion of the transaction~~
 27 ~~then being engaged in through the use of that terminal or facility.~~ Nothing in this
 28 section shall be construed as authority for any person to engage in transactions
 29 not otherwise permitted by applicable law, nor shall anything in this section be
 30 deemed to repeal, replace or in any other way affect any applicable law or rule
 31 regarding the maintenance of or access to financial information maintained by
 32 any bank.

33 2. A state bank which offers its customers, or any of them, the opportunity to
 34 engage in transactions with or through the bank in the manner authorized by

*This reference to 66 G.A., Ch 240, probably was intended to be to division II hereof

35 subsection one (1) of this section shall not require any customer to deal with or
 36 through the bank in that manner in lieu of writing checks in the usual manner
 37 upon a conventional checking account, ~~nor~~ and shall not impose any
 38 extraordinary charge upon customers who choose to write checks in the usual
 39 manner upon a conventional checking account maintained at that bank.

1 SEC. 2. Section five hundred twenty-four point one thousand two hundred two
 2 (524.1202), subsection one (1), Code 1975, is amended to read as follows:

3 1. Except as otherwise provided in subsection 2 of this section, no state bank
 4 shall establish a bank office *outside the corporate limits of a municipal corporation*
 5 *or in a municipal corporation ~~or unincorporated area~~* in which there is already an
 6 established state or national bank or office, however the subsequent chartering
 7 and establishment of any state or national bank, through the opening of its
 8 principal place of business within the municipal corporation where the bank
 9 office is located, shall not affect the right of the bank office to continue in
 10 operation in that municipal corporation. *The existence and continuing operation of*
 11 *a bank office shall not be affected by the subsequent discontinuance of a municipal*
 12 *corporation pursuant to the provisions of sections three hundred sixty-eight point*
 13 *eleven (368.11) to three hundred sixty-eight point twenty-two (368.22), inclusive, of the*
 14 *Code. A bank office existing and operating on the effective date of this Act, which is*
 15 *not located within the confines of a municipal corporation, shall be allowed to*
 16 *continue its existence and operation without regard to this subsection.*

1 SEC. 3. Section five hundred twenty-four point one thousand two hundred two
 2 (524.1202), subsection two (2), Code 1975, is amended to read as follows:

3 2. A state bank located in a municipal corporation may establish not more than
 4 two bank offices within the boundaries of the municipal corporation, each of
 5 which shall have adequate off-street parking as determined by the superintendent,
 6 and may also have facilities to serve pedestrian customers. A state bank located in
 7 a municipal corporation, or in an urban complex composed of two or more Iowa
 8 municipal corporations each of which is contiguous to or corners upon at least
 9 one of the other municipal corporations within the complex, having a population
 10 of over fifty thousand according to the most recent federal census may establish
 11 two such offices within the boundaries of the municipal corporation or urban
 12 complex; *however, such a municipal corporation or urban complex on boundaries of*
 13 *the state having a contiguous municipal corporation in another state may have one*
 14 *additional such office; if the municipal corporation or urban complex has a*
 15 *population of over one hundred thousand but not over two hundred thousand*
 16 *according to the most recent federal census, the state bank may establish three such*
 17 *offices within the boundaries of the municipal corporation or urban complex; if*
 18 *the municipal corporation or urban complex has a population of over two*
 19 *hundred thousand, the state bank may establish four such offices within the*
 20 *boundaries of the municipal corporation or urban complex. Such a facility*
 21 *located in the proximity of a state bank's principal place of business may be*
 22 *found by the superintendent to be an integral part of the principal place of*
 23 *business, and not a bank office within the meaning of this section.*

1 SEC. 4. Section five hundred twenty-four point one thousand two hundred
 2 four (524.1204), Code 1975, as amended by Acts of the Sixty-sixth General
 3 Assembly, 1975 Session, chapter two hundred forty (240), section six (6), is
 4 amended by striking the section and inserting in lieu thereof the following:

5 **524.1204 Privileges extended to national banks.** The privileges extended to
 6 state banks by sections five hundred twenty-four point one thousand two hundred
 7 one (524.1201) and five hundred twenty-four point one thousand two hundred
 8 two (524.1202) of the Code, section five (5) of this Act and division II of this Act
 9 shall be available on the same conditions to national banks to the extent they are
 10 so authorized by federal law.

1 SEC. 5. Chapter five hundred twenty-four (524), Code 1975, is amended by
2 adding to division twelve (XII) the following new section:

3 NEW SECTION. **Location of satellite terminals.** Any state bank may utilize a
4 satellite terminal, as defined in section eleven (11) of this Act, when that satellite
5 terminal is lawfully being operated, at any location within this state. A satellite
6 terminal authorized by division two (II) of this Act shall not be subject to the
7 restrictions on location or number set forth in section five hundred twenty-four
8 point one thousand two hundred two (524.1202) of the Code. Any transaction
9 engaged in through the use of a satellite facility* terminal* shall be deemed to
10 take place at the principal place of business of a bank whose accounts and
11 records are affected by the transaction.

1 SEC. 6. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two
2 hundred forty (240), section fifteen (15), amending section five hundred thirty-
3 three point four (533.4), Code 1975, is amended to read as follows:

4 Sec. 15. Section five hundred thirty-three point four (533.4), Code 1975, is
5 amended by adding the following new subsections:

6 NEW SUBSECTION. Subject to the prior approval of the superintendent, acquire
7 and hold shares in a corporation engaged in providing and operating facilities
8 through which a credit union and its members may engage, by means of either
9 the direct transmission of electronic impulses to and from the credit union or the
10 recording of electronic impulses or other indicia of a transaction for delayed
11 transmission to the credit union, in transactions in which such credit union is
12 otherwise permitted to engage pursuant to applicable law.

13 NEW SUBSECTION. Engage in any transaction otherwise permitted by this
14 chapter and applicable law, by means of either the direct transmission of
15 electronic impulses to or from the credit union or the recording of electronic
16 impulses or other indicia of a transaction for delayed transmission to the credit
17 union. Subject to such rules as may be promulgated by the superintendent the
18 provisions of division II of this Act, a credit union may utilize, establish or operate,
19 alone or with one or more other credit unions, banks incorporated under the
20 provisions of chapter five hundred twenty-four (524) of the Code or the national
21 banking acts (12 U.S.C. sections 21-95), savings and loan associations
22 incorporated under the provisions of chapter five hundred thirty-four (534) of the
23 Code or the Home Owners' Loan Act of 1933 (12 U.S.C. sections 1461-1468) or
24 third parties, terminals or other facilities adaptable to shared usage the satellite
25 terminals permitted under division II of this Act, by means of which the credit
26 union may transmit to or receive from any member electronic impulses
27 constituting transactions pursuant to this subsection. *However, such utilization,*
28 *establishment, or operation shall be lawful only when in compliance with division II of*
29 *this Act. No terminal or other facility utilized pursuant to this subsection shall be*
30 *designed in such a manner as to be capable of providing a user thereof, other*
31 *than a savings and loan association, with information concerning the account of*
32 *any person with the savings and loan association, unless such information is*
33 *essential to complete or prevent the completion of the transaction then being*
34 *engaged in through the use of that terminal or facility. Nothing in this subsection*
35 *shall be construed as authority for any person to engage in transactions not*
36 *otherwise permitted by applicable law, nor shall anything in this subsection be*
37 *deemed to repeal, replace or in any other way affect any applicable law or rule*
38 *regarding the maintenance of or access to financial information maintained by*
39 *any savings and loan association credit union.*

40 NEW SUBSECTION. A savings and loan association shall be liable to each of
41 its customers for all losses incurred by such customer as a result of the
42 transmission or recording of electronic impulses as a part of a transaction not
43 authorized by such customer or to which the customer was not a party, provided,
44 however, that liability pursuant to this subsection shall be limited to losses in
45 excess of fifty dollars in the event the savings and loan association has provided

*According to enrolled Act

46 the customer with a physical object or other method of engaging in a transaction
 47 utilizing electronic impulses which is unique to the customer and the physical
 48 object or other method of engagement has been lost, stolen or otherwise
 49 compromised without the customer having notified the savings and loan
 50 association of such loss, theft or compromise prior to the time of the transaction
 51 causing the loss to the customer.

1 SEC. 7. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two
 2 hundred forty (240), section seventeen (17), amending section five hundred thirty-
 3 four point nineteen (534.19), Code 1975, is amended to read as follows:

4 Sec. 17. Section five hundred thirty-four point nineteen (534.19), Code 1975, is
 5 amended by adding the following new subsections:

6 NEW SUBSECTION. Engage in any transaction otherwise permitted by this
 7 chapter and applicable law, by means of either the direct transmission of
 8 electronic impulses to or from the association or the recording of electronic
 9 impulses or other indicia of a transaction for delayed transmission to the
 10 association. Subject to such rules as may be promulgated by the supervisor *the*
 11 *provisions of division II of this Act*, an association may utilize, establish or operate,
 12 alone or with one or more other associations, banks incorporated under the
 13 provisions of chapter five hundred twenty-four (524) of the Code or the national
 14 banking acts (12 U.S.C. sections 21-95), credit unions incorporated under the
 15 provisions of chapter five hundred thirty-three (533) of the Code or the Federal
 16 Credit Union Act (12 U.S.C. sections 1751-1790) or third parties, ~~terminals or~~
 17 ~~other facilities adaptable to shared usage, by means of which the association may~~
 18 ~~transmit to or receive from any member electronic impulses constituting~~
 19 ~~transactions pursuant to this subsection the satellite terminals permitted under~~
 20 ~~division II of this Act, by means of which the association may transmit to or receive~~
 21 ~~from any member electronic impulses constituting transactions pursuant to this~~
 22 ~~subsection. However, such utilization, establishment or operation shall be lawful only~~
 23 ~~when in compliance with division II of this Act. No terminal or other facility utilized~~
 24 ~~pursuant to this subsection shall be designed in such a manner as to be capable of~~
 25 ~~providing a user thereof, other than a credit union, with information concerning~~
 26 ~~the account of any person with the credit union, unless such information is~~
 27 ~~essential to complete or prevent the completion of the transaction then being~~
 28 ~~engaged in through the use of that terminal or facility. Nothing in this subsection~~
 29 ~~shall be construed as authority for any association or other person to engage in~~
 30 ~~transactions not otherwise permitted by applicable law, nor shall anything in this~~
 31 ~~subsection be deemed to repeal, replace or in any other way affect any applicable~~
 32 ~~law or rule regarding the maintenance of or access to financial information~~
 33 ~~maintained by any credit union association.~~

34 NEW SUBSECTION. A credit union shall be liable to each of its customers
 35 for all losses incurred by such customer as a result of the transmission or
 36 recording of electronic impulses as a part of a transaction not authorized by such
 37 customer or to which the customer was not a party, provided, however, that
 38 liability pursuant to this subsection shall be limited to losses in excess of fifty
 39 dollars in the event the credit union has provided the customer with a physical
 40 object or other method of engaging in a transaction utilizing electronic impulses
 41 which is unique to the customer and the physical object or other method of
 42 engagement has been lost, stolen or otherwise compromised without the customer
 43 having notified the credit union of such loss, theft or compromise prior to the
 44 time of the transaction causing the loss to the customer.

1 SEC. 8. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two
 2 hundred forty (240), sections seven (7) through fourteen (14) are amended by
 3 striking those sections.

4

DIVISION II

1 SEC. 9. Code 1975, is amended by adding sections ten (10) through twenty-
2 one (21) of this Act as a new chapter.

1 SEC. 10. NEW SECTION. **Statement of intent.** The general assembly
2 declares, as its purpose in adopting sections ten (10) through twenty-one (21) of
3 this Act, to provide:

4 1. That electronic funds transfer systems should provide reliable service to the
5 consumer with full protection of privacy of personal financial information.

6 2. That electronic funds transfer systems should not impair the safety and
7 soundness of a person's funds.

8 3. That electronic funds transfer systems are essential facilities in the channels
9 of commerce.

10 4. That regulation of electronic funds transfer systems should be fair and not
11 unduly impede the development of new technologies which benefit the public.

1 SEC. 11. NEW SECTION. **Definitions.** As used in this chapter, the following
2 definitions shall apply unless the context otherwise requires:

3 1. "Satellite terminal" means and includes any machine or device located off
4 the premises of a financial institution, whether attended or unattended, by means
5 of which the financial institution and its customers may engage through either the
6 immediate transmission of electronic impulses to or from the financial institution
7 or the recording of electronic impulses or other indicia of a transaction for
8 delayed transmission to the financial institution, in transactions which are
9 incidental to the conduct of the business of the financial institution and which
10 otherwise are specifically permitted by applicable law. However, the term
11 "satellite terminal" does not include any such machine or device, wherever
12 located, if that machine or device is not generally accessible to persons other than
13 employees of a financial institution or an affiliate of a financial institution.

14 2. "Data processing center" means a facility, wherever located, at which
15 electronic impulses or other indicia of a transaction originating at a satellite
16 terminal are received and are processed in order to enable the satellite terminal to
17 perform any function for which it is designed.

18 3. "Central routing unit" means any facility where electronic impulses or other
19 indicia of a transaction originating at a satellite terminal are received and are
20 routed and transmitted to a financial institution, or to a data processing center, or
21 to another central routing unit, wherever located.

22 4. "Financial institution" means and includes any bank incorporated under the
23 provisions of chapter five hundred twenty-four (524) of the Code or under the
24 national banking acts, Title 12, United States Code, sections twenty-one (21)
25 through ninety-five (95), any savings and loan association incorporated under the
26 provisions of chapter five hundred thirty-four (534) of the Code or under the
27 Home Owners Loan Act of 1933, Title 12, United States Code, sections one
28 thousand four hundred sixty-one (1461) through one thousand four hundred
29 sixty-eight (1468), and any credit union organized under the provisions of chapter
30 five hundred thirty-three (533) of the Code or under the Federal Credit Union
31 Act, Title 12, United States Code, sections one thousand seven hundred fifty-one
32 (1751) through one thousand seven hundred ninety (1790).

33 5. "Premises" means and includes only those locations where by applicable law
34 financial institutions are authorized to maintain a principal place of business and
35 other offices for the conduct of their respective businesses.

36 6. "Administrator" means and includes both the superintendent of banking and
37 the supervisor of savings and loan associations within the office of the auditor of
38 state. However, the powers of administration and enforcement of this chapter
39 shall be exercised only as provided in section twelve (12) of this chapter.

40 7. "Multiple use terminal" means any machine or device to which all of the
41 following are applicable:

42 a. The machine or device is owned or operated by a person who primarily
 43 engages in a service, business or enterprise, including but not limited to the retail
 44 sale of goods or services, but who is not organized under the laws of this state or
 45 under federal law as a bank, savings and loan association, or credit union;

46 b. The machine or device is used by the person by whom it is owned or
 47 operated in some capacity other than as a satellite terminal; and

48 c. A financial institution proposes to contract or has contracted to utilize that
 49 machine or device as a satellite terminal.

1 **SEC. 12. NEW SECTION. Enforcement.**

2 1. For purposes of this chapter the superintendent of banking only shall have
 3 the power to issue rules applicable to, to accept and approve or disapprove
 4 applications or informational statements from, to conduct hearings and revoke
 5 any approvals relating to, and to exercise all other supervisory authority created
 6 by this chapter with respect to banks and credit unions. The supervisor of savings
 7 and loan associations only shall have and exercise such powers and authority with
 8 respect to savings and loan associations.

9 2. The administrator shall have the authority to examine any person who
 10 operates a multiple use terminal or other satellite terminal, and any other device
 11 or facility with which such terminal is interconnected, as to any transaction by,
 12 with, or involving a financial institution. Information obtained in the course of
 13 such an examination shall not be disclosed, except as provided by law.

14 3. Nothing contained in this chapter shall authorize the administrator to
 15 regulate the conduct of business functions or to obtain access to any business
 16 records, data, or information of a person who operates a multiple use terminal,
 17 except those pertaining to a financial transaction engaged in through a satellite
 18 terminal, or as may otherwise be provided by law.

19 4. Nothing contained in this chapter shall be construed to prohibit or to
 20 authorize the administrator to prohibit an operator of a multiple use terminal,
 21 other than a financial institution, or an operator of any other device or facility
 22 with which such terminal is interconnected, other than a central routing unit or
 23 data processing center (as defined in section eleven (11) of this Act) from using
 24 those facilities to perform internal proprietary functions, including the extension
 25 of credit pursuant to an open end credit arrangement.

1 **SEC. 13. NEW SECTION. Establishment of satellite terminals—restrictions.**

2 1. A satellite terminal shall not be established within this state by any financial
 3 institution, except one whose principal place of business is located in this state.

4 2. A financial institution whose principal place of business is located in this
 5 state shall not establish a satellite terminal at any location outside of this state.

6 3. A financial institution may establish any number of satellite terminals within
 7 the boundaries of any municipal corporation, or any urban complex composed of
 8 two or more Iowa municipal corporations each of which is contiguous to or
 9 corners upon at least one of the other municipal corporations within the complex,
 10 if the principal place of business or an office of that financial institution is also
 11 located within the boundaries of that municipal corporation or urban complex. A
 12 financial institution shall not establish a satellite terminal at any other location
 13 except pursuant to an agreement with a financial institution which is authorized
 14 by the preceding sentence to establish a satellite terminal at that location and
 15 which will utilize the satellite terminal so established.

1 **SEC. 14. NEW SECTION. Satellite terminal requirements.** A satellite terminal
 2 may be utilized by a financial institution to the extent permitted in this chapter
 3 only if the satellite terminal is utilized and maintained in compliance with the
 4 provisions of this chapter and only if all of the following are complied with:

5 1. Each satellite terminal shall be established and controlled by a single
 6 financial institution which shall have the duty of maintaining the location, use
 7 and operation of the satellite terminal, wherever located, in compliance with this

8 chapter. The use and operation of each satellite terminal shall be governed by a
9 written agreement between the controlling financial institution and the person
10 controlling the physical location at which the satellite terminal is placed. The
11 written agreement shall specify all of the terms and conditions, including any fees
12 and charges, under which a satellite terminal is placed at that location. In the
13 event a satellite terminal is a multiple use terminal, the written agreement shall
14 specify, and may limit, the specific types of transactions incidental to the conduct
15 of the business of a financial institution which may be engaged in through that
16 terminal.

17 2. The satellite terminal shall be available for use on a nondiscriminatory basis
18 by any other financial institution which has its principal place of business within
19 this state, and by all customers who have been designated by a financial
20 institution using the satellite terminal and who have been provided with a
21 physical object or other method, approved by the administrator, by which to
22 engage in electronic transactions by means of the satellite terminal. No financial
23 institution shall be required to join, be a member or shareholder of, or otherwise
24 participate in any corporation, association, partnership, cooperative or other
25 enterprise as a condition of its utilizing any satellite terminal located within this
26 state. However, for purposes of complying with this subsection, a satellite
27 terminal which is established and controlled by a bank is not required to be
28 available for use by any savings and loan association or credit union; and one
29 established and controlled by a savings and loan association is not required to be
30 available for use by a bank or credit union; and one established and controlled
31 by a credit union, is not required to be available for use by a bank or savings and
32 loan association.

33 The administrator shall have the authority until March 1, 1977, to defer from
34 time to time the application of this subsection and to permit the establishment
35 and utilization of a satellite terminal not meeting the mandatory sharing
36 requirements of this subsection until March 1, 1977, if in the opinion of the
37 administrator it is not in the best interests of maintaining safety and security of
38 the financial structures of this state to require shared usage, and if in the opinion
39 of the administrator those financial institutions being permitted to establish
40 satellite terminals are in good faith attempting to perfect the system to the point
41 where shared usage would provide safety and security. This paragraph is repealed
42 effective March 1, 1977.

43 3. An informational statement shall be filed and shall be maintained on a
44 current basis with the administrator by the financial institution controlling the
45 satellite terminal, which sets forth all of the following:

- 46 a. The name and business address of the controlling financial institution;
- 47 b. The location of the satellite terminal;
- 48 c. A schedule of the charges which will be required to be paid by any financial
49 institution utilizing the satellite terminal; and
- 50 d. An agreement with the administrator that the financial institution controlling
51 the satellite terminal will maintain that satellite terminal in compliance with the
52 provisions of this chapter.

53 The informational statement shall be accompanied by a copy of the written
54 agreement required by subsection one (1) of this section. The informational
55 statement also shall be accompanied by a statement or copy of any agreement,
56 whether oral or in writing, between the controlling financial institution and any
57 data processing center or any central routing unit, unless operated by or solely on
58 behalf of the controlling financial institution, by which transactions originating at
59 that terminal will be received.

60 4. The satellite terminal shall not be attended or operated at any time by an
61 employee of any financial institution or an affiliate of a financial institution,
62 except for the purpose of instructing customers, on a temporary basis, in the use
63 of the satellite terminal, for the purpose of testing the terminal, or for the purpose
64 of transacting business on the employee's own behalf.

65 5. The satellite terminal shall bear a sign or label identifying each type of
66 financial institution utilizing the terminal. A satellite terminal location shall not
67 be used to advertise individual financial institutions or any group of financial
68 institutions. The administrator is empowered to authorize such methods of
69 identification as he or she deems necessary to enable the general public to
70 determine the accessibility of the satellite terminal.

71 6. The charges required to be paid by any financial institution which utilizes
72 the satellite terminal shall not exceed a pro rata portion of the costs, determined
73 in accordance with generally accepted accounting principles, of establishing,
74 operating and maintaining the satellite terminal, plus a reasonable return on these
75 costs to the owner of the satellite terminal.

76 7. If the administrator finds grounds, under any applicable law or rule, for
77 denying establishment of a satellite terminal the administrator shall notify the
78 person filing the informational statement or an amendment thereto, within thirty
79 days of the filing thereof, of the existence of such grounds. If such notification is
80 not given by the administrator, he or she shall be considered to have expressly
81 approved the establishment and operation of the satellite terminal as described in
82 the informational statement or amendment and according to the agreements
83 attached thereto, and operation of the satellite terminal in accordance therewith
84 may commence on or after the thirtieth day following such filing. However, this
85 subsection shall not be construed to prohibit the administrator from enforcing the
86 provisions of this chapter, nor shall it be construed to constitute a waiver of any
87 prohibition, limitation or obligation imposed by this chapter.

88 8. A satellite terminal shall not be operated in a manner to permit a person to
89 credit any demand deposit account, savings account, share account, or any other
90 account representing a liability of a financial institution to that person, except
91 transfers between separate accounts of that person with the same financial
92 institution, unless the satellite terminal is located either (a) within the county in
93 which that financial institution maintains its principal place of business or within
94 a county which is contiguous to or corners upon the county in which that
95 financial institution maintains its principal place of business; or (b) within the
96 boundaries of any municipal corporation or any urban complex composed of two
97 or more Iowa municipal corporations each of which is contiguous to or corners
98 upon at least one of the other municipal corporations within the complex, if an
99 office of that financial institution which is not its principal place of business is
100 also located within the boundaries of that municipal corporation or urban
101 complex.

102 9. A satellite terminal shall not be operated in any manner to permit a person
103 to credit any demand deposit account, savings account, share account or any
104 other account representing a liability of a financial institution, if that financial
105 institution is located outside of this state.

1 SEC. 15. NEW SECTION. **Disclosure of terms.** Prior to permitting a customer
2 or member to engage in transactions in such person's account with a financial
3 institution through use of a satellite terminal, the financial institution shall
4 provide such person with a written statement which sets forth the terms under
5 which such transactions will be permitted, including, but not limited to, the
6 following information:

7 1. The specific transactions which, subject to the capabilities of individual
8 satellite terminals, may be performed through a satellite terminal by such person.

9 2. The fixed charges, if any, for permitting such person to engage in
10 transactions through a satellite terminal.

11 The charges, if any, for individual transactions engaged in through a satellite
12 terminal, and the method for determining such charges.

13 3. The minimum balance, if any, which must be maintained by such person in
14 an account with a financial institution as a condition for engaging in transactions
15 in such account through a satellite terminal.

16 4. The limitation on the liability of the customer or member for losses incurred
17 by such person as a result of transactions through a satellite terminal which were
18 not authorized by such person or to which such person was not a party.

19 5. The legal status of receipts issued from a satellite terminal.

20 6. The right of the customer or member to a description of transactions
21 performed through a satellite terminal on any periodic statement of an account of
22 such person affected by such transactions.

23 7. The right of the customer or member to seek correction of any errors
24 believed by such person to have been made as a result of any transaction through
25 a satellite terminal affecting an account of such person with the financial
26 institution.

1 SEC. 16. NEW SECTION. **Records maintained.** All transactions engaged in
2 through a satellite terminal shall be recorded in a form from which it will be
3 possible to produce a humanly readable record of any transaction, and these
4 recordings shall be retained by the utilizing financial institutions for the periods
5 required by law.

6 The machine receipt provided to a satellite account transaction card user by a
7 satellite terminal shall be admissible as evidence in any legal action or proceeding
8 and shall constitute prima facie proof of the transaction evidenced by that receipt.

9 A financial institution shall provide each of its satellite account holders with a
10 periodic account statement that shall contain a brief description of all satellite
11 terminal transactions sufficient to enable the account holder to identify any
12 transaction and to relate it to machine receipts provided by satellite terminals.

13 When a periodic account statement includes both satellite terminal transactions
14 and other nonsatellite terminal transactions, all satellite terminal transactions
15 shall be indicated as such, and shall be accompanied by the description required
16 by this subsection.

17 The administrator may provide by rule for the recording and maintenance, by
18 any financial institution utilizing a satellite terminal, of amounts involved in a
19 transaction engaged in through the satellite terminal which are of a known tax
20 consequence to the customer initiating the transaction. For the purpose of this
21 paragraph "known tax consequences" means and includes but shall not be limited
22 to the following:

23 1. An amount directly or indirectly received from a customer and applied to a
24 loan account of the customer which represents interest paid by the customer to
25 the financial institution.

26 2. In any transaction where the total amount involved is deducted from funds
27 in a customer's account and is simultaneously paid either directly or indirectly by
28 the financial institution to the account of a third party, any portion of the
29 transaction amount which represents a sales or other tax imposed upon or
30 included within the transaction and collected by that third party from the
31 customer, or any portion of the transaction amount which represents interest paid
32 to the third party by the customer.

33 3. Any other transaction which the administrator determines to have direct tax
34 consequences to the customer. The administrator also may provide for the
35 periodic distribution to customers of summaries of transactions having known tax
36 consequences.

1 SEC. 17. NEW SECTION. **Liability and errors.**

2 1. As a condition of exercising the privilege of utilizing a satellite terminal, a
3 financial institution shall be liable to each of its customers for all losses incurred
4 by such customer as a result of the transmission or recording of electronic
5 impulses as a part of a transaction not authorized by such customer or to which
6 the customer was not a party. However, in the event the financial institution has
7 provided the customer with a physical object or other method of engaging in a
8 transaction at a satellite terminal which is unique to the customer, and losses are
9 incurred by the customer as a result of the theft, loss or other compromise of that

10 physical object or other method of engagement, the liability of the financial
11 institution pursuant to this section shall not include the first fifty dollars of any
12 losses incurred prior to the time the customer notifies the financial institution of
13 such theft, loss or compromise.

14 2. If, upon receipt of a periodic statement of account from a financial
15 institution, a customer or member of the financial institution believes that the
16 statement contains an error with respect to a transaction engaged in by such
17 person through a satellite terminal, then such person shall, within sixty (60) days
18 of the date on which such statement was mailed or otherwise delivered by the
19 financial institution, notify the financial institution by means of a writing which
20 (a) sets forth or otherwise enables the financial institution to identify the member
21 or customer and the number of the account in question; (b) indicates the
22 customer's or member's belief that the statement contains an error with respect to
23 a transaction engaged in by such person through a satellite terminal, and states
24 the amount of the alleged error; and (c) sets forth the reasons for the person's
25 belief that the statement contains such an error. Unless the action required in
26 subsection three (3) of this section is taken prior to the end of the thirty (30) day
27 period, the financial institution shall acknowledge in writing its receipt of the
28 notice provided for in this subsection within thirty (30) days of its actual receipt
29 thereof.

30 3. Within ninety (90) days of the financial institution's receipt of the notice
31 described in subsection two (2) of this section, it shall either:

32 a. Correct the account in question and provide the customer or member with
33 written notification of the correction and, if the correction is not in the exact
34 amount of the alleged error, provide such person with a written explanation of
35 any difference between the alleged error and the correction made; or

36 b. Provide the customer or member with a written explanation, after having
37 conducted an investigation of the matter, stating the reason the financial
38 institution believes the statement is correct and, within thirty (30) days of further
39 written request of the customer or member, provide such person with a written
40 copy of the record of the transaction in question, as maintained by the financial
41 institution pursuant to section sixteen (16) of this Act.

42 4. A financial institution which has received a notice specified in subsection
43 two (2) of this section shall not, prior to its compliance with subsection three (3)
44 of this section, close the account concerning which the dispute exists or restrict
45 transactions in such account which affect only the portion thereof which is not in
46 dispute. A financial institution which has complied with the provisions of
47 subsection three (3) of this section with respect to an alleged error concerning a
48 transaction engaged in through a satellite terminal shall have no further
49 responsibility under subsections two (2) through four (4) of this section if the
50 customer or member continues to make substantially the same allegation with
51 respect to such error.

52 5. If the correction of any error relating to a transaction engaged in through a
53 satellite terminal in an account of a customer or member results in a credit to
54 such account, the financial institution shall additionally credit such account with
55 any amount of interest which would have been paid to such customer or member
56 by the financial institution except for the error, or which was paid by such person
57 to the financial institution as a result of the error.

58 6. A financial institution which fails to comply with the provisions of
59 subsections two (2) through five (5) of this section shall be liable to the customer
60 or member who has complied with such provisions for a civil penalty in the
61 amount of fifty dollars.

1 **SEC. 18. NEW SECTION. Central routing units.**

2 1. A central routing unit shall not be operated in this state unless written
3 approval for that operation has been obtained from the administrator.

- 4 2. A person desiring to operate a central routing unit shall submit to the
 5 administrator an application which shall contain all of the following information:
 6 a. The name and business address of the owner of the proposed unit.
 7 b. The name and business address of each data processing center and other
 8 central routing unit with which the proposed central routing unit will have direct
 9 electronic communication.
 10 c. The location of the proposed central routing unit.
 11 d. A schedule of the charges which will be required to be paid to that applicant
 12 by each financial institution which utilizes the proposed central routing unit.
 13 The application shall be accompanied by all agreements between the proposed
 14 central routing unit and all data processing centers and other central routing units
 15 respecting the transmission of transaction data; and a copy of any agreement
 16 between the proposed central routing unit and any financial institution
 17 establishing a satellite terminal unless that agreement theretofor* has been filed
 18 with the administrator pursuant to section fourteen (14) of this Act.
 19 e. An agreement by the applicant that the proposed central routing unit will be
 20 capable of accepting and routing, and will be operated to accept and route,
 21 transmissions of data originating at any satellite terminal located in this state and
 22 controlled by the same type of financial institution as those financial institutions
 23 previously utilizing the services of the applicant central routing unit, whether
 24 received from that terminal or from a data processing center or other central
 25 routing unit. For the purposes of this paragraph the term "type of financial
 26 institution" shall, notwithstanding the issuer of the financial institution's charter,
 27 mean either (a) banks; or (b) savings and loan associations; or (c) credit unions.
 28 3. The administrator shall approve or disapprove an application for operation
 29 of a central routing unit within sixty days after receipt.
 30 4. A central routing unit operating under the approval of the administrator
 31 shall be subject to examination by the administrator for the purpose of
 32 determining compliance with this chapter.

1 SEC. 19. NEW SECTION. **Confidentiality.** A satellite terminal, data
 2 processing center, or central routing unit shall not be operated in any manner to
 3 permit any person to obtain information concerning the account of any person
 4 with a financial institution, unless such information is essential to complete or
 5 prevent the completion of a transaction then being engaged in through the use of
 6 that facility.

1 SEC. 20. NEW SECTION. **Rule-making.** The administrator shall have the
 2 power to adopt and promulgate rules pursuant to chapter seventeen A (17A) of
 3 the Code as in his or her opinion will be necessary to properly and effectively
 4 carry out and enforce the provisions of this chapter.

1 SEC. 21. NEW SECTION. **Revocation of privilege.** Whenever the
 2 administrator determines, upon notice and hearing pursuant to chapter seventeen
 3 A (17A) of the Code, that a satellite facility or data processing center or central
 4 routing unit is being operated in violation of this chapter, the administrator may
 5 revoke the approval to operate that facility. If the administrator does not have
 6 any direct authority over the facility because of the provisions of section twelve
 7 (12) of this Act, the administrator may revoke with respect to any financial
 8 institution over which he or she does have direct authority the privilege to engage
 9 in transactions through or with that facility. A revocation by the administrator
 10 shall be effective when ordered by the administrator, anything in chapter
 11 seventeen A (17A) of the Code to the contrary notwithstanding. The
 12 administrator may bring an action in the district court in the name of the state to
 13 enjoin any financial institution or other person who continues to utilize or to
 14 operate a satellite terminal or data processing center or central routing unit after

*According to enrolled Act

15 the approval has been revoked. The administrator also may bring such an action
 16 to enjoin any person who fails to obtain any approval required by this chapter.

Approved June 26, 1976

CHAPTER 1215

STATE BANKS INVESTMENTS

S. F. 357

AN ACT relating to investment by state banks in revenue bonds issued by municipalities in support of industrial projects.

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

1 SECTION 1. Section five hundred twenty-four point nine hundred one
 2 (524.901), Code 1975, is amended by striking subsection two (2) and inserting in
 3 lieu thereof the following:

4 2. A state bank may invest for its own account in other readily marketable
 5 bonds or securities, with investment characteristics as defined by the
 6 superintendent by general regulation applicable to all state banks, subject to the
 7 following limitations:

8 a. The total amount of such bonds or securities of any one issuer or obligor,
 9 other than revenue bonds issued by a municipality pursuant to section four
 10 hundred nineteen point two (419.2) of the Code, shall not exceed twenty percent
 11 of the capital and surplus of the state bank.

12 b. The total amount of revenue bonds issued by a municipality pursuant to
 13 section four hundred nineteen point two (419.2) of the Code which have been
 14 issued on behalf of any one lessee, as defined in section four hundred nineteen
 15 point one (419.1) of the Code, or which are guaranteed by any one guarantor, or
 16 which are issued on behalf of or guaranteed by a corporation, a ten percent or
 17 greater ownership interest in which is held by or in common with a lessor or
 18 guarantor, or any combination of the foregoing whereby the municipality could
 19 receive revenues for payment of such bonds from any one person or any group of
 20 persons under common control, shall not exceed twenty percent of the capital and
 21 surplus of the state bank. A state bank shall obtain the express consent of the
 22 superintendent prior to investment by that bank of an amount in excess of twenty
 23 percent of its capital and surplus in bonds or securities issued by any one
 24 municipality.

25 c. No bond or security shall be eligible for investment by a state bank within
 26 this subsection if the bond or security has been in default either as to principal or
 27 interest at any time within five years prior to the date of purchase.

Approved May 20, 1976

CHAPTER 1216

RESIDENTIAL LOANS BY BANKS

S. F. 443

AN ACT relating to loans on residential real property by state banks.

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

1 SECTION 1. Section five hundred twenty-four point nine hundred five
 2 (524.905), subsection two (2), Code 1975, is amended to read as follows:

3 2. A state bank may make permanent loans or combined construction and
 4 permanent loans, secured by liens on residential real property consisting of single

5 family or two family residences in amounts not to exceed as follows:
 6 a. Eighty percent of the appraised value of the real property offered as security
 7 and for a term not longer than twenty-five years, provided that the loan is secured
 8 by an amortized mortgage, deed of trust or other such instrument under the terms
 9 of which the installment payments are sufficient to amortize the entire principal
 10 of the loan within a period of not more than twenty-five years.
 11 b. Ninety a. In an amount not to exceed ninety percent of the appraised value of
 12 the real property offered as security and for a term not longer than thirty years,
 13 provided that the loan is secured by an amortized mortgage, deed of trust or other
 14 such instrument under the terms of which the installment payments are sufficient
 15 to amortize the entire principal of the loan within the period ending on the date
 16 of its maturity and provided further, that at least twenty percent of the loan is
 17 insured by a financially responsible private mortgage insurance company
 18 authorized to do business in this state, a period of not more than thirty years.
 19 e b. In the case of a combined construction and permanent loan made pursuant
 20 to this subsection, the amount of the loan shall not exceed eighty or ninety
 21 percent, as the case may be, of the value of the property upon completion of the
 22 construction.

1 SEC. 2. Section five hundred twenty-four point nine hundred five (524.905),
 2 subsection six (6), paragraph e, Code 1975, is amended by adding the following
 3 new subparagraph:

4 NEW SUBPARAGRAPH. In the case of a loan made for the purpose of the
 5 construction for or purchase by the borrower of a single-family or two-family
 6 residence, on the borrower's general credit and income.

Approved March 5, 1976

CHAPTER 1217

STATE BANK INVESTMENTS AS A FIDUCIARY

S. F. 442

AN ACT relating to permissible investments by a state bank acting in a fiduciary capacity.

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

1 SECTION 1. Section five hundred twenty-four point one thousand two
 2 (524.1002), subsection two (2), Code 1975, is amended to read as follows:

3 2. Funds of a fiduciary account may be deposited in the state bank which is
 4 acting as fiduciary, either as demand deposits, savings deposits or, for a period
 5 not exceeding one year, in single maturity time deposits or automatically
 6 renewable time deposits for the same lengths of time as originally issued time
 7 deposits having a single or multiple maturity.

Approved March 11, 1976

CHAPTER 1218

CREDIT UNION LOAN TO ITS DIRECTOR

H. F. 1226

AN ACT relating to loans made by a credit union to its director.

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

1 SECTION 1. Section five hundred thirty-three point sixteen (533.16),
 2 unnumbered paragraph one (1), Code 1975, as amended by Acts of the Sixty-sixth
 3 General Assembly, 1975 Session, chapter two hundred forty-one (241), section ten
 4 (10), is amended to read as follows:

5 A credit union may loan to members. Loans must be for a provident or
 6 productive purpose and are made subject to the conditions contained in the
 7 bylaws. A borrower may repay his loan in whole or in part any day the office of
 8 the credit union is open for business. A director of a credit union may borrow
 9 from that credit union under the provisions of this chapter, but the loan shall not
 10 be made on terms more favorable than those extended to other members ~~and~~
 11 ~~shall be made only after the.~~ *A director of a credit union may borrow from that*
 12 *credit union to the extent and in the amount of such director's holdings in the credit*
 13 *union in shares and deposits. A director desiring to borrow from the credit union an*
 14 *amount in excess of the director's holdings in shares and deposits shall first submit*
 15 *application for approval by the board of directors at a regular or special meeting.*
 16 The director making application for the loan shall not be in attendance at the
 17 time the board of directors considers ~~his the~~ application and shall not take part in
 18 the consideration. ~~The loan shall be made only if the director has submitted~~ *Prior*
 19 *to consideration of such loan, the director must have submitted to the board a detailed*
 20 *current financial statement. The aggregate amount of director loans shall not*
 21 *exceed twenty percent of the assets of the credit union. Loans secured by a*
 22 *mortgage or deed of trust upon real property may be made only on*
 23 *unencumbered property located in Iowa and in bordering counties of adjacent*
 24 *states and every such loan shall comply with one of the following conditions:*

Approved April 26, 1976

CHAPTER 1219

ACCOUNTING IN STATE AUDITOR'S OFFICE

H. F. 114

AN ACT to modify certain accounting procedures of the office of auditor of state.

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

1 SECTION 1. Section five hundred thirty-four point forty-one (534.41),
 2 subsection five (5), Code 1975, is amended to read as follows:

3 5. Expenses and per diem. Where the examination is made under the provisions
 4 of subsection 3 of this section, each examiner shall file with the auditor of state
 5 an itemized, certified and sworn voucher of his expense for the time such
 6 examiner is actually engaged in such examination. On the fifteenth and last days
 7 of each month each examiner shall file in triplicate with the auditor of state a
 8 certified statement of the actual days engaged in such examination. The salaries

9 shall be included in a semimonthly payroll. Upon approval of the auditor of state
 10 the state comptroller is hereby authorized to issue warrants for the payment of
 11 said vouchers, and salary payments, other than vacation or sick leave salaries,
 12 including a prorated amount for vacation and sick leave, from funds appropriated to
 13 the savings and loan division revolving fund. Repayment to the state shall be made
 14 as provided by section 534.61, subsection 4.

Approved April 19, 1976

CHAPTER 1220

SECURITIES ON CREDIT—INTEREST RATE

S. F. 503

AN ACT relating to the maximum interest rate payable by persons purchasing securities on credit.

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

1 SECTION 1. Section five hundred thirty-five point two (535.2), subsection two
 2 (2), Code 1975, is amended to read as follows:
 3 2. Any domestic or foreign corporation or real estate investment trust as
 4 defined in section 856 of the Internal Revenue Code, and any person purchasing
 5 securities as defined in chapter five hundred two (502) of the Code on credit from a
 6 broker or dealer registered or licensed under chapter five hundred two (502) of the
 7 Code or under the Security Exchange Act of 1934, 48 Stat. 881, 15 United States
 8 Code 78A, as amended, may agree in writing to pay any rate of interest in excess
 9 of the rate prescribed in subsection 1 hereof, and no such corporation or real
 10 estate investment trust or person so agreeing in writing shall plead or interpose the
 11 claim or defense of usury in any action or proceeding.

Approved May 11, 1976

CHAPTER 1221

CONSUMER CREDIT

H. F. 1512

AN ACT relating to the Iowa consumer credit code.

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

1 SECTION 1. Section five hundred thirty-seven point one thousand three
 2 hundred one (537.1301), subsection twenty-nine (29), paragraph d, Code 1975, is
 3 amended to read as follows:
 4 d. Either the consumer has the privilege of paying in full or in installments, or
 5 the transaction is a consumer credit transaction solely because a delinquency charge
 6 or the like is treated as a finance charge pursuant to subparagraph one (1) of
 7 paragraph b of subsection twenty (20) of section five hundred thirty-seven point one
 8 thousand three hundred one (537.1301) of the Code, or the creditor otherwise
 9 periodically imposes charged* charges computed on the account for delaying

*According to enrolled Act

10 payment of it and permits the consumer to continue to purchase or lease on
11 credit.

1 SEC. 2. Section five hundred thirty-seven point one thousand three hundred
2 one (537.1301), subsections thirty (30) and thirty-two (32), Code 1975, are
3 amended to read as follows:

4 30. "Organization" means a corporation, government or governmental
5 subdivision or agency, trust, estate, ~~partnership~~, co-operative, or association.

6 32. "Person" means:

7 a. A natural person, *partnership*, or an individual.

8 b. An organization.

Approved June 23, 1976

CHAPTER 1222

CONSUMER CREDIT CODE

S. F. 194

AN ACT relating to the selling of tangible goods by a licensee authorized to make supervised loans pursuant to the "Iowa Consumer Credit Code".

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

1 SECTION 1. Section five hundred thirty-seven point two thousand three
2 hundred ten (537.2310), subsection two (2), Code 1975, is amended by adding the
3 following new paragraph:

4 NEW PARAGRAPH. Sales of property or items by the licensee which are not for
5 the profit of the licensee and which are sold for a price not exceeding fifteen
6 dollars.

Approved May 21, 1976

CHAPTER 1223

AGRICULTURE CREDIT EXEMPTION TO CONSUMER CODE

H. F. 1494

AN ACT exempting agricultural credit transactions from application of Iowa consumer credit code provisions relating to executory transactions.

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

1 SECTION 1. Section five hundred thirty-seven point three thousand three
2 hundred ten (537.3310), subsection one (1), Code 1975, is amended to read as
3 follows:

4 1. In a consumer credit transaction, *other than one for an agricultural purpose*, if
5 performance by a creditor is by delivery of goods, services or both, in four or
6 more installments, either on demand of the consumer or by prearranged
7 scheduled performance, the consumer shall have the right to cancel the obligation

8 with respect to that part which has not been performed on the date of
9 cancellation.

Approved April 26, 1976

CHAPTER 1224

TRADE AND COMMERCE

H. F. 584

AN ACT relating to competition between business, commercial, or professional entities, prohibiting unreasonable restraints of economic activities, providing for enforcement, and providing criminal and civil penalties.

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

1 SECTION 1. NEW SECTION. **Short title.** This Act shall be known and may be
2 cited as the "Iowa Competition Law".

1 SEC. 2. NEW SECTION. **Construction.** This Act shall be construed to
2 compliment and be harmonized with the applied laws of the United States which
3 have the same or similar purpose as this Act. This construction shall not be made
4 in such a way as to constitute a delegation of state authority to the federal
5 government, but shall be made to achieve uniform application of the state and
6 federal laws prohibiting restraints of economic activity and monopolistic
7 practices.

1 SEC. 3. NEW SECTION. **Definitions.** As used in this Act, unless the context
2 otherwise requires:

3 1. "Commodity" means tangible or intangible property, real, personal, or
4 mixed.

5 2. "Enterprise" means a business, commercial or professional entity, including
6 a corporation, partnership, limited partnership, professional corporation,
7 proprietorship, incorporated or unincorporated association, or other form of
8 organization.

9 3. "Government agency" means the state, its political subdivisions, and any
10 public agency supported in whole or in part by taxation.

11 4. "Person" means a natural person, estate, trust, enterprise or government
12 agency.

13 5. "Price" includes the terms and conditions of sale, rental, rate, fee, or any
14 other form of payment for a commodity or service.

15 6. "Relevant market" means the geographical area of actual or potential
16 competition in a line of commerce, all or any part of which is within this state.

17 7. "Service" means any activity which is performed in whole or part for
18 financial gain.

19 8. "Trade or commerce" means any economic activity involving or relating to
20 any commodity, service, or business activity.

1 SEC. 4. NEW SECTION. **Restraint prohibited.** A contract, combination, or
2 conspiracy between two or more persons shall not restrain or monopolize trade or
3 commerce in a relevant market.

1 SEC. 5. NEW SECTION. **Monopoly prohibited.** A person shall not attempt to
2 establish or establish, maintain, or use a monopoly of trade or commerce in a
3 relevant market for the purpose of excluding competition or of controlling, fixing,
4 or maintaining prices.

1 SEC. 6. NEW SECTION. **Exemptions.** This Act shall not be construed to
2 prohibit:

3 1. The activities of any labor organization, individual members of such an
4 organization, or group of such organizations, of any employer or group of
5 employers, or of any groups of employees, if these activities are directed solely to
6 legitimate labor objectives which are permitted under the laws of either this state
7 or the United States.

8 2. The activities of any agricultural or horticultural organization, whether
9 incorporated or unincorporated, or of the individual members of such
10 organizations, if these activities carry out the legitimate objectives of such
11 organizations, to the extent permitted under the laws of either this state or the
12 United States.

13 3. The activities of persons engaged in the production of agricultural products
14 when these persons act together in associations, corporate or otherwise, with or
15 without capital stock, in collectively processing, preparing for market, handling,
16 and marketing the products of these persons, to the extent permitted under the
17 laws of either this state or the United States. These associations may have
18 marketing and purchasing agencies in common and their members may make the
19 necessary contracts and agreements to effect such purposes. However, such
20 associations must be operated for the mutual benefit of the members of these
21 associations acting as producers to qualify under this subsection.

22 4. The activities or arrangements expressly approved or regulated by any
23 regulatory body or officer acting under authority of this state or of the United
24 States.

1 SEC. 7. NEW SECTION. **Attorney general to enforce.** The attorney general,
2 with such assistance as may be required from time to time of the county attorneys
3 in their respective counties, shall institute all criminal and civil actions and
4 proceedings brought under this Act in the name of the state.

1 SEC. 8. NEW SECTION. **Venue.** A suit or proceeding brought under this Act
2 may be brought in the county where the cause of action arose, where any
3 defendant resides or transacts business, or where an act in furtherance of the
4 conduct prohibited by this Act occurred.

1 SEC. 9. NEW SECTION. **Investigation.**

2 1. If the attorney general has reasonable cause to believe that a person has
3 engaged in or is engaging in conduct prohibited by this Act, the attorney general
4 shall make such investigation as is deemed necessary and may, prior to the
5 commencement of a suit against this person under this Act:

6 a. Issue written demand on this person, its officers, directors, partners,
7 fiduciaries, or employees to compel their attendance before the attorney general
8 and examine them under oath;

9 b. Issue written demand to produce, examine, and copy a document or tangible
10 item in the possession of this person or its officers, directors, partners, or
11 fiduciaries;

12 c. Upon an order of a district court, pursuant to a showing that such is
13 reasonably necessary to an investigation being conducted under this section:

14 (1) Compel the attendance of any other person before the attorney general and
15 examine this person under oath;

16 (2) Require the production, examination, and copying of a document or other
17 tangible item in the possession of such person; and,

18 d. Upon an order of a district court, impound a document or other tangible
19 item produced pursuant to this section and retain possession of it until the
20 completion of all proceedings arising out of the investigation.

21 2. A written demand or court order issued pursuant to this section shall contain
22 the following information, as applicable:

- 23 a. A reference to this Act and a general description of the subject matter being
24 investigated;
- 25 b. The date, time and place at which any person is to appear or to produce
26 documents or other tangible items;
- 27 c. Where the production of documents or other tangible items is required, a
28 description of such documents or items by class with sufficient clarity so that they
29 may be reasonably identified.
- 30 3. Any procedure, testimony taken, or material produced under this section
31 shall be sealed by the court and be kept confidential by the attorney general, until
32 an action is filed against a person under this Act for the violation under
33 investigation, unless confidentiality is waived by the person being investigated
34 and the person who has testified, answered interrogatories, or produced material,
35 or unless disclosure is authorized by the court for the purposes of interstate
36 cooperation in enforcing this Act and similar state and federal laws.
- 37 4. This Act shall not be construed to limit or abridge statutory or constitutional
38 limitations on self-incrimination.
- 39 5. Evidence obtained from a natural person pursuant to the provisions of this
40 section shall not be introduced in a subsequent criminal prosecution of this
41 person. However, evidence obtained from a natural person pursuant to a grand
42 jury proceeding may be so introduced.

1 **SEC. 10. NEW SECTION. Investigation enforcement.** If a person objects or
2 otherwise fails to obey a written demand or court order issued under section nine
3 (9) of this Act, the attorney general may file in the district court of the county in
4 which the person resides or maintains a principal place of business within this
5 state an application for an order to enforce the demand or order. Notice of
6 hearing and a copy of the application shall be served upon the person, who may
7 appear in opposition to the application. If the court finds that the demand or
8 order is proper, that there is reasonable cause to believe there has been a violation
9 of this Act, and that the information sought or document or object demanded is
10 relevant to the violation, it shall order the person to comply with the demand or
11 order, subject to such modification as the court may prescribe. Upon motion by
12 the person and for good cause shown, the court may make any further order in
13 the proceedings which justice requires to protect the person from unreasonable
14 annoyance, embarrassment, oppression, burden, or expense.

1 **SEC. 11. NEW SECTION. Protective orders.** Before the attorney general files
2 an application under section ten (10) of this Act and upon application of any
3 person who was served a written demand or court order under section nine (9) of
4 this Act, upon notice and hearing, and for good cause shown, the district court
5 may make any order which justice requires to protect the person from annoyance,
6 embarrassment, oppression, or undue burden of expense, including the following:

7 1. That the examination of this person shall not be taken or that documents or
8 other tangible items shall not be produced for inspection and copying;

9 2. That the examination or production of documents or other tangible items
10 shall be had only on specified terms and conditions, including a change in the
11 time or place;

12 3. That certain matters shall not be inquired into or that the scope of the
13 examination or production shall be limited to certain matters;

14 4. That the examination or production and inspection shall be conducted with
15 only those persons present as designated by the court;

16 5. That the transcript of the examination shall be sealed and be opened only by
17 order of the court;

18 6. That a trade secret or other confidential research, development, or
19 commercial information shall not be disclosed or shall be disclosed only in a
20 designated way.

1 SEC. 12. NEW SECTION. **Remedies.** The state or a person who is injured or
2 threatened with injury by conduct prohibited under this Act may bring suit to:

3 1. Prevent or restrain conduct prohibited under this Act and remove the
4 conduct's effect by injunction, divestiture, divorcement, dissolution of domestic
5 enterprises right to do business in this state, compelling the forfeiture or restraint
6 of the issuance of a certificate of incorporation, permit to transact business,
7 license, or franchise, or granting other equitable relief. The state may bring suit
8 under this section without posting bond.

9 2. Recover actual damages resulting from conduct prohibited under this Act.

10 3. Recover, at the court's discretion, exemplary damages which do not exceed
11 twice the actual damages awarded under subsection two (2) of this section if:

12 a. The trier of fact determines that the prohibited conduct is willful or flagrant;
13 and,

14 b. The person bringing suit is not the state.

15 4. Recover the necessary costs of bringing suit, including a reasonable attorney
16 fee. However, the state may not recover any attorney fee.

1 SEC. 13. NEW SECTION. **Civil penalty.** In addition to suit under section
2 twelve (12) of this Act, the state may bring suit to assess a civil penalty against an
3 enterprise whose conduct is prohibited under this Act. The suit may be tried to
4 the jury and the civil penalty provided for in this section shall be imposed by the
5 court. The civil penalty assessed shall not exceed ten percent of the total value of
6 the specific commodities by their brand, make, and size or of services either of
7 which were the subject of the prohibited conduct sold in the relevant market in
8 this state by the enterprise in each year in which this conduct occurred, but this
9 penalty shall not exceed one hundred fifty thousand (150,000) dollars. In
10 computing this penalty, only the four most recent years in which the prohibited
11 conduct occurred, as of commencement of suit under this section, shall be used in
12 the computation.

1 SEC. 14. NEW SECTION. **Criminal penalties.** A person or a natural person
2 having substantial control over an enterprise who knowingly and willfully engages
3 in conduct prohibited by this Act shall be, upon conviction, fined not to exceed
4 twenty-five thousand (25,000) dollars, imprisoned in the county jail for not more
5 than six months, or both so fined and imprisoned.

1 SEC. 15. NEW SECTION. **Election of remedies.** The bringing of suit to assess
2 a civil penalty against a person by filing a petition shall be an election of
3 remedies to not bring a criminal prosecution against this person. The bringing of
4 a criminal prosecution against a person by filing an information or returning an
5 indictment shall be an election of remedies to not bring suit to assess a civil
6 penalty against this person.

1 SEC. 16. NEW SECTION. **Limitations.**

2 1. Suit by the state to assess a civil penalty or to obtain a criminal conviction
3 under this Act must be commenced within four years after the cause of action
4 accrues or, if there is fraudulent concealment of this cause of action, within four
5 years after the cause of action becomes known, whichever period is later.

6 2. Suit under section twelve (12) of this Act must be commenced within four
7 years after the cause of action accrues or, if there is a fraudulent concealment of
8 this cause of action, within four years after the cause of action becomes known,
9 whichever period is later. However, if this cause is based, in whole or part, on the
10 same set of facts as alleged in a suit brought under section thirteen (13) of this
11 Act, this period shall be suspended until one year after the suit brought under
12 section thirteen (13) of this Act is concluded.

1 SEC. 17. NEW SECTION. **Prima facie evidence.** A final decree or judgment,
2 other than a consent decree or consent judgment entered before trial, in a suit
3 brought by the state is prima facie evidence against the defendant in a suit

4 brought by any person other than the state under section twelve (12) of this Act
 5 as to all matters respecting which this decree or judgment would be an estoppel
 6 between the state and the defendant. This section shall not affect the application
 7 of collateral estoppel or issue preclusion.

1 SEC. 18. Chapter five hundred fifty-three (553), Code 1975, is repealed.

1 SEC. 19. NEW SECTION. **Effective date.** This Act shall take effect on
 2 January 1, 1977.

Approved June 28, 1976

CHAPTER 1225

PUBLIC IMPROVEMENTS BONDS

H. F. 1327

AN ACT relating to public improvements bond and conditions.

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

1 SECTION 1. Section five hundred seventy-three point two (573.2), Code 1975, is
 2 amended to read as follows:

3 **573.2 Public improvements—bond and conditions.** Contracts for the
 4 construction of a public improvement shall, when the contract price equals or
 5 exceeds ~~one~~ five thousand dollars, be accompanied by a bond, with surety,
 6 conditioned for the faithful performance of the contract, and for the fulfillment of
 7 such other requirements as may be provided by law. Such bond may also be
 8 required when the contract price does not equal said amount.

Approved March 23, 1976

CHAPTER 1226

BONDED AGRICULTURAL WAREHOUSES

H. F. 807

AN ACT relating to bonded agricultural warehouses.

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

1 SECTION 1. Section five hundred forty-three point one (543.1), subsection eight
 2 (8), Code 1975, is amended to read as follows:

3 8. "Warehouseman" means any person engaged in the business of operating *or*
 4 *controlling* a warehouse for the storing, shipping, handling or processing of
 5 agricultural products.

1 SEC. 2. Section five hundred forty-three point one (543.1), Code 1975, is
 2 amended by adding the following new subsections:

3 NEW SUBSECTION. "Storage" means any grain or other agricultural products
 4 that have been received and have come under care, custody or control of a

5 warehouseman either for the depositor for which a contract of purchase has not
6 been negotiated or for the warehouseman operating the facility.

7 NEW SUBSECTION. "Open storage" means grain or agricultural products which
8 are received by a warehouseman from a depositor for which warehouse receipts
9 have not been issued or a purchase made and the records documented
10 accordingly.

1 SEC. 3. Section five hundred forty-three point two (543.2), Code 1975, is
2 amended to read as follows:

3 **543.2 Duties and powers of the commission.** The commission is authorized to
4 exercise general supervision over the storage, warehousing, classifying according
5 to grade or otherwise, weighing, and certification of agricultural products. The
6 commission may inspect or cause to be inspected any warehouse and may require
7 the filing of reports describing any warehouse or the operation thereof. If upon
8 any such inspection a deficiency is found to exist as to the quantity or quality of
9 agricultural products stored, the commission shall have the authority to, and may
10 require an ~~inspector~~ *employee* to remain at the licensed warehouse and supervise
11 all operations conducted thereat involving agricultural products stored under the
12 provisions of this chapter until ~~such~~ *the* deficiency is corrected. The commission
13 shall inspect or cause to be inspected every licensed warehouse and the contents
14 thereof not less than once every six months and the commission shall have
15 authority to make available to the United States government, or any of its
16 agencies, including the Commodity Credit Corporation, the results of inspections
17 made and inspection reports submitted to it by employees of the commission,
18 upon payment to it of such charges as may be determined by the commission, but
19 in no event shall such charges be less than the actual cost of such services
20 rendered in regard thereto, as determined by the commission. The commission
21 shall have authority to enter into contracts and agreements for such purpose and
22 shall keep a record of all money thus received. All such money shall be paid over
23 to the treasurer of state as miscellaneous receipts. The commission may classify
24 any warehouse in accordance with its suitability for the storage of agricultural
25 products and shall specify in any license issued for the operation of any
26 warehouse the type or types and the quantity of agricultural products which may
27 be exclusively stored in such warehouse. The commission may prescribe, within
28 the limitations of this chapter, the duties of licensed warehousemen with respect
29 to the care of and responsibility for the contents of licensed warehouses. The
30 commission may from time to time establish and publish standards for
31 agricultural products by which quality or value of such products may be judged
32 or determined. The commission may from time to time publish such data in
33 connection with the administration of this chapter as may be of public interest.
34 The commission shall have the duty of administration of the further provisions of
35 this chapter.

1 SEC. 4. Section five hundred forty-three point five (543.5), subsection seven
2 (7), Code 1975, is amended to read as follows:

3 7. A tariff on a form to be prescribed by the commission, for storage,
4 conditioning of stored products, and ~~delivery receiving and loadout~~ charges.

1 SEC. 5. Section five hundred forty-three point fourteen (543.14), Code 1975, is
2 amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. Upon revocation of a license, any claim by a
4 creditor shall be filed against the warehouseman within one hundred twenty days
5 after the date of revocation.

1 SEC. 6. Section five hundred forty-three point seventeen (543.17), subsection
2 one (1), unnumbered paragraph one (1), and subsection two (2), unnumbered
3 paragraphs one (1), three (3) and four (4), Code 1975, are amended to read as
4 follows:

5 1. Any grain which has been received at any licensed warehouse for which the
6 actual sale price is not fixed and proper documentation made or payment made
7 shall be construed to be grain held for storage within the meaning of this chapter.
8 Grain may be held in open storage or placed on warehouse receipt. Actual
9 payment shall be made on all priced grain, or warehouse receipts shall be issued
10 for all grain held in open storage, within six months of delivery to the warehouse,
11 unless the depositor has signed a statement that he does not desire a warehouse
12 receipt *or unless a deferred payment contract has been concluded pursuant to*
13 *subsection two (2) of this section. Such grain shall then be considered as open*
14 *storage.* Any deposit of grain for which the price has not been fixed and properly
15 documented within thirty days from delivery to the warehouse shall be deemed as
16 storage. The warehouseman's tariff shall apply for any grain that is retained in
17 open storage or under warehouse receipt.

18 2. Notwithstanding any provisions of this section, a written agreement may be
19 made *within thirty days of first delivery of any bulk grain to a licensed*
20 *warehouseman that payment will be deferred to a future date between the seller*
21 *and the licensed warehouseman for any bulk grain delivered to or stored at a licensed*
22 *warehouse that payment will be deferred to a later date.* Such agreement shall
23 contain a statement informing the seller that the warehouseman shall not be
24 required to carry insurance or bond on such grain for the benefit of the seller and
25 that the payment for such grain becomes a common claim against the
26 warehouseman.

27 Such agreement must be numbered and signed by both parties and executed in
28 ~~triplicate~~ *duplicate.* One copy shall be retained by the warehouseman; *and* one
29 copy shall be delivered to the seller ~~and one copy shall be forwarded to the~~
30 ~~commission within five days from execution of such agreement.~~

31 Grain received *or purchased in storage* under a deferred payment contract under
32 the provisions of this section shall ~~not~~ be deemed as ~~stored grain warehouse owned~~
33 ~~grain.~~

1 SEC. 7. Section five hundred forty-three point eighteen (543.18), subsection
2 one (1), Code 1975, is amended to read as follows:

3 1. The ~~delivery charge receiving and loadout charges~~ which will be made by the
4 warehouseman.

1 SEC. 8. Section five hundred forty-three point eighteen (543.18), Code 1975, is
2 amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. Warehouses that are not licensed pursuant
4 to this chapter or by the United States government shall not issue warehouse
5 receipts for agricultural products.

1 SEC. 9. Section five hundred forty-three point twenty-eight (543.28),
2 unnumbered paragraphs one (1), two (2), three (3), and five (5), Code 1975, are
3 amended to read as follows:

4 The commission may from time to time prescribe a minimum charge for
5 storage and a minimum ~~delivery receiving and loadout~~ charge. Unless and until
6 otherwise specified by rule of the commission, the minimum storage charge for
7 bulk grain shall be as follows:

8 The minimum ~~delivery receiving or loadout~~ charge for bulk grain shall be two
9 cents per bushel. No ~~delivery receiving or loadout~~ charge shall be made for
10 products sold to the warehouseman whether such product has been in storage or
11 not. The specific ~~delivery receiving or loadout~~ charge herein provided shall not be
12 mandatory as to grain received into grain elevators from railroad cars nor as to
13 grain sold by a warehouseman and carried as storage for the purchaser.

14 The storage charges herein provided for shall commence on the date of ~~delivery~~
15 ~~to receiving into~~ the warehouse. Provided, however, that a storage ~~or delivery,~~
16 ~~receiving or loadout~~ charge other than that specified above may be made, if such
17 charge is required by the terms of a written contract with the United States

18 government, any of its subdivisions or agencies, providing copy of such contract
19 is filed with the commission.

20 It shall be the duty of every warehouseman at the time of making application
21 for a license, to file a tariff with the commission and to publish the same, which
22 shall contain rates to be charged for storage, conditioning of stored products, and
23 ~~delivery receiving or loadout~~ charges, such publication of tariff to be made by the
24 applicant by posting the same in a conspicuous place at the place of business of
25 the applicant. Such tariff shall be in a form as prescribed by the commission and
26 shall become effective at the time the license becomes effective.

1 SEC. 10. Section five hundred forty-three point thirty-three (543.33),
2 subsection five (5), Code 1975, is amended to read as follows:

3 5. For the cost of maintaining an ~~inspector~~ *employee* at a licensed warehouse to
4 supervise the correction of a deficiency, ~~thirty~~ *thirty five* dollars per day.

1 SEC. 11. Section five hundred forty-three point thirty-six (543.36), Code 1975,
2 is amended to read as follows:

3 **543.36 Penalties—misdemeanor.** Every person who violates or fails to
4 comply with any of the provisions of this chapter or to comply with any lawfully
5 authorized order, direction, demand, or rule or regulation of the commission shall
6 be guilty of a misdemeanor and upon conviction shall be punished by a fine not
7 exceeding one hundred dollars or by imprisonment in the county jail for a period
8 of not to exceed thirty days ~~or by both such fine and imprisonment.~~

Approved June 23, 1976

CHAPTER 1227

PROBATE

H. F. 1497

AN ACT making amendments to the probate laws by updating provisions relating to the appointment of a personal representative, providing for a change in the method of serving notice to file objections in a probate proceeding, providing for a change in the disposition of proceeds from a wrongful death action which are property of the estate, providing for self-proved wills, and providing for a disclaimer of inheritance when an administration is not pending.

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

1 SECTION 1. Section five hundred ninety point one (590.1), unnumbered
2 paragraph two (2), Code 1975, is amended to read as follows:

3 ~~In all instances prior to January 1, 1967~~ *In all instances where more than five*
4 *years have passed since the appointment of a personal representative or probate of a*
5 *will without administration*, where administrators have failed to publish notice of
6 their appointment as required by section 633.230, and executors have failed to
7 publish a notice of admission of the will to probate and their appointment as
8 required by section 633.304 *and six hundred thirty-three point three hundred five*
9 *(633.305) of the Code*, but have published a notice of appointment or notice of
10 admission of the will to probate and of the appointment of the executor, such
11 notice of appointment or notice of admission of the will to probate and of the
12 appointment of the executor, is hereby legalized and shall have the same force
13 and effect as though the same had been published as required.

1 SEC. 2. Section six hundred thirty-three point forty (633.40), subsection four
2 (4), Code 1975, is amended to read as follows:

3 4. Notice otherwise provided. In lieu of the foregoing the notice may direct
 4 each interested party to file his objections thereto in writing, if any, on or before a
 5 date certain, to be set out in the notice and to be not less than twenty days after
 6 the day the notice is served upon him and that unless he does so file his
 7 objections in writing that he will be forever barred from making any objections
 8 thereto. Said notice ~~may shall~~ be served upon each interested party ~~either by~~
 9 ~~ordinary United States mail or~~ personally in compliance with the rules of civil
 10 procedure, ~~or upon those parties not under legal disability by ordinary United States~~
 11 ~~mail.~~ In the event objections thereto are timely filed, the court shall fix the time
 12 and place of the hearing for the judicial determination of the issues raised.

1 SEC. 3. Chapter six hundred thirty-three (633), division six (VI), part two (2),
 2 Code 1975, is amended by adding the following new section:

3 NEW SECTION. **Self-proved will.** An attested will may, at the time of its
 4 execution, or at any subsequent date, be made self-proved, by the
 5 acknowledgement thereof by the testator and the affidavits of the witnesses, each
 6 made before a person authorized to administer oaths and take acknowledgements
 7 under the laws of this state, and evidenced by such person's certificate, under
 8 seal, attached or annexed to the will, in form and content substantially as follows:
 9 State of _____

10 SS
 11 County of _____

12 Before me, the undersigned, on this day personally appeared
 13 _____ and _____ known to
 14 me to be the testator and the witnesses, respectively, whose names are signed to
 15 the attached or foregoing instrument and, all of these persons being by me first
 16 duly sworn, _____, the testator, declared to me and to the
 17 witnesses, in my presence, that said instrument is the testator's will and that the
 18 testator willingly signed and executed such instrument, or expressly directed
 19 another to sign the same for the testator, in the presence of said witnesses, as the
 20 testator's free and voluntary act for the purposes therein expressed; that said
 21 witnesses, and each of them, declared that such will was executed and
 22 acknowledged by the testator as the testator's will in their presence and that they,
 23 in the testator's presence, at the testator's request, and in the presence of each
 24 other, did subscribe their names thereto as attesting witnesses on the day of the
 25 date of such will; and that the testator, at the time of the execution of such
 26 instrument, was of full age and of sound mind and that the witnesses were sixteen
 27 years of age or older and otherwise competent to be witnesses.

28 _____
 29 Testator
 30 _____
 31 Witness
 32 _____
 33 Witness

34 Subscribed, sworn and acknowledged before me by _____, the testator;
 35 and subscribed and sworn before me by _____ and _____,
 36 witnesses, this ____ day of _____, 19__.

37 (seal) _____
 38 Notary Public, or other officer
 39 authorized to take and certify
 40 acknowledgements and administer
 41 oaths

42 A self-proved will shall constitute proof of due execution of such instrument
 43 as required by section six hundred thirty-three point two hundred ninety-
 44 three (633.293) of the Code and may be admitted to probate without
 45 testimony of witnesses.

1 SEC. 4. Section six hundred thirty-three point three hundred thirty-six
2 (633.336), Code 1975, is amended to read as follows:

3 **633.336 Damages for wrongful death.** When a wrongful act produces death,
4 damages recovered therefor shall be disposed of as personal property belonging to
5 the estate of the deceased, ~~but if the deceased leaves a spouse, child, or parent, it~~
6 ~~shall not be liable for the payment of debts of the estate, except debts and~~
7 ~~charges of the first, second, third and fifth classes however, if the damages include~~
8 ~~damages for loss of services and support of a deceased spouse and parent, such~~
9 ~~damages shall be apportioned by the court among the surviving spouse and children of~~
10 ~~the decedent in such manner as the court may deem equitable consistent with the loss~~
11 ~~of services and support sustained by the surviving spouse and children respectively. If~~
12 ~~the decedent leaves a spouse, child or parent, damages for wrongful death shall not be~~
13 ~~subject to debts and charges of the decedent's estate.~~

1 SEC. 5. Section six hundred thirty-three point seven hundred four (633.704),
2 Code 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **633.704 Right to disclaim succession.**

5 1. Right of distributee. No person, including a person designated to take
6 pursuant to a power of appointment, shall be required to take as a distributee, or
7 otherwise, under the laws of Iowa, and any person may disclaim in whole or in
8 part, the succession to any property, real or personal, or interest therein by filing
9 a written instrument within the time and at the place hereinafter provided. The
10 instrument shall:

11 a. Describe the property or part thereof or interest therein disclaimed.

12 b. Declare the disclaimer and the extent thereof and

13 c. Be signed and acknowledged by the disclaimant.

14 2. Time and place of filing.

15 a. Time of filing. The disclaimer instrument shall be filed within six months
16 after the date of the second publication of the notice to creditors, or within six
17 months after the death of the donee of the power, as the case may be, or if the
18 taker of the property or interest is not then finally ascertained or his interest has
19 not become indefeasibly fixed both in quality and in quantity, then not later than
20 two months after the event when the taker has become finally ascertained and his
21 interest has become indefeasibly fixed both in quality and in quantity.

22 b. Place of filing. The instrument shall be filed with the clerk in the county
23 where the administration proceedings are pending. If no such administration
24 proceedings are pending, the instrument shall be filed with the clerk in the county
25 where the proceedings would be located by law. A copy of the instrument shall
26 also be mailed to the personal representative of the decedent, if any. A copy of a
27 disclaimer affecting real estate shall be recorded in the office of the recorder of
28 the county where the real estate is located. The instrument shall be irrevocable
29 upon filing.

30 3. Effective disclaimer. Unless the decedent or donee of the power has
31 otherwise provided, the property or part thereof or interest therein disclaimed,
32 and any further interest which is to take effect in possession or enjoyment at or
33 after the termination of the interest disclaimer, shall descend or be distributed as
34 if the disclaimant has predeceased the decedent, or if the disclaimant is one
35 designated to take pursuant to a power of appointment, exercised by testamentary
36 instrument, then as if the disclaimant has predeceased the donee of the power. In
37 every case, the disclaimer shall be related back for all purposes to the date of the
38 death of the decedent or the donee, as the case may be. In the case of a devisee,
39 the interest disclaimed shall descend pursuant to section six hundred thirty-three
40 point two hundred seventy-three (633.273) of the Code. A person who has a
41 present and a future interest in property and disclaims his present interest in
42 whole or in part, shall be deemed to have disclaimed his future interest to the
43 same extent. In the event of death of the disclaimant within the time allowed for

44 the filing of a disclaimer, the right to disclaim shall terminate. In the event of
 45 disability of a person entitled to disclaim, the court may authorize or direct a
 46 conservator or guardian to exercise the right to disclaim on behalf of the person
 47 under disability when it is in his interest that it be done.

48 4. Waiver and bar. Any assignment, conveyance, encumbrance, pledge or
 49 transfer of property or any interest therein or any contract therefor, or any
 50 written waiver of the right to disclaim or any acceptance or property or interest
 51 therein by an heir, next of kin, devisee, legatee, donee, person succeeding to a
 52 disclaimed interest, beneficiary or person designated to take pursuant to a power
 53 of appointment exercised by testamentary instrument, and any sale of property by
 54 execution, made before the expiration of the period in which a person may
 55 disclaim as provided in this section, bars the right to disclaim the property. The
 56 right to disclaim granted by this section shall exist irrespective of any limitation
 57 on the interest of the disclaimant in the nature of a spendthrift provision or
 58 similar restriction. A disclaimer, when filed and recorded as provided in this
 59 section or a written waiver of the right to disclaim, shall be binding upon the
 60 disclaimant or person waiving and all parties claiming by, through or under him.
 61 The right to disclaim shall follow the proceeds of a disposition of property by a
 62 fiduciary, and shall not affect the disposition.

63 5. Exclusiveness of remedy. This section shall not abridge the right of any
 64 person to assign, convey, release or renounce any property or interest therein
 65 arising under any other statute.

Approved June 23, 1976

CHAPTER 1228

DISSOLUTION OF MARRIAGE

H. F. 352

AN ACT relating to dissolution of marriage.

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

1 SECTION 1. Section five hundred ninety-eight point three (598.3), Code 1975, is
 2 amended to read as follows:

3 **598.3 Kind of action—joinder.** An action for dissolution of marriage shall be
 4 by equitable proceedings, and no cause of action, save for alimony, shall be
 5 joined therewith. *Such actions shall not be subject to counterclaim or cross petition*
 6 *by the respondent. After the appearance of the respondent, no dismissal of the cause of*
 7 *action shall be allowed unless both the petitioner and the respondent sign the*
 8 *dismissal.*

1 SEC. 2. Section five hundred ninety-eight point five (598.5), Code 1975, is
 2 amended by adding the following new subsection:

3 NEW SUBSECTION. State whether the appointment of a conciliator pursuant to
 4 section five hundred ninety-eight point sixteen (598.16) of the Code may preserve
 5 the marriage.

1 SEC. 3. Section five hundred ninety-eight point eleven (598.11), unnumbered
 2 paragraph one (1), Code 1975, is amended to read as follows:

3 The court may order either party to pay the clerk a sum of money for the
 4 separate support and maintenance of the other party and the children and to
 5 enable such party to prosecute or defend the action. *The court may on its own*

6 *motion and shall upon application of either party or an attorney appointed under*
7 *section five hundred ninety-eight point twelve (598.12) of the Code determine the*
8 *temporary custody of any minor child whose welfare may be affected by the filing of*
9 *the petition for dissolution.*

1 SEC. 4. Section five hundred ninety-eight point thirteen (598.13), unnumbered
2 paragraph one (1), Code 1975, is amended to read as follows:

3 All applications for temporary or permanent support of a party or minor
4 children shall be accompanied by the financial statement of the applicant *on a*
5 *form prescribed by the supreme court and furnished without charge by the clerk of the*
6 *district court.* The respondent shall file a financial statement whenever the
7 respondent desires to resist any application for support by the petitioner, or when
8 the court so orders.

1 SEC. 5. Section five hundred ninety-eight point sixteen (598.16), unnumbered
2 paragraph two (2), Code 1975, is amended by striking the paragraph and inserting
3 in lieu thereof the following:

4 Upon the application of the petitioner in the petition or by the respondent in
5 the responsive pleading thereto or, within twenty days of appointment, of an
6 attorney appointed under section five hundred ninety-eight point twelve (598.12)
7 of the Code, the court shall require the parties to participate in conciliation efforts
8 for a period of sixty days from the issuance of an order setting forth the
9 conciliation procedure and the conciliator.

10 At any time upon its own motion or upon the application of a party the court
11 may require the parties to participate in conciliation efforts for sixty days or less
12 following the issuance of such an order. Every order for conciliation shall require
13 the conciliator to file a written report by a date certain which shall state the
14 conciliation procedures undertaken and such other matters as may have been
15 required by the court. The report shall be a part of the record unless otherwise
16 ordered by the court. Such conciliation procedure may include, but is not limited
17 to, referrals to the domestic relations division of the court, if established, public or
18 private marriage counselors, family service agencies, community health centers,
19 physicians and clergymen.

1 SEC. 6. Section five hundred ninety-eight point sixteen (598.16), unnumbered
2 paragraph three (3), Code 1975, is amended to read as follows:

3 The costs of any such conciliation procedures shall be paid *in full or in part* by
4 the parties *and taxed as court costs*; however, if the court determines that such
5 parties will be unable to pay the costs without prejudicing their financial ability to
6 provide themselves and any minor children with economic necessities, such costs
7 may be paid *in full or in part* from the court expense fund.

1 SEC. 7. Section five hundred ninety-eight point seventeen (598.17), Code 1975,
2 is amended to read as follows:

3 **598.17 Dissolution of marriage—evidence.** A decree dissolving the marriage
4 may be entered when the court is satisfied from the evidence presented that there
5 has been a breakdown of the marriage relationship to the extent that the
6 legitimate objects of matrimony have been destroyed and there remains no
7 reasonable likelihood that the marriage can be preserved. *The decree shall state*
8 *that the dissolution is granted to the parties, and shall not state that it is granted to*
9 *only one party.*

10 *If at the time of trial petitioner fails to present satisfactory evidence that there has*
11 *been a breakdown of the marriage relationship to the extent that the reasonable*
12 *likelihood that the marriage can be preserved, the respondent may then proceed to*
13 *present such evidence as though the respondent had filed the original petition.*

14 The court shall, based upon competent and relevant evidence, in such decree
15 provide for the division of the assets of the parties and reasonable support or
16 maintenance of any dependent children or either spouse.

17 No marriage dissolution granted due to the mental illness of one of the spouses
 18 shall relieve the other spouse of any obligation imposed by law as a result of the
 19 marriage for the support of the mentally ill spouse; ~~and the~~. *The court may make*
 20 *an order for such support or may waive the support obligation when satisfied from*
 21 *the evidence that it would create an undue hardship on the obliged spouse or his other*
 22 *dependents.*

1 SEC. 8. Section five hundred ninety-eight point nineteen (598.19), Code 1975,
 2 is amended to read as follows:

3 **598.19 Waiting period before decree.** No decree dissolving a marriage shall
 4 be granted in any proceeding before ninety days shall have elapsed from the day
 5 the original notice is served, or from the last day of publication of notice, or from
 6 the date that waiver or acceptance of original notice is filed or until after
 7 conciliation is completed, whichever period shall be longer. However, the court
 8 may in its discretion, on written motion supported by affidavit setting forth
 9 grounds of emergency or necessity and facts which satisfy the court that
 10 immediate action is warranted or required to protect the substantive rights or
 11 interests of any party or person who might be affected by the decree, hold a
 12 hearing and grant a decree dissolving the marriage prior to the expiration of the
 13 applicable period, provided that requirements of notice have been complied with.
 14 In such case the grounds of emergency or necessity and the facts with respect
 15 thereto shall be recited in the decree unless otherwise ordered by the court. *The*
 16 *court may enter an order finding the respondent in default and waiving conciliation*
 17 *when the respondent has failed to file an appearance within the time set forth in the*
 18 *original notice.*

1 SEC. 9. Section five hundred ninety-eight point twenty-five (598.25),
 2 subsections one (1) and two (2), Code 1975, are amended to read as follows:

3 1. The party initiating such proceedings must present to the court the names
 4 and addresses of the parties to the dissolution decree if known, as well as the
 5 name and place of the court which granted the dissolution decree *and the date of*
 6 *the decree.*

7 2. The court in which the proceedings are initiated shall, if possible, cause
 8 notice of such proceedings to be served upon the parties to the original action
 9 *unless either or both parties are deceased.*

1 SEC. 10. Sections five hundred ninety-eight point ten (598.10), five hundred
 2 ninety-eight point twenty-seven (598.27), and five hundred ninety-eight point
 3 thirty-three (598.33), Code 1975, are repealed.

Approved May 20, 1976

CHAPTER 1229

PARENTAL RIGHTS TERMINATED

H. F. 614

AN ACT relating to termination of parental rights and adoption and providing penalties.

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

DIVISION I

1 SECTION 1. NEW SECTION. **Construction.** This division shall be construed
 2 liberally. The welfare of the child subject to the proceedings of this division shall

3 be the paramount consideration in interpreting this division. However, the
4 interests of the parents of this child or any natural person standing in the place of
5 the parents to this child shall be given due consideration in this interpretation.

1 SEC. 2. NEW SECTION. **Definitions.** As used in this division:

2 1. "Child" means a son or daughter of a parent, whether by birth or adoption.

3 2. "Parent" means a father or mother of a child, whether by birth or adoption.

4 3. "Parent-child relationship" means the relationship between a parent and a
5 child recognized by the law as conferring certain rights and privileges and
6 imposing certain duties. The term extends equally to every child and every parent,
7 regardless of the marital status of the parents of the child. The rights, duties, and
8 privileges recognized in the parent-child relationship include those which are
9 maintained by a guardian, custodian, and guardian ad litem.

10 4. "Termination of parental rights" means a complete severance and
11 extinguishment of a parent-child relationship between one or both living parents
12 and the child.

13 5. "Natural parent" means a parent who has been a biological party to the
14 procreation of the child.

15 6. "Stepparent" means a person who is the spouse of a parent in a parent-child
16 relationship, but who is not a parent in that parent-child relationship.

17 7. "Guardian" means a person who is not the parent of a minor child, but who
18 has been appointed by a court or juvenile court having jurisdiction over the minor
19 child to make important decisions which have permanent effect on the life and
20 development of that child and to promote the general welfare of that child. A
21 guardian may be a court or a juvenile court. Guardian does not mean
22 conservator, as defined in section six hundred thirty-three point three (633.3) of
23 the Code, although a person who is appointed to be a guardian may also be
24 appointed to be a conservator.

25 Unless otherwise enlarged or circumscribed by a court or juvenile court having
26 jurisdiction over the minor child or by operation of law, the rights and duties of a
27 guardian with respect to a minor child shall be as follows:

28 a. To consent to marriage, enlistment in the armed forces of the United States,
29 or medical, psychiatric, or surgical treatment.

30 b. To serve as guardian ad litem, unless the interests of the guardian conflict
31 with the interests of the minor child or unless another person has been appointed
32 guardian ad litem.

33 c. To serve as custodian, unless another person has been appointed custodian.

34 d. To make reasonable visitations if the guardian does not have physical
35 possession or custody of the minor child.

36 e. To consent to adoption and to make any other decision that the parents
37 could have made when the parent-child relationship existed.

38 8. "Custodian" means a stepparent or a relative within the fourth degree of
39 consanguinity to a minor child who has assumed responsibility for that child, a
40 person who has accepted a release of custody, or a person appointed by a court
41 or juvenile court having jurisdiction over a child. The rights and duties of a
42 custodian with respect to a child shall be as follows:

43 a. To maintain or transfer to another the physical possession of that child.

44 b. To protect, train, and discipline that child.

45 c. To provide food, clothing, housing, and ordinary medical care for that child.

46 d. To consent to emergency medical care, including surgery.

47 e. To sign a release of medical information to a health professional.

48 All rights and duties of a custodian shall be subject to any residual rights and
49 duties remaining in a parent or guardian.

50 9. "Guardian ad litem" means a person appointed by a court or juvenile court
51 having jurisdiction over the minor child to represent that child in a legal action.

52 10. "Minor" means an unmarried person who is under the age of eighteen
53 years.

54 11. "Adult" means a person who is married or eighteen years of age or older.

55 12. "Agency" means a child-placing agency as defined in section two hundred
56 thirty-eight point two (238.2) of the Code or the department.

57 13. "Department" means the state department of social services or its
58 subdivisions.

59 14. "Court" means a district court.

60 15. "Juvenile court" means a juvenile court as established under section two
61 hundred thirty-one point one (231.1) of the Code.

62 16. "To abandon a minor child" means to permanently relinquish or surrender,
63 without reference to any particular person, the parental rights, duties, or privileges
64 inherent in the parent-child relationship. The term includes both the intention to
65 abandon and the acts by which the intention is evidenced. The term does not
66 require that the relinquishment or surrender be over a long or any particular
67 period of time.

68 17. "Independent placement" means placement of a minor person by a person,
69 other than an agency, in the home of a proposed parent in anticipation of an
70 ensuing adoption.

1 SEC. 3. NEW SECTION. **Exclusivity.** Termination of parental rights shall be
2 accomplished only according to the provisions of this division. However,
3 termination of parental rights between an adult child and the child's parents may
4 be accomplished by a decree of adoption establishing a new parent-child
5 relationship.

1 SEC. 4. NEW SECTION. **Relationship unaltered—release of custody—**
2 **voluntariness of release.**

3 1. A parent shall not permanently alter the parent-child relationship, except as
4 ordered by a juvenile court or court. However, custody of a minor child may be
5 assumed by a stepparent or a relative of that child within the fourth degree of
6 consanguinity or transferred by an acceptance of a release of custody. A person
7 who assumes custody or who accepts a release of custody under this section
8 becomes, upon assumption or acceptance, the custodian of the minor child.

9 2. A release of custody:

10 a. Shall be accepted only by an agency or a person making an independent
11 placement.

12 b. Shall not be accepted by a person who in any way intends to adopt the child
13 who is the subject of the release.

14 c. Shall be in writing.

15 d. Shall be signed, not less than seventy-two hours after the birth of the child to
16 be released, by all living parents.

17 e. Shall be witnessed by two disinterested persons familiar with the parent-child
18 relationship.

19 f. Shall name the person who is accepting the release.

20 g. Shall be followed, within a reasonable time, by the filing of a petition for
21 termination of parental rights under section five (5) of this Act.

22 h. Shall state the purpose of the release, including that if it is not revoked it
23 may be grounds for termination, and shall fully inform the signing parent of the
24 manner in which the parent may seek to revoke the release.

25 3. Notwithstanding the provisions of subsection two (2) of this section, an
26 agency or a person making an independent placement may assume custody of a
27 minor child upon the signature of the one living parent who has possession of the
28 minor child if the agency or a person making an independent placement
29 immediately petitions the juvenile court designated in section five (5) of this Act
30 to be appointed custodian and otherwise petitions, within a reasonable time, for
31 termination of parental rights under section five (5) of this Act. Upon the custody
32 petition, the juvenile court may appoint a guardian as well as a custodian. A
33 nonsigning parent may be heard on the custody petition at the hearing on
34 termination of parental rights provided in section six (6) of this Act.

35 4. A parent who signs a release of custody may petition, within the time prior
 36 to the hearing on termination of parental rights, or may request, at the hearing on
 37 termination of parental rights, the juvenile court designated in section five (5) of
 38 this Act, to order the release revoked. If, within ninety-six hours of signing the
 39 release a parent petitions to have the release revoked, the juvenile court shall
 40 order the release revoked. Otherwise, the juvenile court shall order the release
 41 revoked only upon clear and convincing evidence that good cause exists for
 42 revocation. Good cause for revocation includes but is not limited to a showing
 43 that the release was obtained by fraud, coercion, or misrepresentation of law or
 44 fact which was material to its execution. In determining whether good cause,
 45 other than fraud, coercion, or misrepresentation, exists for revocation, the juvenile
 46 court shall give paramount consideration to the best interests of the child and due
 47 consideration to the interests of the parents of the child and of any person
 48 standing in the place of the parents.

1 **SEC. 5. NEW SECTION. Petition for termination.**

- 2 1. The following persons may petition a juvenile court for termination of
 3 parental rights if the child of the parent-child relationship is born or expected to
 4 be born within one hundred eighty days of the date of petition filing:
 5 a. A parent or prospective parent of the parent-child relationship.
 6 b. A custodian or guardian of the child.
 7 c. Any other person who has knowledge of circumstances indicating that the
 8 parent-child relationship should be terminated.
- 9 2. A petition for termination of parental rights shall be filed with the juvenile
 10 court in which the guardian or custodian of the child resides or the child or the
 11 pregnant woman is domiciled. However, if a juvenile court has made an order
 12 pertaining to a minor child under section two hundred thirty-two point thirty-
 13 three (232.33) of the Code and that order is still in force, the petition shall be filed
 14 with that juvenile court.
- 15 3. A petition for termination of parental rights shall include the following:
 16 a. The legal name, age, and domicile, if any, of the child.
 17 b. The names, residences, and domicile of any:
 18 (1) Living parents of the child.
 19 (2) Guardian of the child.
 20 (3) Custodian of the child.
 21 (4) Guardian ad litem of the child.
 22 (5) Petitioner.
 23 (6) Person standing in the place of the parents of the child.
 24 c. A plain statement of the facts and grounds in section eight (8) of this Act
 25 which indicate that the parent-child relationship should be terminated.
 26 d. A plain statement explaining why the petitioner does not know any of the
 27 information required under paragraphs a and b of this subsection.
 28 e. The signature and verification of the petitioner.

1 **SEC. 6. NEW SECTION. Notice of termination hearing.**

- 2 1. A termination of parental rights shall, unless provided otherwise in this
 3 section, be effectuated only after notice has been served on all necessary parties
 4 and these parties have been given an opportunity to be heard before the juvenile
 5 court. A "necessary party" includes any person whose name, residence, and
 6 domicile is required to be included on the petition under paragraphs a and b of
 7 subsection three (3) of section five (5) of this Act. However, a "necessary party"
 8 does not include a natural parent who has been adjudicated to have raped the
 9 other natural parent thereby producing the birth of the child designated in
 10 paragraph a of subsection three (3) of section five (5) of this Act.
- 11 2. Prior to the service of notice on the necessary parties, the juvenile court shall
 12 appoint a guardian ad litem for a minor child if the child does not have a
 13 guardian or guardian ad litem or if the interests of the guardian or guardian ad
 14 litem conflict with the interests of the child. Such guardian ad litem shall be a

15 necessary party under subsection one (1) of this section.

16 3. Notice under this section may be served personally or constructively, as
17 specified under subsections four (4), five (5), and six (6) of this section. This
18 notice shall state:

19 a. The time and place of the hearing on termination of parental rights.

20 b. A clear statement of the purpose of the action and hearing.

21 4. A necessary party whose identity and location or last location is known shall
22 be served by notice personally delivered or sent by restricted certified mail,
23 whichever is determined to be the most effective means of notification. Such
24 notice shall be made according to the rules of civil procedure relating to an
25 original notice where not inconsistent with the provisions of this section. Notice
26 by personal delivery shall be served not less than seven days prior to the hearing
27 on termination of parental rights. Notice by restricted certified mail shall be sent
28 not less than fourteen days prior to the hearing on termination of parental rights.
29 A notice by restricted certified mail which is refused by the necessary party being
30 noticed shall be sufficient notice to that party under this section.

31 5. A necessary party whose identity is known but whose location or last
32 location is unknown may be served by published notice. Such notice shall be
33 served according to the rules of civil procedure relating to an original notice
34 where not inconsistent with the provisions of this section. In addition to the
35 requirements of subsection three (3) of this section, such notice shall include only
36 the name of the unlocated necessary party being noticed. Notice by publication
37 shall be published once a week for two consecutive weeks, the last publication to
38 be not less than seven days prior to the hearing on termination of parental rights.

39 6. The juvenile court shall require that every reasonable effort is made to
40 identify, locate, and notice an unidentified and unlocated necessary party. A
41 reasonable effort to notice this necessary party shall not be by published notice
42 which includes the name of any identified necessary party. If the juvenile court
43 reasonably concludes, upon a proper showing, that the identity and location of
44 the necessary party has not been determined, the juvenile court shall, upon proper
45 findings and order entered of record, dispense with notice to this necessary party.

46 7. Proof of service of notice in the manner prescribed shall be filed with the
47 juvenile court prior to the hearing on termination of parental rights and approved
48 by the juvenile court prior to issuance of a termination order under section eight
49 (8) of this Act.

1 **SEC. 7. NEW SECTION. Termination hearing—forum non conveniens.**

2 1. The hearing on termination of parental rights shall be conducted in
3 accordance to the provisions of sections two hundred thirty-two point twenty-
4 seven (232.27), two hundred thirty-two point twenty-eight (232.28), two hundred
5 thirty-two point thirty (232.30), and two hundred thirty-two point thirty-two
6 (232.32) of the Code and otherwise in accordance with the rules of civil
7 procedure. Such hearing shall be held not less than one week after the child is
8 born.

9 2. Relevant information, including that contained in reports, studies, or
10 examinations and testified to by interested persons, may be admitted into
11 evidence at the hearing and relied upon to the extent of its probative value. When
12 such information is so admitted, the person sponsoring it or testifying shall be
13 subject to both direct and cross-examination by a necessary party.

14 3. If the juvenile court finds that in the interest of substantial justice the
15 hearing on termination of parental rights should be heard by another juvenile
16 court, it may transfer, stay, or dismiss the proceedings in whole or part on any
17 conditions that are just so long as a good faith attempt is made to notify all
18 necessary parties.

1 **SEC. 8. NEW SECTION. Grounds for termination.** The juvenile court shall
2 base its findings and order under section nine (9) of this Act on clear and
3 convincing proof. The following shall be, either separately or jointly, grounds for

4 ordering termination of parental rights:

5 1. A parent has signed a release of custody pursuant to section four (4) of this
6 Act and the release has not been revoked.

7 2. A parent has petitioned for the parent's termination of parental rights
8 pursuant to section five (5) of this Act.

9 3. A parent has abandoned the child.

10 4. A parent has substantially, continuously, or repeatedly refused or neglected
11 to comply with the duties imposed upon that parent by the parent-child
12 relationship.

13 5. A parent is palpably unfit to be a party to the parent-child relationship
14 because of a consistent pattern of specific conduct before the child or of specific
15 conditions directly relating to the parent-child relationship either of which are
16 determined by the juvenile court to be permanently detrimental to the physical or
17 mental health of the child.

18 6. If, following an adjudication that the child is in need of assistance under
19 chapter two hundred thirty-two (232) of the Code, reasonable efforts under the
20 direction of the juvenile court have failed to correct the conditions giving rise to
21 this adjudication.

22 7. A parent has been ordered to contribute to the support of the child or
23 financially aid in the child's birth and has failed to do so without good cause.
24 This subsection shall not be construed so as to state a grounds for termination of
25 parental rights of a noncustodial parent if that parent has not been ordered to or
26 cannot financially contribute to the support of the child or aid in the child's birth.

1 **SEC. 9. NEW SECTION. Termination findings and order—vacation of order.**

2 1. Subsequent to the hearing on termination of parental rights, the juvenile
3 court shall make a finding of facts and shall order that either:

4 a. The petition be dismissed;

5 b. The petition should not be granted at that time, but that conditions
6 indicating that the child is in need of assistance exist, and an order to that effect
7 is issued pursuant to section two hundred thirty-two point thirty-three (232.33) of
8 the Code; or,

9 c. The petition be granted. The juvenile court shall appoint a guardian and a
10 custodian or a guardian only. An order issued under this paragraph shall include
11 the finding of facts. This finding shall enumerate the factual basis which indicates
12 that the parent-child relationship should be terminated and shall specify how this
13 finding applies to the grounds upon which the termination is ordered.

14 2. If an order is issued under paragraph c of subsection one (1) of this section,
15 the juvenile court shall retain jurisdiction to change a guardian or custodian and
16 to allow a terminated parent to request vacation of the termination order if:

17 a. The child is not on placement for adoption or a petition for adoption of the
18 child is not on file; and,

19 b. The guardian consents in writing to the vacation.

20 The juvenile court shall grant the vacation request if it is in the best interest of
21 the child.

22 3. A copy of any findings of fact and order made under this section shall be
23 sent by the clerk of the juvenile court to:

24 a. The department.

25 b. The petitioner.

26 c. The parents whose rights have been terminated if they request such copies.

27 d. Any guardian, custodian, or guardian ad litem of the child.

28

DIVISION II

1 **SEC. 10. NEW SECTION. Construction.** This division shall be construed
2 liberally. The welfare of the person to be adopted shall be the paramount
3 consideration in interpreting this division. However, the interests of the adopting
4 parents shall be given due consideration in this interpretation.

1 **SEC. 11. NEW SECTION. Definitions.**

2 1. "Child", "parent", "parent-child relationship", "termination of parental
3 rights", "natural parent", "stepparent", "guardian", "custodian", "guardian ad
4 litem", "minor", "adult", "agency", "department", "court", "juvenile court",
5 "independent placement" mean the same as defined in section two (2) of this Act.

6 2. "Investigator" means a natural person who is certified or approved by the
7 department as being capable of conducting an investigation under section
8 seventeen (17) of this Act.

1 **SEC. 12. NEW SECTION. Commencement of adoption action—jurisdiction—
2 forum non conveniens.**

3 1. An action for the adoption of any natural person shall be commenced by the
4 filing of an adoption petition, as prescribed in section fourteen (14) of this Act, in
5 the court of the county in which an adult person to be adopted is domiciled or
6 resides, or in the court of the county in which the guardian of a minor person to
7 be adopted or the petitioner is domiciled or resides.

8 2. Unless the person to be adopted is an adult, an adoption petition shall not
9 be filed until a termination of parental rights has been accomplished. However,
10 this subsection shall not apply to the parent-child relationship existing between a
11 child and a parent whose spouse is a petitioning stepparent of that child.

12 3. If upon filing of the adoption petition or at any later time in the adoption
13 action the court finds that in the interest of substantial justice the adoption action
14 should be conducted in another court, it may transfer, stay, or dismiss the
15 adoption action on any conditions that are just.

1 **SEC. 13. NEW SECTION. Qualifications to file adoption petition.** Any person
2 who may adopt may file an adoption petition under section twelve (12) of this
3 Act. The following persons may adopt:

4 1. An unmarried adult.

5 2. A husband and wife together.

6 3. A husband or wife separately if the person to be adopted is not the other
7 spouse and if the adopting spouse:

8 a. Is the stepparent of the person to be adopted;

9 b. Has been separated from the other spouse by reason of the other spouse's
10 abandonment as prescribed in section five hundred ninety-seven point ten
11 (597.10) of the Code; or

12 c. Is unable to petition with the other spouse because of the prolonged and
13 unexplained absence, unavailability, or incapacity of the other spouse, or because
14 of an unreasonable withholding of joinder by the other spouse, as determined by
15 the court under subsection seven (7) of section fourteen (14) of this Act.

1 **SEC. 14. NEW SECTION. Contents of an adoption petition.** An adoption
2 petition shall be signed and verified by the petitioner, shall be filed with the court
3 designated in section twelve (12) of this Act, and shall state:

4 1. The name, as it appears on the birth certificate or in a verified birth record
5 or as it appears as a result of marriage, and the residence or domicile of the
6 person to be adopted.

7 2. The date and place of birth of the person to be adopted.

8 3. Any new name requested to be given the person to be adopted.

9 4. The name, residence, and domicile of any guardian, custodian, or guardian
10 ad litem for the person to be adopted.

11 5. The name, residence, and domicile of the petitioner, if this is not required to
12 be stated under subsection four (4) of this section, and the date or expected date
13 on which the person to be adopted, if a minor, began or begins living with the
14 petitioner.

15 6. The name, residence, and domicile of any parent of the person to be
16 adopted.

17 7. A designation of the particular provision in section thirteen (13) of this Act
 18 under which the petitioner is qualified to adopt and, if under paragraph c of
 19 subsection three (3) of section thirteen (13), a request that the court approve the
 20 petitioner's qualification to adopt.

21 8. A description and estimate of the value of any property owned by or held for
 22 the person to be adopted.

23 9. A description of the facilities and resources, including those provided under
 24 a subsidy agreement pursuant to section six hundred point eleven (600.11)
 25 through section six hundred point sixteen (600.16) of the Code, that the petitioner
 26 is willing and able to supply for the nurture and care of any minor person to be
 27 adopted.

28 10. When and where termination of parental rights pertaining to the person to
 29 be adopted have occurred, if termination was required under section twelve (12)
 30 of this Act.

1 SEC. 15. NEW SECTION. **Attachments to an adoption petition.** An adoption
 2 petition shall have attached to it the following:

3 1. A certified copy of the birth certificate showing parentage of the person to
 4 be adopted or, if such certificate is not available, a verified birth record.

5 2. A copy of any order terminating parental rights with respect to the person to
 6 be adopted.

7 3. Any written consent and verified statement required under section sixteen
 8 (16) of this Act, except the consent required under paragraph d of subsection one
 9 (1) of that section.

10 4. Any pre-placement investigation report that has been prepared at the time of
 11 filing pursuant to section seventeen (17) of this Act.

1 SEC. 16. NEW SECTION. **Consents to the adoption.**

2 1. An adoption petition shall not be granted unless the following persons
 3 consent to the adoption or unless the court makes a determination under
 4 subsection four (4) of this section:

5 a. Any guardian of the person to be adopted.

6 b. The spouse of a petitioner who is a stepparent.

7 c. The spouse of a petitioner who is separately petitioning to adopt an adult
 8 person.

9 d. The person to be adopted if that person is fourteen years of age or older.

10 2. A consent to the adoption shall be in writing, shall name the person to be
 11 adopted and the petitioner, shall be signed by the person consenting, and shall be
 12 made in the following manner:

13 a. If by any minor person to be adopted who is fourteen years of age or older,
 14 in the presence of the court in which the adoption petition is filed.

15 b. If by any adult person to be adopted, either in the presence of the court in
 16 which the adoption petition is filed or before a notary public.

17 c. If by any other person, before a notary public.

18 3. A consent to the adoption may be withdrawn prior to the issuance of an
 19 adoption decree under section twenty-two (22) by the filing of an affidavit of
 20 consent withdrawal with the court. Such affidavit shall be treated in the same
 21 manner as an attached verified statement is treated under subsection four (4) of
 22 this section.

23 4. If any person required to consent under this section refuses to or cannot be
 24 located to give consent, the petitioner may attach to the petition a verified
 25 statement of such refusal or lack of location. The court shall then determine, at
 26 the adoption hearing prescribed in section twenty-one (21) of this Act, whether, in
 27 the best interests of the person to be adopted and the petitioner, any particular
 28 consent shall be unnecessary to the granting of an adoption petition.

1 SEC. 17. NEW SECTION. **Placement investigations and reports.**

2 1. a. A pre-placement investigation shall be directed to and a report of this

3 investigation shall answer the following:

4 (1) Whether the home of the prospective adoption petitioner is a suitable one
5 for the placement of a minor person to be adopted.

6 (2) How the prospective adoption petitioner's emotional maturity, finances,
7 health, relationships, and any other relevant factor may affect the petitioner's
8 ability to accept, care, and provide a minor person to be adopted with an
9 adequate environment as that person matures.

10 b. A post-placement investigation and a report of this investigation shall:

11 (1) Verify the allegations of the adoption petition and its attachments and of
12 the report of expenditures required under section eighteen (18) of this Act.

13 (2) Evaluate the progress of the placement of the minor person to be adopted.

14 (3) Determine whether adoption by the adoption petitioner may be in the best
15 interests of the minor person to be adopted.

16 c. A background information investigation and a report of this investigation
17 shall not disclose the identity of the natural parents of the minor person to be
18 adopted and shall answer the following:

19 (1) What is the complete family medical history of the person to be adopted,
20 including any known genetic, metabolic, or familial disorders.

21 (2) What is the complete medical and developmental history of the person to be
22 adopted.

23 2. a. A pre-placement investigation and report of the investigation shall be
24 completed and the prospective adoption petitioner approved for a placement by
25 the person making the investigation prior to any agency or independent
26 placement of a minor person in the petitioner's home in anticipation of an
27 ensuing adoption. A report of a pre-placement investigation that has approved a
28 prospective adoption petitioner for a placement shall not authorize placement of a
29 minor person with that petitioner after one year from the date of the report's
30 issuance. However, if the prospective adoption petitioner is a stepparent or a
31 relative within the fourth degree of consanguinity who has assumed custody of a
32 minor person to be adopted, a pre-placement investigation of this petitioner and a
33 report of the investigation may be completed at a time established by the court.
34 Also, any investigation and report required under this subsection may be waived
35 by the court if the prospective adoption petitioner is a stepparent or a relative to
36 the person to be adopted within the fourth degree of consanguinity.

37 b. If the person making the investigation does not approve a prospective
38 adoption petitioner under paragraph a of this subsection, the person investigated
39 may appeal the disapproval as a contested case to the commissioner of social
40 services. Judicial review of any adverse decision by the commissioner may be
41 sought pursuant to chapter seventeen A (17A) of the Code.

42 3. The agency making an agency placement shall conduct the pre-placement
43 investigation and report required under subsection two (2) of this section. The
44 department or an investigator shall conduct all other investigations and reports
45 required under subsection two (2) of this section.

46 4. A post-placement and a background information investigation and the
47 reports of these investigations shall be completed and the reports filed with the
48 court prior to the holding of the adoption hearing prescribed in section twenty-
49 one (21) of this Act. Upon the filing of an adoption petition pursuant to section
50 fourteen (14) of this Act, the court shall immediately appoint the department, an
51 agency, or an investigator to conduct this investigation and report. Any person,
52 including a juvenile court, who has gained relevant background information
53 concerning a minor person subject to an adoption petition shall, upon request,
54 fully cooperate with the conducting of the background information investigation
55 and report by disclosing any relevant background information, whether contained
56 in sealed records or not.

57 5. Any person conducting an investigation under subsections three (3) and four
58 (4) of this section may, in the investigation or subsequent report, include, utilize,
59 or rely upon any reports, studies, or examinations to the extent they are relevant.

60 6. Any person conducting an investigation under subsections three (3) and four
61 (4) may charge a fee which does not exceed the reasonable cost of the services
62 rendered and which is based on a sliding scale schedule relating to the
63 investigated person's ability to pay.

64 7. Any investigation or report required under this section shall not apply when
65 the person to be adopted is an adult.

66 8. Any person designated to make an investigation and report under this
67 section may request an agency or state agency, within or without this state, to
68 conduct a portion of the investigation or the report, as may be appropriate, and
69 to file a supplemental report of such investigation or report with the court.

70 9. The department may investigate, on its own initiative or on order of the
71 court, any placement made or adoption petition filed under this Act and may
72 report its resulting recommendation to the court.

73 10. The department or an agency may conduct any investigations required for
74 an interstate or interagency placement.

75 11. Any person who assists in or impedes the placement or adoption of a minor
76 person in violation of the provisions of this section shall be, upon conviction,
77 guilty of a misdemeanor, and shall be fined not more than one hundred dollars or
78 imprisoned in the county jail for not more than thirty days.

1 **SEC. 18. NEW SECTION. Report of expenditures.**

2 1. An adoption petitioner of a minor person shall file with the court, prior to
3 the adoption hearing, a full accounting of all disbursements of anything of value
4 paid or agreed to be paid by or on behalf of the petitioner in connection with the
5 petitioned adoption. This accounting shall be made by a report prescribed by the
6 court. The report shall be signed and verified by the petitioner and shall show any
7 expenses incurred in connection with:

8 a. The birth of the minor person to be adopted.

9 b. Placement of the minor person with the adoption petitioner.

10 c. Medical care received by the natural parents or the minor person during the
11 pregnancy or delivery of the minor person.

12 d. Any other services relating to the adoption or to the placement of the minor
13 person which were received by or on behalf of the petitioner, the natural parents,
14 or any other person, including legal fees.

15 The provisions of this subsection do not apply in a stepparent adoption.

16 2. A natural parent shall not receive any thing of value as a result of the
17 natural parent's child or former child being placed with and adopted by another
18 person, unless that thing of value is commensurate with some necessary service
19 provided the natural parent in relation to childbirth, child raising, or delivering
20 the child for adoption. Any person assisting in any way with the placement or
21 adoption of a minor person shall not charge a fee which is more than usual,
22 necessary, and commensurate with the services rendered. If the natural parent
23 receives any prohibited thing of value, if a person gives a prohibited thing of
24 value, or if a person charges a prohibited fee under this subsection, each such
25 person shall be, upon conviction, guilty of a misdemeanor, and shall be fined not
26 more than one hundred dollars or imprisoned in the county jail for not more than
27 thirty days.

1 **SEC. 19. NEW SECTION. Minimum residence of a minor child.** The adoption
2 of a minor person shall not be decreed until that person has lived with the
3 adoption petitioner for a minimum residence period of one hundred eighty days.
4 However, the court may waive this period if the adoption petitioner is a
5 stepparent or related to the minor person within the fourth degree of
6 consanguinity or may shorten this period upon good cause shown when the court
7 is satisfied that the adoption petitioner and the person to be adopted are suited to
8 each other.

1 **SEC. 20. NEW SECTION. Notice of adoption hearing.**

2 1. The court shall set the time and place of the adoption hearing prescribed in
3 section twenty-one (21) of this Act upon application of the petitioner. The court
4 may continue the adoption hearing if the notice prescribed in subsections two (2)
5 and three (3) of this section is given, except that such notice shall only be given at
6 least ten days prior to the date which has been set for the continuation of the
7 adoption hearing.

8 2. At least sixty days before the adoption hearing, a copy of the petition and its
9 attachments and a notice of the adoption hearing shall be given by the adoption
10 petitioner to:

11 a. A guardian, guardian ad litem, and custodian of, and any person in a parent-
12 child relationship with the person to be adopted.

13 b. The person to be adopted who is an adult.

14 c. The department.

15 d. Any person who is designated to make an investigation and report under
16 section seventeen (17) of this Act.

17 e. Any other person who is required to consent under section sixteen (16) of
18 this Act.

19 3. A notice of the adoption hearing shall state the time, place, and purpose of
20 the hearing and shall be given according to the appropriate rules of civil
21 procedure. Proof of the giving of notice shall be filed with the court prior to the
22 adoption hearing and approved by the court prior to issuance of an adoption
23 decree under section twenty-two (22) of this Act.

1 **SEC. 21. NEW SECTION. Adoption hearing.**

2 1. An adoption hearing shall be conducted informally as a hearing in equity.
3 The hearing shall be reported.

4 2. Only those persons notified under section twenty (20) of this Act and their
5 witnesses and legal counsel or persons requested by the court to be present shall
6 be admitted to the court chambers while an adoption hearing is being conducted.
7 The adoption petitioner and the person to be adopted shall be present at the
8 hearing, unless the presence of either is excused by the court.

9 3. Any person admitted to the hearing shall be heard and allowed to present
10 evidence upon request and according to the manner in which the court conducts
11 the hearing.

1 **SEC. 22. NEW SECTION. Adoption decrees.**

2 1. At the conclusion of the adoption hearing, the court either shall:

3 a. Issue a final adoption decree;

4 b. Issue an interlocutory adoption decree; or,

5 c. Dismiss the adoption petition if the requirements of this Act have not been
6 met or if dismissal of the adoption petition is in the best interest of the person
7 whose adoption has been petitioned. Upon dismissal, the court shall determine
8 who is to be guardian or custodian of a minor child, including the adoption
9 petitioner if it is in the best interest of the minor person whose adoption has been
10 petitioned.

11 2. An interlocutory adoption decree automatically becomes a final adoption
12 decree at a date specified by the court in the interlocutory adoption decree which
13 date shall not be less than one hundred eighty days nor more than three hundred
14 sixty days from the date the interlocutory decree is issued. However, an
15 interlocutory adoption decree may be vacated sooner than the date specified in it
16 by the court for good cause shown. Also, the court may provide in the
17 interlocutory adoption decree for further observation, investigation, and report of
18 the conditions of and the relationships between the adoption petitioner and the
19 person petitioned to be adopted.

20 3. Except as enumerated in subsection two (2) of this section, an interlocutory
 21 adoption decree shall have the same legal effect as a final adoption decree. If an
 22 interlocutory adoption decree is vacated under subsection two (2) of this section,
 23 it shall be void from the date of issuance and the rights, duties, and liabilities of
 24 all persons affected by it shall, unless they have become vested, be governed
 25 accordingly. Upon vacation of an interlocutory adoption decree, the court shall
 26 proceed under the provisions of paragraph c of subsection one (1) of this section.

27 4. A final adoption decree terminates any parental rights, except those of a
 28 spouse of the adoption petitioner, existing at the time of its issuance and
 29 establishes the parent-child relationship between the adoption petitioner and the
 30 person petitioned to be adopted. Unless otherwise specified by law, such parent-
 31 child relationship shall be deemed to have been created at the birth of the child.

32 5. An interlocutory or a final adoption decree shall be entered with the clerk of
 33 the court. Such decree shall set forth any facts of the adoption petition which
 34 have been proven to the satisfaction of the court and any other facts considered
 35 to be relevant by the court and shall grant the adoption petition. If so designated
 36 in the adoption decree, the name of the adopted person shall be changed by
 37 issuance of that decree. The clerk of the court shall, within thirty days of
 38 issuance, deliver one certified copy of any adoption decree to the petitioner, one
 39 copy of any adoption abstract to the department and any agency or person
 40 making an independent placement who placed a minor person for adoption, and
 41 one certification of adoption as prescribed in section one hundred forty-four
 42 point nineteen (144.19) of the Code to the state registrar of vital statistics. Upon
 43 receipt of the certification, the state registrar shall prepare a new birth certificate
 44 pursuant to section one hundred forty-four point twenty-three (144.23) of the
 45 Code and deliver to the parents named in the decree and any adult person
 46 adopted by the decree a copy of the new birth certificate. The parents shall pay
 47 the fee prescribed in section one hundred forty-four point forty-six (144.46) of the
 48 Code. If the person adopted was born outside the state, the state registrar shall
 49 forward the certification of adoption to the appropriate agency in the state of
 50 birth. A copy of any interlocutory adoption decree vacation shall be delivered
 51 and another birth certificate shall be prepared in the same manner as a
 52 certification of adoption is delivered and the birth certificate was originally
 53 prepared.

1 SEC. 23. NEW SECTION. **Appeal.** An appeal from any final order or decree
 2 rendered under this Act shall be taken in the same manner as an appeal is taken
 3 from a final judgment under the rules of civil procedure. However, a rule of civil
 4 procedure provision regarding a minimum amount of value in controversy shall
 5 not bar an adoption appeal. The supreme court shall review an adoption appeal
 6 de novo.

1 SEC. 24. NEW SECTION. **Foreign and international adoptions.**

2 1. A decree terminating a parent-child relationship or establishing a parent-
 3 child relationship by adoption which is issued pursuant to due process of law by a
 4 court of any other jurisdiction, whether within or without the United States, shall
 5 be recognized in this state.

6 2. If there is a proxy adoption in the minor person's country of origin, a further
 7 adoption must occur in the state where the adopting parents reside in accordance
 8 with the adoption laws of that state.

9 3. The department may provide necessary assistance to an eligible citizen of
 10 Iowa who desires to, in accordance with the immigration laws of the United
 11 States, make an international adoption. For any such assistance the department
 12 may charge a fee which does not exceed the reasonable cost of services rendered
 13 and which is based on a sliding scale relating to the investigated person's ability
 14 to pay.

15 4. Any rules of the department relating to placement of a minor child for
16 adoption which are more restrictive than comparable rules of agencies making
17 international placements and laws of the United States shall not be enforced by
18 the department in an international adoption.

1 **SEC. 25. NEW SECTION. Termination and adoption record.**

2 1. Any information compiled under subparagraphs one (1) and two (2) of
3 paragraph c of subsection one (1) of section seventeen (17) of this Act shall be
4 made available at any time by the clerk of the court, the department, or any
5 agency which made the placement to:

6 a. The adopting parents.
7 b. The adopted person who is an adult.
8 c. Any person approved by the department if the person uses this information
9 solely for the purposes of conducting a legitimate research project or of treating a
10 patient in a medical facility.

11 2. The permanent termination of parental rights record of the juvenile court
12 under division one (I) of this Act and the permanent adoption record of the court
13 shall be sealed by the clerk of the juvenile court and the clerk of court, as
14 appropriate, when they are complete and after the time for appeal has expired.
15 All papers and records pertaining to a termination of parental rights under
16 division one (I) of this Act and to an adoption, whether a part of the permanent
17 termination and adoption records of the juvenile court and of the court or on file
18 with a guardian, guardian ad litem, custodian, person who placed a minor person,
19 or the department shall not be open to inspection and the identity of the natural
20 parents of an adopted person shall not be revealed. However, an agency involved
21 in placement shall contact the adopting parents or the adult adopted child
22 regarding eligibility of the adopted child for benefits based on entitlement of
23 benefits or inheritance from the terminated natural parents. Also, the clerk of the
24 court shall, upon application to and order of the court for good cause shown,
25 open the permanent adoption record of the court for the adopted person who is
26 an adult and reveal the names of either or both of the natural parents. A natural
27 parent may file an affidavit requesting that the court reveal or not reveal the
28 parent's name. The court shall consider any such affidavit in determining whether
29 there is good cause to order opening of the records. If the adopted person who
30 applies for revelation of the natural parents' name has a sibling who is a minor
31 and who has been adopted by the same parents, the court shall deny such
32 application on the grounds that revelation to the applicant may also indirectly
33 and harmfully permit the same revelation to the applicant's minor sibling. To
34 facilitate the natural parents in filing such affidavit, the department shall, upon
35 request of such parent, file an affidavit in the court in which the adoption records
36 have been sealed.

37 3. Notwithstanding any other provision in this section, the juvenile court or
38 court may, upon competent medical evidence, open termination or adoption
39 records if opening is shown to be necessary to save the life of or prevent
40 irreparable physical harm to an adopted person or the person's offspring. The
41 juvenile court or court shall make every reasonable effort to prevent the identity
42 of the natural parents from becoming revealed under this subsection to the
43 adopted person. The juvenile court or court may, however, permit revelation of
44 the identity of the natural parents to medical personnel attending the adopted
45 person or the person's offspring. These medical personnel shall make every
46 reasonable effort to prevent the identity of the natural parents from becoming
47 revealed to the adopted person.

48 4. Any person, other than the adopting parents or the adopted person, who
49 discloses information in violation of the provisions of this section shall be, upon
50 conviction, guilty of a misdemeanor, and shall be fined not more than one
51 hundred dollars or imprisoned in the county jail for not more than thirty days.

52

DIVISION III

1 SEC. 26. 1. Any termination of parental rights or adoption proceedings
2 pending on the effective date of this Act shall not be affected by the provisions of
3 this Act.

4 2. The department may allow access to adoption records held by it or an
5 agency if:

6 a. These records were compiled prior to the effective date of this Act and do
7 not or can be made to not reveal the identity of the natural parents of an adopted
8 person; and,

9 b. The person gaining access to these records uses them solely for the purposes
10 of conducting a legitimate research project or of treating a patient in a medical
11 facility.

12 3. This Act shall take effect on January 1, 1977.

1 SEC. 27. Section two hundred thirty-one point three (231.3), unnumbered
2 paragraph two (2), Code 1975, is amended to read as follows:

3 The judge of the juvenile court may appoint a referee in juvenile court
4 proceedings. The referee shall be qualified for his duties by training and
5 experience and shall hold office at the pleasure of the judge. The compensation of
6 the referee shall be fixed by the judge. The judge may direct that any case or class
7 of cases arising under chapter 232 or division one (I) of this Act shall be heard in
8 the first instance by the referee in the manner provided for the hearing of cases
9 by the court.

1 SEC. 28. Section two hundred thirty-two point two (232.2), subsections eight
2 (8) and nine (9), Code 1975, are amended by striking the subsections and
3 inserting in lieu thereof the following:

4 8. "Guardian" means guardian as defined in subsection seven (7) of section two
5 (2) of this Act.

6 9. "Custodian" means custodian as defined in subsection eight (8) of section
7 two (2) of this Act.

1 SEC. 29. Section two hundred thirty-two point twelve (232.12), Code 1975, is
2 amended to read as follows:

3 **232.12 Other issues adjudicated.** When it appears during the course of any
4 trial, hearing, or proceeding that some action or remedy other than or in addition
5 to those indicated by the application or pleadings appears appropriate, the court
6 may, provided all necessary parties consent, proceed to hear and determine the
7 additional or other issues as though originally properly sought and pleaded.
8 *However, if termination of parental rights appears to be the appropriate action or*
9 *remedy, the provisions of division one (I) of this Act must be followed.*

1 SEC. 30. Section two hundred thirty-two point twenty-seven (232.27), Code
2 1975, is amended to read as follows:

3 **232.27 Hearings to court.** Hearings on any matter shall be without a jury
4 and may be conducted in an informal manner. Hearings may be continued from
5 time to time and in the interim the court may make such orders as it deems in the
6 best interests of the child. The court shall exclude the general public from
7 hearings and shall admit the news media, except in those cases which in the
8 opinion of the court the best interest of the child and the public are served by a
9 private hearing. The court shall also admit those persons who in the discretion of
10 the court have a direct interest in the case or in the work of the court; except that
11 if the hearing involves a child charged by information or indictment with the
12 commission of a felony, persons having a legitimate interest in the proceedings,
13 including responsible representatives of public information media, shall not be
14 excluded from such hearings. The court may require the presence of witnesses
15 deemed necessary to the disposition of the petition. ~~Adoption hearings shall be~~
16 ~~conducted in accordance with the provisions of laws relating to adoption.~~

1 SEC. 31. Section two hundred thirty-two point twenty-nine (232.29), Code
2 1975, is amended to read as follows:

3 **232.29 County attorney to present evidence.** The county attorney shall
4 present the evidence upon request of the court in all proceedings ~~except adoptions.~~

1 SEC. 32. Section two hundred thirty-two point thirty-six (232.36), Code 1975,
2 is amended to read as follows:

3 **232.36 Orders continue to majority of child.** All orders for supervision,
4 custody, or commitment shall be enforced until the minor reaches the age of
5 eighteen years unless otherwise specified by the court. All orders shall be
6 reviewed by the court at least annually unless the court's jurisdiction has been
7 terminated. The court may make on its own motion or on the motion of an
8 interested party and after notice to the parties and a hearing some other
9 disposition of the case so long as the court retains jurisdiction. *However, if*
10 *termination of parental rights is utilized as another disposition of the case, the*
11 *provisions of division one (1) of this Act must be followed.*

1 SEC. 33. Section two hundred thirty-two point fifty-one (232.51), unnumbered
2 paragraph one (1), Code 1975, is amended to read as follows:

3 Whenever legal custody of a minor is transferred by the court or whenever the
4 minor is placed by the court with someone other than the parents or whenever a
5 minor is given physical or mental examinations or treatment under order of the
6 court and no provision is otherwise made by law for payment for the care,
7 examination, or treatment of the minor, the costs shall be charged upon the funds
8 of the county in which the proceedings are held upon certification of the judge to
9 the board of supervisors. ~~Except where the parent-child relationship is terminated,~~
10 ~~the~~ The court may inquire into the ability of the parents to support the minor and
11 after giving the parents a reasonable opportunity to be heard may order the
12 parents to pay in the manner and to whom the court may direct, such sums as
13 will cover in whole or in part the cost of care, examination, or treatment of the
14 minor. If the parents fail to pay the sum without good reason, the parents may be
15 proceeded against for contempt or the court may inform the county attorney who
16 shall proceed against the parents to collect the unpaid sums or both.

1 SEC. 34. Section two hundred thirty-two point sixty-three (232.63), Code 1975,
2 as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
3 one hundred forty-two (142), section ten (10), is amended to read as follows:

4 **232.63 When jurisdiction is exclusive.** The juvenile court shall have exclusive
5 original jurisdiction, only, in proceedings concerning any child alleged to be
6 delinquent, or a child alleged to be in need of assistance, and in proceedings for
7 termination of parental rights under ~~sections 232.41 through 232.50~~ *division one (1)*
8 *of this Act*, and in proceedings concerning any minor alleged to have been a
9 delinquent prior to having become eighteen years of age except as otherwise
10 provided by law.

1 SEC. 35. Section two hundred thirty-five point three (235.3), subsection three
2 (3), Code 1975, is amended to read as follows:

3 3. Make such rules and regulations as may be necessary or advisable for the
4 supervision of the private child-caring agencies or officers thereof which the state
5 director is empowered to license, inspect and supervise; ~~which rules and~~
6 ~~regulations shall provide that in dealing with any child, any officer, employee or~~
7 ~~agency so dealing shall take into consideration the religious faith or affiliations of~~
8 ~~the child or its parents, and that in placing such child it shall be, as far as~~
9 ~~practicable, placed in the home or the care and custody of some person holding~~
10 ~~the same religious faith as the parents of such child, or with or through some~~
11 ~~agency or institution controlled by persons of like religious faith with the parents~~
12 ~~of said child.~~

1 SEC. 36. Section two hundred thirty-eight point twenty-four (238.24),
2 unnumbered paragraph two (2), Code 1975, is amended to read as follows:

3 Nothing herein shall prohibit the state director from disclosing such facts to
4 such proper persons as may be in the interest of a child cared for by such agency
5 or in the interest of the child's parents or foster parents and not inimical to the
6 child, or as may be necessary to protect the interests of the child's prospective
7 foster parents. *However, disclosure of termination and adoption records shall be*
8 *governed by the provisions of section twenty-five (25) of this Act.*

1 SEC. 37. Section two hundred thirty-eight point thirty-two (238.32), subsection
2 one (1), is amended to read as follows:

3 1. Receive ~~neglected, dependent,~~ *children in need of assistance* or delinquent
4 children who are under eighteen years of age, under commitment from the
5 juvenile court, and control and dispose of them subject to the provisions of
6 chapter 232 *and of division one (I) of this Act.*

1 SEC. 38. Sections two hundred thirty-two point forty (232.40) through two
2 hundred thirty-two point fifty (232.50), inclusive, section two hundred thirty-two
3 point sixty (232.60), and sections two hundred thirty-eight point twenty-five
4 (238.25) through two hundred thirty-eight point twenty-nine (238.29), inclusive,
5 Code 1975, are repealed.

1 SEC. 39. Section four hundred twenty-two point nine (422.9), subsection two
2 (2), paragraph d, Code 1975, is amended to read as follows:

3 d. Add the amount by which expenses paid or incurred in connection with the
4 adoption of a child by the taxpayer exceed three percent of the net income of the
5 taxpayer, or of the taxpayer and spouse in the case of a joint return. The expenses
6 may include medical and hospital expenses of the natural mother which are
7 incident to the child's birth and are paid by the taxpayer, welfare agency fees,
8 legal fees, and all other fees and costs relating to the adoption of a child if the
9 child is placed by a child-placing agency licensed under chapter 238 *or by a person*
10 *making an independent placement according to the provisions of chapter six hundred*
11 *(600) of the Code.*

1 SEC. 40. Section six hundred thirty-three point two hundred twenty-three
2 (633.223), subsections two (2) and three (3), Code 1975, are amended by striking
3 the subsections.

1 SEC. 41. Sections six hundred point one (600.1) through six hundred point ten
2 (600.10), Code 1975, are amended by striking the sections and inserting in lieu
3 thereof division two (II) of this Act.

1 SEC. 42. The Code editor shall codify division one (I) of this Act as a separate
2 chapter of the Code.

Approved June 28, 1976

CHAPTER 1230

TRANSPORTATION ASSISTANCE

H. F. 1502

AN ACT relating to transportation programs by providing technical and capital assistance to political subdivisions and public and private providers of transportation services and by providing for the receipt and disbursement of federal and private aid for public transit programs.

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

1 SECTION 1. NEW SECTION. For purposes of this Act, unless the context
2 otherwise requires:

3 1. "Transportation disadvantaged persons" means persons who are physically
4 or mentally handicapped persons, persons who are determined by the department
5 to be economically disadvantaged and other persons or groups determined by the
6 department to be disadvantaged in terms of the transportation services that are
7 available to them.

8 2. "Department" means the state department of transportation.

9 3. "Federal aid" means any federal grants, loans, or other federal assistance
10 whether or not state or local funds are required to match or contribute toward the
11 costs of the program for which the aid is available.

12 4. "Private aid" means any grants, loans, or other assistance available from
13 nonprofit corporations, foundations, and all private or nongovernmental sources,
14 whether or not state or local funds are required to match or contribute toward the
15 costs of the program for which the aid is available.

1 SEC. 2. NEW SECTION. The department may, at the request of a political
2 subdivision provide the following technical transportation assistance to the
3 political subdivision:

4 1. An evaluation of existing urban and rural transportation systems, including
5 but not limited to an evaluation of rolling stock, the costs of operation including
6 the costs of fuel, maintenance and personnel and the development of common
7 management and operating systems and procedures.

8 2. An analysis of existing urban and rural services provided for transportation
9 disadvantaged persons and the service needs of transportation disadvantaged
10 persons, including an evaluation of specialized equipment required to meet the
11 service needs of transportation disadvantaged persons.

1 SEC. 3. NEW SECTION. The department may at the request of a political
2 subdivision, or public and private providers of transportation services assist such
3 providers in the development of a fiscal and service plan which may be used by
4 political subdivisions to coordinate and consolidate all forms of urban and rural
5 transportation services except public school transportation, including but not
6 limited to, the following:

7 1. Senior citizen transportation.

8 2. Head start transportation.

9 3. Handicapped services.

10 4. Cab companies.

11 5. Common carriers.

12 6. Transportation services provided by private nonprofit agencies to their
13 clients or the general public.

1 SEC. 4. NEW SECTION.

2 1. The department shall compile and maintain current information on available
3 and pending federal and private aid effecting urban and rural public transit
4 programs. Public and private providers applying for aid shall furnish a copy of
5 any application for federal or private funds to be used for public transit programs

6 and such other information as the department may require pursuant to rule.
 7 2. Upon request, the department shall provide assistance to political
 8 subdivisions for federal aid applications for urban and rural public transit
 9 program aid. The department shall maintain current information reflecting the
 10 amount of federal and private aid received by political subdivisions of the state
 11 and the purpose for which such aid is received. The department shall annually
 12 prepare a report to be submitted to the general assembly, the office for planning
 13 and programming, and to the governor, prior to February first of each year,
 14 stating the receipts and disbursements made during the preceding fiscal year and
 15 the adequacy of programs financed by federal and private aid in the state. The
 16 department shall analyze the programs financed and recommend to political
 17 subdivisions methods of avoiding duplication and increasing the efficacy of
 18 programs financed.
 19 3. The department shall receive and distribute federal aid to political
 20 subdivisions unless precluded by federal statute, however the department shall not
 21 retain or redirect any portion of funds received by the department for a particular
 22 political subdivision. The department may designate the political subdivision as
 23 the direct recipient of federal aid.

1 SEC. 5. Notwithstanding the provisions of section eighteen point one hundred
 2 fifteen (18.115), subsection five (5), of the Code, vehicles and the titles to vehicles
 3 purchased by the commission on the aging with federal funds provided pursuant
 4 to Title three (III) of the Older Americans Act of 1965 (Public Law eighty-nine
 5 dash seventy-three (89-73)) as amended by the Older Americans Comprehensive
 6 Services Amendments of 1973 (Public Law ninety-three dash twenty-nine (93-29))
 7 shall be transferred by the state vehicle dispatcher to local units of government
 8 and organizations specified by the commission on the aging and the state
 9 department of transportation at no cost to the local unit of government or
 10 organization.

Approved June 18, 1976

CHAPTER 1231

HANDICAPPED PERSONS' VEHICLES

S. F. 1067

AN ACT relating to issuance of special identification devices which may be used to identify motor vehicles operated by or being used to transport physically handicapped persons, and to use by motor vehicles so identified of specially designated parking places, and authorizing imposition of a penalty.

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

1 SECTION 1. Chapter three hundred twenty-one (321), Code 1975, is amended
 2 by adding the following new section:
 3 NEW SECTION. **Special identification devices for handicapped persons.**
 4 1. A special identification device bearing the international symbol of
 5 accessibility may be displayed in a motor vehicle being used, either as operator or
 6 passenger, by an individual who is confined to a wheelchair or is otherwise so
 7 physically handicapped that he or she has significant difficulty or insecurity in
 8 walking. The devices shall be of uniform design and fabricated of durable
 9 material, suitable for display from within the passenger compartment of a motor
 10 vehicle, and readily transferable from one vehicle to another. They shall be

11 acquired by the department and sold at cost to persons who are physically
 12 handicapped to the extent described in this section, upon application on forms
 13 prescribed by the department. Before delivering a special identification device to
 14 a purchaser, the department shall permanently affix to the device a unique
 15 number which may be used by the department to identify that individual
 16 purchaser.

17 2. A city or other political subdivision which provides on-street parking areas
 18 or off-street parking facilities shall in all cases where so required by chapters one
 19 hundred three A (103A) and one hundred four A (104A) of the Code, and may in
 20 all other cases, set aside special parking places designated only for parking motor
 21 vehicles displaying a special identification device issued under this section. The
 22 use of parking spaces which are so designated and are located on public property
 23 by a motor vehicle not displaying such a device, or by a motor vehicle displaying
 24 such a device but not being used as operator or passenger by the individual to
 25 whom the device has been issued or another individual physically handicapped to
 26 the extent described by this section, shall be a misdemeanor for which a fine not
 27 to exceed one hundred dollars may be imposed. Proof of conviction of three or
 28 more such violations involving improper use of the same special identification
 29 device shall be grounds for revocation by the department of the holder's privilege
 30 to use the device.

31 3. The department shall promulgate rules:

32 a. Establishing procedure for applying to the department for issuance of a
 33 special identification device under this section.

34 b. Requiring persons issued special identification devices to furnish evidence at
 35 appropriate intervals that they remain physically handicapped to the extent
 36 described by subsection one (1) of this section.

37 c. Establishing advisory standards for dimensions and general location of
 38 parking spaces, to be considered by cities and other political subdivisions which
 39 elect to proceed under subsection two (2) of this section. The advisory standards
 40 promulgated under this paragraph shall not unnecessarily duplicate and shall not
 41 conflict with standards promulgated pursuant to chapters one hundred three A
 42 (103A) and one hundred four A (104A) of the Code.

43 d. Governing the manner in which special identification devices are to be
 44 displayed in motor vehicles parked in spaces designated under subsection two (2)
 45 of this section.

Approved May 28, 1976

CHAPTER 1232

GREEN THUMB PROGRAM

H. F. 1165

AN ACT amending certain programs for elderly, handicapped and low income persons.

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

1 SECTION 1. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 2 one hundred ten (110), section one (1), is amended to read as follows:

3 Section 1. NEW SECTION. There is established a "green thumb" program to be
 4 administered by the state conservation commission. The purpose of the program
 5 is to encourage and promote meaningful employment of senior citizens in
 6 ~~horticultural~~ *conservation and outdoor recreation* related fields.

1 SEC. 2. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
2 hundred ten (110), section four (4), subsections four (4) and five (5), are amended
3 to read as follows:

4 4. A person employed shall be paid *at least* the minimum wage as established
5 by federal law.

6 5. A person shall be employed for the purpose of doing a job in a horticultural
7 conservation and outdoor recreation related field that is both meaningful and
8 respectable.

1 SEC. 3. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
2 hundred ten (110), section four (4), is amended by adding the following new
3 subsection:

4 NEW SUBSECTION. Notwithstanding the provisions of chapters nineteen A
5 (19A), ninety-six (96), and ninety-seven B (97B) of the Code, persons employed
6 through the "green thumb" program shall be exempt from merit system
7 requirements, shall not be eligible for membership in the Iowa public employees
8 retirement system, and shall not be eligible to receive unemployment
9 compensation benefits.

1 SEC. 4. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
2 hundred ten (110), section five (5), is amended to read* as follows:

3 SEC. 5. The state conservation commission shall submit a report to the First
4 Session of the Sixty-seventh General Assembly not later than thirty days after its
5 convening. This report shall contain a critical evaluation of the effectiveness of
6 the "green thumb" program and make recommendations as to future funding of
7 the program.

1 SEC. 5. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
2 hundred ten (110), section six (6), is amended to read as follows:

3 SEC. 6. There is established a ~~one year~~ *an* experimental retired Iowan
4 employment program to be administered by the commission on aging. The
5 purpose of the program is to encourage and promote the meaningful employment
6 of retired citizens of the state. The Iowa employment security commission shall
7 cooperate with the commission on aging in the administration of the retired
8 Iowan employment program.

1 SEC. 6. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
2 hundred ten (110), section twelve (12), is amended to read as follows:

3 SEC. 12. There is appropriated from the general fund of the state for the fiscal
4 ~~year period~~ beginning July 1, 1975 and ending June 30, ~~1976~~ 1977 to the state
5 department of health the sum of one hundred fifty thousand (150,000) dollars, or
6 so much thereof as is necessary, to establish not more than five well-elderly
7 demonstration clinics for the purpose of delivering health supervision services. At
8 least two clinics shall be located in a rural area and shall offer services to a multi-
9 county area. A well-elderly clinic is a clinic for the development of a program of
10 preventive medicine to serve persons sixty years of age and older. The clinics may
11 be staffed with physicians, as defined in section one hundred thirty-five C point
12 one (135C.1) of the Code, or persons designated by physicians and shall provide
13 referral services to skilled care. The department shall establish fees on a sliding
14 scale for services provided through the clinics. *The department of health shall*
15 *submit a report to the First Session of the Sixty-seventh General Assembly not later*
16 *than thirty days after its convening. The report shall contain a critical evaluation of*
17 *the effectiveness of the well-elderly clinics including recommendations as to future*
18 *funding for the project.*

1 SEC. 7. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
2 hundred ten (110), section fourteen (14), is amended to read as follows:

3 SEC. 14. There is appropriated from the general fund of the state for the fiscal
4 ~~year period~~ beginning July 1, 1975 and ending June 30, ~~1976~~ 1977 to the office for

*No apparent change by this Act

5 planning and programming the sum of eighty thousand (80,000) dollars, or so
6 much thereof as is necessary to carry out the provisions of section fifteen (15) of
7 this Act.

1 SEC. 8. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
2 hundred ten (110), section seventeen (17), is amended to read as follows:

3 Sec. 17. There is appropriated from the general fund of the state to the retired
4 Iowan employment fund created in section seven (7) of this Act for the fiscal year
5 period beginning July 1, 1975 and ending June 30, ~~1976~~ 1977, the sum of one
6 hundred thousand (100,000) dollars, or so much thereof as is necessary, to be
7 used according to the provisions of sections six (6) through ten (10) of this Act.

1 SEC. 9. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
2 hundred ten (110), section eighteen (18), unnumbered paragraph one (1),
3 subsection three (3), and unnumbered paragraph two (2), are amended to read as
4 follows:

5 There is appropriated from the general fund of the state to the state department
6 of transportation for the fiscal year period beginning July 1, 1975 and ending June
7 30, ~~1976~~ 1977, the following amounts, or so much thereof as is necessary, to be
8 used for the purposes designated:

9 3. COORDINATION OF TRANSPORTATION SERVICES PROJECT.

10 For a project to be conducted by the state department of
11 transportation for the purpose of coordinating existing transportation
12 services for the elderly and handicapped in a designated region \$ 50,000
13 Funds appropriated by this subsection may be used to designate a region
14 that could potentially benefit from a coordination of services to prepare and
15 implement the project plan including the costs of personnel, initial operating
16 expenses and expenses incurred because of the increased utilization of
17 existing vehicles and to evaluate the project. ~~The state department of~~
18 ~~transportation shall prepare a final report of the project for presentation to~~
19 ~~the 1976 Session of the Sixty-sixth General Assembly not later than May 1,~~
20 ~~1976.~~

21 The state department of transportation shall consult with the commission on
22 aging and the governor's committee on employment of the handicapped before
23 expending funds appropriated by this section for the purposes designated. *The*
24 *department shall submit a final report on the transportation projects funded by this*
25 *section to the First Session of the Sixty-seventh General Assembly not later than*
26 *thirty days after its convening. The final reports shall provide a critical evaluation of*
27 *the effectiveness of the transportation projects including recommendations as to future*
28 *funding of the projects.*

1 SEC. 10. The commission on aging shall submit a report on the nutrition
2 programs funded pursuant to Acts of the Sixty-sixth General Assembly, 1975
3 Session, chapter one hundred ten (110), section eleven (11) to the second regular
4 session of the Sixty-sixth General Assembly prior to its adjournment.* The report
5 shall contain a critical evaluation of the effectiveness of the nutrition programs
6 and shall include recommendations as to future funding of the programs.

1 SEC. 11. The office for planning and programming shall submit a report on
2 the winterizing program created pursuant to Acts of the Sixty-sixth General
3 Assembly, 1975 Session, chapter one hundred ten (110), section fifteen (15), to the
4 Sixty-seventh General Assembly not later than thirty days after its convening.
5 The report shall evaluate whether the funds distributed for winterizing projects
6 were used effectively and shall include recommendations concerning future
7 funding for winterizing assistance.

Approved June 23, 1976

*This session adjourned prior to the enactment of this Act

CHAPTER 1233

JUDGES IN ELECTION DISTRICTS

S. F. 136

AN ACT relating to the number of judgeships in judicial election districts.

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

1 SECTION 1. Section six hundred two point eighteen (602.18), subsection two
2 (2), Code 1975, is amended by striking the subsection and inserting in lieu thereof
3 the following:

4 2. The number of judgeships to which each of the judicial election districts shall
5 be entitled shall be determined from time to time according to the following
6 formula:

7 a. In an election district wherein the largest county contains two hundred
8 thousand or more population, there shall be one judgeship per seven hundred
9 twenty-five combined civil and criminal filings or major fraction thereof;
10 provided, the seat of government shall be entitled to one additional judgeship.

11 b. In an election district wherein the largest county contains eighty-five
12 thousand or more population, but less than two hundred thousand, there shall be
13 one judgeship per six hundred twenty-five combined civil and criminal filings or
14 major fraction thereof.

15 c. In an election district wherein the largest county contains forty-five thousand
16 or more population, but less than eighty-five thousand, there shall be one
17 judgeship per five hundred twenty-five combined civil and criminal filings or
18 major fraction thereof.

19 d. In an election district wherein the largest county contains less than forty-five
20 thousand population, there shall be one judgeship per four hundred seventy-five
21 combined civil and criminal filings or major fraction thereof.

22 e. Notwithstanding paragraphs a, b, c, or d of this subsection, each election
23 district shall be entitled to not less than one judgeship for each forty thousand
24 population or major fraction thereof contained in the election district. The court
25 administrator shall determine both the number of judgeships for each election
26 district based upon this paragraph, and the number of judgeships for each
27 election district based upon paragraph a, b, c, or d of this subsection. If the
28 number for any election district determined under this paragraph exceeds the
29 number determined under paragraph a, b, c, or d, that election district shall be
30 entitled to the number of judgeships determined under this paragraph.

31 f. The filings included in the determinations to be made under this subsection
32 shall not include small claims or nonindictable misdemeanors filed after June 30,
33 1973, nor shall they include either civil actions for money judgment where the
34 amount in controversy does not exceed three thousand dollars or indictable
35 misdemeanors, which were assigned to district associate judges and judicial
36 magistrates as shown on their administrative reports, but they shall include
37 appeals from decisions of judicial magistrates, district associate judges, and
38 district judges sitting as judicial magistrates. The figures on filings shall be the
39 average for the latest available previous three-year period and when current
40 census figures on population are not available, figures shall be taken from the
41 state department of health computations.

Approved June 23, 1976

CHAPTER 1234

DISTRICT COURT ADMINISTRATORS

H. F. 1465

AN ACT to establish district court administrators and to provide the funds therefor.

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

1 SECTION 1. Chapter six hundred five (605), Code 1975, is amended by adding
2 the following new section:

3 NEW SECTION. **District court administrator—district court administrative fund.**
4 A district court administrator for each judicial district may be appointed to
5 perform such duties as may be assigned by the chief judge of the district, at a
6 salary to be fixed by order of that chief judge. District court administrators shall
7 cooperate with the court administrator of the judicial department in developing
8 necessary statewide district court administration policies, and the court
9 administrator of the judicial department shall, from time to time, call conferences
10 of the district court administrators. The chief judge of a judicial district in which
11 an administrator has been appointed may provide for the establishment of a
12 district court administrative fund, in which shall be deposited all appropriated
13 funds received from the court administrator of the judicial department for district
14 court use, and out of which all expenses of the district court administrator's office
15 and any other district wide expenses may be paid. Expenses not covered by funds
16 appropriated for district court use shall be assessed to and paid by the counties in
17 the judicial district in the same manner that expenses of shorthand reporters are
18 assessed to and paid by the counties pursuant to section six hundred five point
19 nine (605.9) of the Code. The district court administrator shall report to the court
20 administrator of the judicial department, at the request of the latter, all
21 information respecting the district court administrative fund.

Approved June 23, 1976

CHAPTER 1235

JURORS

S. F. 345

AN ACT relating to the method used to select and certify potential jurors.

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

1 SECTION 1. Section six hundred eight point two (608.2), Code 1975, is
2 amended to read as follows:

3 **608.2 Appointive commission to select.** In each county ~~having situated~~
4 ~~therein a city with a population of fourteen thousand or more,~~ the judges of the
5 district court of the judicial district in which said county is located shall, on or
6 before October ~~†~~ first of each year in which the general election is held, appoint
7 three competent electors as a jury commission to select and make lists of the
8 names of persons to serve as grand and petit jurors and talesmen for the two
9 years beginning January ~~†~~ first after such election.

1 SEC. 2. Section six hundred nine point one (609.1), subsections one (1), two
2 (2) and three (3), Code 1975, are amended to read as follows:

3 1. Grand jurors. A list of names and addresses of one hundred fifty *eligible*
4 electors from which to select grand jurors.

5 2. Petit jurors. A list of names and addresses of *eligible* electors equal to one-
6 eighth of the whole number of qualified electors in the county as shown by the
7 ~~election registers of the previous general election~~ *current list of registered voters*,
8 from which to select petit jurors.

9 3. Talesmen. A list of the names and addresses of *eligible* electors equal to
10 fifteen percent of the whole number of qualified electors as shown by the ~~election~~
11 ~~registers of the previous general election~~ *current list of registered voters*, in the city
12 ~~or town~~ in which the district court is held and in the township or townships in
13 which such city is located (but in no case exceeding five hundred names) from
14 which to select talesmen.

1 SEC. 3. Section six hundred nine point two (609.2), Code 1975, is amended to
2 read as follows:

3 **609.2 Noneligible names.** The appointive commission, in the preparation of
4 said lists, shall not place thereon the name of any person:

5 1. ~~Who is not an elector of the state.~~

6 2. ~~Who is not of good moral character.~~

7 3. ~~Who is not of sound judgment.~~

8 4. ~~Who is not in full possession of the senses of hearing and seeing.~~

9 5. ~~Who cannot speak, write, and read the English language.~~

10 6. ~~Who has served in said county and in the district court as a grand or petit~~
11 ~~juror since the first day of January preceding the last general election.~~

12 7 1. Who by reason of the condition of his or her health, business, domestic
13 duties, or other circumstances will probably be unable to serve as a juror.

14 8 2. Who has, directly or indirectly, requested that his or her name be placed
15 on said lists, or on any of them.

16 9 3. Who has been exempted by law from jury service.

1 SEC. 4. Section six hundred nine point four (609.4), Code 1975, is amended to
2 read as follows:

3 **609.4 Auditor to apportion and certify.** On or before the date of said meeting
4 of the appointive commission, the county auditor shall apportion the number of
5 grand and petit jurors to be selected among the several election precincts, and the
6 talesmen of which there shall be at least two, among the precincts from which the
7 same are to be drawn, in each case as nearly as practicable in proportion to the
8 number of ~~electors registered in such precincts as shown by the election registers~~
9 ~~of the last general election~~ *persons residing in the respective election precincts*, and
10 certify said apportionment to such commission.

1 SEC. 5. Section six hundred nine point five (609.5), Code 1975, is amended by
2 striking the section and inserting in lieu thereof the following:

3 **609.5 Additional information provided.** For the purpose of aiding the
4 appointive commission in drawing the jury lists, officials of the state and its
5 political subdivisions shall furnish the appointive commission with copies of the
6 current list of registered voters, tax assessments lists, lists of persons holding
7 motor vehicle operators' licenses, or such other comprehensive lists of persons
8 residing in the county as the commission may request. The clerk of the district
9 court shall also deliver to the commission a list of all persons who have served as
10 grand or petit jurors since January first of the preceding year.

1 SEC. 6. Section six hundred nine point seven (609.7), Code 1975, is amended
2 by striking the section and inserting in lieu thereof the following:

3 **609.7 Definitions.** As used in this chapter, the term "eligible elector" has the
4 meaning assigned the term by section thirty-nine point three (39.3), subsection
5 one (1), of the Code.

1 SEC. 7. Section six hundred nine point eleven (609.11), Code 1975, is amended
 2 by striking the section and inserting in lieu thereof the following:
 3 **609.11 Certification.** When the jury lists prescribed by this chapter are
 4 completed, they shall be certified by the appointive commissioners in
 5 substantially the following form:

6 We,, and,
 7 constituting the jury commission for county, do hereby certify
 8 that the foregoing lists do not, to our knowledge and belief, contain the name of
 9 any person who should be excluded under section six hundred nine point two
 10 (609.2) of the Code.

1 SEC. 8. Sections six hundred eight point nine (608.9), six hundred nine point
 2 eight (609.8), six hundred nine point nine (609.9), six hundred nine point ten
 3 (609.10) and six hundred nine point thirteen (609.13), Code 1975, are repealed.

Approved May 28, 1976

CHAPTER 1236

APPEARANCE OF NON-IOWA ATTORNEYS

S. F. 1119

AN ACT relating to the appearance by non-Iowa attorneys as counsel in matters pending in courts of this state.

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

1 SECTION 1. Section six hundred ten point thirteen (610.13), Code 1975, is
 2 amended to read as follows:

3 **610.13 Nonresident attorney—appointment of local attorney.** Any member of
 4 the bar of another state, actually engaged in any cause or matter pending in any
 5 court of this state, may be permitted by such court to appear in and conduct such
 6 cause or matter while retaining his residence in another state, without being
 7 subject to the foregoing provisions of this chapter; provided that at the time he
 8 enters his appearance he files with the clerk of such court the written appointment
 9 of some attorney resident *and admitted to practice* in the ~~county where such suit is~~
 10 ~~pending~~ *state of Iowa*, upon whom service may be had in all matters connected
 11 with said action, with the same effect as if personally made on such foreign
 12 attorney within ~~such county~~ *this state*. In case of failure to make such
 13 appointment, such attorney shall not be permitted to practice as aforesaid, and all
 14 papers filed by him shall be stricken from the files.

Approved May 25, 1976

CHAPTER 1237

EVIDENCE OF REPORTS AND PAYMENTS TO THE STATE OR
DIVISIONS

H. F. 1408

AN ACT relating to reports, claims, tax returns and statements to be filed with and payments made to the state or any political subdivision.

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

1 SECTION 1. Chapter six hundred twenty-two (622), Code 1975, is amended by
2 adding the following new sections:

3 NEW SECTION. **Evidence of date mailed.** Any report, claim, tax return,
4 statement, or any payment required or authorized to be filed or made to the state,
5 or any political subdivision which is transmitted through the United States mail
6 or mailed but not received by the state or political subdivision or received and the
7 cancellation mark is illegible, erroneous or omitted, shall be deemed filed or made
8 and received on the date it was mailed if the sender establishes by competent
9 evidence that the report, claim, tax return, statement, or payment was deposited
10 in the United States mail on or before the date for filing or paying. In the event
11 of nonreceipt of any such report, tax return, statement, or payment, the sender
12 shall file a duplicate within thirty days of receiving written notification of
13 nonreceipt of such report, tax return, statement, or payment. Filing of a duplicate
14 within thirty days of receiving written notification shall be considered to be a
15 filing made on the date of the original filing.

16 For the purposes of this section "competent evidence" means evidence, in
17 addition to the testimony of the sender, sufficient or adequate to prove that the
18 document was mailed on a specified date which evidence is credible and of such a
19 nature to reasonably support the determination that the letter was mailed on a
20 specified date.

21 NEW SECTION. **Certified or registered mail.** If any report, claim, tax return,
22 statement, or payment is sent by United States mail and either registered or
23 certified, a record authenticated by the United States post office shall be
24 considered competent evidence that the report, claim, tax return, statement, or
25 payment was delivered to the state or political subdivision to which addressed,
26 and the date of registration or certification shall be deemed the postmarked date.

Approved May 20, 1976

CHAPTER 1238

AGE OF JUDICIAL MAGISTRATE

H. F. 1462

AN ACT relating to the permissible age for qualifying for appointment as judicial magistrate.

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

1 SECTION 1. Section six hundred two point fifty-two (602.52), Code 1975, is
2 amended to read as follows:

3 **602.52 Qualifications, age.** A judicial magistrate shall be an elector of the
4 county of appointment during his or her term of office; ~~shall be less than seventy-~~

5 two years of age, and shall cease to hold office upon attaining that age. A person
 6 shall not be qualified for appointment and shall not be appointed as a judicial
 7 magistrate unless that person can complete prior to his or her reaching the age of
 8 seventy-two years the entire two-year or four-year term of office of judicial magistrate
 9 for which nomination and appointment is being made. A judicial magistrate
 10 appointed pursuant to section 602.50 may be licensed to practice law in Iowa, and
 11 the commission in selecting persons for those positions shall first consider for
 12 appointment applicants so licensed. After July 1, 1973, a judicial magistrate
 13 nominated and appointed pursuant to section 602.51 shall be licensed to practice
 14 law in Iowa.

1 SEC. 2. This Act shall not apply to any person serving a two-year or four-year
 2 term of office as judicial magistrate on the effective date of this Act, and any
 3 such person may continue to serve until the expiration of the full term for which
 4 appointed.

Approved May 13, 1976

CHAPTER 1239

CITY ORDINANCES—JUDICIAL NOTICE

H. F. 1458

AN ACT relating to judicial notice of city ordinances in proceedings commenced after June 30, 1973.

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

1 SECTION 1. Section six hundred twenty-two point sixty-two (622.62), Code
 2 1975, is amended to read as follows:

3 **622.62 Ordinances of city.**

4 1. *The printed copies of a city code and of supplements to it which are purported or*
 5 *proved to have been compiled pursuant to section three hundred eighty point eight*
 6 *(380.8) of the Code shall be admitted in the courts of this state as presumptive*
 7 *evidence of the ordinances contained therein. When properly pleaded, the courts of this*
 8 *state shall take judicial notice of ordinances contained in a city code or city code*
 9 *supplement.*

10 2. The printed copies of ~~the an~~ ordinance of any ~~municipal corporation, city~~
 11 *which has not been compiled in a city code or a supplement pursuant to section three*
 12 *hundred eighty point eight (380.8) of the Code but which has been published by its*
 13 *authority of the city, or transcripts of any ordinance, act, or proceeding thereof*
 14 *recorded in any book, or entries on any minutes or journals kept under its*
 15 *direction of the city, and certified by its the city clerk, shall be received in evidence*
 16 *for any purpose for which the original ordinances, books, minutes, or journals*
 17 *would be received, and with the same effect. The clerk shall furnish such*
 18 *transcripts, and be entitled to charge therefor at the rate that the clerk of the*
 19 *district court is entitled to charge for transcripts of records from that court.*

1 SEC. 2. The actions of any court of this state in taking judicial notice of the
 2 existence and content of a city ordinance in any proceeding which was
 3 commenced between the first day of July, 1973 and the effective date of this Act
 4 shall be conclusively presumed to be lawful, and to the extent required by this
 5 section this Act is retroactive.

1 SEC. 3. This Act, being deemed of immediate importance, shall take effect
 2 and be in force from and after its publication in The Sioux City Journal, a

- 3 newspaper published in Sioux City, Iowa, and in the Highland Park News, a
4 newspaper published in Des Moines, Iowa.

Approved April 7, 1976

I hereby certify that the foregoing Act, House File 1458, was published in The Sioux City Journal, Sioux City, Iowa on April 16, 1976, and in the Highland Park News, Des Moines, Iowa on April 15, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1240

CONSERVATORS FOR VETERANS

H. F. 1026

AN ACT relating to the appointment of conservators for veterans.

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

- 1 SECTION 1. Chapter six hundred thirty-three (633), Division XIII (thirteen),
2 part six (6), Code 1975, is amended by adding the following new section:
3 NEW SECTION. **Ward rated incompetent by veterans administration.** Upon the
4 trial of an issue arising upon a prayer for the appointment of either a temporary
5 or a permanent conservator, a certificate of the administrator of veterans
6 administration, or his representative, setting forth the fact that the defendant
7 veteran has been rated incompetent by the veterans administration upon
8 examination in accordance with the laws and regulations governing the veterans
9 administration, shall be prima-facie evidence of the necessity for such
10 appointment, and the court may appoint a conservator for the property of such
11 person.

Approved June 23, 1976

CHAPTER 1241

IOWA COURT OF APPEALS

S. F. 1092

AN ACT creating a court of appeals and providing for the jurisdiction of the court, the personnel and administration of the court, and the procedures to be followed for appeal and review.

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

DIVISION I

GENERAL PROVISIONS

- 1 SECTION 1. NEW SECTION. **Court of appeals created.** There is established an
2 intermediate court of appeals which is a court of record and which shall be
3 known as the Iowa Court of Appeals.

1 **SEC. 2. NEW SECTION. Term of court.** The court of appeals shall hold
2 annual terms commencing on the second Tuesday in January of each year, and
3 the court always shall be in session. The expiration of a term shall not affect the
4 power of the court to do any act or assume jurisdiction of any proceeding, and
5 pending matters shall be continued from term to term.

1 **SEC. 3. NEW SECTION. Sessions—location.** The court of appeals shall hold
2 sessions at the seat of state government at the times specified by order of the
3 supreme court. Sessions shall be held in the courtroom of the supreme court at
4 the statehouse.

1 **SEC. 4. NEW SECTION. Number of judges—quorum—chief judge.**

2 1. The court of appeals shall consist of a chief judge and four associate judges,
3 any three of whom shall constitute a quorum.

4 2. a. At the first meeting after initial appointment of judges to the court of
5 appeals, and at the first meeting in each odd-numbered year the judges by
6 majority vote shall designate one of their members to serve as chief judge for a
7 two-year term. A vacancy in the office of chief judge shall be filled by majority
8 vote of the judges of the court of appeals, after any actual vacancy has been
9 filled, and for the remainder of the unexpired term.

10 b. In the absence of the chief judge the duties of the chief judge shall be
11 exercised by the judge next in precedence.

12 c. The chief judge shall supervise the affairs of the court and shall preside at
13 any session of the court at which the chief judge is in attendance.

14 d. If the chief judge desires to be relieved of the duties of chief judge while
15 retaining the status of judge of the court of appeals, the chief judge shall notify
16 the chief justice of the supreme court and the other judges of the court of appeals.
17 The office of chief judge shall be deemed vacant, and shall be filled as provided
18 in this subsection.

19 3. Judges of the court of appeals other than the chief judge shall have
20 precedence according to the length of time served on that court. Of several judges
21 having equal periods of time served, the eldest shall have precedence.

1 **SEC. 5. NEW SECTION. Appellate jurisdiction.** The jurisdiction of the court
2 of appeals is coextensive with the state. The court of appeals shall have appellate
3 jurisdiction only in cases in chancery, and shall constitute a court for the
4 correction of errors at law.

5 The court of appeals shall have subject matter jurisdiction to review the
6 following matters:

7 1. All civil actions and special civil proceedings, whether at law or in equity.

8 2. All criminal actions.

9 3. All post-conviction remedy proceedings.

10 4. A judgment of a district judge in a small claims action.

11 The jurisdiction of the court of appeals with respect to actions and parties shall
12 be limited to those matters for which an appeal or review proceeding properly has
13 been brought before the supreme court, and for which the supreme court
14 pursuant to section seventy-seven (77) of this Act has entered an order
15 transferring the matter to the court of appeals.

16 The court of appeals and judges of the court are empowered to issue writs and
17 other process necessary for the exercise and enforcement of its jurisdiction, but a
18 writ, order or other process issued in any matter not before the court pursuant to
19 an order of transfer issued by the supreme court shall be void.

1 **SEC. 6. NEW SECTION. Decisions of the court—finality.**

2 1. The court of appeals may affirm, modify, vacate, set aside or reverse any
3 judgment, order or decree of the district court or other tribunal which is under
4 the jurisdiction of the court, and may remand the cause and direct the entry of an
5 appropriate judgment, order or decree, or require further proceedings to be had as
6 may be just. If the judges are equally divided on the ultimate decision, the

7 judgment, order or decree being reviewed shall be affirmed.

8 2. A decision of the court of appeals is final and shall not be reviewed by any
9 other court except upon the granting by the supreme court of an application for
10 further review as provided in section seventy-seven (77) of this Act. Upon the
11 filing of the application, the judgment and mandate of the court of appeals shall
12 be stayed pending action of the supreme court or until the expiration of the time
13 specified in subsection four (4) of section seventy-seven (77) of this Act.

1 SEC. 7. NEW SECTION. **Rules.** The supreme court, and the court of appeals
2 subject to the approval of the supreme court, may from time to time prescribe
3 rules of appellate procedure and other rules for the conduct of business of the
4 court of appeals. Rules prescribed shall not abridge, enlarge, or modify a
5 substantive right, and shall be subject to section six hundred eighty-four point
6 eighteen (684.18) of the Code.

7 The rules of civil procedure and supreme court rules which are in effect on the
8 effective date of this Act, or which become effective subsequent to the effective
9 date of this Act, shall apply to and govern, until July 1, 1977, all matters
10 transferred to the court of appeals pursuant to section seventy-seven (77) of this
11 Act, to the extent that those rules are not inconsistent with the provisions of this
12 Act. The supreme court shall have the power to prescribe temporary rules of
13 appellate procedure on or after the effective date of this Act which relate to the
14 methods and procedures to be used in determining whether or not a matter shall
15 be transferred to the court of appeals, or which relate to the conditions and
16 procedures for further review by the supreme court of a decision of a court of
17 appeals, and each of those temporary rules shall be effective, anything in section
18 six hundred eighty-four point nineteen (684.19) of the Code to the contrary
19 notwithstanding, from the date specified by the supreme court in the respective
20 temporary rules until July 1, 1977.

1 SEC. 8. NEW SECTION. **When decisions effective.** A decision of the court of
2 appeals shall be in writing, and shall be effective, except as provided in subsection
3 two (2) of section six (6) of this Act, when the decision of the court has been filed
4 with the clerk of the supreme court.

1 SEC. 9. NEW SECTION. **Process—style—seal.**

2 1. Process of the court of appeals shall be styled: "In the Court of Appeals of
3 Iowa".

4 2. The supreme court may adopt a seal for the court of appeals. Upon
5 adoption, the clerk of the supreme court shall file a facsimile and description of
6 the design in the office of the secretary of state. Judicial notice shall be taken of
7 the official seal of the court of appeals.

1 SEC. 10. NEW SECTION. **Records.** The records of the court of appeals shall
2 be kept by the clerk of the supreme court, and at the same place as, but
3 segregated from the records of the supreme court. Records of the court of appeals
4 shall be maintained in the same manner as records of the supreme court are
5 required by law to be maintained.

1 SEC. 11. NEW SECTION. **Publication of opinions.** The court administrator
2 shall cause the publication of opinions of the judges of the court of appeals in
3 accordance with rules issued by the supreme court. Sections six hundred eighty-
4 four point thirteen (684.13), six hundred eighty-four point fourteen (684.14), and
5 six hundred eighty-four point fifteen (684.15) of the Code shall apply to decisions
6 of the court of appeals. The court administrator shall cause the publication of
7 abstracts of all decisions for which written opinions are not published.

1 SEC. 12. NEW SECTION. **Fees—costs.** Costs to be collected and awarded in
2 the court of appeals shall be as prescribed from time to time by the supreme
3 court. Fees and costs may be awarded to a party to the appeal in the discretion of
4 the court of appeals. A fee shall not be charged for the docketing of any matter in

5 the court of appeals upon transfer from the supreme court.

6 DIVISION II

7 JUDGES

1 SEC. 13. NEW SECTION. **Appointment—term.** Judges of the court of appeals
2 shall be nominated and appointed and shall stand for retention in office as
3 provided in chapter forty-six (46) of the Code. The term of office of a judge of the
4 court of appeals shall be as provided in section forty-six point sixteen (46.16) of
5 the Code.

1 SEC. 14. NEW SECTION. **Qualification for office.** A person appointed as
2 judge of the court of appeals must satisfy all requirements for a judge of the
3 supreme court, and shall qualify for and take office in the same manner as a
4 judge of the supreme court.

1 SEC. 15. NEW SECTION. **Salary—expenses—retirement.** A judge of the
2 court of appeals shall receive a salary as provided by law, and shall be reimbursed
3 for expenses reasonably incurred in the performance of official duties. A judge of
4 the court of appeals may elect to participate in the judicial retirement system as
5 provided in chapter six hundred five A (605A) of the Code.

6 Each judge of the court of appeals shall be provided personal office space and
7 equipment, and facilities for a secretary and law clerk at the seat of state
8 government only. Each judge may choose to reside at the seat of government as
9 he or she may elect, but a judge of the court of appeals shall not be entitled to
10 receive reimbursement for any expenses incurred as a result of residing or
11 maintaining a residence elsewhere than at the seat of government.

1 SEC. 16. NEW SECTION. **Prohibited acts.** A judge of the court of appeals
2 shall not do any of the following:

3 1. Hear or participate in an appeal from the decision of a case or issue tried
4 before him or her.

5 2. Participate in an appeal in which he or she has a substantial interest, has
6 been of counsel, has been a material witness, or is so related to or connected with
7 any party or attorney so as to render it improper for him or her to participate.

1 SEC. 17. NEW SECTION. **Judicial qualifications—impeachment.** A judge of
2 the court of appeals shall be subject to the jurisdiction and procedures of the
3 commission on judicial qualifications as provided in chapter six hundred five
4 (605) of the Code, and may be impeached as provided in chapter sixty-eight (68)
5 of the Code.

6 DIVISION III

7 ADMINISTRATION

1 SEC. 18. NEW SECTION. **Clerk of court.** The clerk of the supreme court also
2 shall act as clerk of the court of appeals. The clerk of the court of appeals shall
3 keep a complete record of the proceedings of that court, shall collect the fees and
4 costs prescribed by the supreme court, and shall account for and report to the
5 court administrator all receipts and disbursements of the court of appeals. The
6 clerk of the supreme court shall not receive any additional compensation for
7 acting as clerk of the court of appeals.

1 SEC. 19. NEW SECTION. **Deputy clerk—personnel.** The clerk of the supreme
2 court, subject to the approval of the supreme court, may employ a deputy clerk
3 for the performance of duties relating to the court of appeals. The deputy clerk
4 shall receive a salary as prescribed by the court administrator, and shall be
5 reimbursed for expenses reasonably incurred in the performance of official duties.
6 The deputy clerk shall give bond to the state as provided in chapter sixty-four
7 (64) of the Code for the clerk of the supreme court.

1 SEC. 20. NEW SECTION. **Secretary to judge.** Each judge of the court of
2 appeals may employ one personal secretary at a salary as prescribed by the court
3 administrator.

1 SEC. 21. NEW SECTION. **Law clerks.** The court of appeals may employ not
2 more than five attorneys or graduates of a reputable law school as defined in
3 section six hundred ten point two (610.2) of the Code, to act as legal assistants to
4 the court. Salaries shall be as prescribed by the court administrator.

1 SEC. 22. NEW SECTION. **Practice of law prohibited.** The deputy clerk and
2 other persons employed by the court of appeals shall not practice as an attorney
3 or counselor of law.

1 SEC. 23. NEW SECTION. **Payment of salaries and expenses.** The salaries and
2 expenses of the court of appeals and its judges and other employees shall be paid
3 from funds appropriated for such purposes, and shall be accounted for by the
4 court administrator. Salaries and other expenditures shall not be incurred, except
5 upon approval of the court administrator. The court administrator shall not
6 approve for reimbursement any expenditure incurred as a result of an officer's or
7 employee's residing or maintaining a residence elsewhere than at the seat of state
8 government.

1 SEC. 24. NEW SECTION. **Physical facilities.** The court administrator shall
2 obtain for the court of appeals suitable facilities for the conduct of court business
3 at the seat of state government. To the extent practicable, the court administrator
4 shall utilize existing supreme court facilities. State funds shall not be utilized for
5 securing or maintaining facilities for any court personnel elsewhere than at the
6 seat of state government.

1 SEC. 25. NEW SECTION. **Supervision by the supreme court.** The court of
2 appeals and all of its officers and employees shall be subject to the supervisory
3 and administrative control of the supreme court.

4 DIVISION IV

5 CORRELATING AMENDMENTS

1 SEC. 26. Section four point one (4.1), Code 1975, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. Appellate court. The term "appellate court" means and
4 includes both the supreme court and the court of appeals. Where an act,
5 omission, right, or liability is by statute conditioned upon the filing of a decision
6 by an appellate court, the term means any final decision of either the supreme
7 court or the court of appeals.

1 SEC. 27. Section seven point six (7.6), unnumbered paragraph two (2), Code
2 1975, is amended to read as follows:

3 ~~Such~~ *The reward shall be paid only upon the conviction of said the person and*
4 ~~affirmance thereof by the supreme court, if appealed thereto, and if appealed, only~~
5 ~~after a final decision of an appellate court has been rendered which affirms that~~
6 ~~conviction.~~

1 SEC. 28. Section thirteen point two (13.2), subsection one (1), Code 1975, is
2 amended to read as follows:

3 1. Prosecute and defend all causes in the ~~supreme court~~ *appellate courts* in
4 which the state is a party or interested.

1 SEC. 29. Section fourteen point six (14.6), subsection four (4), Code 1975, is
2 amended to read as follows:

3 4. Prepare and cause to be published, at such times as the supreme court shall
4 by order direct, the rules of civil procedure, *the rules of appellate procedure*, and
5 supreme court rules.

1 SEC. 30. Section fourteen point twelve (14.12), subsection six (6), paragraphs j
2 and k, Code 1975, are amended to read as follows:

3 j. The rules of the supreme court, *rules of civil procedure and rules of appellate*
4 *procedure.*

5 k. An index covering the Constitution and statutes of the state of Iowa and the
6 rules of the supreme court, *rules of civil procedure and rules of appellate procedure.*

1 SEC. 31. Section seventeen point twenty-one (17.21), Code 1975, is amended
2 to read as follows:

3 **17.21 Legal publications.** The Code or supplements thereto, Iowa
4 administrative code, rules of civil procedure, *rules of appellate procedure*, and
5 supreme court rules, session laws, annotations, tables of corresponding sections
6 and reports of the supreme court, unless otherwise specifically provided by law,
7 shall be printed, and paid for in the same manner as other public printing.

1 SEC. 32. Section seventeen point twenty-two (17.22), Code 1975, as amended
2 by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter twenty-nine
3 (29), section two (2), is amended by striking the section and inserting in lieu
4 thereof the following:

5 **17.22 Price.** Said publications shall be sold at a price to be established by
6 dividing the total cost only, of printing, binding, distribution and paper stock by
7 the total number printed of each edition.

8 1. Code or supplements thereto and Iowa administrative code.

9 2. Session laws.

10 3. Daily journals and bills.

11 4. Book of annotations to the Code.

12 5. Supplements to the book of annotations.

13 6. Tables of corresponding sections to the Code.

14 7. Reports of the supreme court, and reports of the court of appeals.

15 8. Rules of civil procedure, rules of appellate procedure and supreme court
16 rules.

17 The Iowa administrative code shall be distributed with each order for purchase
18 of the Code and the price set for the Code and administrative code as provided
19 above shall include the cost of both the Code and administrative code. However,
20 the Iowa administrative code or its supplements may be distributed separately.
21 There shall be established a price for the Iowa administrative code and a separate
22 price for its supplements. The price charged for the Iowa administrative code or
23 its supplements shall represent the cost of compiling and indexing plus the
24 amount charged for the printing and distribution of the Iowa administrative code
25 or its supplements.

26 When the Code is published in more than one volume the superintendent of
27 printing may distribute each volume on order, after payment of the estimated
28 purchase price for the set, when said volume becomes available.

1 SEC. 33. Section seventeen point twenty-five (17.25), Code 1975, is amended
2 to read as follows:

3 **17.25 New editions.** New editions of the Code or supplements thereto, book
4 of annotations, and reports of the supreme court, *and reports of the court of*
5 *appeals* may be published by the superintendent of printing when the supply on
6 hand of the last edition becomes exhausted and when a new edition is necessary
7 in order to meet the demand.

1 SEC. 34. Section eighteen point ninety-seven (18.97), unnumbered paragraph
2 one (1), and subsection five (5), Code 1975, are amended to read as follows:

3 The superintendent of printing shall make free distribution of the Code, the
4 Iowa administrative code, rules of civil procedure, *rules of appellate procedure* and
5 supreme court rules, and of the Acts of each general assembly, as follows:

6 5. To each judge of the supreme court and to each judge of , *the court of appeals*
 7 *and* the district court, two copies; and to each district associate judge and each
 8 judicial magistrate 1 copy

1 SEC. 35. Section eighteen point ninety-eight (18.98), subsection five (5), Code
 2 1975, is amended to read as follows:

3 5. To the office of each judge of the supreme *court, court of appeals*, and district
 4 ~~courts~~ *court*, including district associate judges and judicial magistrates, and to
 5 each judge of the federal courts in Iowa 1 copy

1 SEC. 36. Section eighteen point ninety-nine (18.99), Code 1975, is amended to
 2 read as follows:

3 **18.99 Supreme Appellate court reports.** The supreme court shall cause to be
 4 furnished without charge copies of any publication containing its official reports
 5 of the *supreme court and the court of appeals* to the chambers of each judge of the
 6 district court in each county and to such other governmental agencies as the
 7 supreme court shall direct.

1 SEC. 37. Section forty-six point twelve (46.12), Code 1975, is amended to read
 2 as follows:

3 **46.12 Notification of vacancy and resignation.** When a vacancy occurs or will
 4 occur within sixty days in the supreme court, *the court of appeals*, or district court,
 5 the state commissioner of elections shall forthwith so notify the chairman of the
 6 proper judicial nominating commission. The chairman shall call a meeting of the
 7 commission within ten days after such notice; if he fails to do so, the chief justice
 8 shall call such meeting.

9 When a judge of the supreme court, *court of appeals*, or district court resigns, he
 10 shall submit a copy of his resignation to the state commissioner of elections at the
 11 time he submits his resignation to the governor; and when a judge of the supreme
 12 court, *court of appeals*, or district court dies, the clerk of district court of the
 13 county of his residence shall in writing forthwith notify the state commissioner of
 14 elections of such fact.

15 *For the purpose of this chapter, vacancies in the court of appeals shall be deemed to*
 16 *exist from the effective date of this Act until the initial number of court of appeals*
 17 *judges provided by this Act have qualified for office.*

1 SEC. 38. Section forty-six point fifteen (46.15), Code 1975, is amended to read
 2 as follows:

3 **46.15 Appointments to be from nominees.** All appointments to the supreme
 4 court and district court shall be made from the nominees of the respective judicial
 5 ~~nominating commissions~~ *court of appeals shall be made from the nominees of the*
 6 *state judicial nominating commission, and all appointments to the district court shall*
 7 *be made from the nominees of the district judicial nominating commission. Nominees*
 8 *to the court of appeals shall have the qualifications prescribed for nominees to the*
 9 *supreme court.*

10 *Vacancies in the court of appeals shall be filled by appointment by the governor*
 11 *from a list of nominees submitted by the state judicial nominating commission. Three*
 12 *nominees shall be submitted for each vacancy. If the governor fails to make an*
 13 *appointment within thirty days after a list of nominees has been submitted, the*
 14 *appointment shall be made from the list of nominees by the chief justice of the*
 15 *supreme court.*

1 SEC. 39. Section forty-six point sixteen (46.16), Code 1975, is amended to read
 2 as follows:

3 **46.16 Terms of judges.** Subject to the provisions of sections 605.24 and
 4 605.25 and to removal for cause:

5 1. The initial term of office of judges of the supreme court, *court of appeals*, and
 6 district court shall be for one year after appointment and until January ~~+~~ *first*
 7 following the next judicial election after expiration of such year; and

8 2. The regular term of office of judges of the supreme court retained at a
 9 judicial election shall be eight years, and of judges of the *court of appeals* and
 10 district court so retained shall be six years, from the expiration of their initial or
 11 previous regular term as the case may be.

12 *For the purpose of initial appointments to the court of appeals, two of the judges*
 13 *appointed shall serve an irregular term ending December thirtieth of the fourth year*
 14 *after expiration of the initial term prescribed in subsection one (1) of this section and*
 15 *two of the judges appointed shall serve an irregular term ending December thirtieth of*
 16 *the fifth year after expiration of the initial term prescribed in subsection one (1) of this*
 17 *section. Expiration of irregular terms shall be deemed expiration of regular terms for*
 18 *all purposes.*

1 SEC. 40. Section forty-six point twenty (46.20), Code 1975, is amended to read
 2 as follows:

3 **46.20 Declaration of candidacy.** At least ninety days prior to the judicial
 4 election preceding expiration of his *or her* initial or regular term of office, a judge
 5 of the supreme court, *court of appeals*, or district court including district associate
 6 judges may file a declaration of candidacy with the state commissioner of
 7 elections, whereupon such judge shall stand for retention or rejection at that
 8 election. If a judge fails to file such declaration, his *or her* office shall be vacant at
 9 the end of his *or her* term. District associate judges filing such a declaration shall
 10 stand for retention in the county of their residence.

1 SEC. 41. Section forty-six point twenty-one (46.21), Code 1975, is amended to
 2 read as follows:

3 **46.21 Conduct of elections.** At least fifty-five days prior to each judicial
 4 election, the state commissioner of elections shall certify to the county
 5 commissioner of elections of each county a list of the judges of the supreme court,
 6 *court of appeals* and district court including district associate judges to be voted
 7 on in such county at that election. The county commissioner of elections shall
 8 place the names upon the ballot in the order in which they appear in the
 9 certificate, unless only one county is voting thereon. The state commissioner of
 10 elections shall rotate the names in the certificate by county, or the county
 11 commissioner of elections shall rotate them upon the ballot by precinct if only
 12 one county is voting thereon. The names of all judges to be voted on shall be
 13 placed upon one ballot, which shall be in substantially the following form:

14 STATE OF IOWA

15 JUDICIAL BALLOT

16 (Date)

17 VOTE ON ALL NAMES BY PLACING AN X IN THE APPROPRIATE BOX AFTER EACH
 18 NAME.

19 SUPREME COURT

20 Shall the following judges of the Supreme Court be retained in office?

21 JOHN DOE YES _____ NO _____

22 RICHARD ROE YES _____ NO _____

23 COURT OF APPEALS

24 *Shall the following judges of the Court of Appeals be retained in office?*

25 JOHN DOE YES _____ NO _____

26 RICHARD ROE YES _____ NO _____

27 DISTRICT COURT

28 Shall the following judge or associate judge of the District Court be retained in
 29 office?

30 JOHN SMITH YES _____ NO _____

1 SEC. 42. Section forty-six point twenty-four (46.24), Code 1975, is amended to
 2 read as follows:

3 **46.24 Results of election.** A judge of the supreme court, *court of appeals*, or
 4 district court including a district associate judge must receive more affirmative

5 than negative votes to be retained in office. When the poll is closed, the election
6 judges shall publicly canvass the vote forthwith. The board of supervisors shall
7 canvass the returns at its meeting on Monday after the election, and shall
8 promptly certify the number of affirmative and negative votes on each judge to
9 the state commissioner of elections.

10 The state board of canvassers shall, at the time of canvassing the vote cast at a
11 general election, open and canvass all of the returns for the judicial election. Each
12 judge of the supreme court, *court of appeals*, or district court including a district
13 associate judge who has received more affirmative than negative votes shall
14 receive from the state board of canvassers an appropriate certificate so stating.

1 SEC. 43. Section eighty-six point thirty-nine (86.39), Code 1975, is amended to
2 read as follows:

3 **86.39 Fees—approval—lien.** All fees or claims for legal, medical, hospital,
4 and burial services rendered under this chapter and chapters 85 and 87 shall be
5 subject to the approval of the industrial commissioner, and no lien for such
6 service shall be enforceable without the approval of the amount thereof by the
7 industrial commissioner. For services rendered in the district court and ~~supreme~~
8 ~~court~~ *appellate courts*, the attorney's fee shall be subject to the approval of a judge
9 of the district court.

1 SEC. 44. Section one hundred forty-five point nineteen (145.19), Code 1975, is
2 amended to read as follows:

3 **145.19 Appeal.** Either party to said proceedings may take an appeal from the
4 district court to the supreme court of this state in the same manner and within the
5 same time and with like effect as ~~appeals in other civil actions are taken, and such~~
6 ~~case shall be tried in the supreme court in the same manner as other appeals in~~
7 *ordinary civil actions at law*. If the defendant be represented by an attorney
8 appointed by the court, and, in the opinion of the court, is financially unable to
9 meet his part of the expense of an appeal, the defendant's actual and necessary
10 expense of such appeal and prosecution thereof to final decree by the supreme
11 court shall be paid by the state upon order of said the district court; same to be
12 paid out of the general funds of the state not otherwise appropriated.

1 SEC. 45. Section one hundred forty-seven point seventy (147.70), Code 1975, is
2 amended to read as follows:

3 **147.70 Hearing on appeal.** Both parties shall have the right of appeal; ~~and in~~
4 ~~such event, the supreme court shall fix the time of hearing, and for filing abstracts~~
5 ~~and arguments. Said~~ The cause shall be advanced and take precedence over all
6 other causes upon the court calendar, and shall be heard at the next term after
7 the appeal is taken; ~~provided the abstracts and arguments are filed in said court~~
8 ~~in time for said action to be heard.~~

1 SEC. 46. Section two hundred four point three hundred five (204.305),
2 subsection two (2), Code 1975, is amended to read as follows:

3 2. The board, without an order to show cause, may suspend any registration
4 simultaneously with the institution of proceedings under section 204.304, or where
5 renewal of registration is refused, if it finds that there is an imminent danger to
6 the public health or safety which warrants this action. The suspension shall
7 continue in effect until the conclusion of the proceedings, including judicial
8 review thereof, under the provisions of the Iowa administrative procedure Act,
9 unless sooner withdrawn by the board or dissolved by the *order of the district*
10 ~~court or supreme an appellate court.~~

1 SEC. 47. Section two hundred thirty-two point fifty-eight (232.58), Code 1975,
2 is amended to read as follows:

3 **232.58 Appeal.** An interested party aggrieved by any order or decree of the
4 court may appeal to the supreme court for review of questions of law and fact.
5 The procedure for such appeals shall be governed by the same provisions

6 applicable to appeals from the district court except when the decree or order
7 affects the custody of a minor the appeal shall be heard at the earliest practicable
8 time. The pendency of an appeal or application therefor shall not suspend the
9 order of the juvenile court regarding a minor and shall not discharge the minor
10 from the custody of the *juvenile* court or of the person, institution, or agency to
11 whose care the minor has been committed or placed unless otherwise ordered by
12 the ~~supreme~~ *appellate* court on application of an appellant.

13 If the ~~supreme~~ *appellate* court does not dismiss the proceedings and discharge
14 the minor, ~~said~~ the court shall affirm or modify the order of the juvenile court
15 and remand the minor to the jurisdiction of the *juvenile* court for disposition not
16 inconsistent with the ~~supreme court's~~ finding on the appeal.

1 SEC. 48. Section three hundred thirty-six point two (336.2), subsection two (2),
2 Code 1975, is amended to read as follows:

3 2. Appear for the state and county in all cases and proceedings in the courts of
4 his county to which the state or county is a party, except cases brought on change
5 of venue from another county, and to appear in the ~~supreme court~~ *appellate courts*
6 in all cases in which the county is a party, and also in all cases transferred on
7 change of venue to another county, in which his county or the state is a party.

1 SEC. 49. Section five hundred fifty-eight point sixty-six (558.66), Code 1975, is
2 amended to read as follows:

3 **558.66 Title decree—entry on transfer books.** Upon receipt of a certificate
4 from the clerk of the district or ~~supreme~~ court, or an *appellate court* that the title
5 to real estate has been finally established in any named person by judgment or
6 decree of ~~said court~~, or by will, the auditor shall enter the same upon the transfer
7 books, upon payment of a fee of one dollar, which fee shall be taxed as costs in
8 the cause, collected by the clerk, and paid to the auditor at the time of filing such
9 certificate.

1 SEC. 50. Section six hundred five point two (605.2), Code 1975, is amended to
2 read as follows:

3 **605.2 Expenses.** Where a judge of the district court, *court of appeals*, or
4 supreme court is required, in the discharge of his official duties, to leave the
5 county of his residence or leave the city of his residence to perform such duties,
6 he shall be paid such actual and necessary expenses for living quarters and living
7 expenses not to exceed the sum of twenty dollars per day and transportation
8 expenses as shall be incurred. *Expenses for judges of the court of appeals are limited*
9 *as provided in section fifteen (15) of this Act.*

1 SEC. 51. Section six hundred five point fourteen (605.14), Code 1975, is
2 amended to read as follows:

3 **605.14 Judge to be attorney—exception.** No person shall be eligible for, or
4 hold the office of supreme court judge, *court of appeals judge*, or district judge or
5 district associate judge who is not an attorney at law; ~~duly~~ admitted to the
6 practice ~~under the laws of~~ *of law* in this state.

1 SEC. 52. Section six hundred five point fifteen (605.15), Code 1975, is
2 amended to read as follows:

3 **605.15 Practice prohibited.** During the time that a supreme court ~~justice~~
4 *judge*, *court of appeals judge*, district judge, district associate judge, or judicial
5 magistrate appointed pursuant to section 602.51 is holding such office he shall not
6 practice as an attorney or counselor or give advice in relation to any action
7 pending or about to be brought in any of the courts of the state.

1 SEC. 53. Section six hundred five point twenty-four (605.24), Code 1975, is
2 amended to read as follows:

3 **605.24 Mandatory retirement.** All judges of the supreme court, *court of*
4 *appeals*, or district court who shall have reached the mandatory retirement age,
5 shall cease to hold office. The mandatory retirement age shall be seventy-five

6 years for all judges of the supreme court or district court holding office on July 1,
7 1965. The mandatory retirement age shall be seventy-two years for all judges of
8 the supreme court, *court of appeals*, or district court appointed to office after July
9 1, 1965.

1 SEC. 54. Section six hundred five point twenty-five (605.25), Code 1975, is
2 amended to read as follows:

3 **605.25 Temporary service by retired judges.** Judges of the supreme court,
4 *court of appeals* and district court who are hereafter retired by reason of age, or
5 who are drawing benefits under section 605A.6, may with their consent be
6 assigned by the supreme court to temporary judicial duties on ~~any a~~ a court in ~~the~~
7 ~~this~~ state; ~~however only retired supreme court judges may be assigned to the~~
8 ~~supreme court and only in the case of temporary absence of a member of the~~
9 ~~supreme court:~~ *However, a retired judge shall not be assigned to temporary judicial*
10 *duties on any court superior to the highest court to which that judge had been*
11 *appointed prior to retirement, and a judge may not be assigned for temporary duties*
12 *with the supreme court or the court of appeals except in the case of a temporary*
13 *absence of a member of one of those courts. ~~No such~~ A retired judge shall not*
14 *engage in the practice of law unless he shall file with the clerk of the supreme*
15 *court an election to practice law, in which event he shall thereafter be ineligible*
16 *for assignment to temporary judicial duties at any time. While serving under*
17 *temporary assignment as herein provided, a retired judge shall receive the*
18 *compensation and actual expense provided by law for judges on the court to*
19 *which he is assigned, but shall not receive any annuity payments to which he may*
20 *be entitled under the judicial retirement system. He may be authorized in the*
21 *order of assignment to appoint a temporary reporter, who shall receive the*
22 *compensation and actual expense provided by law for a regular reporter in the*
23 *court to which the judge is assigned. The order of assignment shall be filed in the*
24 *offices of the clerks of court at the places where the judge is to serve.*

1 SEC. 55. Section six hundred five point twenty-seven (605.27), Code 1975, is
2 amended to read as follows:

3 **605.27 Power of supreme court.** Upon application by the commission on
4 judicial qualifications, the supreme court shall have power to do either of the
5 following:

6 1. Retire a district ~~associate~~ judge ~~or, a district associate judge of the district~~
7 ~~court or, a judge of the court of appeals, or a judge of the~~ supreme court for
8 permanent physical or mental disability which substantially interferes with the
9 performance of his judicial duties.

10 2. Discipline or remove any ~~such~~ judge *referred to in subsection one (1) of this*
11 *section* for persistent failure to perform his duties, habitual intemperance, willful
12 misconduct in office, conduct which brings judicial office into disrepute, or
13 substantial violation of the canons of judicial ethics. Discipline may include
14 suspension without pay for a definite period of time not to exceed twelve months.

1 SEC. 56. Section six hundred five A point three (605A.3), Code 1975, is
2 amended to read as follows:

3 **605A.3 Notice by judge in writing.** This chapter shall not apply to any judge
4 of the municipal, superior, *or district court including a district associate judge, or a*
5 *judge of the court of appeals or of the supreme court, including a district associate*
6 ~~judge,~~ until he gives notice in writing, while serving as a judge, to the state
7 comptroller and treasurer of state, of his purpose to come within its purview.
8 Judges of the municipal and superior courts shall at the same time give a copy of
9 such notice to the city treasurer and county auditor within the district of such
10 court. Such notice shall be given within one year after the effective date hereof or
11 within one year after any date on which he takes oath of office as such judge.

1 SEC. 57. Section six hundred five A point four (605A.4), Code 1975, is
2 amended to read as follows:

3 **605A.4 Deposit by judge—deductions—contributions by governing body.** Each
4 judge coming within the purview of this chapter shall, on or before retirement,
5 pay to the court administrator for deposit with the treasurer of state to the credit
6 of a fund to be known as the “judicial retirement fund”, hereinafter called the
7 “fund”, a sum equal to four percent of his basic salary for services as such judge
8 for the total period of service as a judge of a municipal, superior, district or
9 supreme court, *or the court of appeals*, including district associate judges, before
10 the date of said notice, and after the date of the notice there shall be deducted
11 and withheld from the basic salary of each judge coming within the purview of
12 this chapter a sum equal to four percent of such basic salary. Provided that the
13 maximum amount which any judge shall be required to contribute for past service
14 shall not exceed for municipal or superior or district associate judges thirty-five
15 hundred dollars, for district judges four thousand dollars, *for court of appeals*
16 *judges four thousand five hundred dollars*, and for supreme court judges five
17 thousand dollars. The amounts so deducted and withheld from the basic salary of
18 each said judge shall be paid to the court administrator for deposit with the
19 treasurer of state to the credit of the judicial retirement fund, and said fund is
20 hereby appropriated for the payment of annuities, refunds, and allowances herein
21 provided, except that the amount of such appropriations affecting payment of
22 annuities, refunds, and allowances to judges of the municipal and superior court
23 shall be limited to that part of said fund accumulated for their benefit as
24 hereinafter provided. The judges of the municipal, superior, district and supreme
25 court, *and the court of appeals*, including district associate judges, coming within
26 the provisions of this chapter shall be deemed to consent and agree to the
27 deductions from basic salary as provided herein and payment less such
28 deductions shall be a full and complete discharge and acquittance of all claims
29 and demands whatsoever for all regular services rendered by such judges during
30 the period covered by such payment, except the right to the benefits to which they
31 shall be entitled under the provisions of this chapter. The state shall contribute a
32 sum not exceeding three percent of the basic salary of all judges of the district
33 and supreme court for the years 1949 and 1950 and thereafter such sums as may
34 be necessary over the amount contributed by the district and supreme court
35 judges to finance the system, but only to the extent that the system applies to
36 them. After June 30, 1973, the state shall contribute such sums as may be
37 necessary over the amount contributed by district associate judges to finance the
38 system as to them for the portion of their tenure after July 1, 1973, and thereafter
39 such sums as may be necessary over the amount contributed by the district
40 associate judges to finance the system, but only to the extent the system applies to
41 them; and the respective cities and counties within each municipal and superior
42 court district shall contribute the additional amount necessary pursuant to the
43 next paragraph of this section, for the portion of the tenure of such district
44 associate judges prior to July 1, 1973. *After the effective date of this Act, the state*
45 *shall contribute such sums as may be necessary over the amount contributed by judges*
46 *of the court of appeals to finance the system, but only to the extent the system applies*
47 *to them.*

1 SEC. 58. Section six hundred five A point eight (605A.8), Code 1975, is
2 amended to read as follows:

3 **605A.8 Individual accounts—refunding.** The amounts deducted and withheld
4 from the basic salary of each judge of the municipal, superior, district or supreme
5 court, *or court of appeals*, including district associate judges, for the credit of the
6 judicial retirement fund and all amounts paid into such fund by each judge shall
7 be credited to the individual account of such judge. In the event a judge of the
8 municipal, superior, district or supreme court, *court of appeals*, including district
9 associate judges, becomes separated from service as such judge before he

10 completes an aggregate of six years of service as a judge of one or more of such
 11 courts, the total amount of his contribution to the fund shall be returned to said
 12 judge or his legal representatives, and in the event a judge who has completed an
 13 aggregate of six years or more of service as a judge of one or more of such courts,
 14 dies before retirement, without a survivor, the total amount of his contribution to
 15 the fund shall be paid in one sum to his legal representatives, and in the event an
 16 annuitant under this section dies without a survivor, without having received in
 17 annuities an amount equal to the total amount remaining to his credit at the time
 18 of his separation from service, the amount remaining to his credit shall be paid in
 19 one sum to his legal representatives.

1 SEC. 59. Section six hundred five A point twelve (605A.12), Code 1975, is
 2 amended to read as follows:

3 **605A.12 Voluntary retirement for disability.** Any judge of the supreme,
 4 district or municipal court, including a district associate judge, *or a judge of the*
 5 *court of appeals*, who shall have served as a judge of one or ~~both~~ *more* of such
 6 courts for a period of six years in the aggregate and who believes he has become
 7 permanently incapacitated, physically or mentally, to perform the duties of his
 8 office may personally or by his next friend or guardian file with the court
 9 administrator a written application for retirement. The application shall be filed
 10 in duplicate and accompanied by an affidavit as to the duration and particulars
 11 of his service and the nature of his incapacity. The court administrator shall
 12 forthwith transmit one copy of the application and affidavit to the chief justice
 13 who shall request the attorney general in writing to cause an investigation to be
 14 made relative to the claimed incapacity and report back the results thereof in
 15 writing. If the chief justice finds from the report of the attorney general that the
 16 applicant is permanently incapacitated, physically or mentally, to perform the
 17 duties of his office he shall by his endorsement thereon declare the applicant
 18 retired, and the office vacant, and shall file the report in the office of the court
 19 administrator, and a copy in the office of the secretary of state. From the date of
 20 such filing the applicant shall be deemed retired from his office and entitled to
 21 the benefits of this chapter to the same extent as if he had retired under the
 22 provisions of section 605A.6.

1 SEC. 60. Section six hundred five A point fourteen (605A.14), Code 1975, is
 2 amended to read as follows:

3 **605A.14 Forfeiture of benefits—refund.** In the event a judge of the supreme,
 4 district or municipal court including a district associate judge, *or a judge of the*
 5 *court of appeals*, is removed for cause other than permanent disability he and his
 6 survivor shall forfeit the right to any retirement benefits under the system but the
 7 total amount of his contribution to the fund shall be returned to him or his legal
 8 representative.

1 SEC. 61. Section six hundred six point fourteen (606.14), Code 1975, is
 2 amended to read as follows:

3 **606.14 Change in title—certification.** Where the title of any real estate is
 4 finally established in any person or persons by a judgment or decree of ~~said the~~
 5 *district court or of the supreme by a decision of an appellate court*, or where title to
 6 real estate is changed by judgment, decree, will, proceeding, or order in probate,
 7 the clerk of the district court shall certify the same, under the seal of said court,
 8 to the county auditor of the county in which said land is located.

1 SEC. 62. Section six hundred twenty-four point two (624.2), Code 1975, is
 2 amended to read as follows:

3 **624.2 Ordinary actions—evidence on appeal.** Upon appeal, in ordinary
 4 actions no evidence shall go to the ~~supreme appellate~~ court except such as may be
 5 necessary to explain any exception taken in the cause, and such court shall hear
 6 and try the case only on the legal errors so presented.

1 SEC. 63. Section six hundred twenty-four point four (624.4), Code 1975, is
2 amended to read as follows:

3 **624.4 Equitable actions—evidence on appeal.** The evidence in actions
4 cognizable in equity shall be presented on appeal to the ~~supreme~~ appellate court,
5 which shall try such causes anew. *However, upon certiorari to the supreme court of*
6 *equity actions heard by the court of appeals the review may be limited in scope as*
7 *provided in the rules of appellate procedure.*

1 SEC. 64. Section six hundred twenty-four point five (624.5), Code 1975, is
2 amended to read as follows:

3 **624.5 Abstracts in equity causes.** In equitable causes, where the evidence is
4 taken in the form of depositions, the *district* court may require to be submitted
5 with the arguments an abstract of the pleadings and evidence, substantially as
6 required by the rules of the ~~supreme court~~ appellate procedure for abstracts in
7 appeals in equitable causes, except that the same need not be printed.

1 SEC. 65. Section six hundred twenty-four point fifteen (624.15), Code 1975, is
2 amended to read as follows:

3 **624.15 Must be on material point.** No exception shall be regarded in the
4 ~~supreme~~ an appellate court unless the ruling has been on a material point, and the
5 effect thereof prejudicial to the rights of the party excepting.

1 SEC. 66. Section six hundred twenty-four point twenty-three (624.23), Code
2 1975, is amended to read as follows:

3 **624.23 Liens of judgments.** Judgments in the ~~supreme~~ appellate or district
4 ~~court~~ courts of this state, or in the circuit or district court of the United States
5 within the state, are liens upon the real estate owned by the defendant at the time
6 of such rendition, and also upon all he may subsequently acquire, for the period
7 of ten years from the date of the judgment.

1 SEC. 67. Section six hundred twenty-four point twenty-five (624.25), Code
2 1975, is amended to read as follows:

3 **624.25 Supreme Appellate court judgments.** The lien of judgments of the
4 ~~supreme court~~ appellate courts of Iowa shall not attach to any real estate until an
5 attested copy of the judgment is filed in the office of the clerk of the district court
6 of the county in which the real estate lies.

1 SEC. 68. Section six hundred twenty-four point twenty-six (624.26), Code
2 1975, is amended to read as follows:

3 **624.26 Docketing transcript.** Such clerk shall, on the filing of such transcript
4 of the judgment of the ~~supreme~~ appellate or district court of this state or of the
5 circuit or district court of the United States in his office, immediately proceed to
6 docket and index the same, in the same manner as though rendered in the court
7 of his own county.

1 SEC. 69. Section six hundred twenty-five point nine (625.9), Code 1975, is
2 amended to read as follows:

3 **625.9 Transcripts—retaxation.** The fees of shorthand reporters for making
4 transcripts of the notes in any case or any portion thereof, as directed by any
5 party thereto, shall be taxed as costs, as shall also the fees of the clerk for making
6 any transcripts of the record required on appeal, but such taxation may be revised
7 by the ~~supreme~~ an appellate court on motion on the appeal, without any motion in
8 the lower court for the retaxation of costs.

1 SEC. 70. Section six hundred twenty-five point eighteen (625.18), Code 1975, is
2 amended to read as follows:

3 **625.18 Bill of costs on appeal.** In cases of appeals from a trial court, the
4 supreme court clerk, if final judgment is rendered in the supreme court or court of
5 appeals or both, shall make a complete bill of costs in that court which shall be
6 filed in the office of the clerk of the trial court and taxed with the costs in the
7 action therein.

1 SEC. 71. Section six hundred twenty-five point nineteen (625.19), Code 1975,
2 as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
3 two hundred forty-nine (249), section one (1), is amended to read as follows:

4 **625.19 Costs in supreme court appellate courts.** When the costs accrued in
5 the ~~supreme court~~ *appellate courts* and the trial court are paid to the clerk of the
6 trial court, ~~he~~ *the clerk* shall pay them to the persons entitled thereto.

1 SEC. 72. Section six hundred twenty-six point two (626.2), Code 1975, is
2 amended to read as follows:

3 **626.2 Within what time—to what counties.** Executions may issue at any time
4 before the judgment is barred by the statute of limitations; and upon those in the
5 district and ~~supreme~~ *appellate* courts, into any county which the party ordering
6 may direct.

1 SEC. 73. Section six hundred thirty point one (630.1), Code 1975, is amended
2 to read as follows:

3 **630.1 Debtor examined.** When execution against the property of a judgment
4 debtor, or one of several debtors in the same judgment, has been issued from the
5 district ~~court~~ or ~~supreme~~ *an appellate* court to the sheriff of the county where such
6 debtor resides, or if he ~~do~~ or *she does* not reside in the state, to the sheriff of the
7 county where the judgment was rendered, and execution issued thereon is
8 returned unsatisfied in whole or in part, the owner of the judgment is entitled to
9 an order for the appearance and examination of ~~such~~ *the* debtor.

1 SEC. 74. Section six hundred thirty-one point sixteen (631.16), subsections six
2 (6), seven (7), eight (8) and nine (9), Code 1975, are amended to read as follows:

3 6. The record and case shall be presented to the supreme court as provided by
4 ~~its~~ *the rules of appellate procedure*; and the provisions of law in civil procedure
5 relating to the filing of decisions and opinions of the supreme court shall apply in
6 such cases. *The case may be transferred to the court of appeals by the supreme court.*

7 7. An application shall not be dismissed for an informality or defect in taking it
8 if corrected as directed by the ~~supreme~~ *appellate* court. The ~~supreme~~ *appellate*
9 court, after an examination of the entire record, may dispose of the case by
10 affirmation, reversal or modification of the lower court judgment, and may order
11 a new trial. It also may dismiss the application if both of the following are true:

12 a. The court determines that there has been no substantial miscarriage of
13 justice.

14 b. The arguments do not present definite grounds for a hearing.

15 8. The decision of the ~~supreme~~ *appellate* court with any opinion filed or
16 judgment rendered must be recorded by ~~its~~ *the supreme court* clerk. After the
17 expiration of the period allowed for a rehearing, or as ordered by the court or
18 provided by its rules, a certified copy of the decision and opinion shall be
19 transmitted to the clerk of the trial court, and filed and entered of record in the
20 district court.

21 9. The jurisdiction of the ~~supreme~~ *appellate* court shall cease after the certified
22 copy of the decision and opinion is transmitted to the clerk of the trial court. All
23 proceedings for executing the judgment shall be had in the trial court or by its
24 clerk.

1 SEC. 75. Section six hundred sixty-one point four (661.4), Code 1975, is
2 amended to read as follows:

3 **661.4 Order issued.** The order may be issued by the district court to any
4 inferior tribunal, or to any corporation, officer, or person; and by the supreme
5 court *or the court of appeals* to any ~~district~~ *inferior* court, if necessary, and in any
6 other case where it is found necessary for ~~that court~~ *either of those courts* to
7 exercise its legitimate power.

1 SEC. 76. Section six hundred sixty-five point four (665.4), subsection one (1),
2 Code 1975, is amended to read as follows:

3 1. In the supreme court *or the court of appeals*, by a fine not exceeding one
4 thousand dollars or by imprisonment in a county jail not exceeding six months, or
5 by both such fine and imprisonment.

1 SEC. 77. Section six hundred eighty-four point one (684.1), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the following:

3 **684.1 Jurisdiction.**

4 1. The supreme court shall have appellate jurisdiction only in cases in chancery,
5 and shall constitute a court for the correction of errors at law. The jurisdiction of
6 the supreme court shall be coextensive with the state.

7 2. Any civil or criminal action or special proceeding filed with the supreme
8 court for appeal or review, may be transferred by the supreme court to the court
9 of appeals by issuing an order of transfer. The jurisdiction of the supreme court in
10 such a matter shall cease upon the filing of that order by the clerk of the supreme
11 court. Any matter which has been transferred to the court of appeals pursuant to
12 order of the supreme court shall not thereafter be subject to the jurisdiction of the
13 supreme court, except as provided in subsection four (4) of this section.

14 3. The supreme court shall promulgate rules for the transfer of matters to the
15 court of appeals. Those rules may provide for the selective transfer of individual
16 cases and may provide for the transfer of cases according to subject matter or
17 other general criteria. Rules relating to the transfer of cases shall be subject to the
18 provisions of section six hundred eighty-four point nineteen (684.19) of the Code.
19 A rule shall not provide for the transfer of a matter other than by an order of
20 transfer as provided in subsection two (2) of this section.

21 4. Any party to an appeal decided by the court of appeals may, as a matter of
22 right, file an application with the supreme court for further review. An application
23 for further review shall not be granted by the supreme court unless the
24 application was filed within twenty days following the filing of the decision of the
25 court of appeals. The court of appeals may extend the time for filing of an
26 application if the court of appeals determines that a failure to timely file an
27 application was due to the failure of the clerk of the court of appeals to notify the
28 prospective applicant of the filing of the decision. If an application for further
29 review is not acted upon by the supreme court within thirty days after the
30 application was filed, the application shall be deemed denied, the supreme court
31 shall lose jurisdiction, and the decision of the court of appeals shall be conclusive.

32 5. The supreme court shall promulgate rules of appellate procedure which shall
33 govern further review by the supreme court of decisions of the court of appeals.
34 Such rules shall contain, but need not be limited to, a specification of the grounds
35 upon which further review may, in the discretion of the supreme court, be
36 granted. Rules promulgated pursuant to this subsection shall be subject to section
37 six hundred eighty-four point nineteen (684.19) of the Code.

1 SEC. 78. Section six hundred eighty-four point two (684.2), Code 1975, is
2 amended to read as follows:

3 **684.2 Judges—quorum—divisions.**

4 1. *The supreme court shall consist of nine judges. A majority of the judges sitting*
5 *shall constitute a quorum but in no case shall a quorum consist of less than three*
6 *judges.*

7 2. The supreme court may be divided into divisions of three or more judges in
8 such manner as it may by rule prescribe. Said divisions may hold open court
9 separately and cases may be submitted to each division separately, in accordance
10 with such rules as the court may adopt.

1 SEC. 79. Section six hundred eighty-four point eighteen (684.18), Code 1975, is
2 amended to read as follows:

3 **684.18 Rules in civil for actions and proceedings.**

4 1. The supreme court shall have the power to prescribe all rules of pleading,
5 practice and procedure, and the forms of process, writs and notices, for all
6 proceedings of a civil nature in all courts of this state, for the purpose of
7 simplifying the same, and of promoting the speedy determination of litigation
8 upon its merits. Said rules shall neither abridge, enlarge, nor modify the
9 substantive rights of any litigant.

10 2. *The supreme court shall have the power to prescribe rules of appellate procedure*
11 *relating to appeals to and review by the supreme court, discretionary review by the*
12 *courts of small claims actions, review by the supreme court by writ of certiorari to*
13 *inferior courts, and appeal or review by the court of appeals of a matter transferred to*
14 *that court by the supreme court. Rules prescribed pursuant to this subsection shall be*
15 *known as "Rules of Appellate Procedure", and shall be codified apart from rules of*
16 *civil procedure applicable in the district court and other rules prescribed by the*
17 *supreme court.*

18 3. Rules prescribed pursuant to this section shall be subject to section six hundred
19 eighty-four point nineteen (684.19) of the Code.

1 SEC. 80. Section six hundred eighty-five point five (685.5), Code 1975, is
2 amended to read as follows:

3 **685.5 Deputy clerk of supreme court—qualification—duties.** The ~~clerk of the~~
4 ~~supreme court~~ court administrator may appoint, in writing, any person, except one
5 holding a state office, as deputy clerk of the supreme court, which appointment
6 must be approved by the officer having the approval of the principal's bond, and
7 such appointment may be revoked in the same manner; ~~both the~~. The
8 appointment and the revocation ~~to~~ shall be filed and kept in the office of the
9 secretary of state. The deputy shall qualify by taking the oath of the principal, to
10 be endorsed upon and filed with the certificate of appointment, and, when so
11 qualified, ~~he~~ the deputy shall, in the absence or disability of the clerk, perform all
12 of the duties of ~~such~~ the clerk ~~pertaining to his office~~. The deputy clerk also shall
13 perform such duties with respect to the court of appeals as are prescribed by the court
14 administrator.

1 SEC. 81. Section six hundred eighty-six point two (686.2), Code 1975, is
2 amended to read as follows:

3 **686.2 Motion for new trial.** ~~The supreme~~ An appellate court on appeal may
4 review and reverse any judgment or order of the district court, although no
5 motion for a new trial was made in such court.

1 SEC. 82. Section six hundred eighty-six point seven (686.7), Code 1975, is
2 amended to read as follows:

3 **686.7 Transmission.** The transcript of any paper or exhibit required for use
4 in ~~the supreme~~ an appellate court may be transmitted thereto by the clerk of the
5 trial court by express or other safe and speedy method, but not by a party or any
6 attorney of a party.

1 SEC. 83. Section six hundred eighty-six point eight (686.8), Code 1975, is
2 amended to read as follows:

3 **686.8 Return of original papers.** If a new trial is granted by ~~the supreme~~ an
4 appellate court, the clerk, as soon as the cause is at an end therein, shall transmit
5 to the clerk of the court below all original papers or exhibits certified up from
6 said court, and may at any time return any such papers when no new trial is
7 awarded.

1 SEC. 84. Section six hundred eighty-six point thirteen (686.13), Code 1975, is
2 amended to read as follows:

3 **686.13 Arguments in re constitutional test.** If the action challenges the
4 legality, validity or constitutionality of a proposed constitutional amendment, the
5 appellant shall file a written argument *with the supreme court* within ten days after

6 the filing of the abstract and appellee shall file his argument within ten days
7 thereafter, and appellant shall then file his reply within three days. The cause
8 shall then be submitted to the supreme court in regular or special ~~full bench~~ *en*
9 *banc* session as soon thereafter as the chief justice may order.

1 SEC. 85. Section six hundred eighty-six point fourteen (686.14), Code 1975, is
2 amended to read as follows:

3 **686.14 Remand—process.** If ~~the supreme~~ *an appellate* court affirms the
4 judgment or order of *an inferior court*, it may send the cause to the *appropriate*
5 court below to have the same carried into effect, or may issue the necessary
6 process for this purpose, directed to the sheriff of the proper county, as the party
7 may require.

1 SEC. 86. Section six hundred eighty--six point fifteen (686.15), Code 1975, is
2 amended to read as follows:

3 **686.15 Restitution of property.** If, by the decision of ~~the supreme~~ *an appellate*
4 court, the appellant becomes entitled to a restoration of any part of the money or
5 property that was taken from him by means of ~~such a~~ judgment or order, either
6 the ~~supreme~~ *appellate* court or the court below may direct execution or writ of
7 restitution to issue for the purpose of restoring to him such property or its value.

1 SEC. 87. Section six hundred eighty-six point eighteen (686.18), Code 1975, is
2 amended to read as follows:

3 **686.18 Executions.** Executions issued from the ~~supreme court~~ *appellate courts*
4 shall be like those from the district court, attended with the same consequences,
5 and returnable in the same time.

1 SEC. 88. Section seven hundred forty-eight point one (748.1), Code 1975, is
2 amended to read as follows:

3 **748.1 "Magistrate" defined.** The term "magistrate" includes all judges of the
4 supreme court, *court of appeals* and district courts and all district associate judges
5 and judicial magistrates.

1 SEC. 89. Section seven hundred fifty-one point one (751.1), Code 1975, is
2 amended to read as follows:

3 **751.1 Definitions.** A search warrant is an order in writing, in the name of
4 the state, signed by a magistrate, other than a judge of the supreme court or *the*
5 *court of appeals*, directed to a peace officer, commanding him to search for
6 personal property, and bring it before the magistrate.

1 SEC. 90. Section seven hundred fifty-one point four (751.4), unnumbered
2 paragraph one (1), Code 1975, is amended to read as follows:

3 Any credible resident of this state may make application for the issuance of a
4 search warrant by filing before any magistrate, except a judge of the supreme
5 court or *the court of appeals*, a written information, supported by his oath or
6 affirmation, and alleging therein the existence of any ground or grounds specified
7 in this chapter as ground for the issuance of a search warrant and that he believes
8 and has substantial reason to believe that said ground or grounds exist in fact.
9 Said information shall describe with reasonable certainty the person or premises,
10 or both, to be searched, the property to be seized, and the person, if known, in
11 possession of said premises and property.

1 SEC. 91. Section seven hundred sixty point one (760.1), Code 1975, is
2 amended to read as follows:

3 **760.1 Public offense threatened—complaint—arrest.** When complaint is
4 made before a magistrate, *other than a judge of the supreme court or court of*
5 *appeals*, that any person has threatened to commit any public offense punishable
6 by law, and such magistrate is satisfied that there is reason to fear the commission
7 thereof, he may issue a warrant for the arrest of the person complained of; and
8 the officer to whom the same shall be delivered for service shall forthwith arrest

9 and bring the accused before such magistrate, or, in case of his absence or
10 inability to act, before the nearest and most accessible magistrate of the same
11 county. When the name of the person complained of is unknown, he may be
12 designated in the warrant by any name, and the warrant issued in pursuance
13 hereof may be executed by any peace officer in any county of the state.

1 SEC. 92. Section seven hundred sixty-two point forty-four (762.44), Code 1975,
2 is amended to read as follows:

3 **762.44 Appeal to ~~supreme~~ from the district court.** After appeal to a district
4 judge in a nonindictable case, either party may appeal from the judgment of the
5 district judge to the supreme court in the same manner as from a judgment in a
6 prosecution by indictment, and the defendant may be admitted to bail in like
7 manner, and similar proceedings shall be had on the appeal in all respects, as far
8 as applicable. The same proceedings shall be had to carry into effect the
9 judgment of ~~the supreme~~ *an appellate* court upon the appeal as if it had been
10 taken from a judgment prosecuted by indictment.

1 SEC. 93. Section seven hundred sixty-three point nine (763.9), Code 1975, is
2 amended to read as follows:

3 **763.9 Bail on appeal—conditions.** After conviction, *and* upon an appeal ~~to~~
4 ~~the supreme court~~, the defendant must be admitted to bail, if it be from a
5 judgment imposing a fine, upon the undertaking of bail that he will, in all
6 respects, abide the orders and the judgment of ~~the supreme~~ *an appellate* court
7 upon the appeal; if from a judgment of imprisonment, upon the undertaking of
8 bail that the defendant will surrender himself in execution of the judgment and
9 direction of the ~~supreme~~ *appellate* court, and in all respects abide the orders and
10 judgment of the ~~supreme~~ *appellate* court upon the appeal.

1 SEC. 94. Section seven hundred sixty-three point ten (763.10), Code 1975, is
2 amended to read as follows:

3 **763.10 By whom taken.** The bail may be taken, either by the court where the
4 judgment was rendered, or the district court of the county in which he is
5 imprisoned, or by the ~~supreme~~ *appellate* court, or a judge or clerk of any of such
6 courts.

1 SEC. 95. Section seven hundred sixty-three point eighteen (763.18), subsection
2 two (2), Code 1975, is amended to read as follows:

3 2. In any case in which a court denied a motion under subsection 1 to amend
4 an order imposing conditions of release, or a defendant is detained after
5 conditions of release have been imposed or amended upon such a motion, an
6 appeal may be taken to the supreme court. The appeal shall be determined
7 summarily without briefs on the record made in the district court. However, the
8 defendant may elect to file briefs and may be heard in oral argument, in which
9 case the prosecution shall have a right to respond as in an ordinary appeal from a
10 criminal conviction. The ~~supreme~~ *appellate* court may, on its own motion, order
11 the parties to submit briefs and set the time in which such briefs shall be filed.
12 Any order so appealed shall be affirmed if it is supported by the proceedings in
13 the district court. If the order is not so supported the court may remand the case
14 for a further hearing, or may, with or without additional evidence, order the
15 defendant released pursuant to section 763.17, subsection 1.

1 SEC. 96. Section seven hundred sixty-nine point one (769.1), Code 1975, is
2 amended to read as follows:

3 **769.1 Offenses prosecuted on information—jurisdiction.** Criminal offenses in
4 which the punishment exceeds a fine of one hundred dollars or exceeds
5 imprisonment for thirty days may be prosecuted to final judgment, either on
6 indictment, as is now or may be hereafter provided, or on information as herein
7 provided, and the district and ~~supreme~~ *appellate* courts shall possess and exercise
8 the same power and jurisdiction to hear, try, and determine prosecutions on

9 information, as herein provided, for all such criminal offenses, to issue writs and
10 process, and do all other acts therein, as they possess and may exercise in cases of
11 like prosecutions upon indictment.

1 SEC. 97. Section seven hundred seventy-five point five (775.5), Code 1975, is
2 amended to read as follows:

3 **775.5 Fee for attorney defending.** An attorney appointed by the court to
4 defend any person charged with a crime in this state shall be entitled to a
5 reasonable compensation to be decided in each case by the court, including such
6 sum or sums as the court may determine are necessary for investigation in the
7 interests of justice and in the event of appeal the cost of obtaining the transcript
8 of the trial and the printing of the trial record and necessary briefs in behalf of
9 the defendant. Such attorney need not follow the case into another county or into
10 the ~~supreme~~ *appellate* court unless so directed by the court at the request of the
11 defendant, where grounds for further litigation are not capricious or
12 unreasonable, but if he does so his fee shall be determined accordingly. Only one
13 attorney fee shall be so awarded in any one case.

1 SEC. 98. Section seven hundred ninety-three point one (793.1), Code 1975, is
2 amended to read as follows:

3 **793.1 Office of appeal—who may appeal.** The mode of reviewing in the
4 ~~supreme court~~ *appellate courts* any judgment, action, or decision of the district
5 court in a criminal case which is an indictable offense is by appeal. Either the
6 defendant or state may appeal.

1 SEC. 99. Section seven hundred ninety-three point seven (793.7), final
2 unnumbered paragraph, Code 1975, is amended to read as follows:

3 Such manuscripts shall be prepared in ample time so that the same may be
4 printed and filed within the time and in the manner prescribed by law and the
5 rules of the ~~supreme court~~ *appellate procedure*.

1 SEC. 100. Section seven hundred ninety-three point thirteen (793.13), Code
2 1975, is amended to read as follows:

3 **793.13 Personal appearance of defendant.** The personal appearance of the
4 defendant in the ~~supreme court~~ *appellate courts* on the trial of an appeal is ~~in no~~
5 ~~case necessary~~ *not required*.

1 SEC. 101. Section seven hundred ninety-three point fourteen (793.14), Code
2 1975, is amended to read as follows:

3 **793.14 Informality or defect.** An appeal shall not be dismissed for any
4 informality or defect in taking it, if corrected in a reasonable time; and the
5 ~~supreme appellate~~ court must direct how it shall be corrected.

1 SEC. 102. Section seven hundred ninety-three point seventeen (793.17), Code
2 1975, is amended to read as follows:

3 **793.17 Rules of procedure.** The record and case may be presented in the
4 ~~supreme appellate~~ court by printed abstracts, arguments, motions, and petitions
5 for rehearing as provided by ~~its~~ *the rules of appellate procedure*; and the provisions
6 of law in civil procedure relating to certification of the record and the filing of
7 decisions and opinions of the ~~supreme court~~ *appellate courts* shall apply in such
8 cases.

1 SEC. 103. Section seven hundred ninety-three point eighteen (793.18), Code
2 1975, is amended to read as follows:

3 **793.18 Decision of supreme appellate court.** If the appeal is taken by the
4 defendant, the ~~supreme appellate~~ court must examine the record, without regard
5 to technical errors or defects which do not affect the substantial rights of the
6 parties, and render such judgment on the record as the law demands; it may

7 affirm, reverse, or modify the judgment, or render such judgment as the district
8 court should have done, or order a new trial, or reduce the punishment, but
9 cannot increase it.

1 SEC. 104. Section seven hundred ninety-three point twenty (793.20), Code
2 1975, is amended to read as follows:

3 **793.20 Decisions in appeals by state.** If the state appeals, the ~~supreme~~
4 *appellate* court cannot reverse or modify the judgment so as to increase the
5 punishment, but may affirm it, and shall point out any error in the proceedings or
6 in the measure of punishment, and its decision shall be obligatory as law.

1 SEC. 105. Section seven hundred ninety-three point twenty-one (793.21), Code
2 1975, is amended to read as follows:

3 **793.21 Reversal—effect.** If a judgment against the defendant is reversed,
4 such reversal shall be deemed an order for a new trial, unless the ~~supreme~~
5 *appellate* court shall direct that the defendant be discharged and his bail
6 exonerated, or if money be deposited instead, that it be refunded to him.

1 SEC. 106. Section seven hundred ninety-three point twenty-two (793.22), Code
2 1975, is amended to read as follows:

3 **793.22 Affirmance—effect.** On a judgment of affirmance against the
4 defendant, the original judgment shall be carried into execution as the ~~supreme~~
5 *appellate* court shall direct, except as otherwise provided.

1 SEC. 107. Section seven hundred ninety-three point twenty-three (793.23),
2 Code 1975, is amended to read as follows:

3 **793.23 Opinion of ~~supreme~~ appellate court.** The opinion of the ~~supreme~~
4 *appellate* court must be in writing, filed with its clerk, and recorded.

1 SEC. 108. Section seven hundred ninety-three point twenty-four (793.24), Code
2 1975, is amended to read as follows:

3 **793.24 Decision recorded and transmitted.** The decision of the ~~supreme~~
4 *appellate* court, with any opinion filed or judgment rendered, must be recorded by
5 its clerk, and, after the expiration of the period allowed for a rehearing, or as
6 ordered by the court or provided by ~~its~~ *the rules of appellate procedure*, a certified
7 copy of the decision and opinion shall be transmitted to the clerk of the trial
8 court, filed and entered of record by him, and thereafter the jurisdiction of the
9 ~~supreme~~ *appellate* court shall cease, and all proceedings necessary for executing
10 the judgment shall be had in the trial court, or by its clerk.

1 SEC. 109. Section seven hundred ninety-three point twenty-six (793.26), Code
2 1975, is amended to read as follows:

3 **793.26 Time of imprisonment deducted.** If a defendant, imprisoned during
4 the pendency of an appeal, upon a new trial ordered by the ~~supreme~~ *appellate*
5 court is again convicted, the period of his former imprisonment shall be deducted
6 from the period of imprisonment to be fixed on the last verdict of conviction.

1 SEC. 110. The Code editor is directed to codify sections one (1) through
2 twenty-five (25) of this Act as a new chapter of the Code.

Approved May 24, 1976

CHAPTER 1242

PUBLIC PAY TOILETS

H. F. 24

AN ACT relating to public pay toilets and providing a penalty.

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

1 SECTION 1. NEW SECTION. **Pay toilets.** No person shall make a charge or
2 require any special device, key or slug for the use of a toilet located in a room
3 provided for use of the public. Violation of this Act is a misdemeanor.*

1 SEC. 2. Section one hundred seventy point thirty-four (170.34), Code 1975, is
2 hereby repealed.

Approved February 20, 1976

*See §687.7 of the Code for punishment

CHAPTER 1243

CONFISCATED AMMUNITION AND FIREARMS

H. F. 835

AN ACT providing that certain ammunition and firearms shall be deposited with the state criminalistics laboratory.

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

1 SECTION 1. Chapter seven hundred forty-nine A (749A), Code 1975, is
2 amended by adding the following new section:

3 NEW SECTION. **Deposit of ammunition and firearms.**

4 1. Ammunition and firearms which are stolen or embezzled or confiscated
5 pursuant to a valid arrest or search warrant and for which lawful possession is not
6 established or for which lawful title cannot be ascertained pursuant to chapters
7 six hundred forty-five (645) and seven hundred fifty-one (751) of the Code shall
8 be forwarded to the state criminalistics laboratory for deposit by the law
9 enforcement agency having possession of such items. Ammunition and firearms
10 which were used in the perpetration or attempted perpetration of a criminal
11 offense and are owned by the perpetrator of such offense shall be forfeited to the
12 state, and shall be deposited with the state criminalistics laboratory if no longer
13 required in a criminal action for evidentiary purposes. Ammunition and firearms
14 forfeited shall become the property of the state.

15 2. Ammunition and firearms other than those forfeited to the state, which come
16 into the possession of the state criminalistics laboratory may, at the discretion of
17 the commissioner of public safety, after being retained for at least one year, be
18 destroyed, retained or exchanged with other public agencies. Ammunition and
19 firearms forfeited to the state may be destroyed, retained, given to or exchanged
20 with other public agencies, within or without the state.

21 3. Ammunition and firearms subject to this Act shall not be subject to the
22 provisions of chapter five hundred fifty-six (556) of the Code, or any other
23 provisions of law relating to abandoned property.

24 4. If any person claims to be entitled to any property which may have been
 25 disposed of under this section, he may file a claim for the value of such property
 26 as provided in chapter twenty-five A (25A) of the Code.

1 SEC. 2. Section six hundred forty-five point five (645.5), Code 1975, is
 2 amended to read as follows:

3 **645.5 When not claimed.** If the property stolen or embezzled, *except*
 4 *ammunition or firearms*, be not claimed by the owner before the expiration of six
 5 months from the conviction of the person for stealing or embezzling it, the
 6 magistrate or other officer having it in his custody must, on payment of the
 7 necessary expenses incurred for its preservation, deliver it to the auditor of the
 8 county, to be applied under the direction of the board of supervisors thereof for
 9 the benefit of the poor of the county. *If the stolen or embezzled property is*
 10 *ammunition or a firearm and the property is not claimed under the provisions of this*
 11 *section, the property shall be disposed of pursuant to section one (1) of this Act.*

1 SEC. 3. Section seven hundred fifty-one point twenty-six (751.26), Code 1975,
 2 is amended to read as follows:

3 **751.26 Execution—sale—destruction.** Execution shall issue for the sale of all
 4 property, except money, *ammunition and firearms* which may have a legitimate
 5 use, and for the destruction of all property having no legitimate use. Sales shall be
 6 made as provided by section 626.75. Due return of the execution shall be made
 7 thereon by the officer executing it. *Ammunition and firearms shall be disposed of*
 8 *pursuant to section one (1) of this Act.*

Approved March 12, 1976

CHAPTER 1244

JURORS' FEES AND MILEAGE

S. F. 1151

AN ACT relating to the fees and expenses paid to jurors in a criminal action when the place of trial is changed.

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

1 SECTION 1. Section seven hundred seventy-eight point seventeen (778.17),
 2 Code 1975, is amended to read as follows:

3 **778.17 Jury fees in criminal actions.** Where the place of trial in any criminal
 4 action is changed to any county other than that in which the same was properly
 5 commenced, where the trial thereof takes place at a regular session and occupies
 6 more than one calendar day, the judge trying it shall certify the number of days
 7 so occupied, and the county in which the action was originally commenced shall
 8 be liable to the county where the same is tried for the sum of ~~three~~ *ten* dollars per
 9 day and mileage expenses at the rate of *fifteen cents per mile for each mile traveled*
 10 *each day to and from their residence to the place of attendance*, for each jurymen
 11 engaged in the trial thereof.

1 SEC. 2. This Act, being deemed of immediate importance, shall take effect
 2 and be in force from and after its publication in the West Des Moines Express, a

3 newspaper published in West Des Moines, Iowa, and in the Clinton Herald, a
4 newspaper published in Clinton, Iowa.

Approved March 9, 1976

I hereby certify that the foregoing Act, Senate File 1151, was published in the West Des Moines Express, West Des Moines, Iowa on March 18, 1976, and in the Clinton Herald, Clinton, Iowa on March 17, 1976.

MELVIN D. SYNHORST, *Secretary of State*

IOWA CRIMINAL CODE

(EFFECTIVE JANUARY 1, 1978)

CHAPTER 1245

IOWA CRIMINAL CODE

S. F. 85

AN ACT relating to a complete revision of the substantive criminal laws*, criminal procedure laws, and sentencing and post-conviction procedure laws of this state; providing rules of criminal procedure; providing classifications of public offenses and their consequent penalties; and providing penalties for violations of laws of the state to accord with the revised classifications.

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

CHAPTER 1

DIVISION 1

GENERAL PROVISIONS

1 SECTION 101. NEW SECTION. **Short title.** This chapter shall be known and
2 may be cited as "Iowa Criminal Code". A citation to the Iowa Criminal Code
3 shall identify this Act together with all amendments which may be made so as to
4 reflect the current state of the law.

1 SEC. 102. NEW SECTION. **Public offense.** A public offense is that which is
2 prohibited by statute and is punishable by fine or imprisonment.

1 SEC. 103. NEW SECTION. **Presumption of innocence.** Every person is
2 presumed innocent until proved guilty. No person shall be convicted of any
3 offense unless his or her guilt thereof is proved beyond a reasonable doubt.

1 SEC. 104. NEW SECTION. **Insanity.** No person shall be convicted of any
2 crime if at the time such crime is committed the person suffers from such a
3 diseased or deranged condition of the mind so as to render the person incapable
4 of knowing the nature and quality of the act he or she is committing or
5 incapable of distinguishing between right and wrong in relation to that act.
6 Insanity need not exist for any specific length of time before or after the
7 commission of the alleged criminal act.

1 SEC. 105. NEW SECTION. **Intoxicants or drugs.** The fact that a person is
2 under the influence of intoxicants or drugs neither excuses the person's act nor
3 aggravates his or her guilt, but may be shown where it is relevant in proving the
4 person's specific intent or recklessness at the time of the person's alleged
5 criminal act or in proving any element of the public offense with which the
6 person is charged.

1 SEC. 106. NEW SECTION. **Ignorance or mistake.** All persons are presumed
2 to know the law. Evidence of an accused person's ignorance or mistake as to a
3 matter of either fact or law shall be admissible in any case where it shall tend to
4 prove the existence or nonexistence of some element of the crime with which the
5 person is charged.

1 SEC. 107. NEW SECTION. **Felony defined and classified.** A public offense is
2 a felony of a particular class, when the statute defining the crime declares it to
3 be a felony. Felonies are class A felonies, class B felonies, class C felonies and
4 class D felonies. Where the statute defining the offense declares it to be a felony,
5 but does not state what class of felony it is nor provides for a specific penalty,
6 such felony shall be a class D felony.

*For repeal effective July 1, 1976, of motorcycle equipment requirements (including helmets) 66GA, chapter 183, see §527 hereof

1 SEC. 209. NEW SECTION. **Deception.** Deception consists of knowingly doing
2 any of the following:

3 1. Creating or confirming another's belief or impression as to the existence or
4 nonexistence of a fact or condition which is false and which the actor does not
5 believe to be true.

6 2. Failing to correct a false belief or impression as to the existence or
7 nonexistence of a fact or condition which the actor previously has created or
8 confirmed.

9 3. Preventing another from acquiring information pertinent to the disposition
10 of the property involved in any commercial or noncommercial transaction or
11 transfer.

12 4. Selling or otherwise transferring or encumbering property and failing to
13 disclose a lien, adverse claim, or other legal impediment to the enjoyment of the
14 property, whether such impediment is or is not valid, or is or is not a matter of
15 official record.

16 5. Promising payment, the delivery of goods, or other performance which the
17 actor does not intend to perform or knows he or she will not be able to perform.
18 Failure to perform, standing alone, is not evidence that the actor did not intend
19 to perform.

20 6. Inserting anything other than lawful money or authorized token into the
21 money slot of any machine which dispenses goods or services.

1 SEC. 210. NEW SECTION. **Dwelling.** A dwelling is any building or
2 structure, permanent or temporary, or any land, water or air vehicle, adapted for
3 overnight accommodation of persons, and actually in use by some person or
4 persons as permanent or temporary sleeping quarters, whether such person is
5 present or not.

1 SEC. 211. NEW SECTION. **Forcible felony.** A forcible felony is any
2 felonious assault, murder, sexual abuse, kidnapping, robbery, arson in the first
3 degree, or burglary in the first degree.

1 SEC. 212. NEW SECTION. **Occupied structure.** An occupied structure is any
2 building, structure, land, water or air vehicle, or similar place adapted for
3 overnight accommodation of persons, or occupied by persons for the purpose of
4 carrying on business or other activity therein, or for the storage or safekeeping
5 of anything of value. Such a structure is an "occupied structure" whether or not
6 a person is actually present.

1 SEC. 213. NEW SECTION. **Participating in a public offense.** A person is
2 participating in a public offense, during part or the entire period commencing
3 with the first act done directly toward the commission of the offense and for the
4 purpose of committing that offense, and terminating when the person has been
5 arrested or has withdrawn from the scene of the intended crime and has eluded
6 pursuers, if any there be. A person is participating in a public offense during this
7 period whether the person is successful or unsuccessful in committing the
8 offense.

1 SEC. 214. NEW SECTION. **Property.** Property is anything of value ,
2 whether publicly or privately owned. The term includes both tangible and
3 intangible property, labor and services. The term includes all that is included in
4 the terms "real property" and "personal property".

1 SEC. 215. NEW SECTION. **Prostitute.** A prostitute is a person who sells or
2 offers for sale his or her services as a participant in a sex act.

1 SEC. 216. NEW SECTION. **Reckless.** A person is reckless or acts recklessly
2 when he or she willfully or wantonly disregards the safety of persons or
3 property.

1 SEC. 305. NEW SECTION. **Liability of corporations, partnerships and**
2 **voluntary associations.** A public or private corporation, partnership, or other
3 voluntary association shall be guilty of a public offense when any of the
4 following is true:

5 1. The conduct constituting the offense consists of an omission to discharge a
6 specific duty or an affirmative performance imposed on the accused by law.

7 2. The conduct or act constituting the offense is committed by an agent,
8 officer, director, or employee of the accused while acting within the scope of the
9 authority of the agent, officer, director or employee and in behalf of the accused
10 and when said act or conduct is authorized, requested, or tolerated by the board
11 of directors or by a high managerial agent.

12 “High managerial agent” means an officer of the corporation, partner, or
13 other agent in a position of comparable authority with respect to the formulation
14 of policy or the supervision in a managerial capacity of subordinate employees.

15 DIVISION IV

16 JUSTIFICATION

1 SECTION 401. NEW SECTION. **Reasonable force.** Reasonable force is that
2 force which a reasonable person, in like circumstances, would judge to be
3 necessary to prevent an injury or loss, and no more, except that the use of
4 deadly force against another is reasonable only to resist a like force or threat.
5 Reasonable force, including deadly force, may be used even if an alternative
6 course of action is available if the alternative entails a risk to one's life or safety,
7 or the life or safety of a third party, or requires one to abandon or retreat from
8 his dwelling or place of business or employment.

1 SEC. 402. NEW SECTION. **Deadly force.** The term “deadly force” means
2 any of the following:

3 1. Force used for the purpose of causing serious injury.

4 2. Force which the actor knows or reasonably should know will create a
5 strong probability that serious injury will result.

6 3. The discharge of a firearm in the direction of some person with the
7 knowledge of his presence there, even though no intent to inflict serious physical
8 injury can be shown.

9 4. The discharge of a firearm at a vehicle in which a person is known to be.

1 SEC. 403. NEW SECTION. **Defense of self or another.** A person is justified
2 in the use of reasonable force when he reasonably believes that such force is
3 necessary to defend himself or herself, or another from any imminent use of
4 unlawful force.

1 SEC. 404. NEW SECTION. **Defense of property.** A person is justified in the
2 use of reasonable force to prevent or terminate criminal interference with his
3 possession or other right in property. Nothing in this section authorizes the use
4 of any spring gun or trap which is left unattended and unsupervised and which
5 is placed for the purpose of preventing or terminating criminal interference with
6 the possession of or other right in property.

1 SEC. 405. NEW SECTION. **Aiding another in the defense of property.** A
2 person is justified in the use of reasonable force to aid another in the lawful
3 defense of his rights in property or in any public property.

1 SEC. 406. NEW SECTION. **When defense not available.** The defense of
2 justification is not available to the following:

3 1. One who is participating in a forcible felony, or riot, or a duel.

4 2. One who initially provokes the use of force against himself or herself, with
5 the intent to use such force as an excuse to inflict injury on the assailant.

6 3. One who initially provokes the use of force against himself or herself by his
7 or her unlawful acts, unless:

8 a. Such force is grossly disproportionate to the provocation, and is so great
9 that the person reasonably believes that he or she is in imminent danger of death
10 or serious injury or

11 b. The person withdraws from physical contact with the other and indicates
12 clearly to the other that the person desires to terminate the conflict but the other
13 continues or resumes the use of force.

1 SEC. 407. NEW SECTION. **Resisting forcible felony.** A person who knows
2 that a forcible felony is being perpetrated is justified in using, against the
3 perpetrator, reasonable force to prevent the completion of that felony.

1 SEC. 408. NEW SECTION. **Escape from place of confinement.** A
2 correctional officer or peace officer is justified in using reasonable force,
3 including deadly force, which is necessary to prevent the escape of any person
4 from any jail, penal institution, correctional facility, or similar place of
5 confinement, or place of trial or other judicial proceeding, or to prevent the
6 escape from custody of any person who is being transported from any such
7 place of confinement, trial or judicial proceeding to any other such place, except
8 that deadly force may not be used to prevent the escape of one who the
9 correctional officer or peace officer knows or should know is confined on a
10 charge or conviction of a misdemeanor.

1 SEC. 409. NEW SECTION. **Death.** A physician or a person acting on the
2 direct orders of a physician who ceases to provide medical attention to a person
3 who is dead, as death is defined in division two (II) of this chapter, shall not be
4 criminally liable for such cessation of medical attention.

1 SEC. 410. NEW SECTION. **Compulsion.** No act, other than an act by which
2 one intentionally or recklessly causes physical injury to another, is a public
3 offense if the person so acting is compelled to do so by another's threat or
4 menace of serious injury, provided that the person reasonably believes that such
5 injury is imminent and can be averted only by his or her doing such act.

1 SEC. 411. NEW SECTION. **Police activity.** A peace officer or person
2 employed by any police agency who joins in the participation of a crime by
3 another person solely for the purpose of gathering evidence leading to the
4 prosecution of such other person shall not be guilty of that crime, provided that
5 all of the following are true:

- 6 1. He or she is not the instigator of the criminal activity.
- 7 2. He or she does not intentionally injure a nonparticipant in the crime.
- 8 3. He or she acts with the consent of his or her superiors or the necessity of
9 immediate action precludes his or her obtaining such consent.
- 10 4. His or her actions are reasonable under the circumstances.

1 SEC. 412. NEW SECTION. **Use of force in making an arrest.** A peace officer
2 or other person making an arrest or securing an arrested person may use such
3 force as is permitted by chapter two (2), sections four hundred eleven (411)
4 through four hundred sixteen (416) of this Act.

5 DIVISION V

6 SOLICITATION

1 SECTION 501. NEW SECTION. **Solicitation.** Any person who commands,
2 entreats, or otherwise attempts to persuade another to commit a particular
3 felony or aggravated misdemeanor, with the intent that such act be done and
4 under circumstances which corroborates that intent by clear and convincing
5 evidence, solicits such other to commit that felony or aggravated misdemeanor.
6 One who solicits another to commit a felony of any class commits a class D
7 felony. One who solicits another to commit an aggravated misdemeanor
8 commits an aggravated misdemeanor.

1 SEC. 502. NEW SECTION. **Renunciation.** It is a defense to a
2 prosecution for solicitation that the defendant, after soliciting another person to
3 commit a felony or aggravated misdemeanor, persuaded the person not to do so
4 or otherwise prevented the commission of the offense, under circumstances
5 manifesting a complete and voluntary renunciation of the defendant's criminal
6 intent. A renunciation is not "voluntary and complete" if it is motivated in
7 whole or in part by (a) the person's belief that circumstances exist which
8 increase the possibility of detection or apprehension of the defendant or another
9 or which makes more difficult the consummation of the offense or (b) the
10 person's decision to postpone the offense until another time or, to substitute
11 another victim or another but similar objective.

12 DIVISION VI

13 CONSPIRACY

1 SECTION 601. NEW SECTION. **Conspiracy.** Conspiracy is an agreement or
2 combination between two or more persons to engage in a course of conduct
3 which will consist, in whole or in part, of criminal acts to be committed by one
4 or more of the conspirators. A person shall not be convicted of a conspiracy
5 without proof of an overt act by one or more of the conspirators evidencing a
6 design to accomplish the purpose of the conspiracy by criminal means.

1 SEC. 602. NEW SECTION. **Locus of conspiracy.** A person commits a
2 conspiracy in any county where the person is physically present when he or she
3 makes such agreement or combination, and in any county where the person with
4 whom he or she makes such agreement or combination is physically present at
5 such time, whether or not any of the other conspirators are also present in that
6 county or in this state, and in any county in which any criminal act is done by
7 any person pursuant to the conspiracy, whether or not the person is or has ever
8 been present in such county; provided, that a person may not be prosecuted
9 more than once for a conspiracy based on the same agreement or combination.

1 SEC. 603. NEW SECTION. **Penalties.** A person who commits a conspiracy
2 to commit a forcible felony is guilty of a class C felony. A person who commits
3 a conspiracy to commit a felony, other than a forcible felony, is guilty of a class
4 D felony. A person who commits a conspiracy to commit a misdemeanor is
5 guilty of a misdemeanor of the same class.

1 SEC. 604. NEW SECTION. **Multiple convictions.** A conspiracy to commit a
2 public offense is an offense separate and distinct from any public offense which
3 might be committed pursuant to such conspiracy. A person may not be
4 convicted and sentenced for both the conspiracy and for the public offense.

5 DIVISION VII

6 MURDER

1 SECTION 701. NEW SECTION. **Murder defined.** A person who kills another
2 person with malice aforethought either express or implied commits murder.

1 SEC. 702. NEW SECTION. **Murder in the first degree.** A person commits
2 murder in the first degree when he or she commits murder under any of the
3 following circumstances:

4 1. The person willfully, deliberately, and with premeditation kills another
5 person.

6 2. The person kills another person while participating in a forcible felony.

7 3. The person kills another person while escaping or attempting to escape
8 from lawful custody.

9 4. The person intentionally kills a peace officer, correctional officer, public
10 employee, or hostage while such person is imprisoned in a correctional
11 institution under the jurisdiction of the department of social services, or in a city
12 or county jail. Murder in the first degree is a class A felony.

1 SEC. 703. NEW SECTION. **Murder in the second degree.** A person commits
2 murder in the second degree when he or she commits murder which is not
3 murder in the first degree. Murder in the second degree is a class B felony.

1 SEC. 704. NEW SECTION. **Voluntary manslaughter.** A person commits
2 voluntary manslaughter when that person causes the death of another person,
3 under circumstances which would otherwise be murder, if he or she acts solely
4 as the result of sudden, violent, and irresistible passion resulting from serious
5 provocation sufficient to excite such passion in a person and there is not an
6 interval between the provocation and the killing in which a person of ordinary
7 reason and temperament would regain his or her control and suppress the
8 impulse to kill.

9 Voluntary manslaughter is an included offense under an indictment for
10 murder in the first or second degree.

11 Voluntary manslaughter is a class C felony.

1 SEC. 705. NEW SECTION. **Involuntary manslaughter.**

2 1. A person commits a class D felony when the person unintentionally causes
3 the death of another person by the commission of a public offense other than a
4 forcible felony or escape.

5 2. A person commits an aggravated misdemeanor when the person
6 unintentionally causes the death of another person by the commission of an act
7 in a manner likely to cause death or serious injury.

8 Involuntary manslaughter as defined in this section is an included offense
9 under an indictment for murder in the first or second degree or voluntary
10 manslaughter.

1 SEC. 706. NEW SECTION. No person who injures the aggressor through
2 application of reasonable force in defense of his or her person or property may
3 be held civilly liable for such injury.

4 No person who injures the aggressor through application of reasonable force
5 in defense of a second person may be held civilly liable for such injury.

1 SEC. 707. NEW SECTION. **Feticide.** Any person who intentionally
2 terminates a human pregnancy after the end of the second trimester of the
3 pregnancy commits feticide. Feticide is a class C felony. This section shall not
4 apply to the termination of a human pregnancy performed by a physician
5 licensed in this state to practice medicine or surgery when in the best clinical
6 judgment of the physician the termination is performed to preserve the life or
7 health of the pregnant person or of the fetus and every reasonable medical effort
8 not inconsistent with preserving the life of the pregnant person is made to
9 preserve the life of the fetus.

10 Any person who terminates a human pregnancy who is not a person licensed
11 to practice medicine and surgery under the provisions of chapter one hundred
12 forty-eight (148) of the Code, or an osteopathic physician and surgeon licensed
13 to practice osteopathic medicine and surgery under the provisions of chapter one
14 hundred fifty A (150A) of the Code, commits a class C felony.

1 SEC. 708. NEW SECTION. **Nonconsensual termination.**

2 1. A person who terminates a human pregnancy without the consent of the
3 pregnant person during the commission of a felony or felonious assault is guilty
4 of a class B felony.

5 2. A person who intentionally terminates a pregnancy without the knowledge
6 and voluntary consent of the pregnant person is guilty of a class C felony. This
7 subsection shall not apply to a termination performed without the consent or
8 knowledge of the pregnant person by a physician licensed in this state to
9 practice medicine and surgery when circumstances preclude the pregnant person
10 from providing her consent and the termination is performed to preserve the life

11 or health of the pregnant person or of the fetus.

12 3. A person who by force or intimidation procures the consent of the pregnant
13 person to a termination of a pregnancy is guilty of a class C felony.

1 SEC. 709. NEW SECTION. **Homicide of fetus aborted alive.** A person who
2 intentionally kills a fetus aborted alive after the twentieth week of pregnancy
3 shall be guilty of a class B felony.

1 SEC. 710. NEW SECTION. **Duty to preserve the life of the fetus.** After the
2 twentieth week of pregnancy, a person who performs or induces a termination of
3 a human pregnancy and who willfully fails to exercise that degree of
4 professional skill, care and diligence available to preserve the life and health of a
5 fetus showing significant, sustainable vital signs shall be guilty of a serious
6 misdemeanor.

1 SEC. 711. NEW SECTION. **Attempt to commit homicide.** A person commits
2 a class C felony when, with the intent to cause the death of any person and not
3 under circumstances which would justify the person's actions, the person does
4 any act by which he or she expects to set in motion a force or chain of events
5 which will cause or result in the death of such other person.

6 It is not a defense to an indictment for attempt to commit homicide that the
7 acts proved could not have caused the death of any person, provided that the
8 actor intended to cause the death of some person by so acting, and the actor's
9 expectations were not unreasonable in the light of the facts known to the actor.

10 DIVISION VIII

11 ASSAULT AND BATTERY

1 SECTION 801. NEW SECTION. **Assault.** A person commits an assault when,
2 without justification, the person does any of the following:

3 1. Any act which is intended to cause pain or injury to, or which is intended
4 to result in physical contact which will be insulting or offensive to another,
5 coupled with the apparent ability to execute the act.

6 2. Any act which is intended to place another in fear of immediate physical
7 contact which will be painful, injurious, insulting, or offensive, coupled with the
8 apparent ability to execute the act.

9 3. Intentionally points any firearm toward another, or displays in a
10 threatening manner any dangerous weapon toward another.

11 Provided, that where the person doing any of the above enumerated acts, and
12 such other person, are voluntary participants in a sport, social or other activity,
13 not in itself criminal, and such act is a reasonably foreseeable incident of such
14 sport or activity, and does not create an unreasonable risk of serious injury or
15 breach of the peace, the act shall not be an assault.

1 SEC. 802. NEW SECTION. **Penalties for assault.**

2 1. A person who commits an assault, as defined in section eight hundred one
3 (801) of this division, with the intent to inflict a serious injury upon another,
4 shall be guilty of an aggravated misdemeanor.

5 2. Any other assault is a simple misdemeanor.

1 SEC. 803. NEW SECTION. **Assault while participating in a felony.** Any
2 person who commits an assault as defined in section eight hundred one (801) of
3 this division while participating in a felony is guilty of a class C felony if the
4 person thereby causes serious injury to any person; if no serious injury results,
5 the person is guilty of a class D felony.

1 SEC. 804. NEW SECTION. **Willful injury.** Any person who does an act
2 which is not justified and which is intended to cause and does cause serious
3 injury to another commits a class C felony.

1 SEC. 903. NEW SECTION. **Sexual abuse in the second degree.** A person
2 commits sexual abuse in the second degree when the person commits sexual
3 abuse under any of the following circumstances:

4 1. During the commission of sexual abuse the person displays in a threatening
5 manner a deadly weapon, or uses or threatens to use force creating a substantial
6 risk of death or serious injury to any person.

7 2. The other participant is under the age of twelve.

8 3. The person is aided or abetted by one or more persons and the sex act is
9 committed by force or against the will of the other participant.

10 Sexual abuse in the second degree is a class B felony.

1 SEC. 904. NEW SECTION. **Sexual abuse in the third degree.** Any sex act
2 between persons who are not at the time cohabiting as husband and wife is
3 sexual abuse in the third degree by either of the participants when the act is
4 performed with the other participant in any of the following circumstances:

5 1. Such act is done by force or against the will of the other.

6 2. The other participant is suffering from a mental defect or incapacity which
7 precludes giving consent, or lacks the mental capacity to know the right and
8 wrong of conduct in sexual matters.

9 3. The other participant is a child.

10 4. The other person is fourteen years of age but less than sixteen years of age
11 and the defendant is a member of the same household as the victim, the
12 defendant is related to the victim by blood or affinity to the fourth degree, or
13 the defendant is in a position of authority over the victim and used this
14 authority to coerce the victim to submit.

15 Sexual abuse in the third degree is a class C felony.

16 Sexual abuse in the fourth degree is a class D felony.

1 SEC. 905. NEW SECTION. **Resistance to sexual abuse.** Under the provisions
2 of this division it shall not be necessary to establish physical resistance by a
3 participant in order to establish that an act of sexual abuse was committed by
4 force or against the will of the participant. However, the circumstances
5 surrounding the commission of the act may be considered in determining
6 whether or not the act was done by force or against the will of the other.

1 SEC. 906. NEW SECTION. **Jury instructions for offenses of sexual abuse.**
2 No instruction shall be given in a trial for sexual abuse cautioning the jury to
3 use a different standard relating to a victim's testimony than that of any other
4 witness to that offense or any other offense.

1 SEC. 907. NEW SECTION. **Detention in brothel.** Any person who, by force,
2 intimidation, or false pretense entices another who is not a prostitute to enter a
3 brothel with the intent to cause such other to become an inmate thereof, or who
4 detains another, whether a prostitute or not, in any brothel, against the will of
5 such other, with the intent that such other engage in prostitution therein,
6 commits a class C felony.

1 SEC. 908. NEW SECTION. **Lascivious acts with a child.** It is unlawful for
2 any person eighteen years of age or older to perform any of the following acts
3 with a child with or without his or her consent unless married to each other, for
4 the purpose of arousing or satisfying the sexual desires of either of them:

5 1. Fondle or touch the pubes or genitals of a child.

6 2. Permit a child to fondle or touch his or her genitals or pubes.

7 3. Solicit a child to engage in a sex act.

8 4. Inflict pain or discomfort upon a child or permit a child to inflict pain or
9 discomfort on him or her.

10 Any person who violates a provision of this section shall, upon conviction, be
11 guilty of a class D felony.

1 SEC. 909. NEW SECTION. **Indecent exposure.** A person who exposes his or
2 her genitals or pubes to another not his or her spouse, or who commits a
3 sex act in the presence of or view of a third person, commits a serious mis-
4 demeanor, if:

5 1. The person does so to arouse or satisfy the sexual desires of either party;
6 and

7 2. The person knows or reasonably should know that his act is offensive to the
8 viewer.

1 SEC. 910. NEW SECTION. **Cost of medical examination in crimes of sexual**
2 **assault.** The cost of a medical examination for the purpose of gathering
3 evidence and the cost of treatment for the purpose of preventing venereal
4 disease shall be borne by the state department of health.

5 DIVISION X

6 KIDNAPPING AND RELATED OFFENSES

1 SECTION 1001. NEW SECTION. **Kidnapping.** A person commits kidnapping
2 when he or she either confines a person or removes a person from one place to
3 another, knowing that he or she has neither the authority nor the consent of the
4 other to do so; provided, that to constitute kidnapping the act must be
5 accompanied by one or more of the following:

6 1. The intent to hold such person for ransom.

7 2. The intent to use such person as a shield or hostage.

8 3. The intent to inflict serious injury upon such person, or to subject the
9 person to a sexual abuse.

10 4. The intent to secretly confine such person.

11 5. The intent to interfere with the performance of any government function.

1 SEC. 1002. NEW SECTION. **Kidnapping in the first degree.** Kidnapping is
2 kidnapping in the first degree when the person kidnapped, as a consequence of
3 the kidnapping, suffers serious injury, or is intentionally subjected to torture or
4 sexual abuse.

5 Kidnapping in the first degree is a class A felony.

1 SEC. 1003. NEW SECTION. **Kidnapping in the second degree.** Kidnapping
2 where the purpose is to hold the victim for ransom or where the kidnapper is
3 armed with a dangerous weapon is kidnapping in the second degree. Kidnapping
4 in the second degree is a class B felony.

1 SEC. 1004. NEW SECTION. **Kidnapping in the third degree.** All other
2 kidnappings are kidnappings in the third degree. Kidnapping in the third degree
3 is a class C felony.

1 SEC. 1005. NEW SECTION. **Child stealing.** A person commits a class C
2 felony when, knowing that he or she has no authority to do so, forcibly or
3 fraudulently takes, decoys, or entices away any child with intent to detain or
4 conceal such child from its parents or guardian, or other persons or institution
5 having the lawful custody of such child, unless the person is a relative of such
6 child, and the person's sole purpose is to assume custody of such child.

1 SEC. 1006. NEW SECTION. **Violating custodial order.** Any relative of a
2 child who, acting in violation of any order of any court which fixes, permanently
3 or temporarily, the custody of such child in another, takes such child and
4 removes him from the state, without the consent of the person having lawful
5 custody, commits a class D felony.

1 SEC. 1007. NEW SECTION. **False imprisonment.** A person commits false
 2 imprisonment when, having no reasonable belief that he or she has any right or
 3 authority to do so, the person intentionally confines another against his or her
 4 will. A person is confined when the person's freedom to move about is
 5 substantially restricted by force, threat, or deception. False imprisonment is a
 6 serious misdemeanor.

7 DIVISION XI

8 ROBBERY AND EXTORTION

1 SECTION 1101. NEW SECTION. **Robbery.** A person commits a robbery
 2 when, having the intent to commit a theft, the person does any of the following
 3 acts to assist or further the commission of the intended theft, or the person's
 4 escape from the scene thereof with or without the stolen property:

- 5 1. Commits an assault upon another.
- 6 2. Threatens another with or purposely puts another in fear of immediate
 7 serious injury.
- 8 3. Threatens to commit immediately any forcible felony.

9 It is immaterial to the question of guilt or innocence of robbery that property
 10 was or was not actually stolen.

1 SEC. 1102. NEW SECTION. **Robbery in the first degree.** A person commits
 2 robbery in the first degree when, while perpetrating a robbery, the person
 3 purposely inflicts or attempts to inflict serious injury, or is armed with a
 4 dangerous weapon. Robbery in the first degree is a class B felony.

1 SEC. 1103. NEW SECTION. **Robbery in the second degree.** All robbery
 2 which is not robbery in the first degree is robbery in the second degree. Robbery
 3 in the second degree is a class C felony.

1 SEC. 1104. NEW SECTION. **Extortion.** A person commits extortion if the
 2 person does any of the following with the purpose of obtaining for oneself or
 3 another anything of value, tangible or intangible, including labor or services:

- 4 1. Threatens to inflict physical injury on some person, or to commit any
 5 public offense.
- 6 2. Threatens to accuse another of a public offense.
- 7 3. Threatens to expose any person to hatred, contempt, or ridicule.
- 8 4. Threatens to harm the credit or business or professional reputation of any
 9 person.
- 10 5. Threatens to take or withhold action as a public officer or employee, or to
 11 cause some public official or employee to take or withhold action.
- 12 6. Threatens to testify or provide information or to withhold testimony or
 13 information with respect to another's legal claim or defense.
- 14 7. Threatens to wrongfully injure the property of another.

15 It is a defense to a charge of extortion that the person making a threat other
 16 than a threat to commit a public offense, reasonably believed that he or she had
 17 a right to make such threats in order to recover property, or to receive
 18 compensation for property or services, or to recover a debt to which the person
 19 has a good faith claim.

20 Extortion is a class D felony.

21 DIVISION XII

22 ARSON

1 SECTION 1201. NEW SECTION. **Arson.** Causing a fire or explosion, or placing
 2 any burning or combustible material, or any incendiary or explosive device or
 3 material, in or near any property with the intent to destroy or damage such
 4 property, or with the knowledge that such property will probably be destroyed
 5 or damaged, is arson, whether or not any such property is actually destroyed or
 6 damaged. Provided, that where a person who owns said property which the

7 defendant intends to destroy or damage, or which he knowingly endangers,
8 consented to the defendant's acts, and where no insurer has been exposed
9 fraudulently to any risk, and where the act was done in such a way as not to
10 unreasonably endanger the life or property of any other person the act shall not
11 be arson.

1 SEC. 1202. NEW SECTION. **Arson in the first degree.** Arson is arson in the
2 first degree when the property which the defendant intends to destroy or
3 damage, or which the defendant knowingly endangers, is property in which the
4 presence of one or more persons can be reasonably anticipated.

5 Arson in the first degree is a class B felony.

1 SEC. 1203. NEW SECTION. **Arson in the second degree.** Arson which is not
2 arson in the first degree is arson in the second degree when the property which
3 the defendant intends to destroy or damage, or which the defendant knowingly
4 endangers, is a building or a structure, or real property of any kind, or standing
5 crops, or is personal property the value of which exceeds five hundred dollars.
6 Arson in the second degree is a class C felony.

1 SEC. 1204. NEW SECTION. **Arson in the third degree.** Arson which is not
2 arson in the first degree or arson in the second degree is arson in the third
3 degree. Arson in the third degree is an aggravated misdemeanor.

1 SEC. 1205. NEW SECTION. **Reckless use of fire or explosives.** Any person
2 who shall so use fire or any incendiary or explosive device or material as to
3 recklessly endanger the property or safety of another shall be guilty of a serious
4 misdemeanor.

1 SEC. 1206. NEW SECTION. **Possession of explosive or incendiary materials or
2 devices.** Any person who shall possess any incendiary or explosive device or
3 material with the intent to use such device or material to commit any public
4 offense shall be guilty of a class C felony.

1 SEC. 1207. NEW SECTION. **False reports.** A person who, knowing the
2 information to be false, conveys or causes to be conveyed to any person any
3 false information concerning the placement of any incendiary or explosive
4 device or material or other destructive substance or device in any place where
5 persons or property would be endangered commits a class D felony.

1 SEC. 1208. NEW SECTION. **Threats.** Any person who threatens to place or
2 attempts to place any incendiary or explosive device or material, or any
3 destructive substance or device in any place where it will endanger persons or
4 property, commits a class D felony.

5 DIVISION XIII

6 BURGLARY

1 SECTION 1301. NEW SECTION. **Burglary.** Any person, having the intent to
2 commit a felony, assault or theft therein, who, having no right, license or
3 privilege to do so, enters an occupied structure or area enclosed in such a
4 manner as to provide a place for the keeping of valuable property secure from
5 theft or criminal mischief, such occupied structure or place not being open to the
6 public, or who remains therein after it is closed to the public or after the
7 person's right, license or privilege to be there has expired, or any person having
8 such intent who breaks an occupied structure or other place where anything of
9 value is kept, commits burglary.

1 SEC. 1302. NEW SECTION. **Burglary in the first degree.** A person commits
2 burglary in the first degree if, while perpetrating a burglary, the person has in his
3 or her possession an explosive or incendiary device or material, or a dangerous
4 weapon, or intentionally or recklessly inflicts physical injury on any person.
5 Burglary in the first degree is a class B felony.

1 SEC. 1303. NEW SECTION. **Burglary in the second degree.** All burglary
2 which is not burglary in the first degree is burglary in the second degree.
3 Burglary in the second degree is a class C felony.

1 SEC. 1304. NEW SECTION. **Possession of burglar's tools.** Any person who
2 possesses any key, tool, instrument, device or any explosive, with the intent to
3 use it in the perpetration of a burglary, shall be guilty of possessing burglar's
4 tools. Possessing burglar's tools is a class C felony.

5
DIVISION XIV
THEFT

1 SECTION 1401. NEW SECTION. **Theft.** A person commits theft when the
2 person does any of the following:

3 1. Takes possession or control of the property of another, or property in the
4 possession of another, with the intent to deprive the other thereof.

5 2. Misappropriates property which the person has in trust, or property of
6 another which the person has in his or her possession or control, whether such
7 possession or control is lawful or unlawful, by using or disposing of it in a
8 manner which is inconsistent with or a denial of the trust or of the owner's rights
9 in such property, or conceals found property, or appropriates such property to
10 his or her own use, when the owner of such property is known to him or her.
11 Failure by a bailee or lessee of personal property to return the property within
12 seventy-two hours after a time specified in a written agreement of lease or
13 bailment shall be evidence of misappropriation.

14 3. Obtains the labor or services of another, or a transfer of possession, control,
15 or ownership of the property of another, or the beneficial use of property of
16 another, by deception. Where compensation for goods and services is ordinarily
17 paid immediately upon the obtaining of such goods or the rendering of such
18 services, the refusal to pay or leaving the premises without payment or offer to
19 pay or without having obtained from the owner or operator the right to pay
20 subsequent to leaving the premises gives rise to an inference that the goods or
21 services were obtained by deception.

22 4. Exercises control over stolen property, knowing such property to have been
23 stolen, or having reasonable cause to believe that such property has been stolen,
24 unless the person's purpose is to promptly restore it to the owner or to deliver it
25 to an appropriate public officer. The fact that the person is found in possession
26 of property which has been stolen from two or more persons on separate
27 occasions, or that the person is a dealer or other person familiar with the value
28 of such property and has acquired it for a consideration which is far below its
29 reasonable value, shall be evidence from which the court or jury may infer that
30 the person knew or believed that the property had been stolen.

31 5. Takes, destroys, conceals or disposes of property in which someone else has
32 a security interest, with intent to defraud the secured party.

33 6. Makes, utters, draws, delivers, or gives any check, draft, or written order on
34 any bank, person or corporation, and obtains property in exchange therefor, if
35 the person knows that such check, draft or written order will not be paid when
36 presented. Whenever the drawee of such instrument has refused payment
37 because of insufficient funds, and the maker has not paid the holder of the
38 instrument the amount due thereon within ten days of the maker's receipt of
39 notice from the holder that payment has been refused by the drawee, the court
40 or jury may infer from such facts that the maker knew that the instrument
41 would not be paid on presentation. Notice of refusal of payment shall be by
42 certified mail, or by personal service in the manner prescribed for serving
43 original notices.

44 7. Whenever the drawee of such instrument has refused payment because the
45 maker has no account with the drawee, the court or jury may infer from such

46 fact that the maker knew that the instrument would not be paid on presentation.
47 8. Any act that is declared to be theft by any provision of the Code.

1 SEC. 1402. NEW SECTION. **Degrees of theft.**

2 1. The theft of property exceeding five thousand dollars in value, or the theft
3 of property from the person of another, or from a building which has been
4 destroyed or left unoccupied because of physical disaster, riot, bombing, or the
5 proximity of battle, or the theft of property which has been removed from a
6 building because of a physical disaster, riot, bombing, or the proximity of battle,
7 is theft in the first degree. Theft in the first degree is a class C felony.

8 2. The theft of any property not exceeding five thousand dollars in value by
9 one who has before been twice convicted of theft, or the theft by any other
10 person of property exceeding five hundred dollars but not exceeding five
11 thousand dollars in value or theft of a motor vehicle, irrespective of value, is
12 theft in the second degree. Theft in the second degree is a class D felony.

13 3. The theft of property exceeding one hundred dollars but not exceeding five
14 hundred dollars in value is theft in the third degree. Theft in the third degree is
15 an aggravated misdemeanor.

16 4. The theft of property exceeding fifty dollars in value but not exceeding one
17 hundred dollars in value is theft in the fourth degree. Theft in the fourth degree
18 is a serious misdemeanor.

19 5. The theft of property not exceeding fifty dollars in value is theft in the fifth
20 degree. Theft in the fifth degree is a simple misdemeanor.

1 SEC. 1403. NEW SECTION. **Value.** The value of property is its normal
2 market or exchange value within the community at the time that it is stolen. If
3 money or property is stolen by a series of acts from the same person or location,
4 or from different persons by a series of acts which occur in approximately the
5 same location or time period so that the thefts are attributable to a single
6 scheme, plan or conspiracy, such acts may be considered a single theft and the
7 value may be the total value of all the property stolen.

1 SEC. 1404. NEW SECTION. **Claim of right.** No person who takes, obtains,
2 disposes of, or otherwise uses or acquires property, is guilty of theft by reason of
3 such act if the person reasonably believes that he or she has a right, privilege or
4 license to do so, or if the person does in fact have such right, privilege or license.

1 SEC. 1405. NEW SECTION. **Evidence of intention.** The fact that any person
2 has concealed unpurchased property of any store or other mercantile
3 establishment, either on the premises or outside the premises of such store, shall
4 be material evidence of intent to deprive the owner thereof, and the finding of
5 such unpurchased property concealed, upon the person or among the belongings
6 of such person, shall be material evidence of intent to deprive and, if such
7 person conceals, or causes to be concealed, such unpurchased property, upon the
8 person or among the belongings of another, the finding of the same shall also be
9 material evidence of intent to deprive on the part of the person concealing such
10 goods.

1 SEC. 1406. NEW SECTION. **Land.** The mere trespass on or occupation of
2 land, contrary to the rights of the owner thereof, is not theft.

1 SEC. 1407. NEW SECTION. **Operating vehicle without owner's consent.** Any
2 person who shall take possession or control of any railroad vehicle, or any self-
3 propelled vehicle, aircraft, or motor boat, the property of another, without the
4 consent of the owner of such, but without the intent to deprive the owner
5 thereof, shall be guilty of an aggravated misdemeanor. A violation of this section
6 may be proved as a lesser included offense on an indictment or information
7 charging theft.

1 SEC. 1408. NEW SECTION. **Fraudulent practices.** A person who does any of
2 the following acts is guilty of a fraudulent practice. A fraudulent practice is an
3 aggravated misdemeanor.

4 1. Makes, tenders or keeps for sale any warehouse receipt, bill of lading, or
5 any other instrument purporting to represent any right to goods, with knowledge
6 that the goods represented by such instrument do not exist.

7 2. Knowingly attaches or alters any label to any goods offered or kept for sale
8 so as to materially misrepresent the quality or quantity of such goods, or the
9 maker or source of such goods.

10 3. Knowingly executes or tenders any false affidavit or certificate, which is
11 required by law, or which is given in support of any claim for compensation,
12 indemnification, restitution, or other payment.

13 4. Makes any entry in or alteration of any public records, or any records of
14 any corporation, partnership, or other business enterprise or nonprofit
15 enterprise, knowing the same to be false.

16 5. Removes, alters or defaces any serial or other identification number, or any
17 owners' identification mark, from any property not his or her own.

18 6. For the purpose of soliciting assistance, contributions, or other thing of
19 value, falsely represents oneself to be a veteran of the armed forces of the
20 United States, or a member of any fraternal, religious, charitable, or veterans
21 organization, or any pretended organization of a similar nature, or to be acting
22 on behalf of such person or organization.

23 7. Manufactures, sells, or keeps for sale any token or device suitable for the
24 operation of a coin-operated device or vending machine, with the intent that
25 such token or device may be so used, or with the representation that they can be
26 so used; provided, that the owner or operator of any coin-operated device or
27 vending machine may sell slugs or tokens for use in his own devices.

28 8. Manufactures or possesses any false or counterfeit label, with the intent
29 that it be placed on merchandise to falsely identify its origin or quality, or who
30 sells any such false or counterfeit label with the representation that it may be so
31 used.

32 9. Alters or renders inoperative or inaccurate any meter or measuring device
33 used in determining the value of or compensation for the purchase, use or
34 enjoyment of property, with the intent to defraud any person.

35 10. Does any act expressly declared to be a fraudulent practice by any other
36 section of the Code.

37 DIVISION XV

38 FALSE USE OF A FINANCIAL INSTRUMENT

1 SECTION 1501. NEW SECTION. **Financial instrument defined.** A financial
2 instrument is any of the following:

3 1. A check, bill note, draft, bond receipt, or any writing which ostensibly
4 evidences an obligation of, or surrender of right or claim by, the person who has
5 purportedly executed it or authorized its execution. Writing includes printing or
6 any other method of recording information, money, coins, tokens, stamps, seals,
7 credit cards, badges, trademarks, and other symbols of value, right, privilege, or
8 identification.

9 2. Any deed, will or testamentary document, bill of sale, warehouse receipt,
10 bill of lading, or any writing which purports to convey an interest in some
11 property, or to be evidence of or to establish a right in some property.

12 3. Any letter, credit card, charge plate, or other device which is designed to
13 identify the person tendering such device as one to whom credit may be
14 extended, or as one to whom goods or services may be furnished and charged to
15 the account of another.

16 4. Any endorsement, acceptance, acknowledgement, codicil, or any writing of
17 any kind upon or ancillary to any financial instrument which does or purports to
18 affect such instrument or the rights or obligations evidenced thereby.

1 SEC. 1502. NEW SECTION. **Use of financial instrument defined.** One uses a
 2 financial instrument when he or she does any of the following
 3 1. Makes or executes such instrument or an endorsement thereon, or alters
 4 such instrument so as to materially change its nature or the right or obligation
 5 which it purports to represent.
 6 2. Tenders or offers such instrument to another in the course of a financial or
 7 commercial transaction, with the representation, either express or by implication,
 8 that the instrument is what it purports to be and that he or she is a person who
 9 is shown on its face to be one who may rightfully so use such instrument.
 10 3. Possesses such instrument, knowing it to be false or knowing that he or she
 11 has no right to use or possess it.

1 SEC. 1503. NEW SECTION. **Intent and knowledge.** The term "intent to
 2 obtain fraudulently anything of value" includes the intent to deliver a financial
 3 instrument to another, knowing that the other person intends to use the
 4 instrument to obtain fraudulently something of value.
 5 One acts with knowledge of facts when the person has information which
 6 would put a reasonable person on inquiry as to such facts, but acts without
 7 making a reasonable inquiry.

1 SEC. 1504. NEW SECTION. **Proof of intent.** The intent to obtain
 2 fraudulently anything of value shall not be proved by the mere possession of a
 3 falsified financial instrument or a financial instrument which the possessor has
 4 no right to use.

1 SEC. 1505. NEW SECTION. **"Person" defined.** The term "person" as used
 2 in this division means a natural person, a fiduciary, a state, a private or public
 3 corporation or de facto corporation of any kind, or an officer or agent thereof,
 4 and includes fictitious persons or corporations. It is immaterial that any person
 5 whom the instrument on its face identifies as having the right to use it, does or
 6 does not have such a right, or whether such person does or does not actually
 7 exist.

1 SEC. 1506. NEW SECTION. **False use of a financial instrument.** The use of a
 2 financial instrument with the intent to obtain fraudulently anything of value by
 3 one who knows that the instrument is not what it purports to be, or who knows
 4 that he or she is not the person nor the authorized agent of the person who, as
 5 shown on the instrument, has the right to so use the instrument, shall constitute
 6 the false use of a financial instrument. False use of a financial instrument is a
 7 class C felony.

DIVISION XVI

DAMAGE AND TRESPASS TO PROPERTY

1 SECTION 1601. NEW SECTION. **Criminal mischief.** Any damage, defacing,
 2 alteration, or destruction of tangible property is criminal mischief when done
 3 intentionally by one who has no right to so act.

1 SEC. 1602. NEW SECTION. **Multiple acts.** Whenever criminal mischief is
 2 committed upon more than one item of property at approximately the same
 3 location or time period, so that all of these acts of mischief can be attributed to
 4 a single scheme, plan or conspiracy, such acts shall be considered as a single act
 5 of criminal mischief.

1 SEC. 1603. NEW SECTION. **Criminal mischief in the first degree.** Criminal
 2 mischief is criminal mischief in the first degree if the cost of replacing, repairing,
 3 or restoring the property so damaged, defaced, altered, or destroyed is more
 4 than five thousand dollars, or if such acts are intended to or do in fact cause a
 5 substantial interruption or impairment of service rendered to the public by a gas,

6 electric, steam or waterworks corporation, telephone or telegraph corporation,
7 common carrier, or a public utility operated by a municipality. Criminal
8 mischief in the first degree is a class C felony.

1 SEC. 1604. NEW SECTION. **Criminal mischief in the second degree.**
2 Criminal mischief is criminal mischief in the second degree if the cost of
3 replacing, repairing, or restoring the property so damaged, defaced, altered, or
4 destroyed exceeds five hundred dollars but does not exceed five thousand
5 dollars. Criminal mischief in the second degree is a class D felony.

1 SEC. 1605. NEW SECTION. **Criminal mischief in the third degree.** Criminal
2 mischief is criminal mischief in the third degree if the cost of replacing,
3 repairing, or restoring the property so damaged, defaced, altered, or destroyed
4 exceeds one hundred dollars, but does not exceed five hundred dollars, or if the
5 property is a deed, will, commercial paper or any civil or criminal process or
6 other instrument having legal effect, or if the act consists of rendering
7 substantially less effective than before any light, signal, obstruction, barricade,
8 or guard which has been placed or erected for the purpose of enclosing any
9 unsafe or dangerous place or of alerting persons to an unsafe or dangerous
10 condition. Criminal mischief in the third degree is an aggravated misdemeanor.

1 SEC. 1606. NEW SECTION. **Criminal mischief in the fourth degree.** All
2 criminal mischief which is not criminal mischief in the first degree, second
3 degree or third degree is criminal mischief in the fourth degree. Criminal
4 mischief in the fourth degree is a simple misdemeanor.

1 SEC. 1607. NEW SECTION. **Criminal trespass.**

2 1. The term "property" shall include any land, dwelling, building, conveyance,
3 vehicle, or other temporary or permanent structure whether publicly or privately
4 owned.

5 2. The term "trespass" shall mean one or more of the following acts:

6 a. Entering upon or in property without justification or without the implied or
7 actual permission of the owner, lessee, or person in lawful possession with the
8 intent to commit a public offense or to use, remove therefrom, alter, damage,
9 harass, or place thereon or therein anything animate or inanimate, without
10 justification, or without the implied or actual permission of the owner, lessee, or
11 person in lawful possession.

12 b. Entering or remaining upon or in property without justification after being
13 notified or requested to abstain from entering or to remove or vacate therefrom
14 by the owner, lessee, or person in lawful possession, or the agent or employee of
15 the owner, lessee, or person in lawful possession, or by any peace officer,
16 magistrate, or public employee whose duty it is to supervise the use or
17 maintenance of the property.

18 c. Entering upon or in property for the purpose or with the effect of unduly
19 interfering with the lawful use of the property by others.

20 d. Being upon or in property and wrongfully using, removing therefrom,
21 altering, damaging, harassing, or placing thereon or therein anything animate or
22 inanimate, without the implied or actual permission of the owner, lessee, or
23 person in lawful possession.

24 3. The term "trespass" shall not mean entering upon the property of another
25 for the sole purpose of retrieving personal property which has accidentally or
26 inadvertently been thrown, fallen, strayed, or blown onto the property of
27 another, provided that the person retrieving the property takes the most direct
28 and accessible route to and from the property to be retrieved, quits the property
29 as quickly as is possible, and does not unduly interfere with the lawful use of the
30 property.

1 SEC. 1608. NEW SECTION. **Penalties.**

2 1. Any person who knowingly trespasses upon the property of another
3 commits a simple misdemeanor.

4 2. Any person committing a trespass as defined in section one thousand six
5 hundred seven (1607) of this chapter which results in injury to any person or
6 damage in an amount more than one hundred dollars to anything, animate or
7 inanimate, located thereon or therein commits a serious misdemeanor.

8 DIVISION XVII

9 INJURY TO ANIMALS

1 SECTION 1701. NEW SECTION. **Injuries to animals.** Any person who, having
2 no right to do so, shall maliciously kill, maim, or disfigure any animal of another,
3 or maliciously administer poison to any such animal, or expose any poisonous
4 substance with the intent that the same should be taken by any such animal, shall
5 be guilty of an aggravated misdemeanor.

1 SEC. 1702. NEW SECTION. **Cruelty to animals.** Any person who shall
2 impound or confine or cause to be impounded or confined, in any place, any
3 domestic animal, or fowl, or any dog or cat, and fail to supply such animal
4 during confinement with a sufficient quantity of food and water, or who shall
5 torture, torment, deprive of necessary sustenance, mutilate, overdrive, overload,
6 drive when overloaded, beat, or kill any such animal by any means which shall
7 cause unjustified pain, distress or suffering, whether intentionally or negligently,
8 shall be guilty of a simple misdemeanor.

1 SEC. 1703. NEW SECTION. **Exhibitions and fights.** A person who arranges,
2 promotes, or stages an exhibition at which any animal is tormented, or any fight
3 between animals or between a person and an animal, or who keeps a place
4 where such exhibitions and fights are staged for the entertainment of spectators,
5 commits a serious misdemeanor.

6 DIVISION XVIII

6 OFFENSES AGAINST THE GOVERNMENT

1 SECTION 1801. NEW SECTION. **Insurrection.** An insurrection is three or
2 more persons acting in concert and using physical violence against persons or
3 property, with the purpose of interfering with, disrupting, or destroying the
4 government of the state or any subdivision thereof, or to prevent any executive,
5 legislative, or judicial officer or body from performing its lawful function.
6 Participation in insurrection is a class C felony.

1 SEC. 1802. NEW SECTION. **Impersonating a public official.** Any person
2 who falsely holds himself or herself out or assumes to act as an elected or
3 appointed officer, magistrate, peace officer, or person authorized to act on
4 behalf of the state or any subdivision thereof, having no authority to do so,
5 commits an aggravated misdemeanor.

1 SEC. 1803. NEW SECTION. **Willful disturbance.** Any person who willfully
2 disturbs any deliberative body or agency of the state, or subdivision thereof,
3 with the purpose of disrupting the functioning of such body or agency by
4 tumultuous behavior, or coercing by force or the threat of force any official
5 conduct or proceeding, commits a serious misdemeanor.

1 SEC. 1804. NEW SECTION. **Harassment of public officers and employees.**
2 Any person who willfully prevents or attempts to prevent any public officer or
3 employee from performing the officer's or employee's duty commits a simple
4 misdemeanor.

1 SEC. 1805. NEW SECTION. **Falsifying public documents.** A person who,
2 having no right or authority to do so, makes or alters any public document, or
3 any instrument which purports to be a public document, or who possesses a seal
4 or any counterfeit seal of the state or of any of its subdivisions, or of any officer,

5 employee, or agency of the state or of any of its subdivisions, commits a class D
6 felony.

1 SEC. 1806. NEW SECTION. **False reports to law enforcement authorities.** A
2 person who reports or causes to be reported false information to a fire
3 department or a law enforcement authority, knowing that the information is
4 false, or who reports the alleged occurrence of a criminal act knowing the same
5 did not occur, commits a simple misdemeanor.

6 DIVISION XIX

7 OBSTRUCTING JUSTICE

1 SECTION 1901. NEW SECTION. **Interference with official acts.** A person
2 who knowingly resists or obstructs anyone known by the person to be a peace
3 officer in the performance of any act which is within the scope of the officer's
4 lawful duty or authority, or who knowingly resists or obstructs the service or
5 execution by any authorized person of any civil or criminal process or order of
6 any court, commits a simple misdemeanor. If a person commits an interference
7 with official acts, as defined in this section, and in so doing he purposely inflicts
8 or attempts to inflict serious injury, or displays a dangerous weapon, or is armed
9 with a firearm, he commits an aggravated misdemeanor.

1 SEC. 1902. NEW SECTION. **Refusing to assist officer.** Any person who is
2 requested or ordered by any magistrate or peace officer to render the magistrate
3 or officer assistance in making or attempting to make an arrest, or to prevent the
4 commission of any criminal act, shall render assistance as required. A person
5 who, unreasonably and without lawful cause, refuses or neglects to render
6 assistance when so requested commits a simple misdemeanor.

1 SEC. 1903. NEW SECTION. **Obstructing prosecution.** A person who, with
2 intent to prevent the apprehension or obstruct the prosecution or defense of any
3 person, knowingly does any of the following acts, commits an aggravated
4 misdemeanor:

5 1. Destroys, alters, conceals or disguises physical evidence which would be
6 admissible in the trial of another for a public offense, or makes available false
7 evidence or furnishes false information with the intent that it be used in the trial
8 of that case.

9 2. Induces a witness having knowledge material to the subject at issue to leave
10 the state or conceal himself or herself, or to fail to appear when subpoenaed.

1 SEC. 1904. NEW SECTION. **Escape from custody.**

2 1. A person convicted of a felony, or charged with the commission of a felony,
3 who intentionally escapes from any detention facility or institution to which the
4 person has been committed by reason of such conviction or charge, or from the
5 custody of any public officer or employee to whom the person has been
6 entrusted, commits a class D felony.

7 2. A person convicted or charged with a misdemeanor, who intentionally
8 escapes from any detention facility or institution to which the person has been
9 committed by reason of such conviction or charge, or from the custody of any
10 public officer or employee to whom the person has been entrusted, commits a
11 serious misdemeanor.

12 3. Any person who has been committed to any institution under the control of
13 the division of adult corrections, or to any jail or correctional institution, who
14 knowingly and voluntarily absents himself or herself from any place where the
15 person is required to be, commits a serious misdemeanor.

1 SEC. 1905. NEW SECTION. **Permitting prisoner to escape.** Any jailer or
2 other public officer or employee who voluntarily permits, aids or abets in the
3 escape or attempted escape of any person in custody by reason of a conviction
4 or charge of any crime, commits the crime of permitting a prisoner to escape
5 which is subject to the following penalties:

6 1. If the prisoner is in custody by reason of a conviction or charge of a class A
7 felony, the defendant commits a class C felony.

8 2. If the prisoner is in custody by reason of a conviction or charge of any
9 public offense other than a class A felony, the defendant commits a class D
10 felony.

1 SEC. 1906. NEW SECTION. **Assisting prisoner to escape.** Any person who
2 introduces into any detention facility or correctional institution any weapon,
3 explosive or incendiary substance, rope, ladder, or any instrument or device by
4 which he intends to facilitate the escape of any prisoner, or any person who, not
5 being authorized by law, knowingly causes any such weapon, explosive or
6 incendiary substance, rope, ladder, instrument or device to come into the
7 possession of any prisoner, commits the crime of assisting a prisoner to escape
8 which is subject to the following penalties:

9 1. If the prisoner was confined by reason of a conviction of a class A felony,
10 the defendant commits a class C felony.

11 2. If the prisoner was confined by reason of a conviction of any public offense
12 other than a class A felony, the defendant commits a class D felony.

1 SEC. 1907. NEW SECTION. **Furnishing intoxicants to inmates.** Any person
2 not authorized by law who furnishes or knowingly makes available any
3 intoxicating beverage to any inmate at any detention facility, correctional
4 institution or any institution under the management of the department of social
5 services, or who introduces any intoxicating beverage into the premises of any
6 such institution, commits a simple misdemeanor.

1 SEC. 1908. NEW SECTION. **Furnishing controlled substance to inmate.** Any
2 person not authorized by law who furnishes or knowingly makes available any
3 controlled substance to any inmate at any detention facility or correctional
4 institution, or at any institution under the management of the department of
5 social services, or who introduces any controlled substance into the premises of
6 any such institution, commits a class D felony.

7 DIVISION XX

8 INTERFERENCE WITH JUDICIAL PROCESS

1 SECTION 2001. NEW SECTION. **Compounding a felony.** A person having
2 knowledge of the commission by another of a felony indictable in this state who
3 receives any consideration for a promise to conceal such crime, or not to
4 prosecute or aid or give evidence to the prosecution of such crime, compounds
5 that felony. Compounding any felony is an aggravated misdemeanor.

1 SEC. 2002. NEW SECTION. **Perjury.** A person who, while under oath or
2 affirmation in any proceeding or other matter in which statements under oath or
3 affirmation are required or authorized by law, knowingly makes a false
4 statement of material facts or who falsely denies knowledge of material facts,
5 commits a class D felony. Where, while under oath or affirmation, in the same
6 proceeding or different proceedings where oath or affirmation is required, a
7 person has made contradictory statements, the indictment will be sufficient if it
8 states that one or the other of the contradictory statements was false, to the
9 knowledge of such person, and it shall be sufficient proof of perjury that one of
10 the statements must be false, and that the person making the statements knew
11 that one of them was false when the person made the statement, provided that
12 both statements have been made within the period prescribed by the applicable
13 statute of limitations. No person shall be guilty of perjury if the person retracts
14 the false statement in the course of the proceedings where it was made before
15 the false statement has substantially affected the proceeding.

1 SEC. 2003. NEW SECTION. **Suborning perjury.** A person who procures or
2 offers any inducement to another to make a statement under oath or affirmation

3 in any proceeding or other matter in which statements under oath or affirmation
4 are required or authorized, with the intent that such person will make a false
5 statement, or who procures or offers any inducement to one who the person
6 reasonably believes will be called upon for a statement in any such proceeding
7 or matter, to conceal material facts known to such person, commits a class D
8 felony.

1 SEC. 2004. NEW SECTION. **Tampering with witnesses or jurors.** A person
2 who offers any bribe to any person who he or she believes has been or may be
3 summoned as a witness or juror in any judicial or arbitration proceeding, or any
4 legislative hearing, or who makes any threats toward such person or who
5 forcibly or fraudulently detains or restrains such person, with the intent to
6 improperly influence such witness or juror with respect to his or her testimony or
7 decision in such case, or to prevent such person from testifying or serving in
8 such case, or who, in retaliation for anything lawfully done by any witness or
9 juror in any case, harasses such witness or juror, commits an aggravated
10 misdemeanor.

1 SEC. 2005. NEW SECTION. **Use of false process or records.** Any person
2 who represents any document or paper to be any public record or any civil or
3 criminal process, when the person knows such representation to be false,
4 commits a simple misdemeanor.

1 SEC. 2006. NEW SECTION. **Malicious prosecution.** A person who causes or
2 attempts to cause another to be indicted or prosecuted for any public offense,
3 having no reasonable grounds for believing that the person committed the
4 offense commits a serious misdemeanor.

5 DIVISION XXI

6 OFFICIAL MISCONDUCT

1 SECTION 2101. NEW SECTION. **Felonious misconduct in office.** Any public
2 officer or employee, who knowingly does any of the following, commits a class
3 D felony:

- 4 1. Makes or gives any false entry, false return, false certificate, or false receipt,
5 where such entries, returns, certificates, or receipts are authorized by law.
- 6 2. Falsifies any public record, or issues any document falsely purporting to be
7 a public document.

1 SEC. 2102. NEW SECTION. **Misconduct in office.** Any public officer or
2 employee, or any person acting under color of such office or employment, who
3 knowingly does any of the following, commits a serious misdemeanor:

- 4 1. Makes any contract which contemplates an expenditure known by him or
5 her to be in excess of that authorized by law.
- 6 2. Fails to report to the proper officer the receipt or expenditure of public
7 monies, together with the proper vouchers therefor, when such is required of him
8 or her by law.
- 9 3. Requests, demands, or receives from another for performing any service or
10 duty which is required of him or her by law, or which is performed as an
11 incident of his or her office or employment, any compensation other than the
12 fee, if any, which he or she is authorized by law to receive for such performance.
- 13 4. By color of his or her office and in excess of the authority conferred on him
14 or her by that office, requires any person to do anything or to refrain from doing
15 any lawful thing.
- 16 5. Uses or permits any other person to use the property owned by the state or
17 any subdivision or agency of the state for any private purpose and for personal
18 gain, to the detriment of the state or any subdivision thereof.
- 19 6. Fails to perform any duty required of him or her by law.

20 7. Demands that any public employee contribute or pay anything of value,
 21 either directly or indirectly, to any person, organization or fund, or in any way
 22 coerces or attempts to coerce any public employee to make any such
 23 contributions or payments, except where such contributions or payments are
 24 expressly required by law.

1 SEC. 2103. NEW SECTION. **Misuse of public records and files.** A public
 2 officer or employee who, by reason of his or her employment, has access to any
 3 public record, or to any file, dossier, or accumulation of information of any
 4 kind, and who gives or transfers to any person, in exchange for anything of
 5 value other than fees authorized by law, any such record, file, dossier, or
 6 accumulation of information, or any part thereof, or who imparts to any person
 7 any information contained therein, in exchange for anything of value other than
 8 fees authorized by law, commits a serious misdemeanor.

1 SEC. 2104. NEW SECTION. **Interest in public contracts.** Any officer or
 2 employee of the state or of any subdivision thereof who is directly or indirectly
 3 interested in any contract to furnish anything of value to the state or any
 4 subdivision thereof where such interest is prohibited by statute commits a
 5 serious misdemeanor. This section shall not apply to any contract awarded as a
 6 result of open, public and competitive bidding.

7 DIVISION XXII

8 BRIBERY AND CORRUPTION

1 SECTION 2201. NEW SECTION. **Bribery.** A person who offers, promises or
 2 gives anything of value or any benefit to any person who is serving or has been
 3 elected, selected, appointed, employed or otherwise engaged to serve in a public
 4 capacity, including any public officer or employee, any referee, juror or
 5 venireman, or any witness in any judicial or arbitration hearing or any official
 6 inquiry, or any member of a board of arbitration, with intent to influence the
 7 act, vote, opinion, judgment, decision or exercise of discretion of such person
 8 with respect to his or her services in such capacity commits a class D felony. In
 9 addition, any person convicted under this section shall be disqualified from
 10 holding public office under the laws of this state.

1 SEC. 2202. NEW SECTION. **Accepting bribe.** Any person who is serving or
 2 has been elected, selected, appointed, employed or otherwise engaged to serve in
 3 a public capacity, including any public officer or employee, any referee, juror or
 4 venireman, or any witness in any judicial or arbitration hearing or any official
 5 inquiry, or any member of a board of arbitration who shall solicit or knowingly
 6 receive any promise or anything of value or any benefit given with the intent to
 7 influence the act, vote, opinion, judgment, decision or exercise of discretion of
 8 such person commits a class C felony. In addition, any person convicted under
 9 this section shall be disqualified from holding public office under the laws of this
 10 state.

1 SEC. 2203. NEW SECTION. **Bribery in sports.** A person who offers, solicits,
 2 gives or receives anything of value or any benefit or promise of anything of value
 3 or any benefit, with the intent that the recipient thereof, do any of the following,
 4 commits an aggravated misdemeanor:

5 1. If the person is a participant or prospective participant in any professional
 6 or amateur sport, match, or contest as a contestant or player, lose or in some
 7 way affect the outcome of such sport, match, or contest.

8 2. If the person is an umpire, referee, judge, or other official in any
 9 professional or amateur sport, match, or contest, or an owner, manager, coach,
 10 trainer or relative of any participant, use his position or influence to affect the
 11 outcome of any such sport, match, or contest or the score thereof.

1 SEC. 2204. NEW SECTION. **Bribery of elector.** A person who offers,
 2 promises or gives anything of value or benefit to any elector for the purpose of

3 influencing the elector's vote, in any election authorized by law, or any elector
4 who receives anything of value or any benefit knowing that it was given for such
5 purpose, commits an aggravated misdemeanor.

1 SEC. 2205. NEW SECTION. **Bribery of election officials.** A person who
2 offers, promises or gives anything of value or any benefit to any precinct
3 election official authorized by law, or to any executive officer attending the
4 same, conditioned on some act done or omitted to be done contrary to his or her
5 official duty in relation to such election, commits an aggravated misdemeanor.

1 SEC. 2206. NEW SECTION. **Improper voting.** Any person who does any of
2 the following commits a serious misdemeanor: any of the following commits a
3 serious misdemeanor:

4 1. Votes more than once in any election which may be held by virtue of any
5 law of this state.

6 2. Votes at any election authorized by law, knowing himself or herself not to
7 be qualified.

1 SEC. 2207. NEW SECTION. **Misconduct by election official.** A precinct
2 election official who knowingly does any of the following commits a serious
3 misdemeanor:

4 1. Furnishes a voter with a ballot other than the proper ballot to be used at
5 that election.

6 2. Causes a voter to cast his or her vote contrary to the voter's intention or
7 wishes.

8 3. Changes any ballot, or in any way causes any vote to be recorded contrary
9 to the intent of the person casting that vote.

10 4. Makes or consents to any false entry on the list of voters or poll books.

11 5. Places or permits another election official to place into a ballot box
12 anything other than a ballot as provided in section forty-nine point eighty-five
13 (49.85) of the Code, or who permits any person other than an election official to
14 place anything into a ballot box.

15 6. Takes out of a ballot box, or permits to be so taken out, any ballot
16 deposited therein, except in the manner prescribed by law.

17 7. Destroys or alters any ballot which has been given to an elector.

18 8. Permits any person to vote in a manner prohibited by law.

19 9. Refuses or rejects the vote of any qualified voter.

20 10. Wrongfully does any act or refuses to act for the purpose of avoiding an
21 election, or of rendering invalid the ballots cast from any precinct or other
22 district.

23 11. Having been deputized to carry the poll books of any election to the place
24 where they are to be canvassed, willfully or negligently fails to deliver them to
25 such place, safe, with seals unbroken, and within the time specified by law.

1 SEC. 2208. NEW SECTION. **Duress to prevent voting.** A person who
2 unlawfully and by force, or threats of force, prevents or endeavors to prevent an
3 elector from giving his or her vote at any public election commits an aggravated
4 misdemeanor.

1 SEC. 2209. NEW SECTION. **Procuring vote by duress.** A person who
2 procures, or endeavors to procure the vote of an elector for or against any
3 candidate or for or against any issue by means of violence, threats of violence or
4 by any means of duress commits an aggravated misdemeanor.

5 DIVISION XXIII

6 PUBLIC DISORDER

1 SECTION 2301. NEW SECTION. **Riot.** A riot is three or more persons
2 assembled together in a violent manner, to the disturbance of others, and with
3 any use of unlawful force or violence by them or any of them against another
4 person, or causing property damage. A person who willingly joins in or remains

5 a part of a riot, knowing or having reasonable grounds to believe that it is such,
6 commits an aggravated misdemeanor.

1 SEC. 2302. NEW SECTION. **Unlawful assembly.** An unlawful assembly is
2 three or more persons assembled together, with them or any of them acting in a
3 violent manner, and with intent that they or any of them will commit a public
4 offense. A person who willingly joins in or remains a part of an unlawful
5 assembly, knowing or having reasonable grounds to believe that it is such,
6 commits a simple misdemeanor.

1 SEC. 2303. NEW SECTION. **Failure to disperse.** A peace officer may order
2 the participants in a riot or unlawful assembly or persons in the immediate
3 vicinity of a riot or unlawful assembly to disperse. Any person within hearing
4 distance of such command, who refuses to obey, commits a simple
5 misdemeanor.

1 SEC. 2304. NEW SECTION. **Disorderly conduct.** A person commits a simple
2 misdemeanor when the person does any of the following:

3 1. Engages in fighting or violent behavior in any public place or in or near
4 any lawful assembly of persons, provided, that participants in athletic contests
5 may engage in such conduct which is reasonably related to that sport.

6 2. Makes loud and raucous noise in the vicinity of any residence or hospital
7 which causes unreasonable distress to the occupants thereof.

8 3. Directs abusive epithets or makes any threatening gesture which the person
9 knows or reasonably should know is likely to provoke a violent reaction by
10 another.

11 4. Without lawful authority or color of authority, the person disturbs any
12 lawful assembly or meeting of persons by conduct intended to disrupt the
13 meeting or assembly.

14 5. By words or action, initiates or circulates a report or warning of fire,
15 epidemic, or other catastrophe, knowing such report to be false or such warning
16 to be baseless.

17 6. Knowingly and publicly uses the flag of the United States in such a manner
18 as to show disrespect for the flag as a symbol of the United States, with the
19 intent or reasonable expectation that such use will provoke or encourage another
20 to commit a public offense.

21 7. Without authority or justification, the person obstructs any street, sidewalk,
22 highway, or other public way, with the intent to prevent or hinder its lawful use
23 by others.

24 DIVISION XXIV

WEAPONS

1 SECTION 2401. NEW SECTION. **Offensive weapons.** An offensive weapon is
2 any device or instrumentality of the following types.

3 1. A machine gun. A machine gun is a firearm which shoots or is designed to
4 shoot more than one shot, without manual reloading, by a single function of the
5 trigger.

6 2. A shotgun having a barrel or barrels shorter than eighteen inches in length,
7 or a rifle having a barrel or barrels shorter than sixteen inches in length.

8 3. Any weapon other than a shotgun or muzzle loading rifle, cannon, pistol,
9 revolver or musket, which fires or can be made to fire a projectile by the
10 explosion of a propellant charge, which has a barrel or tube with the bore of
11 more than six-tenths of an inch in diameter, or the ammunition or projectile
12 therefor, but not including antique weapons kept for display or lawful shooting.

13 4. A bomb, grenade, or mine, whether explosive, incendiary, or poison gas;
14 any rocket having a propellant charge of more than four ounces; any missile
15 having an explosive charge of more than one-quarter ounce; or any device
16 similar to any of these.

17 5. Any part or combination of parts either designed or intended to be used to
 18 convert any device into an offensive weapon as described in subsections one (1)
 19 through four (4), inclusive, of this section, or to assemble into such an offensive
 20 weapon, except magazines or other parts, ammunition, or ammunition
 21 components used in common with lawful sporting firearms or parts including
 22 but not limited to barrels suitable for refitting to sporting firearms.

1 SEC. 2402. NEW SECTION. **Authority to possess.** Any of the following is
 2 authorized to possess an offensive weapon when his or her duties or lawful
 3 activities require or permit such possession:

- 4 1. Any peace officer.
- 5 2. Any member of the armed forces of the United States or of the national
 6 guard.
- 7 3. Any person in the service of the United States.
- 8 4. Any person who under the laws of this state and the United States, is
 9 lawfully engaged in the business of supplying those authorized to possess such
 10 devices.
- 11 5. Any person, firm or corporation who under the laws of this state and the
 12 United States is lawfully engaged in the improvement, invention or manufacture
 13 of firearms.
- 14 6. Any correctional officer, serving in an institution under the authority of the
 15 division of adult corrections.

1 SEC. 2403. NEW SECTION. **Unauthorized possession of offensive weapons.**
 2 Any person, other than a person authorized herein, who knowingly possesses an
 3 offensive weapon commits a class D felony.

1 SEC. 2404. NEW SECTION. **Carrying weapons.** A person who goes armed
 2 with a dangerous weapon concealed on or about his person, or who, within the
 3 limits of any city, goes armed with a pistol or revolver, or any loaded firearm of
 4 any kind, whether concealed or not, or who knowingly carries or transports in a
 5 vehicle a pistol or revolver, commits an aggravated misdemeanor, provided that
 6 this section shall not apply to any of the following:

- 7 1. A person who goes armed with a dangerous weapon in his or her own
 8 dwelling or place of business, or on land owned or possessed by the person.
- 9 2. Any peace officer, when his or her duties require the person to carry such
 10 weapons.
- 11 3. Any member of the armed forces of the United States or of the national
 12 guard or person in the service of the United States, when the weapons are
 13 carried in connection with his or her duties as such.
- 14 4. Any person who for any lawful purpose carries an unloaded pistol, revolver,
 15 or other dangerous weapon inside a closed and fastened container or securely
 16 wrapped package which is too large to be concealed on the person.
- 17 5. Any person who for any lawful purpose carries or transports an unloaded
 18 pistol or revolver in any vehicle inside a cargo or luggage compartment where
 19 the pistol or revolver will not be readily accessible to any person riding in the
 20 vehicle or common carrier.
- 21 6. Any person while he or she is lawfully engaged in target practice on a range
 22 designed for that purpose or while engaged in lawful hunting for game in any
 23 place designated by local law as a hunting area.
- 24 7. Any person who has in his or her possession and who displays to any peace
 25 officer on demand a valid permit to carry weapons which has been issued to the
 26 person, and whose conduct is within the limits of that permit. No person shall be
 27 convicted of a violation of this section if the person produces at his or her trial a
 28 permit to carry weapons which was valid at the time of the alleged offense and
 29 which would have brought the person's conduct within this exception if the
 30 permit had been produced at the time of the alleged offense.

31 8. Any correctional officer, when his or her duties require, serving under the
32 authority of the division of adult corrections.

1 SEC. 2405. NEW SECTION. **Professional permits to carry weapons.** A person
2 may be issued a permit to carry weapons when the person's employment as a
3 security guard, private detective licensed under chapter eighty A (80A) of the
4 Code, bank messenger or other person transporting property of a value requiring
5 security, or in police work, reasonably justifies that person going armed. Such
6 permits shall be on a form prescribed and published by the commissioner of
7 public safety, shall identify the holder thereof, and shall state the nature of the
8 employment requiring his or her going armed. A permit so issued shall authorize
9 the person to whom it is issued to go armed anywhere in the state, only while
10 engaged in such employment, and while going to and from the place of such
11 employment. Any such permit shall expire twelve months after the date when
12 issued. When such employment is terminated, the holder of such permit shall
13 surrender his or her permit to the issuing officer for cancellation.

1 SEC. 2406. NEW SECTION. **Nonprofessional permits.** Any person who can
2 reasonably justify his or her going armed may be issued a nonprofessional
3 permit to carry weapons. Such permits shall be on a form prescribed and
4 published by the commissioner of public safety, which shall be readily
5 distinguishable from the professional permit, and shall identify the holder
6 thereof, and state the reason for the issuance of the permit, and the limits of the
7 authority granted by such permit. All permits so issued shall be for a definite
8 period as established by the issuing officer, but in no event shall exceed a period
9 of twelve months.

1 SEC. 2407. NEW SECTION. **Training program.** A training program to
2 qualify persons in the safe use of firearms shall be provided by the issuing
3 officer of permits, as provided in section two thousand four hundred ten (2410)
4 of this division. The commissioner of public safety shall approve the training
5 program, and the county sheriff or the commissioner of public safety conducting
6 the training program within their respective jurisdictions may contract with a
7 private organization or use the services of other agencies, or may use a
8 combination of the two, to provide such training. Any person eligible to be
9 issued a permit to carry weapons may enroll in such course. A fee sufficient to
10 cover the cost of the program may be charged each person attending.
11 Certificates of completion, on a form prescribed and published by the
12 commissioner of public safety, shall be issued to each person who successfully
13 completes the program. No person shall be issued either a professional or
14 nonprofessional permit unless he has received a certificate of completion or is a
15 certified peace officer. No peace officer or correctional officer, except a certified
16 peace officer, shall go armed with a pistol or revolver unless he or she has
17 received a certificate of completion, provided that this requirement shall not
18 apply to persons who are employed in this state as peace officers on the effective
19 date of this Act until six months after the effective date of this Act, or to peace
20 officers of other jurisdictions exercising their legal duties within this state.

1 SEC. 2408. NEW SECTION. **Persons eligible.** No person shall be issued a
2 professional or nonprofessional permit to carry weapons unless:

- 3 1. The person is eighteen years of age or older.
- 4 2. The person has never been convicted of a forcible felony.
- 5 3. The person is not addicted to the use of alcohol or any controlled
6 substance.
- 7 4. The person has no history of repeated acts of violence.

8 5. The issuing officer reasonably determines from competent evidence that the
9 applicant does not constitute a danger to himself or others.

10 6. He has never been convicted of any crime defined in division eight (VIII)
11 of this Act, except "assault" as defined in section eight hundred one (801) of this
12 Act and "harrassment" as defined in section eight hundred eight (808)* of this
13 Act.

1 SEC. 2409. NEW SECTION. **Application.** No person shall be issued a permit
2 to carry weapons unless the person has completed and signed an application on
3 a form to be prescribed and published by the commissioner of public safety. The
4 application shall state the full name, social security number, residence, and age
5 of the applicant, and shall state whether the applicant has ever been convicted of
6 a felony, whether the person is addicted to the use of alcohol or any controlled
7 substance, and whether he has any history of mental illness or repeated acts of
8 violence. Any person who knowingly makes a false statement on such
9 application commits an aggravated misdemeanor.

1 SEC. 2410. NEW SECTION. **Issuance of permit.** Applications for permits to
2 carry weapons shall be made to the sheriff of the county in which the applicant
3 resides. Applications from persons who are nonresidents of the state, or whose
4 need to go armed arises out of employment by the state, shall be made to the
5 commissioner of public safety. In either case, the issuance of the permit shall be
6 by and at the discretion of the sheriff or commissioner, who shall, before issuing
7 the permit, determine that the requirements of sections two thousand four
8 hundred five (2405) through two thousand four hundred nine (2409), inclusive,
9 of this division have been satisfied. However, the training program requirements
10 in sections two thousand four hundred seven (2407) of this division may be
11 waived for renewal permits. The issuing officer shall collect a fee of three
12 dollars, except from a duly appointed peace officer, for each permit issued.
13 Renewal permits shall be issued for a fee of one dollar. The issuing officer shall
14 notify the commissioner of public safety of the issuance of any permit.

1 SEC. 2411. NEW SECTION. **Permits not transferable.** Permits to carry
2 weapons shall be issued to a specific person only, and may not be transferred
3 from one person to another.

1 SEC. 2412. NEW SECTION. **Report and record of sales.** Any person who
2 sells or transfers ownership of a revolver or pistol, whether such person is a
3 dealer or otherwise, shall report within five days to the county sheriff the sale or
4 transfer of such weapon, on forms prescribed and published by the
5 commissioner of public safety, and on the forms shall set forth the time of
6 selling or transfer, the age, occupation, place of employment or business, name
7 and residence of such recipient of such weapon, together with the model, caliber,
8 serial number, and make of such weapon, and the sheriff on receipt of such
9 information shall make a permanent record of the same in a book specially kept
10 for that purpose. A copy of this report shall be forwarded by the sheriff to the
11 commissioner of public safety. Any person who fails to make a report as
12 required by this section shall be guilty of a simple misdemeanor. Any person
13 who transfers the ownership of a revolver or pistol to a person related to him or
14 her within the second degree of consanguinity or affinity shall be exempt from
15 the reporting requirements of this section.

1 SEC. 2413. NEW SECTION. **Giving false information when purchasing**
2 **weapon.** A person who gives a false name or presents false identification, or
3 otherwise gives false information to one from whom the person seeks to
4 purchase a pistol or revolver, commits an aggravated misdemeanor.

1 SEC. 2414. NEW SECTION. **Sale to minors.** A person who sells, loans, gives
2 or makes available a firearm or ammunition for a firearm, to any person below
3 the age of eighteen years commits a simple misdemeanor; provided, that a rifle

* According to enrolled Act

4 or shotgun or the ammunition therefor, which lawfully may be used for hunting,
5 may be given to such person by his or her parent or guardian, or by another
6 with the express consent of his or her parent or guardian; and further provided,
7 that any such person may allow a minor to possess a rifle, shotgun, or pistol, and
8 the ammunition therefor, while on military duty, when such duty requires the
9 possession of such a weapon, or while receiving instruction in the proper use
10 thereof from an adult instructor.

1 SEC. 2415. NEW SECTION. **Revocation of permits.** The issuing officer may
2 revoke any permit to carry weapons when the officer learns that any of the
3 conditions required for the issuance of that permit as stated in sections two
4 thousand four hundred five (2405) through two thousand four hundred nine
5 (2409), inclusive, of this division have ceased to exist, or when the officer learns
6 that that permit was improperly issued. When the issuing officer revokes a
7 permit, the officer shall notify the permit holder of such revocation on a form
8 prescribed and published by the commissioner of public safety, and shall
9 forward a copy of the form to the commissioner of public safety. From the time
10 the permit holder receives notice of revocation, the permit shall cease to have
11 any force or effect. Permit revocations may be reviewed by writ of certiorari.

1 SEC. 2416. NEW SECTION. **Records kept by commissioner.** The
2 commissioner of public safety shall maintain a permanent record of all permits
3 authorized by this division of permit revocations and reports of sales of weapons
4 required by this division.

1 SEC. 2417. NEW SECTION. **Permit to purchase required.** Any person who
2 purchases a pistol or revolver without a valid permit to purchase pistols or
3 revolvers or any person who sells a pistol or revolver to a person who does not
4 have in his or her possession a valid permit to purchase pistols or revolvers is
5 guilty of a simple misdemeanor.

1 SEC. 2418. NEW SECTION. **Application.** The application for a permit to
2 purchase pistols or revolvers may be made to the sheriff of any county and shall
3 be on a form prescribed and published by the commissioner of public safety.
4 The application shall state the full name of the applicant, the social security
5 number of the applicant, the residence of the applicant, and the age of the
6 applicant.

1 SEC. 2419. NEW SECTION. **Issuance.** The permit to purchase pistols or
2 revolvers shall be issued to the applicant immediately upon completion of the
3 application and shall be on a form prescribed and published by the
4 commissioner of public safety. The permit shall contain the name of the
5 permittee, the social security number of the permittee, the residence of the
6 permittee, and the effective date of the permit.

1 SEC. 2420. NEW SECTION. **Validity.** The permit shall be valid throughout
2 the state and shall be valid three days after the date of application and shall be
3 invalid one year after the date of application.

1 SEC. 2421. NEW SECTION. **Mailing of applications.** A person may by mail
2 or personally request the sheriff to mail an application for a permit to purchase
3 pistols or revolvers and the sheriff shall immediately forward to such person an
4 application for a permit to purchase pistols or revolvers. A person may upon
5 completion of the application mail such application to the sheriff who shall note
6 the period of validity on the application and shall immediately forward the
7 permit to purchase pistols or revolvers to the applicant. For the purposes of this
8 section the date of application shall be the date on which the sheriff received the
9 completed application.

11 Any person who marries another who the person knows has another living
12 husband or wife commits bigamy. Bigamy is a serious misdemeanor.

1 SEC. 2602. NEW SECTION. **Incest.** A person, except a child as defined in
2 this Act, who has sexual intercourse with any person whom he or she knows to
3 be related to him, either legitimately or illegitimately, as an ancestor,
4 descendant, brother or sister of the whole or half blood, aunt, uncle, niece, or
5 nephew, commits incest. Incest is a class D felony.

1 SEC. 2603. NEW SECTION. **Abandoning child.** A person who is the father,
2 mother, or some other person having custody of a child, or of any other person
3 who by reason of mental or physical disability is not able to care for himself or
4 herself, who knowingly or recklessly exposes such person to a hazard or danger
5 against which such person cannot reasonably be expected to protect himself or
6 herself or who deserts or abandons such person, knowing or having reason to
7 believe that the person will be exposed to such hazard or danger, commits a
8 class C felony.

1 SEC. 2604. NEW SECTION. **Husband or wife may be witness.** In all
2 prosecutions under section two thousand six hundred three (2603) of this Act,
3 the husband or wife shall be a competent witness for the state and may testify to
4 any relevant acts or communications between them, anything in previous
5 statutes to the contrary notwithstanding, provided, however, that no husband or
6 wife shall be called or compelled to testify against the other under section two
7 thousand six hundred three (2603) of this Act except upon consent of such
8 witness.

1 SEC. 2605. NEW SECTION. **Nonsupport.** A person, who being able to do
2 so, fails or refuses to provide support for his or her child or ward under the age
3 of eighteen years commits nonsupport; provided that no person shall be held to
4 have violated this section who fails to support any child or ward under the age
5 of eighteen who has left the home of the parent or other person having legal
6 custody of him or her without the consent of that parent or person having legal
7 custody of him or her. Support, for the purposes of this section, means any
8 support which has been fixed by court order, or, in the absence of any such
9 order or decree, the minimal requirements of food, clothing, or shelter.
10 Nonsupport is a class D felony.

1 SEC. 2606. NEW SECTION. **Wanton neglect of a child.** A person who is the
2 parent or adoptive parent or any person having custody of any child under the
3 age of eighteen years commits wanton neglect of a child when the person does
4 any of the following:

5 1. The person knowingly acts in a manner likely to be injurious to the
6 physical, mental or moral welfare of such child.

7 A parent or adoptive parent or person having custody who provides his or her
8 child exclusively with nonmedical treatment by a religious method of healing
9 permitted under the laws of this state shall not, for this reason alone, be
10 considered in violation of this subsection.

11 2. The person abandons such child to fend for himself or herself, knowing that
12 the child is unable to do so.

13 Wanton neglect of a child is a serious misdemeanor.

1 SEC. 2607. NEW SECTION. **Wanton neglect of a resident of a health care
2 facility.** A person commits wanton neglect of a resident of a health care
3 facility when the person knowingly acts in a manner likely to be injurious to the
4 physical, mental or moral welfare of a resident of a health care facility as
5 defined in section one hundred thirty-five C point one (135C.1) of the Code.
6 Wanton neglect of a resident of a health care facility is a serious misdemeanor.

7 DIVISION XXVII

8 HEALTH, SAFETY AND WELFARE

1 SECTION 2701. NEW SECTION. **Distributing dangerous substances.** Any
2 person who distributes samples of any drugs or medicine, or any corrosive,
3 caustic, poisonous or other injurious substance, commits a simple misdemeanor
4 unless the person delivers such into the hands of a competent person, or
5 otherwise takes reasonable precautions that the substance will not be taken by
6 children or animals from the place where the substance is deposited.

1 SEC. 2702. NEW SECTION. **Fireworks.** The term "fireworks" shall mean
2 and include any explosive composition, or combination of explosive substances,
3 or article prepared for the purpose of producing a visible or audible effect by
4 combustion, explosion, deflagration or detonation, and shall include blank
5 cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks
6 of like construction and any fireworks containing any explosive or inflammable
7 compound, or other device containing any explosive substance. The term
8 "fireworks" shall not include goldstar-producing sparklers on wires which
9 contain no magnesium or chlorate or perchlorate, no flitter sparklers in paper
10 tubes that do not exceed one-eighth of an inch in diameter, nor toy snakes which
11 contain no mercury nor caps used in cap pistols. Except as hereinafter provided,
12 any person, firm, copartnership, or corporation who offers for sale, exposes for
13 sale, sells at retail, or uses or explodes any fireworks, commits a serious
14 misdemeanor; provided the council of any city or the county board of
15 supervisors may, upon application in writing, grant a permit for the display of
16 fireworks by municipalities, fair associations, amusement parks, and other
17 organizations or groups of individuals approved by such city or such county
18 board of supervisors when such fireworks display will be handled by a
19 competent operator but no such permit shall be required for such display of
20 fireworks at the Iowa state fairgrounds by the Iowa state fair board nor of
21 incorporated county fairs nor of district fairs receiving state aid. Sales of
22 fireworks for such display may be made for that purpose only; provided further,
23 that nothing in this section shall be construed to prohibit any resident, dealer,
24 manufacturer, or jobber from selling such fireworks as are not herein prohibited;
25 or the sale of any kind of fireworks provided the same are to be shipped out of
26 the state; or the sale or use of blank cartridges for a show or the theater, or for
27 signal purposes in athletic sports or by railroads or trucks, for signal purposes, or
28 by a recognized military organization; and provided further that nothing in this
29 section shall apply to any substance or composition prepared and sold for
30 medicinal or fumigation purposes.

1 SEC. 2703. NEW SECTION. **Abandoned or unattended refrigerators.** Any
2 person who abandons or otherwise leaves unattended any refrigerator, ice box,
3 or similar container, with doors that may become locked, outside of buildings
4 and accessible to children, or any person who allows any such refrigerator, ice
5 box, or similar container, to remain outside of buildings on premises in the
6 person's possession or control, abandoned or unattended and so accessible to
7 children, commits a simple misdemeanor.

1 SEC. 2704. NEW SECTION. **Exposing persons to X-ray radiation.** Any
2 person other than one licensed to practice medicine, osteopathic medicine,
3 chiropractic, or dentistry, or one acting under the direction of a person so
4 licensed, who knowingly exposes any other person to X-ray radiation, commits a
5 simple misdemeanor.

1 SEC. 2705. NEW SECTION. **Obstructing emergency phone calls.** An
2 emergency call is any call to a fire department or police department for aid, or a
3 call for medical aid or ambulance service, when human life or property is in
4 jeopardy and the prompt summoning of aid is essential. Any person who fails to
5 relinquish any telephone or telephone line which the person is using when

6 informed that such phone or line is needed for an emergency call commits a
7 simple misdemeanor.

1 SEC. 2706. NEW SECTION. **Falsely claiming emergency.** Any person who
2 secures the use of a telephone or telephone line by falsely stating that such
3 telephone or line is needed for an emergency call commits a simple
4 misdemeanor.

1 SEC. 2707. NEW SECTION. **Publication required.** Every telephone company
2 doing business in this state shall print a copy of sections two thousand seven
3 hundred five (2705) and two thousand seven hundred six (2706) of this division
4 in a prominent place in every telephone directory published by it. Any person,
5 firm, or corporation providing telephone service which distributes or causes to
6 be distributed in this state copies of a telephone directory which is subject to the
7 provisions of this section which does not contain the notice herein provided for
8 commits a simple misdemeanor.

1 SEC. 2708. NEW SECTION. **Electronic and mechanical eavesdropping.** Any
2 person, having no right or authority to do so, who taps into or connects a
3 listening or recording device to any telephone or other communication wire, or
4 who by any electronic or mechanical means listens to, records, or otherwise
5 intercepts a conversation or communication of any kind, commits a serious
6 misdemeanor; provided, that the sender or recipient of a message or one who is
7 openly present and participating in or listening to a communication shall not be
8 prohibited hereby from recording such message or communication; and further
9 provided, that nothing herein shall restrict the use of any radio or television
10 receiver to receive any communication transmitted by radio or wireless signal.

1 SEC. 2709. NEW SECTION. **Transacting business without a license.** Unless
2 another penalty is specifically provided, any person who without a license carries
3 on or transacts any business or occupation for which a license is required by any
4 law of this state, commits a simple misdemeanor.

5 DIVISION XXVIII

6 OBSCENITY

1 SECTION 2801. NEW SECTION. **Definitions.** As used in this division, unless
2 the context otherwise requires:

3 1. "Obscene material" is any material depicting or describing the genitals, sex
4 acts, masturbation, excretory functions or sado-masochistic abuse which the
5 average person, taking the material as a whole and applying contemporary
6 community standards with respect to what is suitable material for minors, would
7 find appeals to the prurient interest and is patently offensive; and the material,
8 taken as a whole, lacks serious literary, scientific, political or artistic value.

9 2. "Material" means any book, magazine, newspaper or other printed or
10 written material or any picture, drawing, photograph, motion picture, or other
11 pictorial representation or any statue or other figure, or any recording,
12 transcription or mechanical, chemical or electrical reproduction or any other
13 articles, equipment, machines or materials.

14 3. "Disseminate" means to transfer possession, with or without consideration.

15 4. "Knowingly" means being aware of the character of the matter.

16 5. "Sado-masochistic abuse" means the infliction of physical or mental pain
17 upon a person or the condition of a person being fettered, bound or otherwise
18 physically restrained.

19 6. "Minor" means any person under the age of eighteen.

20 7. "Sex act" means any sexual contact, actual or simulated, either natural or
21 deviate, between two or more persons, or between a person and an animal, by
22 penetration of the penis into the vagina or anus, or by contact between the
23 mouth or tongue and genitalia or anus, or by contact between a finger of one

24 person and the genitalia or another person or by use of artificial sexual organs
25 or substitutes therefor in contact with the genitalia or anus.

1 SEC. 2802. NEW SECTION. **Dissemination and exhibition of obscene material**
2 **to minors.** Any person, other than the parent or guardian of the minor, who
3 knowingly disseminates or exhibits obscene material to a minor, including the
4 exhibition of obscene material so that it can be observed by a minor on or off
5 the premises where it is displayed, is guilty of a public offense and shall upon
6 conviction be guilty of a serious misdemeanor.

1 SEC. 2803. NEW SECTION. **Admitting minors to premises where obscene**
2 **material is exhibited.** Any person who knowingly sells, gives, delivers, or
3 provides a minor with a pass or admits a minor to premises where obscene
4 material is exhibited is guilty of a public offense and shall upon conviction be
5 guilty of a serious misdemeanor.

1 SEC. 2804. NEW SECTION. Any person who knowingly sells or offers for sale
2 material depicting a sex act involving sado-masochistic abuse, excretory
3 functions, a child, or bestiality which the average adult taking the material as a
4 whole in applying contemporary community standards would find that it
5 appeals to the prurient interest and is patently offensive; and the material, taken
6 as a whole, lacks serious literary, scientific, political, or artistic value shall, upon
7 conviction be guilty of a simple misdemeanor. Charges under this section may
8 only be brought by a county attorney, the attorney general, or a grand jury.

1 SEC. 2805. NEW SECTION. **Civil suit to determine obscenity.** Whenever the
2 county attorney of any county has reasonable cause to believe that any person is
3 engaged or plans to engage in the dissemination or exhibition of obscene
4 material within his or her county to minors the county attorney may institute
5 a civil proceeding in the district court of the county to enjoin the dissemination
6 or exhibition of obscene material to minors. Such application for injunction is
7 optional and not mandatory and shall not be construed as a prerequisite to
8 criminal prosecution for a violation of this division.

1 SEC. 2806. NEW SECTION. **Exemptions for public libraries and educational**
2 **institutions.** Nothing in this division prohibits the use of appropriate material
3 for educational purposes in any accredited school, or any public library, or in
4 any educational program in which the minor is participating. Nothing in this
5 division prohibits the attendance of minors at an exhibition or display of art
6 works or the use of any materials in any public library.

1 SEC. 2807. NEW SECTION. **Suspension of licenses or permits.** Any person
2 who knowingly permits a violation of section two thousand eight hundred two
3 (2802) or two thousand eight hundred three (2803) of this chapter to occur on
4 premises under the person's control shall have all permits and licenses issued to
5 the person under state or local law as a prerequisite for doing business on such
6 premises revoked for a period of six months. The county attorney shall notify all
7 agencies responsible for issuing licenses and permits of any conviction under
8 section two thousand eight hundred two (2802) or two thousand eight hundred
9 three (2803) of this chapter.

1 SEC. 2808. NEW SECTION. **Evidence considered.** At a trial for violation of
2 section two thousand eight hundred two (2802) or two thousand eight hundred
3 three (2803) of this chapter the court may consider the material, and receive into
4 evidence in addition to other competent evidence, the offered testimony of
5 experts pertaining to:

- 6 1. The artistic, literary, political, or scientific value, if any, of the challenged
7 material.
- 8 2. The degree of public acceptance within the community of the material or
9 material of similar character.

10 3. The intent of the author, artist, producer, publisher, or manufacturer in
11 creating the material.

12 4. The advertising promotion and other circumstances relating to the sale of
13 the material.

1 SEC. 2809. NEW SECTION. **Affirmative defense.** In any prosecution for
2 disseminating or exhibiting obscene material to minors, it is an affirmative
3 defense that the defendant had reasonable cause to believe that the minor
4 involved was eighteen years old or more and the minor exhibited to the
5 defendant a draft card, driver's license, birth certificate or other official or
6 apparently official document purporting to establish that such minor was
7 eighteen years old or more or was accompanied by a parent or spouse eighteen
8 years of age or more.

1 SEC. 2810. NEW SECTION. **Uniform application.** In order to provide for the
2 uniform application of the provisions of this division relating to obscene
3 material applicable to minors within this state, it is intended that the sole and
4 only regulation of obscene material shall be under the provisions of this division,
5 and no municipality, county or other governmental unit within this state shall
6 make any law, ordinance or regulation relating to the availability of obscene
7 materials. All such laws, ordinances or regulations, whether enacted before or
8 after this Act, shall be or become void, unenforceable and of no effect upon the
9 effective date of this Act. Nothing in this section shall restrict the zoning
10 authority of cities and counties.

11 CHAPTER 2

12 DIVISION I

13 CRIMINAL PROCEDURE SCOPE AND DEFINITIONS

1 SECTION 101. NEW SECTION. **Short title.** This chapter shall be known and
2 may be cited as the "Iowa code of criminal procedure".

1 SEC. 102. NEW SECTION. **Scope.** The provisions of this code shall govern
2 procedure in the courts of Iowa in all criminal proceedings except where a
3 different procedure is specifically provided by law.

1 SEC. 103. NEW SECTION. **General purposes.** The provisions of this code
2 shall be liberally construed to give effect to the general purposes thereof, which
3 shall be to provide for:

- 4 1. Simplicity in criminal procedure.
- 5 2. Fairness in administration of the criminal laws.
- 6 3. Elimination of unjustifiable delay in pretrial, trial, and post-trial
7 proceedings.
- 8 4. Just determination of every criminal proceeding by a fair and impartial trial
9 and review.
- 10 5. The effective apprehension and trial of persons suspected of committing
11 public offenses without violation of fundamental human rights.

1 SEC. 104. NEW SECTION. **General definitions.** For the purposes of this
2 Act, unless the context otherwise requires:

- 3 1. "Attorney general" includes an authorized assistant of the attorney general.
- 4 2. "Charge" means a written statement presented to a court accusing a person
5 of the commission of a public offense, including but not limited to a complaint,
6 information, or indictment.
- 7 3. "County attorney" includes an authorized assistant of the county attorney.
- 8 4. "Court" means a place where justice is administered by a magistrate and
9 includes such magistrate while acting in his or her judicial capacity.
- 10 5. "Criminal proceeding" is a proceeding in which a person is accused of a
11 public offense.

- 12 6. "Magistrate" means all judges of the district court, including district
13 associate judges and judicial magistrates throughout the state.
- 14 7. "Peace officers", sometimes designated "law enforcement officers", include:
15 a. Sheriffs and their regular deputies who are subject to mandated law
16 enforcement training.
- 17 b. Marshals and policemen of cities and towns.
- 18 c. Special agents appointed by the commissioner of public safety and
19 members of the department of public safety, except members of the clerical
20 force, as defined in section ninety-seven A point one (97A.1), subsection two (2)
21 of the Code.
- 22 d. Probation and parole agents acting pursuant to chapter three (3), section
23 five hundred two (502) of this Act.
- 24 e. Probation officers acting pursuant to section two hundred thirty-one point
25 ten (231.10) of the Code.
- 26 f. Employees of the director of the department of general services pursuant to
27 section eighteen point twelve (18.12), subsection two (2) of the Code.
- 28 g. Special security officers employed by board of regent's institutions as set
29 forth in section two hundred sixty-two point thirteen (262.13) of the Code.
- 30 h. Conservation officers as authorized by section one hundred seven point
31 thirteen (107.13) of the Code.
- 32 i. Such employees of the department of transportation as are designated
33 "peace officers" by resolution of the department under section three hundred
34 twenty-one point four hundred seventy-seven (321.477), Code 1975.
- 35 j. Such persons as may be otherwise so designated by law.
- 36 8. "Prosecuting attorney", sometimes designated "prosecutor", means any
37 attorney who is authorized by law to appear on the behalf of the state in a
38 criminal case, and includes the attorney general, an assistant attorney general,
39 the county attorney, an assistant county attorney, or a special or substitute
40 prosecutor whose appearance is approved by a court having jurisdiction to try
41 the defendant for the offense with which he or she is charged. In the case of
42 prosecution for a municipal ordinance violation, "prosecuting attorney" means a
43 city attorney or an assistant city attorney.
- 44 9. The words "accused person", "accused", "defendant", and similar words
45 mean an individual, a public or private corporation, a partnership, or an
46 unincorporated or voluntary association.
- 47 10. "Indigent" is a person with insufficient resources as defined in section
48 three hundred thirty-six A point four (336A.4) of the Code.
- 49 11. "Complaint" means a statement in writing, under oath or affirmation,
50 made before a magistrate, of the commission of a public offense, and accusing
51 someone thereof. A complaint shall be substantially in the form provided in the
52 Iowa rules of criminal procedure.
- 53 12. "Prosecution" means the commencement, including the filing of a
54 complaint, and continuance of a criminal proceeding, and pursuit of that
55 proceeding to final judgment on behalf of the state or other political subdivision.

DIVISION II

LIMITATION OF CRIMINAL ACTIONS

1 SECTION 201. NEW SECTION. **Murder.** A prosecution for murder in the
2 first or second degree may be commenced at any time after the death of the
3 victim.

1 SEC. 202. NEW SECTION. **Eighteen-month limitation.** An indictment or
2 information for sexual abuse or its attempt shall be found within eighteen
3 months after its commission.

1 SEC. 203. NEW SECTION. **Three-year limitation.** In all cases, except those
2 enumerated in sections two hundred one (201) and two hundred two (202) of

3 this division, an indictment or information for a felony or aggravated or serious
4 misdemeanor shall be found within three years after its commission.

1 SEC. 204. NEW SECTION. **One-year limitation.** A prosecution for a simple
2 misdemeanor or violation of a municipal or county rule or ordinance shall be
3 commenced within one year after its commission.

1 SEC. 205. NEW SECTION. **Extension for fraud, fiduciary breach.** If the
2 period prescribed in sections two hundred two (202), two hundred three (203)
3 and two hundred four (204) of this division has expired, prosecution may
4 nevertheless be commenced for any offense a material element of which is either
5 fraud or a breach of fiduciary obligation within one year after discovery of the
6 offense by an aggrieved party or by a person who has legal duty to represent an
7 aggrieved party and who is himself or herself not a party to the offense, but in
8 no case shall this provision extend the period of limitation otherwise applicable
9 by more than three years.

1 SEC. 206. NEW SECTION. **Periods excluded from limitation.**

2 1. When a person leaves the state with the intention of avoiding prosecution,
3 the indictment or prosecution may be found or commenced within the time
4 herein limited after his or her coming into the state, and no period during
5 which the party charged was not publicly resident within the state is a part of
6 the limitation.

7 2. The time within which an indictment or information must be found shall
8 not include the time during which the defendant is a public officer or employee
9 and the offense arises from misconduct relating to the duties and trust of that
10 office or employment.

1 SEC. 207. NEW SECTION. **Continuing crimes.** When an offense is based on
2 a series of acts committed at different times, the period of limitation prescribed
3 by this division shall commence upon the commission of the last of such acts.

1 SEC. 208. NEW SECTION. **Time of finding indictment and information.**
2 Within the meaning of this division:

3 1. An indictment is found when it is duly presented by the grand jury in open
4 court and filed.

5 2. An information is found when it is filed.

1 SEC. 209. NEW SECTION. **Indictment or information where a defect is found.**
2 If a defect, error, or irregularity is discovered in any indictment or information
3 which, on motion of either party, causes same to be dismissed or the prosecution
4 to be set aside or reversed on appeal, a new indictment or information may be
5 found within thirty days after such action notwithstanding the time limitations
6 enumerated in this division.

7 DIVISION III

8 JURISDICTION OF PUBLIC OFFENSES AND PLACE OF TRIAL

1 SECTION 301. NEW SECTION. **State criminal jurisdiction.**

2 1. A person is subject to prosecution in this state for an offense which the
3 person commits within or outside this state, by the person's own conduct or that
4 of another for which he is legally accountable, if:

5 a. The offense is committed either wholly or partly within this state.

6 b. Conduct of the person outside the state constitutes an attempt to commit
7 an offense within this state.

8 c. Conduct of the person outside the state constitutes a conspiracy to commit
9 an offense within this state.

10 d. Conduct of the person within this state constitutes an attempt, solicitation
11 or conspiracy to commit an offense in another jurisdiction, which conduct is
12 punishable under the laws of both this state and such other jurisdiction.

13 2. An offense may be committed partly within this state if conduct which is an
 14 element of the offense, or a result which constitutes an element of the offense,
 15 occurs within this state. If the body of a homicide victim is found within the
 16 state, the death is presumed to have occurred within the state.

17 3. An offense which is based on an omission to perform a duty imposed upon
 18 a person by the law of this state is committed within the state, regardless of the
 19 location of the person at the time of the omission.

1 SEC. 302. NEW SECTION. **Place of trial—general.** Criminal actions shall be
 2 tried in the county in which the crime is committed, except as otherwise
 3 provided by law. All objections to place of trial are waived by a defendant
 4 unless the defendant objects thereto prior to trial.

1 SEC. 303. NEW SECTION. **Place of trial—special provisions.** The following
 2 special provisions apply:

3 1. If conduct or results which constitute elements of an offense occur in two
 4 or more counties, prosecution of the offense may be had in any of such counties.
 5 In such cases, where a dominant number of elements occur in one county, that
 6 county shall have the primary right to proceed with prosecution of the offender.

7 2. If an offense commenced outside the state is consummated within this state,
 8 trial of the offense shall be held in the county or counties in which the offense is
 9 consummated or the interest protected by the involved penal statute is impaired.

10 3. If an offense is committed in or upon any conveyance in transit, and it
 11 cannot readily be determined in which county the offense was committed, trial
 12 of the offense may be held in any county through or over which the conveyance
 13 passed in the course of its journey.

14 4. If an offense is committed on the boundary of two or more counties, and it
 15 cannot readily be determined within which county the commission took place,
 16 trial of the offense may be held in any of the counties concerned.

17 5. If the offense is a traffic offense, section seven hundred fifty-three point
 18 twenty (753.20) of the Code shall be applicable.

1 SEC. 304. NEW SECTION. **Bar to action.** A conviction or acquittal of an
 2 offense in a court having jurisdiction thereof is a bar to a prosecution of the
 3 offense in another court.

4 DIVISION IV

5 COMMENCEMENT OF ACTIONS; ARREST; DISPOSITION OF PRISONERS

1 SECTION 401. NEW SECTION. **Arrest by warrant—complaint and citation**
 2 **defined.** A criminal proceeding may be commenced by the filing of a
 3 complaint before a magistrate. When such complaint is made, charging the
 4 commission of some designated public offense in which such magistrate has
 5 jurisdiction, and it appears from the complaint or from affidavits filed with it
 6 that there is probable cause to believe an offense has been committed and a
 7 designated person has committed it, the magistrate shall, except as otherwise
 8 provided, issue a warrant for the arrest of such person. Whenever the complaint
 9 charges a misdemeanor the magistrate may in his or her discretion issue a
 10 citation instead of a warrant of arrest. The citation shall set forth substantially
 11 the nature of the offense and shall command the person against whom the
 12 complaint was made to appear before the magistrate issuing the citation at a
 13 time and place stated therein.

14 The citation may be served in the same manner as an original notice in a civil
 15 action.

16 If the person named in the citation is actually served as provided herein and
 17 willfully fails without good cause to appear as commanded by the citation, the
 18 person shall be guilty of a simple misdemeanor and the magistrate may issue a
 19 warrant of arrest for the offense originally charged.

20 If after issuing a citation the magistrate becomes satisfied that the person to
 21 whom such citation has been directed will not appear, the magistrate may at
 22 once issue a warrant of arrest without waiting for the date mentioned in the
 23 citation.

1 SEC. 402. NEW SECTION. **Contents of arrest warrant.** The warrant must be
 2 directed to any peace officer in the state; give the name of the defendant, if
 3 known, to the magistrate; if unknown, may designate "name unknown"; and
 4 must state by name or general description an offense which authorizes a warrant
 5 to issue, the date of issuing it, the county, city, or town where issued, and be
 6 signed by the magistrate with the magistrate's name of office.

1 SEC. 403. NEW SECTION. **Order for bail—endorsed on warrant.** If the
 2 offense stated in the warrant be bailable, the magistrate issuing it must make an
 3 endorsement thereon as follows: "Let the defendant, when arrested, be
 4 (admitted to bail in the sum of _____ dollars) or (stating other
 5 conditions of release)."

1 SEC. 404. NEW SECTION. **Manner of executing warrant.** The warrant may
 2 be delivered to any peace officer for execution, and served in any county in the
 3 state.

1 SEC. 405. NEW SECTION. **Arrest defined.** Arrest is the taking of a person
 2 into custody when and in the manner authorized by law, including restraint of
 3 the person or his or her submission to custody.

1 SEC. 406. NEW SECTION. **Persons authorized to make an arrest.** An arrest
 2 pursuant to a warrant may be made by a peace officer; in other cases, an arrest
 3 may be made by a peace officer or by a private person.

1 SEC. 407. NEW SECTION. **Arrests by peace officers.** A peace officer may
 2 make an arrest in obedience to a warrant delivered to the peace officer; and
 3 without a warrant:

4 1. For a public offense committed or attempted in the peace officer's
 5 presence.

6 2. Where a public offense has in fact been committed, and the peace officer
 7 has reasonable ground for believing that the person to be arrested has
 8 committed it.

9 3. Where the peace officer has reasonable ground for believing that an
 10 indictable public offense has been committed and has reasonable ground for
 11 believing that the person to be arrested has committed it.

12 4. Where the peace officer has received from the department of public safety,
 13 or from any other peace officer of this state or any other state or the United
 14 States an official communication by bulletin, radio, telegraph, telephone, or
 15 otherwise, informing the peace officer that a warrant has been issued and is
 16 being held for the arrest of the person to be arrested on a designated charge.

1 SEC. 408. NEW SECTION. **Arrest of material witness.** When a law
 2 enforcement officer has probable cause to believe that a person is a necessary
 3 and material witness to a felony and that such person might be unavailable for
 4 service of a subpoena, the officer may arrest such person as a material witness
 5 with or without an arrest warrant.

6 At the time of the arrest,* the law enforcement officer shall inform the person
 7 of:

8 1. His or her identity as a law enforcement officer; and

9 2. The reason for the arrest which is that the person is believed to be a
 10 material witness to an identified felony and that the person might be unavailable
 11 for service of a subpoena.

*According to enrolled Act

1 SEC. 409. NEW SECTION. **Initial appearance before magistrate—arrest of**
2 **material witness.** The officer shall, without unnecessary delay, take the person
3 arrested before the nearest and most accessible magistrate to the place where the
4 arrest occurred.

5 At the appearance before the magistrate, the law enforcement officer shall
6 make a showing to the magistrate, by sworn affidavit, that probable cause exists
7 to believe that a person is a necessary and material witness to a felony and that
8 such person might be unavailable for service of a subpoena. The magistrate may
9 order the person released pursuant to chapter two (2), section one thousand one
10 hundred two (1102) of this Act.

1 SEC. 410. NEW SECTION. **Arrests by private persons.** A private person may
2 make an arrest:

3 1. For a public offense committed or attempted in the person's presence.

4 2. When a felony has been committed, and the person has reasonable ground
5 for believing that the person to be arrested has committed it.

1 SEC. 411. NEW SECTION. **Use of force by peace officer making an arrest.** A
2 peace officer, while making a lawful arrest, is justified in the use of any force
3 which the peace officer reasonably believes to be necessary to effect the arrest or
4 to defend any person from bodily harm while making the arrest. However, the
5 peace officer is justified in using deadly force only when he or she reasonably
6 believes that such force is necessary to prevent death or serious injury to any
7 person, or when the peace officer reasonably believes that the person being
8 arrested has committed a felony.

9 A peace officer making an arrest pursuant to an invalid warrant is justified in
10 the use of any force which the peace officer would be justified in using if the
11 warrant were valid, unless the peace officer knows that the warrant is invalid.

1 SEC. 412. NEW SECTION. **Use of force in arrest by private person.** A
2 private person who makes or assists another private person in making a lawful
3 arrest is justified in using any force which the person reasonably believes to be
4 necessary to make the arrest or which he reasonably believes to be necessary to
5 prevent serious injury to any person. A private person who is summoned or
6 directed by a peace officer to assist in making an arrest may use whatever force
7 the peace officer could use under the circumstances, provided that, if the arrest
8 is unlawful, the private person assisting the officer shall be justified as if the
9 arrest were a lawful arrest, unless the person knows that the arrest is unlawful.

1 SEC. 413. NEW SECTION. **Use of force in resisting arrest.** A person is not
2 authorized to use force to resist an arrest, either of himself, herself, or another
3 which the person knows is being made either by a peace officer or by a private
4 person summoned and directed by a peace officer to make the arrest, even if the
5 person believes that the arrest is unlawful or the arrest is in fact unlawful.

1 SEC. 414. NEW SECTION. **Use of force in preventing an escape.** A peace
2 officer or other person who has an arrested person in his or her custody is
3 justified in the use of such force to prevent the escape of the arrested person
4 from custody as he or she would be justified in using if he or she were arresting
5 such person.

1 SEC. 415. NEW SECTION. **Manner of making arrest.** The person making
2 the arrest must inform the person to be arrested of the intention to arrest him or
3 her, the reason for arrest, and that he or she is a peace officer, if such be the
4 case, and require him or her to submit to the person's custody, except when the
5 person to be arrested is actually engaged in the commission of or attempt to
6 commit an offense, or escapes, so that there is no time or opportunity to do so;
7 if acting under the authority of a warrant, the law enforcement officer need not
8 have the warrant in his or her possession at the time of the arrest, but upon
9 request the officer shall show the warrant to the person being arrested as soon as

10 possible. If the officer does not have the warrant in his or her possession at the
11 time of arrest, the officer shall inform the person being arrested of the fact that a
12 warrant has been issued.

1 SEC. 416. NEW SECTION. **Breaking and entering premises—demand to enter.**
2 If a law enforcement officer has reasonable cause to believe that a person whom
3 the officer is authorized to arrest is present on any private premises, the officer
4 may upon identifying himself or herself as such, demand that he or she be
5 admitted to such premises for the purpose of making the arrest. If such demand
6 is not promptly complied with, the officer may thereupon enter such premises to
7 make the arrest, using such force as is reasonably necessary.

1 SEC. 417. NEW SECTION. **Time of arrest.** An arrest may be made on any
2 day and at any time of the day or night.

1 SEC. 418. NEW SECTION. **Summoning aid.** Any peace officer making a
2 legal arrest may orally summon as many persons as the officer reasonably finds
3 necessary to aid him or her in making the arrest.

1 SEC. 419. NEW SECTION. **Taking weapons.** Any person who makes an
2 arrest may take from the person arrested all items which are capable of causing
3 bodily harm which the arrested person may have within his or her control to be
4 disposed of according to law.

1 SEC. 420. NEW SECTION. **Receipt given.** When money or other property is
2 taken from the defendant arrested on a charge of a public offense, the officer
3 taking it shall, at the time, give duplicate receipts therefor, specifying particularly
4 the amount of money and the kind of property taken; one of which receipts he
5 must deliver to the defendant, and the other he must forthwith file with the clerk
6 of the district court of the county where the depositions and statements are to be
7 sent by the magistrate.

1 SEC. 421. NEW SECTION. **Communications by arrested persons.** Any peace
2 officer or other person having custody of any person arrested or restrained of his
3 liberty for any reason whatever, shall permit that person, without unnecessary
4 delay after arrival at the place of detention, to call, consult, and see a member of
5 his or her family or an attorney of his or her choice, or both. Such person shall
6 be permitted to make a reasonable number of telephone calls as may be required
7 to secure an attorney. If a call is made, it shall be made in the presence of the
8 person having custody of the one arrested or restrained. If such person is
9 intoxicated, or a person under eighteen years of age, the call may be made by
10 the person having custody. An attorney shall be permitted to see and consult
11 confidentially with such person alone and in private at the jail or other place of
12 custody without unreasonable delay. A violation of this section shall constitute a
13 simple misdemeanor.

1 SEC. 422. NEW SECTION. **Initial appearance before magistrate—arrest by
2 warrant.**

3 1. Any person arrested in obedience to a warrant shall, without unnecessary
4 delay, be taken before the nearest and most accessible magistrate to the place
5 where the arrest occurred and the officer must at the same time deliver to the
6 magistrate the warrant, with the officer's return thereon endorsed and subscribed
7 by the officer with his or her official title.

8 2. Where the offense be bailable, the magistrate shall fix bail giving due
9 consideration to the bail endorsed on the warrant or other conditions stipulated
10 on the warrant for the defendant's appearance in the court which issued the
11 warrant; if such person is not released on bail, the magistrate must redeliver to
12 the officer the warrant and the officer shall retain custody of the arrested person
13 until his or her removal to appear before the magistrate who issued the warrant.

14 3. If the magistrate who issued the warrant is absent or unable to act, the
 15 arrested person shall be taken to the nearest and most accessible magistrate in
 16 the judicial district where the offense occurred, and all documents on which the
 17 warrant was issued must be sent to such magistrate, or if they cannot be
 18 procured, the informant and his or her witnesses must be subpoenaed to make
 19 new affidavits.

1 SEC. 423. NEW SECTION. **Initial appearance before magistrate—arrest**
 2 **without warrant.** When an arrest is made without a warrant, the person arrested
 3 shall, without unnecessary delay, be taken before the nearest or most accessible
 4 magistrate in the judicial district in which such arrest was made, and the
 5 grounds on which the arrest was made shall be stated to the magistrate by
 6 complaint, subscribed and sworn to by the complainant, or supported by the
 7 complainant's affirmation, and such magistrate shall proceed as follows:

8 1. If the magistrate believes from such complaint that the offense charged is
 9 triable in his or her court, the magistrate shall proceed with the case.

10 2. If the magistrate believes from such complaint that the offense charged is
 11 triable in another court, the magistrate shall by written order, commit the person
 12 arrested to a peace officer, to be taken before the appropriate magistrate in the
 13 district in which the offense is triable, and shall fix the amount of bail or other
 14 conditions of release which the person arrested may give for his or her
 15 appearance at the other court.

1 SEC. 424. NEW SECTION. **Arrests by private persons—disposition of prisoner.**
 2 A private citizen who has arrested another for the commission of an offense
 3 must, without unnecessary delay, take the arrested person before a magistrate, or
 4 deliver the arrested person to a peace officer, who may take the arrested person
 5 before a magistrate, but the person making the arrest must also accompany the
 6 officer before the magistrate.

1 SEC. 425. NEW SECTION. **Bail—discharge.** Any magistrate or clerk who
 2 receives bail as provided for in sections four hundred twenty-two (422),
 3 subsection two (2), and four hundred twenty-three (423), subsection two (2), of
 4 this division shall endorse, on the order of commitment or on the warrant, an
 5 order for the discharge from custody of the arrested person, who shall forthwith
 6 be discharged, and shall transmit by mail, or otherwise, as soon as it can be
 7 conveniently done, to the court at which the person is bound to appear, the
 8 affidavits, order of commitment or warrant, and discharge, together with the
 9 undertaking of bail.

1 SEC. 426. NEW SECTION. **Officer's return.** In all cases, the peace officer,
 2 when he or she takes a person committed to the officer under an order as
 3 provided in this division before a magistrate or clerk of the district court, either
 4 for the purpose of giving bail, if bail be taken, or for trial or preliminary
 5 examination, must make his or her return on such order, and sign such return
 6 with his or her name of office, and deliver the same to the magistrate or clerk.

1 SEC. 427. NEW SECTION. **Conveying prisoner to jail—fees and expenses.**
 2 Every officer or person who shall arrest anyone with a warrant or order issued
 3 by any court or officer, or who shall be required to convey a prisoner to such jail
 4 on an order of commitment, may be allowed the same fees and expenses as
 5 provided for in case of such services by the sheriff.

1 SEC. 428. NEW SECTION. **Department of public safety prisoners.** The
 2 sheriff of any county shall accept for custody in the county jail of the sheriff's
 3 respective county any person handed over to him or her for safekeeping and
 4 lodging by any member of the department of public safety.

1 SEC. 429. NEW SECTION. **Legislators' immunity from arrest.** Senators and
 2 representatives in all cases, except treason, felony, or breach of the peace, shall

3 be privileged from arrest during the session of the general assembly, and in
4 going to and returning from the same.

5 DIVISION V

6 POLICE CITATIONS

1 SECTION 501. NEW SECTION. **Conditions.** Whenever it would be lawful for
2 a peace officer to arrest a person without a warrant, the officer may issue a
3 citation instead of making the arrest and taking the person before a magistrate.

1 SEC. 502. NEW SECTION. **Form.** The citation shall include the name and
2 address of the person, the nature of the offense, the time and place at which the
3 person is to appear in court, and the penalty for nonappearance.

1 SEC. 503. NEW SECTION. **Procedure.** Before he or she is released, the cited
2 person shall sign the citation as a written promise to appear in court at the time
3 and place specified. A copy of the citation shall be given to the person.

1 SEC. 504. NEW SECTION. **Complaint.** The law enforcement officer issuing
2 the citation shall cause to be filed a complaint in the court in which the cited
3 person is required to appear, as soon as practicable, charging the crime stated in
4 said notice.

1 SEC. 505. NEW SECTION. **Failure to appear.**

2 1. Any person who willfully fails to appear in court as specified by the citation
3 shall be guilty of a simple misdemeanor. Where a defendant fails to make a
4 required court appearance, the court shall issue an arrest warrant for the offense
5 of failure to appear, and shall forward the warrant and the original citation to
6 the clerk. The clerk shall enter a transfer to the issuing agency on the docket,
7 and shall return the warrant with the original citation attached to the law
8 enforcement agency which issued the original citation for enforcement of the
9 warrant. Upon arrest of the defendant, the warrant and the original citation
10 shall be returned to the court, and the offenses shall be heard and disposed of
11 simultaneously. This subsection shall not apply in any case in which the citation
12 alleges a simple misdemeanor and in which the person cited has submitted bond
13 as provided in subsection two (2) of this section.

14 2. In the case of a citation which alleges the commission of a simple
15 misdemeanor and in which the person cited has submitted an appearance bond
16 in the form of cash, check, or guaranteed arrest bond certificate as defined in
17 section three hundred twenty-one point one (321.1) of the Code, the court shall
18 not issue an arrest warrant for failure to appear, but shall order a forfeiture of
19 the bond as provided in subsection four (4) of section one thousand one
20 hundred six (1106) of chapter two (2) of this Act.

21 DIVISION VI

22 UNIFORM FRESH PURSUIT LAW

1 SECTION 601. NEW SECTION. **Authority of officers from another state.** Any
2 member of a duly organized state, county, or municipal law enforcing unit of
3 another state of the United States who enters this state in fresh pursuit, and
4 continues within this state in such fresh pursuit, of a person in order to arrest the
5 person on the ground that the person is believed to have committed a felony in
6 such other state, shall have the same authority to arrest and hold such person in
7 custody, as has any member of any duly organized state, county, or municipal
8 law enforcing unit of this state, to arrest and hold in custody a person on the
9 ground that the person is believed to have committed a felony in this state.

1 SEC. 602. NEW SECTION. **Procedure following arrest.** If an arrest is made
2 in this state by an officer of another state in accordance with the provisions of
3 section six hundred one (601) of this division, the officer shall without
4 unnecessary delay take the person arrested before a magistrate of the county in

5 which the arrest was made, who shall conduct a hearing for the purpose of
6 determining the lawfulness of the arrest. If the magistrate determines that the
7 arrest was lawful the magistrate shall commit the person arrested to await for a
8 reasonable time the issuance of an extradition warrant by the governor of this
9 state or admit the person to bail for such purpose. If the magistrate determines
10 that the arrest was unlawful the magistrate shall discharge the person arrested.

1 SEC. 603. NEW SECTION. **Construction of statute.** Section six hundred one
2 (601) of this division shall not be construed so as to make unlawful any arrest in
3 this state which would otherwise be lawful.

1 SEC. 604. NEW SECTION. **Officers from District of Columbia.** For the
2 purpose of this division the word "state" shall include the District of Columbia.

1 SEC. 605. NEW SECTION. **Definitions of terms.** The term "fresh pursuit" as
2 used in this division shall include fresh pursuit as defined by the common law,
3 and also the pursuit of a person who has committed a felony or who is
4 reasonably suspected of having committed a felony. It shall also include the
5 pursuit of a person suspected of having committed a supposed felony, though no
6 felony has actually been committed, if there is reasonable ground for believing
7 that a felony has been committed. Fresh pursuit as used herein shall not
8 necessarily imply instant pursuit, but pursuit without unreasonable delay.

1 SEC. 606. NEW SECTION. **Name of act.** This division may be cited as the
2 "uniform act on fresh pursuit."

3 . DIVISION VII

4 PROCEEDINGS AGAINST CORPORATIONS

1 SECTION 701. NEW SECTION. **Summons upon a complaint against a**
2 **corporation, by whom issued, and when returnable.** Upon the filing of a
3 complaint against a corporation, the magistrate shall issue a summons, signed by
4 the magistrate, requiring the corporation to appear before the magistrate, at a
5 specified time and place, to answer the charge, the time to be not less than
6 twenty days after the issuing of the summons.

1 SEC. 702. NEW SECTION. **Form of the summons.** The summons may be in
2 substantially the following form:

3 County of _____ (as the case may be.)
4 "In the name of the people of the State of Iowa:
5 "To the (naming the corporation.)
6 "You are hereby summoned to appear before me, at
7 (naming the place) on (specifying the day and hour),
8 to answer a charge made against you, upon the com-
9 plaint of A.B., for (designating the offense, gen-
10 erally.)
11 "Dated at the city (or town) of _____, the
12 _____ day of _____,
13 G. H. Magistrate"
14 (or as the case may be.)

1 SEC. 703. NEW SECTION. **When and how served.** The summons for the
2 appearance of a corporation shall be served in the manner provided for service
3 of original notice upon a corporation in a civil action.

1 SEC. 704. NEW SECTION. **Examination of the charge.** At the time
2 appointed in the summons, the magistrate shall proceed to investigate the
3 charge, in the same manner as in the case of a natural person brought before the
4 magistrate, so far as those proceedings are applicable. If the corporation does
5 not appear or plead at the time and place specified in the summons, the court
6 shall make inquiry into the service of process, and being satisfied that same has

7 been carried out as provided herein, the court may proceed with the matter
8 without further process.

1 SEC. 705. NEW SECTION. **Bringing an indicted corporation into court.**
2 When an indictment or a trial information is filed against any corporation, such
3 corporation shall be arraigned thereon. Prior to arraignment the court shall
4 proceed as follows:

5 1. The clerk of the court wherein such indictment is found or the information
6 filed, or the judge, must issue a summons signed by him or her with his or her
7 name of office, requiring such corporation to appear and plead to the
8 indictment, at a time and place to be specified in such summons, such time to be
9 not less than twenty days after the issue thereof. The summons may be
10 substantially in the following form:

11 District Court, _____ County.

12 The People of the State of Iowa
13 vs.

14 The A. B. Company,

15 You are hereby summoned to appear in this
16 court at (naming the place) on (stating the day
17 and hour), and plead to an indictment filed
18 against you by the grand jury of this county,
19 on the ____ day of _____,
20 charging you with the crime of (designating
21 the offense, generally), and in case of your
22 failure to so appear and answer, judgment will
23 be pronounced against you.

24 Dated at the city (or town) of _____,
25 the ____ day of _____.

26 C.D.,

27
28 Clerk of the District Court.

29 (or by order of the court)

30 2. The summons shall be served at least ten days before the appearance fixed
31 therein, in the same manner as is provided for the service of an original notice
32 upon a corporation in a civil action; and if the corporation does not appear or
33 plead at the time and place specified in the summons, the court may proceed to
34 trial and judgment without further process.

35 3. Nothing contained in this section shall be construed as preventing the
36 appearance of a corporation by counsel to plead to an indictment, with or
37 without the issuance or service of the summons provided herein. And when an
38 indictment shall have been filed against a corporation it may voluntarily appear
39 and plead to the same by counsel duly authorized to so appear for it.

1 SEC. 706. NEW SECTION. **Collection of fines.** When a corporation is
2 convicted of an offense and the court imposes a fine as penalty, it may be
3 collected in the same manner as a judgment in a civil action.

1 SEC. 707. NEW SECTION. **Attachment.** Upon the filing of a complaint or
2 indictment, the court wherein same is filed shall have authority to issue a writ of
3 attachment to secure the maximum fine allowable by law for the offense
4 charged, and costs.

5 DIVISION VIII

6 SEARCH AND SEIZURE

1 SECTION 801. NEW SECTION. **Definitions.** For purposes of this division,
2 unless the context otherwise requires:

3 1. "Search warrant" means an order in writing, in the name of the state,
4 signed by a magistrate, and directed to a peace officer commanding him or her

5 to search a person, premises, or thing.

6 2. "Affidavit" means a written declaration or statement of fact made under
7 oath, or legally sufficient affirmation, before any person authorized to
8 administer oaths within or without the state.

1 SEC. 802. NEW SECTION. **Authorization.** A search warrant may be issued:

2 1. For property which has been obtained in violation of law.

3 2. For property, the possession of which is unlawful.

4 3. For property used or possessed with the intent to be used as the means of
5 committing a public offense or concealed to prevent an offense from being
6 discovered.

7 4. For any other property relevant and material as evidence in a criminal
8 prosecution.

1 SEC. 803. NEW SECTION. **Application for search warrants.** Any person may
2 make application for the issuance of a search warrant by submitting before any
3 magistrate a written application, supported by the person's oath or affirmation,
4 and setting forth therein facts, information, and circumstances tending to
5 establish sufficient grounds for granting the application, and probable cause for
6 believing that such grounds exist. The application shall describe the person,
7 place, or thing to be searched and the property to be seized with such specificity
8 so as to enable an independent reasonable man with reasonable effort to
9 ascertain and identify such person, place, or thing. If the magistrate thereafter
10 issues the search warrant, the magistrate shall endorse on the application the
11 name and address of all persons upon whose sworn testimony the magistrate
12 relied to issue such warrant together with the abstract of each witness'
13 testimony, or his or her affidavit. However, if the grounds for issuance is
14 supplied by an informant, the magistrate shall identify only the peace officer to
15 whom the information was given. The magistrate may in his discretion require
16 that any witness upon whom the applicant relies for information to appear
17 personally and be examined concerning such information.

1 SEC. 804. NEW SECTION. **Issuance.** Upon a finding of probable cause for
2 grounds to issue a search warrant, the magistrate shall issue a warrant, signed by
3 the magistrate with his or her name of office, directed to any authorized person,
4 commanding the person forthwith to search the named person, place, or thing
5 within the state for the property specified, and bring any property seized before
6 the magistrate.

1 SEC. 805. NEW SECTION. **Execution.** A search warrant may be executed
2 by any peace officer. No persons other than those authorized by this section
3 shall execute search warrants except in aid of those so authorized and on such
4 authorized person's request, the authorized person being present and acting. The
5 warrant may be executed in the daytime or in the nighttime. The warrant, when
6 executed, shall be forthwith returned to the issuing magistrate. Where the
7 property to be seized has been, or is susceptible of being, removed from the
8 officer's jurisdiction, the officer executing the warrant may pursue it and search
9 for property designated in the warrant.

1 SEC. 806. NEW SECTION. **Forcible execution.** The officer may break into
2 any structure or vehicle where reasonably necessary to execute the warrant if,
3 after notice of this authority and purpose the officer's admittance has not been
4 immediately authorized. The officer may use reasonable force to enter a
5 structure or vehicle to execute a search warrant without notice of the officer's
6 authority and purpose in the case of vacated or abandoned structures or
7 vehicles.

8 The officer executing a search warrant may break restraints when necessary
9 for the officer's own liberation or to effect the release of a person who has
10 entered a place to aid the officer.

1 SEC. 807. **NEW SECTION. Detention and search of persons on premises.** In
2 the execution of a search warrant the person executing the same may reasonably
3 detain and search any person or thing in the place at the time for any of the
4 following reasons:

- 5 1. To protect himself or herself from attack.
- 6 2. To prevent the disposal or concealment of any property subject to seizure
7 described in the warrant.
- 8 3. To remove any item which is capable of causing bodily harm that the
9 person may use to resist arrest or effect his escape.

1 SEC. 808. **NEW SECTION. Return.** A search warrant shall be executed
2 within ten days from its date; failure to execute within that period shall void the
3 warrant. Property seized and its containers, if any, shall be safely kept by the
4 officer, and incident thereto:

- 5 1. Upon such seizure the officer shall furnish an itemized receipt for such
6 property to the person from whom taken or in whose possession it was found, if
7 such person can be located or a copy of the inventory may be left on the
8 premises searched.
- 9 2. The officer must file, with his or her return, a complete inventory of the
10 property taken, and state under oath that it is accurate to the best of the officer's
11 knowledge. The magistrate must, if requested, deliver a copy of the inventory of
12 seized property to the person from whose possession it was taken and to the
13 applicant for the warrant.

1 SEC. 809. **NEW SECTION. Safe-keeping of seized property.** Property of an
2 evidentiary nature seized in the execution of a search warrant shall be safely
3 kept, subject to the orders of any court having jurisdiction to try any offense
4 involved therewith, so long as reasonably necessary to enable its production at
5 trials. The disposition of such property shall be in accordance with chapter two
6 (2), division nine (IX) of this Act.

1 SEC. 810. **NEW SECTION. Maliciously suing out a warrant-officer exceeding
2 authority.** Whoever maliciously and without just cause procures a search
3 warrant to be issued and executed is guilty of a serious misdemeanor. Anyone
4 who, in executing a search warrant, willfully exceeds his or her authority, or
5 exercises it with unnecessary severity, is guilty of a serious misdemeanor.

1 SEC. 811. **NEW SECTION. Transmission of papers to district court clerk.**
2 The magistrate who has issued a search warrant shall attach to the warrant a
3 copy of the return, inventory and all other papers in connection therewith and
4 shall file them with the clerk of the district court for the county in which the
5 property was seized.

1 SEC. 812. **NEW SECTION. Detention and search in shoplifting.**

2 1. Persons concealing property as set forth in chapter one (1), section one
3 thousand four hundred five (1405) of this Act, may be detained and searched by
4 a peace officer, merchant, or merchant's employee, provided that the detention
5 is for a reasonable length of time and that the search is conducted in a
6 reasonable manner by a person of the same sex and according to subsection two
7 (2) of this section.

8 2. No search of the person under this section shall be conducted by any
9 person other than someone acting under the direction of a peace officer except
10 where permission of the one to be searched has first been obtained.

11 3. The detention or search under this section by a peace officer, merchant, or
12 merchant's employee shall not render such peace officer, merchant, or
13 merchant's employee liable, in a criminal or civil action, for false arrest or false
14 imprisonment provided the peace officer, merchant, or merchant's employee had
15 reasonable grounds to believe the person detained or searched had concealed or
16 was attempting to conceal property as set forth in chapter one (1), section one

17 thousand four hundred five (1405) of this Act.

18 DIVISION IX

19 DISPOSITION OF SEIZED PROPERTY

1 SECTION 901. NEW SECTION. **Seized property.** For the purposes of this
2 division, "seized property" means all property or any part thereof seized in the
3 execution of a search warrant, arrest warrant, or arrest without warrant; and
4 includes the following:

5 1. Property which has been obtained in violation of law.

6 2. Property, the possession of which is unlawful.

7 3. Property used or possessed with the intent to be used as the means of
8 committing a public offense or concealed to prevent the offense from being
9 discovered.

10 4. Property subject to forfeiture except such property described in chapters
11 one hundred twenty-seven (127) and two hundred four (204), Code 1975.

12 5. Other property relevant and material as evidence in a criminal prosecution.

1 SEC. 902. NEW SECTION. **Notice of hearing.** The clerk of court shall issue
2 a notice of a hearing, containing a reasonable description of the property and
3 the time, place, and cause of its seizure, within forty-eight hours of the time of
4 its seizure. Such notice shall be reasonably calculated to apprise affected persons
5 of the pendency of the hearing.

1 SEC. 903. NEW SECTION. **Claimant.** Any person claiming the right to
2 possession of seized property may make application for its return in the office of
3 the clerk of court for the county in which it was seized.

1 SEC. 904. NEW SECTION. **Hearing.** All claims made for the return of the
2 seized property shall be set for hearing and such hearing shall be held not less
3 than five nor more than thirty days after the filing of the first claim.

1 SEC. 905. NEW SECTION. **Return.**

2 1. Property not required for evidence or use in further investigation may be
3 returned by the officer to the person from whom it was seized without the
4 requirement of a hearing, providing that that person's right of possession is not
5 prohibited by law.

6 2. In the event that the finding of the right to possess is in favor of a claimant,
7 other than the state, the magistrate shall order the return of the property,
8 providing that:

9 a. Possession of such property by the claimant is not prohibited by law; and

10 b. The property is not needed as evidence in any judicial proceedings; or, if
11 needed, satisfactory arrangements have been made for its return for subsequent
12 use as evidence. If such proceedings have not been completed, the magistrate
13 shall make satisfactory arrangements for return of the property upon their
14 completion.

1 SEC. 906. NEW SECTION. **Other disposition.**

2 1. Forfeiture. Unless otherwise specified by law, the magistrate shall order the
3 immediate destruction of all forfeited property of an illegal nature or character.
4 When the forfeited property is not of an illegal nature or character, the
5 magistrate shall order all such property or the proceeds of its sale to be applied
6 to the court fund of the county.

7 2. No claimant. Where there is no claimant or where the right to possession
8 cannot be determined, nonperishable property shall be held for a period of six
9 months from the date of filing of the return, pending claim. Thereafter, the
10 magistrate or other officer having the property in his or her custody shall, on
11 payment of the necessary expenses incurred for its preservation, deliver it to the
12 treasurer of the county, to be credited to the court fund.

26 increase thereof and the defendant must provide the additional undertaking,
27 written or cash, to secure his or her release.

28 e. Impose any other condition deemed reasonably necessary to assure
29 appearance as required, including a condition requiring that the defendant
30 return to custody after specified hours.

31 2. Determination of conditions. In determining which conditions of release
32 will reasonably assure appearance, the magistrate shall, on the basis of available
33 information, take into account the nature and circumstances of the offense
34 charged, the defendant's family ties, employment, financial resources, character
35 and mental condition, the length of his or her residence in the community, the
36 defendant's record of convictions, and the defendant's record of appearance at
37 court proceedings or of flight to avoid prosecution or failure to appear at court
38 proceedings.

39 3. Statement to all defendants. When a defendant appears before a magistrate
40 pursuant to rule two (2) or rule three (3), rules of criminal procedure, the
41 defendant shall be informed of the defendant's right to have said conditions of
42 release reviewed. If the defendant indicates he or she desires such a review and
43 is indigent and unable to retain legal counsel, the magistrate shall appoint an
44 attorney to represent the defendant for the purpose of such review. Unless the
45 conditions of release are amended and the defendant is thereupon released, the
46 magistrate shall set forth in writing the reasons for requiring conditions imposed.
47 A defendant who is ordered released by a magistrate other than a district court
48 judge or district associate judge on a condition which required that the
49 defendant return to custody after specified hours, shall, upon application, be
50 entitled to review by the magistrate who imposed the condition in the same
51 manner as a defendant who remains in full-time custody. In the event that the
52 magistrate who imposed conditions of release is not available, any other
53 magistrate in the judicial district may review such conditions.

54 4. Statement of conditions when defendant is released. A magistrate
55 authorizing the release of a defendant under this section shall issue a written
56 order containing a statement of the conditions imposed if any, shall inform the
57 defendant of the penalties applicable to violation of the conditions of his or her
58 release and shall advise the defendant that a warrant for the defendant's arrest
59 will be issued immediately upon such violation.

60 5. Amendment of release conditions. A magistrate ordering the release of the
61 defendant on any conditions specified in this section may at any time amend his
62 or her order to impose additional or different conditions of release, provided
63 that, if the imposition of different or additional conditions results in the
64 detention of the defendant as a result of the defendant's inability to meet such
65 conditions, the provisions of subsection three (3) of this section shall apply.

66 6. Appeal from conditions of release.

67 a. A defendant who is detained, or whose release on a condition requiring the
68 defendant to return to custody after specified hours is continued, after review of
69 the defendant's application pursuant to subsections three (3) or five (5) of this
70 section, by a magistrate, other than a district court judge or district associate
71 judge having original jurisdiction of the offense with which he is charged, may
72 make application to a district court judge or district associate judge having
73 jurisdiction to amend the order. Said motion shall be promptly set for hearing
74 and a record made thereof.

75 b. In any case in which a court denied a motion under paragraph a of this
76 subsection to amend an order imposing conditions of release, or a defendant is
77 detained after conditions of release have been imposed or amended upon such a
78 motion, an appeal may be taken to the supreme court. The appeal shall be
79 determined summarily without briefs on the record made. However, the
80 defendant may elect to file briefs and may be heard in oral argument, in which
81 case the prosecution shall have a right to respond as in an ordinary appeal from
82 a criminal conviction. The supreme court may, on its own motion, order the

83 parties to submit briefs and set the time in which such briefs shall be filed. Any
 84 order so appealed shall be affirmed if it is supported by the proceeding below. If
 85 the order is not so supported the court may remand the case for a further
 86 hearing, or may with or without additional evidence order the defendant
 87 released pursuant to subsection one (1) of this section.

88 7. Failure to appear—penalty. Any person who, having been released
 89 pursuant to this section, willfully fails to appear before any court or magistrate
 90 as required shall, in addition to the forfeiture of any security given or pledged
 91 for the person's release, if he or she was released in connection with a charge
 92 which constitutes a felony, or while awaiting sentence or pending appeal after
 93 conviction of any public offense, be guilty of a class D felony. If the defendant
 94 was released before conviction or acquittal in connection with a charge which
 95 constitutes any public offense not a felony, the defendant shall be guilty of a
 96 serious misdemeanor. If the person was released for appearance as a material
 97 witness, the person shall be guilty of a simple misdemeanor. In addition, nothing
 98 herein shall limit the power of the court to punish for contempt.

1 SEC. 1103. NEW SECTION. **Qualification and examination of surety.**

2 1. Insurance companies doing business in this state under the provisions of
 3 section five hundred fifteen point forty-eight (515.48), subsection two (2) of the
 4 Code, may act as surety. Resident property owners within the state, worth the
 5 amount specified in the undertaking, may act as surety, and must in all cases
 6 justify by an affidavit taken before an officer authorized to administer oaths that
 7 such surety possesses such qualifications.

8 2. In taking bail each signer may justify severally in amounts less than that
 9 expressed in the undertaking, if the whole justification be equivalent to one
 10 sufficient bail.

11 3. The court in which the action is pending, or the clerk thereof, or magistrate
 12 may require the personal appearance of sureties offered, and may thereupon
 13 further examine them upon oath concerning their sufficiency, and may also
 14 receive other evidence for or against the sufficiency of the bail. When such
 15 examination is closed, the official conducting such examination must make an
 16 order, either allowing or disallowing the bail, and forthwith cause the same, with
 17 the affidavits or justification and undertaking of bail, to be filed with the clerk
 18 of the court to which the papers on the preliminary examination are required to
 19 be sent.

1 SEC. 1104. NEW SECTION. **Undertaking of bail as liens on real estate.**

2 Undertakings of bail, immediately after such undertakings are filed with the
 3 clerk of the district court, shall be docketed as liens on real estate, entered upon
 4 the lien index as required for judgments in civil cases, and from the time of such
 5 entries, shall be liens upon real estate of the persons executing the same.
 6 Attested copies of such undertakings may be filed in the office of the clerk of
 7 the district court of the county in which the real estate is situated, in the same
 8 manner and with like effect as attested copies of civil judgments, and shall be
 9 immediately docketed and indexed in the same manner.

1 SEC. 1105. NEW SECTION. **Bail on appeal.**

2 After conviction, upon appeal
 3 to the supreme court, the defendant must be admitted to bail, if it be from the
 4 judgment imposing a fine, upon the undertaking of bail that the defendant will,
 5 in all respects, abide the orders and the judgment of the supreme court upon
 6 appeal; if from a judgment of imprisonment, except as provided in section one
 7 thousand one hundred one (1101) of this division upon the undertaking of bail
 8 that the defendant will surrender himself or herself in execution of the judgment
 9 and direction of the supreme court, and in all respects abide the orders and
 10 judgment of the supreme court upon the appeal. Such bail may be taken, either
 11 by the court where the judgment was rendered, or the district court of the
 county in which the defendant is imprisoned, or by the supreme court, or a

12 judge or clerk of any of such courts. Provided, that in lieu of bail,ailable
13 defendants as described herein may be released in accordance with the
14 provisions of section one thousand one hundred two (1102) of this division.

1 **SEC. 1106. NEW SECTION. Forfeiture of bail.**

2 1. A defendant released pursuant to this division shall appear at arraignment,
3 trial, judgment, or such other proceedings where the defendant's appearance is
4 required. If the defendant fails to appear at the time and place when his or her
5 personal appearance is lawfully required, or to surrender himself or herself in
6 execution of the judgment, the court must direct an entry of such failure to be
7 made of record, and the undertaking of the defendant's bail, or the money
8 deposited, is thereupon forfeited. As a part of such entry, except as provided in
9 rule forty-three (43), rules of criminal procedure, the court shall direct the sheriff
10 of the county to give ten days' notice in writing to the defendant and his or her
11 sureties to appear and show cause, if any, why judgment should not be entered
12 for the amount of such bail. If such appearance is not made, judgment shall be
13 entered by the court. If such appearance is made, the court shall set the case
14 down for immediate hearing as an ordinary action.

15 2. Where a forfeiture and judgment have been entered as provided in this
16 section, and the amount of the judgment has been paid to the clerk, the clerk
17 shall hold the same as funds of his or her office for a period of sixty days from
18 the date of judgment.

19 3. The court may, upon application, set aside such judgment if, within sixty
20 days from the date thereof, the defendant shall voluntarily surrender himself or
21 herself to the sheriff of the county, or his or her bondsmen shall, at their own
22 expense, deliver the defendant to the custody of the sheriff. Such judgment shall
23 not be set aside, however, unless a condition precedent thereto, the defendant
24 and the defendant's sureties shall have paid all costs and expenses incurred in
25 connection therewith.

26 4. The provisions of subsections one (1), two (2) and three (3) of this section
27 shall not apply to a case in which a simple misdemeanor is charged by police
28 citation pursuant to section five hundred five (505) of chapter two (2) of this Act
29 or by uniform citation and complaint pursuant to section seven hundred fifty-
30 three point fifteen (753.15) of the Code, and in which the defendant has
31 submitted appearance bond in the form of cash, check, or guaranteed arrest
32 bond certificate as defined in section three hundred twenty-one point one (321.1)
33 of the Code. Where a defendant fails to appear as required in such a case, the
34 court shall enter a judgment of forfeiture of the bond which shall be final upon
35 entry and shall not be set aside.

1 **SEC. 1107. NEW SECTION. Recommitment after bail.**

2 1. The magistrate may, by an order entered on the record, direct the
3 defendant to be arrested and committed to jail until legally discharged, after the
4 defendant has given bail or deposited money in lieu thereof, or otherwise is
5 released pursuant to this division, when it satisfactorily appears to the court that
6 the defendant has failed to appear as required, or the defendant has violated a
7 condition of release, or when, after the filing of an indictment or information,
8 the court finds the bail taken or money deposited is insufficient.

9 2. Such order for recommitment must recite generally the facts upon which it
10 is founded, and must direct that the defendant be arrested and committed to the
11 custody of the sheriff of the county in which such order is entered. The
12 defendant may be arrested pursuant to such order, upon a certified copy thereof,
13 in any county of the state.

14 3. If the order recite, as the ground on which it is made, the failure of the
15 defendant to appear for judgment upon conviction, the defendant must be
16 committed according to the requirements of the order; if made for any other
17 cause and the offense isailable, the court must cause a direction to be inserted
18 in the order that the defendant be admitted to bail, in a sum to be stated in the
19 order.

27 7. Appeals from orders of detention may be taken in the manner provided
28 under section one thousand one hundred two (1102), subsection six (6) of this
29 chapter.

30 8. If the trial court issues an order of detention, it shall be accompanied by a
31 written finding of fact and the reasons for the detention order.

32 9. For the purposes of such proceedings, the trial court is not divested of
33 jurisdiction by the filing of a notice of appeal.

34 **Subdivision II**

35 **MENTAL INCOMPETENCY OF ACCUSED TO STAND TRIAL**

1 **SECTION 1203. NEW SECTION. Mental incompetency of accused.** If at any
2 stage of a criminal proceeding it reasonably appears that the defendant is
3 suffering from a mental disorder which prevents him from appreciating the
4 charge against him, understanding the proceedings, or assisting effectively in his
5 defense, further proceedings must be suspended and a hearing had upon that
6 question.

1 **SEC. 1204. NEW SECTION. Cessation of criminal prosecution.** If, upon
2 hearing conducted by the court, the accused is found to be incapacitated in the
3 manner described in section one thousand two hundred three (1203) of this
4 division, no further proceedings shall be taken under the complaint or
5 indictment until the accused's capacity is restored, and, if his or her release will
6 endanger the public peace or safety, the court must order him or her committed
7 to the custody of the department of social services.

1 **SEC. 1205. NEW SECTION. Effect of restoration of mental capacity.** If the
2 accused is committed to the department of social services, after the expiration of
3 a period not to exceed six months, the court shall upon hearing review the
4 confinement and determine whether there is a substantial probability the
5 prisoner will regain capacity within a reasonable time. If not, the state shall be
6 directed to institute civil commitment proceedings. When it thereafter appears
7 that the accused can effectively assist in his or her defense, that department shall
8 give notice to the sheriff and county attorney of the proper county of such fact,
9 and the sheriff, without delay, must receive and hold the accused in custody
10 until he or she is brought to trial or judgment, as the case may be, or is legally
11 discharged, the expense for conveying and returning the accused, or any other,
12 to be paid in the first instance by the county from which the accused is sent, but
13 such county may recover the same from another county or municipal body
14 bound to provide for or maintain the accused elsewhere, and the sheriff shall be
15 allowed for his or her services the same fees as are allowed for conveying
16 convicts to the penitentiary.

17 **DIVISION XIII**

18 **IOWA RULES OF CRIMINAL PROCEDURE**

1 **SECTION 1301. NEW SECTION. Provisions relating to hearing and trial in**
2 **indictable cases.**

3 **Rule 1. Scope of rules and definitions.**

4 1. Scope. The rules in this section provide procedures for indictable criminal
5 cases.

6 2. Definitions.

7 a. "Committing magistrate" means judicial magistrates, district associate
8 judges, and district judges.

9 b. "Judicial officer" means justices of the supreme court and committing
10 magistrates.

11 c. "Unnecessary delay" is any unexcused delay longer than twenty-four hours,
12 and consists of a shorter period whenever a magistrate is accessible and
13 available.

14 **Rule 2. Proceedings before the magistrate.**

15 1. Initial appearance of defendant. An officer making an arrest with or
16 without a warrant shall take the arrested person without unnecessary delay
17 before a committing magistrate as provided by law. When a person arrested
18 without a warrant is brought before a magistrate, a complaint shall be filed
19 forthwith. If the defendant received a citation or was arrested without a warrant,
20 the magistrate shall, prior to further proceedings in the case, make an initial,
21 preliminary determination from the complaint, or from an affidavit or affidavits
22 filed with the complaint or from an oral statement under oath or affirmation
23 from the arresting officer or other person, whether there is probable cause to
24 believe that an offense has been committed and that the defendant has
25 committed it. The magistrate's decision in this regard shall be entered in the
26 magistrate's record of the case.

27 2. Statement by the magistrate. The magistrate shall inform a defendant who
28 appears before the magistrate after arrest, complaint, summons, or citation of
29 the complaint against the defendant, of the defendant's right to retain counsel,
30 of the defendant's right to request the assignment of counsel if the defendant is
31 unable to obtain counsel, of the general circumstances under which the
32 defendant may secure pretrial release, of the defendant's right to review of any
33 conditions imposed on the defendant's release and shall provide the defendant
34 with a copy of the complaint. The magistrate shall also inform the defendant
35 that he or she is not required to make a statement and that any statement made
36 by the defendant may be used against him or her. The magistrate shall allow the
37 defendant reasonable time and opportunity to consult counsel.

38 3. Counsel. From a list approved by the district court judge, the magistrate
39 shall have authority to appoint counsel to represent the defendant in the event
40 the defendant requests representation by counsel and is entitled to same.
41 Counsel will be assigned to assist the defendant only upon a showing as required
42 in section three hundred thirty-six A point four (336A.4) of the Code. Counsel so
43 appointed may make application in the district court for compensation for such
44 services.

45 4. Preliminary hearing. The defendant shall not be called upon to plead and
46 the magistrate shall proceed as follows:

47 a. Preliminary hearing. The magistrate shall inform the defendant that he or
48 she is entitled to a preliminary hearing unless the defendant is indicted by a
49 grand jury or a true information is filed against the defendant or unless he or
50 she waives the preliminary hearing. If the defendant waives preliminary hearing,
51 the magistrate shall order the defendant held to answer in further proceedings. If
52 the defendant does not waive the preliminary hearing, the magistrate shall
53 schedule a preliminary hearing and inform the defendant of the date of the
54 preliminary hearing. Such hearing shall be held within a reasonable time but in
55 any event not later than ten days following the initial appearance if the
56 defendant is in custody and no later than twenty days if he or she is not in
57 custody. Upon showing of good cause, the time limits specified in this paragraph
58 may be extended by the magistrate.

59 b. Probable cause finding. If from the evidence it appears that there is
60 probable cause to believe that an offense has been committed and that the
61 defendant committed it, the magistrate shall order the defendant held to answer
62 in further proceedings. The finding of probable cause shall be based upon
63 substantial evidence, which may be hearsay in whole or in part, provided there is
64 a substantial basis for believing the source of the hearsay to be credible and for
65 believing that there is a factual basis for the information furnished. The
66 defendant may cross-examine witnesses against him or her and may introduce
67 evidence in his or her own behalf.

68 c. Constitutional objections. Rules excluding evidence on the ground that it
69 was acquired by unlawful means are not applicable. Motions to suppress must
70 be made to the trial court as provided in rule eleven (11).

71 d. Private hearing. The magistrate must also, upon request of the defendant,
72 exclude from the hearing all persons except the magistrate, the magistrate's
73 clerk, the peace officer who has custody of the defendant, a court reporter, the
74 attorney or attorneys representing the state, a peace officer selected by the
75 attorney representing the state, the defendant and the defendant's counsel.

76 e. Discharge of defendant. If from the evidence it appears that there is no
77 probable cause to believe that an offense has been committed or that the
78 defendant committed it, the magistrate shall dismiss the complaint and discharge
79 the defendant. The discharge of the defendant shall not preclude the government
80 from instituting a subsequent prosecution for the same offense.

81 f. Transmission of magistrate's record entries. After concluding the
82 proceedings the magistrate shall transmit forthwith to the clerk of the district
83 court all papers and recordings in the proceeding.

84 g. Preliminary hearing testimony preserved by stenographer or tape recorder:
85 production prior to trial. Proceedings at the preliminary hearing shall be taken
86 down by a court reporter or recording equipment and shall be made available on
87 the following basis:

88 (1) On timely application to a magistrate, for good cause shown, and subject
89 to the availability of facilities, the attorney for a defendant in a criminal case
90 may be given the opportunity to have the recorded tape of the hearing on
91 preliminary examination replayed for his or her information in connection with
92 any further hearing or in connection with his or her preparation for trial.

93 (2) On application of a defendant addressed to a district judge, showing that
94 the record of preliminary hearing, in whole or in part, should be made available
95 to the defendant's counsel, an order may issue that the clerk make available a
96 copy of the record, or of a portion thereof, to defense counsel. Such order shall
97 provide for prepayment of costs of such record by the defendant unless the
98 defendant makes a sufficient affidavit that he or she is unable to pay or to give
99 security therefor, in which case the expense shall be paid by the county. The
100 prosecution may move also that a copy of the record, in whole or in part, be
101 made available to it, for good cause shown, and an order may be entered
102 granting such motion in whole or in part, on appropriate terms, except that the
103 government need not prepay costs nor furnish security therefor.

104 (3) The copy of the record of such proceedings furnished pursuant to
105 subparagraph two (2) of this paragraph may consist of a tape of the recorded
106 proceedings or a stenographic transcript of the proceedings.

107 If the record is ordered, the court shall specify in its order to the magistrate an
108 appropriate method of making the record available. If, in any circumstance, a
109 typewritten transcript is furnished counsel, a copy thereof shall be filed with the
110 clerk of court.

111 **Rule 3. The grand jury.**

112 1. Drawing grand jurors. At such times as prescribed by the chief judge of the
113 district court in the public interest, the names of the twelve persons constituting
114 the panel of the grand jury shall be placed by the clerk in a container, and after
115 thoroughly mixing the same, in open court the clerk shall draw therefrom seven
116 names, and the persons so drawn shall constitute the grand jury. Should any of
117 the persons so drawn be excused by the court or fail to attend on the day
118 designated for their appearance, the clerk shall draw additional names until the
119 seven grand jurors are secured.

120 If the panel is insufficient to provide and maintain a grand jury of seven
121 members, the panel shall be refilled from the jury box by the clerk of the court
122 under direction of the court; additional grand jurors shall be selected until a
123 grand jury of seven grand jurors is secured, and they shall be summoned in the
124 manner as those originally drawn.

125 2. Challenge to grand jury.

126 a. Challenge to array. A defendant held to answer for a public offense may,
127 before the grand jury is sworn, challenge the panel or the grand jury, only for
128 the reason that it was not composed or drawn as prescribed by law. If the
129 challenge be sustained, the court shall thereupon proceed to take remedial action
130 to compose a proper grand jury panel or grand jury.

131 b. Challenge to individual jurors. A challenge to an individual grand juror
132 may be made before the grand jury is sworn as follows:

133 (1) By the state or the defendant, because the grand juror does not possess the
134 qualifications required by law.

135 (2) By the state only because:

136 (a) The juror is related either by affinity or consanguinity nearer than in the
137 fifth degree, or stands in the relation of agent, clerk, servant, or employee, to any
138 person held to answer for a public offense, whose case may come before the
139 grand jury.

140 (b) The juror is bail for anyone held to answer for a public offense, whose
141 case may come before the grand jury.

142 (c) The juror is defendant in a prosecution similar to any prosecution to be
143 examined by the grand jury.

144 (d) The juror is, or within one year preceding has been, engaged or interested
145 in carrying on any business, calling, or employment the carrying on of which is a
146 violation of law, and for which the juror may be indicted by the grand jury.

147 (3) By the defendant only because:

148 (a) The juror is a prosecutor upon a charge against the defendant.

149 (b) The juror has formed or expressed such an opinion as to the guilt or
150 innocence of the defendant as would prevent the juror from rendering a true
151 verdict upon the evidence submitted.

152 c. Decision by court. Challenges to the panel or to an individual grand juror
153 shall be decided by the court.

154 d. Motion to dismiss. A motion to dismiss the indictment may be based on
155 challenges to the array or to an individual juror, if the grounds for challenge
156 which are alleged in the motion of the defendant have not previously been
157 determined pursuant to a challenge asserted by the defendant pursuant to
158 paragraph a or paragraph b of this subsection.

159 3. Discharging and summoning jurors.

160 a. Discharge. A grand jury, on the completion of its business, shall be
161 discharged by the court. The grand jury shall serve until discharged by the court,
162 and the regular term of service by a grand juror should not exceed one calendar
163 year. However, when an investigation which has been undertaken by the grand
164 jury is incomplete, the court may by order extend the eligibility of a grand juror
165 beyond one year, to the completion of the investigation.

166 b. Summoning jurors. Upon order of the court the clerk shall issue his precept
167 or precepts to the sheriff, commanding the sheriff to summon the grand juror or
168 jurors. Upon a failure of a grand juror to obey such summons without sufficient
169 cause, he may be punished for contempt.

170 c. Excusing jurors. If the court excuses a juror, the court may impanel another
171 person in place of the juror excused. If the grand jury has been reduced to a less
172 number than seven by reason of challenges to individual jurors being allowed, or
173 from any other cause, the additional jurors required to fill the panel shall be
174 summoned, first, from such of the twelve jurors originally summoned which were
175 not drawn on the grand jury as first impaneled, and if they are exhausted the
176 additional number required shall be drawn from the grand jury list. If a challenge
177 to the array is allowed, a new grand jury shall be impaneled to inquire into the
178 charge against the defendant in whose behalf the challenge to the array has been
179 allowed, and they shall be summoned in the manner prescribed in this rule.

180 4. Oaths and procedure.

181 a. Foreman. From the persons impaneled as grand jurors the court shall
182 appoint a foreman, or when the foreman already appointed is discharged,
183 excused, or from any cause becomes unable to act before the grand jury is
184 finally discharged, an acting foreman may be appointed.

185 The foreman of the grand jury may administer the oath to all witnesses
186 produced and examined before it.

187 b. Clerks and bailiffs. The court may appoint as clerk of the grand jury a
188 competent person who is not a member thereof. In addition thereto the court
189 may, if it deems it necessary, appoint assistant clerks of the grand jury. If no
190 such appointments are made by the court, the grand jury shall appoint as its
191 clerk one of its own number who is not its foreman. In like manner the court
192 may appoint bailiffs for the grand jury to serve with the powers of a peace
193 officer while so acting.

194 c. Oaths administered to grand jury, clerk, and bailiff. The following oath
195 shall be administered to the grand jury: "Do each of you, as the grand jury,
196 solemnly swear or affirm that you will diligently inquire and true presentment
197 make of all public offenses against the people of this state, triable on indictment
198 within this county, of which you have or can obtain legal evidence; you shall
199 present no person through malice, hatred, or ill will, nor leave any unrepresented
200 through fear, favor, or affection, or for any reward, or the promise or hope
201 thereof, but in all your presentments that you shall present the truth, the whole
202 truth, and nothing but the truth, according to the best of your skill and
203 understanding?"

204 Any clerk, assistant clerk, or bailiff appointed by the court must be given the
205 following oath: "Do you solemnly swear that you will faithfully and impartially
206 perform the duties of your office, that you will not reveal to anyone its
207 proceedings or the testimony given before it and will abstain from expressing
208 any opinion upon any question before it, to or in the presence or hearing of the
209 grand jury or any member thereof?"

210 d. Secrecy of proceedings. Every member of the grand jury, and its clerks and
211 bailiffs, shall keep secret the proceedings of that body and the testimony given
212 before it, except as provided in rule thirteen (13). No such person shall disclose
213 the fact that an indictment has been found except when necessary for the
214 issuance and execution of a warrant or summons, and such duty of
215 nondisclosure shall continue until the indicted person has been arrested. The
216 county attorney shall be allowed to appear before the grand jury on his or her
217 own request for the purpose of giving information or for the purpose of
218 examining witnesses, and the grand jury may at all reasonable times ask the
219 advice of the county attorney or the court. However, neither the county attorney
220 nor any other officer or person except the grand jury may be present when the
221 grand jury is voting upon the finding of an indictment.

222 e. Securing witnesses and records. The clerk of the court must, when required
223 by the foreman of the grand jury or county attorney, issue subpoenas for
224 witnesses to appear before the grand jury. The grand jury is entitled to free
225 access at all reasonable times to county institutions and places of confinement,
226 and to the examination without charge of all public records within the county.

227 f. Minutes. The clerk of the grand jury shall take and preserve minutes of the
228 proceedings and of the evidence given before it, except the votes of its individual
229 members on finding an indictment.

230 g. Evidence for defendant. The grand jury is not bound to hear evidence for
231 the defendant, but may do so, and must weigh all the evidence submitted to it,
232 and when it has reason to believe that other evidence within its reach will
233 explain away the charge, it may order the same produced.

234 h. Refusal of witness to testify. When a witness under examination before the
235 grand jury refuses to testify or to answer a question put to him or her, it shall
236 proceed with the witness before a district court judge, and the foreman shall
237 then distinctly state before a district court judge the question and the refusal of

238 the witness, and if upon hearing the witness the court shall decide that the
239 witness is bound to testify or answer the question propounded, the judge shall
240 inquire of the witness if he or she persists in his or her refusal, and, if he does,
241 shall proceed with the witness as in cases of similar refusal in open court.

242 i. Effect of refusal to indict. If, upon investigation, the grand jury refuses to
243 find an indictment against one charged with a public offense, it shall return all
244 papers to the clerk, with an endorsement thereon, signed by the foreman, to the
245 effect that the charge is ignored. Thereupon the district court judge must order
246 the discharge of the defendant from custody if in jail, and the exoneration of
247 bail if bail be given. Upon good cause shown, the district court judge may direct
248 that the charge again be submitted to the grand jury. Such ignoring of the
249 charge does not prevent the cause from being submitted to another grand jury as
250 the court may direct; but without such direction it cannot be again submitted.

251 j. Duty of grand jury. The grand jury shall inquire into all indictable offenses
252 which may be tried within the county, and present them to the court by
253 indictment. The grand jury shall meet at times specified by order of a district
254 judge. In addition to those times, the grand jury shall meet at the request of the
255 county attorney or upon the request of a majority of the grand jurors.

256 It is made the special duty of the grand jury to inquire into:

257 (1) The case of every person imprisoned in the detention facilities of the
258 county on a criminal charge and not indicted.

259 (2) The condition and management of the public prisons, county institutions
260 and places of detention within the county.

261 (3) The unlawful misconduct in office in the county of public officers and
262 employees.

263 Rule 4. Indictment.

264 1. Defined. An indictment is an accusation in writing, found and presented by
265 a grand jury legally impaneled and sworn to the court in which it is impaneled,
266 charging that the person named therein has committed an indictable public
267 offense, punishable on indictment.

268 2. Use of indictment. Criminal offenses in which the punishment exceeds a
269 fine of one hundred dollars or exceeds imprisonment for thirty days may be
270 prosecuted to final judgment either on indictment or on information as provided
271 in rule five (5).

272 3. Evidence to support. An indictment should be found when all the evidence,
273 taken together, is such as in the judgment of the grand jury, if unexplained,
274 would warrant a conviction by the trial jury; otherwise it should not. An
275 indictment can be found only upon evidence given by witnesses produced,
276 sworn, and examined before the grand jury, or furnished by legal documentary
277 evidence, or upon the stenographic or taped record of evidence given by
278 witnesses before a committing magistrate. If an indictment is found in whole or
279 in part upon testimony taken before a committing magistrate, the clerk of the
280 grand jury shall write out a brief minute of the substance of such evidence, and
281 the same shall be returned to the court with the indictment.

282 4. Vote necessary. An indictment cannot be found without the concurrence of
283 five grand jurors. Every indictment must be endorsed "a true bill" and the
284 endorsement signed by the foreman of the grand jury.

285 5. Presentation and filing. An indictment, when found by the grand jury and
286 properly endorsed, shall be presented to the court with the minutes of evidence
287 of the witnesses relied on. The presentation shall be made by the foreman of the
288 grand jury in the presence of the members of the grand jury. The indictment,
289 minutes of evidence, and all exhibits relating thereto shall be transmitted to the
290 clerk of the court and filed by the clerk.

291 6. Minutes.

292 a. A minute of evidence shall consist of a notice in writing stating the name,
293 place of residence, and occupation of the witness upon whose testimony the
294 indictment is found, and a full and fair statement of the witness' testimony

295 before the grand jury.

296 b. Copy to defense. Such minutes of evidence shall not be open for the
297 inspection of any person except the judge of the court, the county attorney, or
298 the defendant and his or her counsel. The clerk of the court must, on demand
299 made, furnish the defendant or his or her counsel a copy thereof without charge.

300 c. Minutes used again. A grand jury may consider minutes of testimony
301 previously heard by the same or another grand jury. In any case, a grand jury
302 may take additional testimony.

303 7. Contents of indictment. An indictment is a plain, concise, and definite
304 statement of the offense charged. The indictment shall be signed by the foreman
305 of the grand jury. The names of all witnesses on whose evidence the indictment
306 is found must be endorsed thereon. The indictment may be in the general
307 indictment form set forth in the illustrative table of forms appended to the Iowa
308 rules of criminal procedure. The indictment shall include the following:

309 a. The name of the accused, if known, and if not known, designation of the
310 accused by any name by which the accused may be identified.

311 b. The name and if provided by law the degree of the offense, identifying by
312 number the statutory provision or provisions alleged to have been violated.

313 c. The time and place of the offense as definitely as can be done.

314 d. Where the means by which the offense is committed are necessary to
315 charge an offense, a brief statement of the acts or omissions by which the
316 offense is alleged to have been committed.

317 No indictment is invalid or insufficient, nor can the trial, judgment, or other
318 proceeding thereon be affected by reason of any defect or imperfection in a
319 matter of form which does not prejudice a substantial right of the defendant.

320 8. Amendment.

321 a. Generally. The court may, on motion of the state, and before or during the
322 trial, order the indictment amended so as to correct errors or omissions in
323 matters of form or substance. Amendment may be allowed before or during trial
324 when no substantial rights of the defendant are prejudiced by the amendment,
325 and if a wholly new and different offense is not charged.

326 b. Amendment before trial. If the application for an amendment be made
327 before the commencement of the trial, the application and a copy of the
328 proposed amendment shall be served upon the defendant, or upon the
329 defendant's attorney of record, and an opportunity given the defendant to resist
330 the same.

331 c. Amendment during trial. If the application be made during the trial, the
332 application and the amendment may be dictated into the record in the presence
333 of the defendant and the defendant's counsel, and such record shall constitute
334 sufficient notice to the defendant.

335 d. Continuance. No continuance or delay in trial shall be granted because of
336 such amendment unless it appears that defendant should have additional time to
337 prepare because of such amendment.

338 e. Amendment of minutes. Minutes may be amended in the same manner and
339 to the same extent that an indictment may be amended.

340 **Rule 5. Information.**

341 1. Prosecution on information. All indictable offenses may be prosecuted by a
342 trial information. The prosecuting attorney may at any time, whether or not the
343 grand jury is in session, file an information with a district court judge or district
344 associate judge charging a person with an indictable offense.

345 2. Endorsement. An information shall be endorsed "a true information" and
346 shall be signed by the prosecuting attorney or in his or her name by an assistant
347 prosecuting attorney.

348 3. Witness names and minutes. The prosecuting attorney shall, at the time of
349 filing such information, endorse or cause to be endorsed thereon the names,
350 occupations, and last known addresses of the witnesses whose evidence the
351 prosecuting attorney expects to introduce and use on the trial of the same, and

352 shall also file with such information, of each witness whose name is endorsed
353 upon the information, a statement sufficient to enable the defendant to prepare
354 his defense.

355 4. Approval by judge. Prior to the filing of the information, a district judge or
356 district associate judge having jurisdiction of the offense must approve the
357 information by a finding that the evidence contained in the information and the
358 minutes of testimony, if unexplained, would warrant a conviction by the trial
359 jury. If not approved, the charge may be presented to the grand jury for
360 consideration. At any time after judicial approval of an information, and prior
361 to the commencement of trial,* the court, on its own motion, may order said
362 information set aside and said case submitted to the grand jury.

363 5. Indictment rules applicable. The information shall be drawn and construed,
364 in matters of substance, as indictments are required to be drawn and construed.
365 The term "indictment" embraces the trial information, and all provisions of law
366 applying to prosecutions on indictments apply also to informations, except
367 where otherwise provided for in these rules, or when the context requires
368 otherwise.

369 6. Investigation by prosecuting attorney. The clerk of the district court, on
370 written application of the prosecuting attorney and the approval of the court,
371 shall issue subpoenas including subpoenas duces tecum for such witnesses as the
372 prosecuting attorney may require in investigating an offense, and in such
373 subpoenas shall direct the appearance of said witnesses before the prosecuting
374 attorney at a specified time and place. Such application and judicial order of
375 approval shall be maintained by the clerk in a confidential file until a charge is
376 filed, in which event disclosure shall be made, unless the court in an in camera
377 hearing orders that it be kept confidential. The prosecuting attorney shall have
378 the authority to administer oaths to said witnesses and shall have the services of
379 the clerk of the grand jury in those counties in which such clerk is regularly
380 employed. The rights and responsibilities of such witnesses and any penalties for
381 violations thereof shall otherwise be the same as a witness subpoenaed to the
382 grand jury.

383 **Rule 6. Pleading special matters in indictments and informations—multiple**
384 **offenses or defendants; pleading prior convictions; pleading statutes.**

385 1. Multiple offenses. When the conduct of a defendant may establish the
386 commission of more than one public offense arising out of the same transaction
387 or occurrence, the defendant may be prosecuted for each of such offenses. Each
388 of such offenses may be alleged and prosecuted as separate counts in a single
389 complaint, information or indictment. Where the public offense which is alleged
390 carries with it certain lesser included offenses, the latter should not be charged,
391 and it is sufficient to charge that the accused committed the public offense.

392 2. Prosecution and judgment. Upon prosecution for a crime, the defendant
393 may be convicted of either the crime charged or an included crime, but not
394 both.

395 3. Duty of court to instruct. In cases where the crime charged may include
396 some lesser crime it is the duty of the trial court to instruct the jury, not only as
397 to the crime charged but as to all lesser crimes of which the accused might be
398 found guilty under the indictment and upon the evidence adduced, even though
399 such instructions have not been requested or have been objected to.

400 4. Charging multiple defendants.

401 a. Multiple defendants. Two or more defendants may be charged in the same
402 indictment, information, or complaint if they are alleged to have participated in
403 the same act or the same transaction or occurrence out of which the offense or
404 offenses arose. Such defendants may be charged in one or more counts together
405 or separately, and all the defendants need not be charged in each count.

406 b. Prosecution and judgment. When an indictment charges a defendant with a
407 felony, and the same indictment charges two or more defendants, those
408 defendants jointly charged may be tried jointly, if in the discretion of the court a

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409 joint trial will not result in prejudice to one or more of the parties; otherwise the
410 defendants shall be tried separately. Where jointly tried, each defendant shall be
411 judged separately on each count.

412 5. Allegations of prior convictions. If the offense charged is one for which the
413 defendant, if convicted, will be subject by reason of the Code, to an increased
414 penalty because of prior convictions, the allegation of such convictions, if any,
415 shall be contained in the indictment. A supplemental indictment shall be
416 prepared for the purpose of trial of the facts of the current offense only, and
417 shall satisfy all pertinent requirements of the Code, except that it shall make no
418 mention, directly or indirectly, of the allegation of the prior convictions, and
419 shall be the only indictment read or otherwise presented to the jury prior to
420 conviction of the current offense. The effect of this subdivision shall be to alter
421 the procedure for trying, in one criminal proceeding, the offenses appropriate to
422 its provisions, and not to alter in any manner the basic elements of an offense as
423 provided by law.

424 6. Pleading statutes. A pleading asserting any statute of another state, territory
425 or jurisdiction of the United States, or a right derived therefrom, shall refer to
426 such statute by plain designation and if such reference is made, the court shall
427 judicially notice such statute.

428 **Rule 7. Proceedings after indictment or information.**

429 1. Issuance. Upon the request of the prosecuting attorney the court shall issue
430 a warrant for each defendant named in the indictment or information. The clerk
431 shall issue a summons instead of a warrant upon the request of the prosecuting
432 attorney or by direction of the court. The warrant or summons shall be delivered
433 to a person authorized by law to execute or serve it. If a defendant fails to
434 appear in response to the summons, a warrant shall issue.

435 2. Form.

436 a. Warrant. The warrant shall be signed by the judge or clerk; it shall describe
437 the offense charged in the indictment; and it shall command that the defendant
438 shall be arrested and brought before the court. The amount of bail may be fixed
439 by the court and endorsed on the warrant. The warrant may be substantially in
440 the form described in the table of forms to the Iowa rules of criminal procedure.
441 The warrant may be served in any county in the state.

442 b. Summons. The summons shall be in the form described in section four
443 hundred two (402) of this chapter, except that it shall be signed by the clerk.

444 3. Execution, service, and return.

445 a. Execution or service. The warrant shall be executed or the summons served
446 as provided in division four (IV) of this chapter. A summons to a corporation
447 shall be in the form prescribed in section seven hundred five (705) of this
448 chapter. Upon the return of an indictment or upon the filing of trial information
449 against a person confined in any penal institution, the court to which such
450 indictment is returned may enter an order directing that such person be
451 produced before it for trial. The sheriff shall execute such order by serving a
452 copy thereof on the warden having such accused person in custody and
453 thereupon such person shall be delivered to such sheriff and conveyed to the
454 place of trial.

455 b. Return. The officer executing a warrant, or the person to whom a summons
456 was delivered for service shall make return thereof to the court.

457 **Rule 8. Arraignment and plea.**

458 1. Conduct of arraignment. Arraignment shall be conducted in open court
459 without unnecessary delay. If the defendant appears for arraignment without
460 counsel, the defendant must, before proceeding therewith, be informed by the
461 court of his or her right thereto, and be asked if he or she desires counsel; and if
462 he or she does, and is unable to employ any, the court must assign the defendant
463 counsel, who shall have free access to the defendant at all reasonable hours.
464 Where the defendant makes an informed waiver of counsel, the court in its
465 discretion may assign standby counsel to assist the accused. Arraignment shall

466 consist of reading the indictment to the defendant or stating to the defendant
 467 the substance of the charge and calling on on* the defendant to plead thereto.
 468 The defendant shall be given a copy of the indictment or information before he
 469 or she is called upon to plead.

470 The defendant must be informed that if the name by which
 471 he or she is indicted or informed against is not his or her true
 472 name, he or she must then declare what his or her true name
 473 is, or be proceeded against by the name in the indictment, and asking
 474 the defendant what he or she answers to the indictment. If the defendant
 475 gives no other name or gives his or her true name, the defendant is
 476 thereafter precluded from objecting to the indictment or information upon
 477 the ground of being therein improperly named. If the defendant alleges
 478 that another name is his or her true name, the court must direct
 479 an entry thereof in the minutes of the arraignment, and the subsequent
 480 proceedings on the indictment shall be had against the defendant by
 481 that name, and the indictment amended accordingly.

482 2. Pleas to the indictment or information.

483 a. In general. A defendant may plead guilty, not guilty, not guilty by reason of
 484 insanity, not triable by reason of present insanity, or a former judgment of
 485 conviction or acquittal of the offense charged. If the defendant fails or refuses to
 486 plead at arraignment, or if the court refuses to accept a guilty plea, the court
 487 shall enter a plea of not guilty. At any time before judgment, the court may
 488 permit a plea to be withdrawn and other plea or pleas substituted. A defendant
 489 who does not plead guilty may enter one or more of the other pleas.

490 b. Pleas of guilty. The court may refuse to accept a plea of guilty, and shall
 491 not accept such plea without first addressing the defendant personally and
 492 determining that the plea is made voluntarily. The defendant shall be informed
 493 of the following:

494 (1) The nature of the charge to which the plea is offered.

495 (2) The mandatory minimum punishment, if any, and the maximum possible
 496 punishment provided by the statute defining the offense to which the plea is
 497 offered.

498 (3) That the defendant has the right to plead not guilty, or to persist in that
 499 plea if it has already been made, or to plead guilty.

500 (4) That if the defendant pleads guilty there will not be a further trial of any
 501 kind, so that by pleading guilty he waives the right to a trial by jury or otherwise
 502 and the right to be confronted with the witnesses against him or her.

503 The court shall accept the guilty plea only after determining that the
 504 defendant understands these matters, that the plea is voluntary, and that there is
 505 a factual basis for same.

506 3. Record of proceedings. A verbatim record of the proceedings at which the
 507 defendant enters a plea shall be made and, if there is a plea of guilty, the record
 508 shall include, without limitation, the court's advice to the defendant, the inquiry
 509 into the voluntariness of the plea including any plea agreement.

510 **Rule 9. Plea bargaining.**

511 1. In general. The prosecuting attorney and the attorney for the defendant
 512 may engage in discussions with a view toward reaching an agreement that, upon
 513 the entering of a plea of guilty to a charged offense or to a lesser or related
 514 offense, the prosecuting attorney will move for dismissal of other charges, or will
 515 recommend or not oppose the imposition of a particular sentence, or will do
 516 both.

517 2. Advising court of agreement. If a plea agreement has been reached by the
 518 parties which contemplates entry of a plea of guilty in the expectation that a
 519 specific sentence will be imposed or that other charges before the court will be
 520 dismissed, the court shall require the disclosure of the agreement in open court
 521 at the time the plea is offered. Thereupon the court may accept or reject the
 522 agreement, or may defer its decision as to acceptance or rejection until receipt of

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523 a presentence report.

524 3. Acceptance of plea. If the court accepts the plea agreement, the court shall
525 inform the defendant that it will embody in the judgment and sentence the
526 disposition provided for in the plea agreement or another disposition more
527 favorable to the defendant than that provided for in the plea agreement.

528 4. Rejection of plea. If the court rejects the plea agreement, the court shall
529 inform the parties of this fact, advise the defendant personally in open court that
530 the court is not bound by the plea agreement, afford the defendant the
531 opportunity to then withdraw his or her plea, and advise the defendant that if he
532 or she persists in his or her guilty plea the disposition of the case may be less
533 favorable to the defendant than that contemplated by the plea agreement.

534 5. Inadmissibility of plea discussions. If a plea discussion does not result in a
535 plea of guilty, or if a plea of guilty is not accepted or is withdrawn, or if
536 judgment on a plea of guilty is reversed on direct or collateral review, neither the
537 plea discussion nor any resulting agreement, plea, or judgment shall be
538 admissible in any criminal or civil action or administrative proceeding.

539 **Rule 10. Motions and pleadings.**

540 1. Pleadings and motions. Pleadings in criminal proceedings shall be the
541 indictment and the information, and the pleas entered pursuant to rule eight (8).
542 Demurrers, motions to quash, and motions to set aside are abolished, and
543 defenses and objections raised before trial which heretofore could have been
544 raised under them shall be raised by motion to dismiss, or a motion to grant
545 appropriate relief as the case may be.

546 2. Pretrial motions. Any defense, objection, or request which is capable of
547 determination without the trial of the general issue may be raised before trial by
548 motion. The following must be raised prior to trial:

549 a. Defenses and objections based on defects in the institution of the
550 prosecution.

551 b. Defenses and objections based on defects in the indictment or information
552 (other than that it fails to show jurisdiction in the court or to charge an offense
553 which objections shall be noticed by the court at any time during the pendency
554 of the proceeding).

555 c. Motions to suppress evidence on the ground that it was illegally obtained.

556 d. Requests for discovery.

557 e. Requests for a severance of charges or defendants.

558 3. Effect of failure to raise defenses or objections. Failure of the defendant to
559 timely raise defenses or objections or to make requests which must be made
560 prior to trial under this rule shall constitute waiver thereof, but the court for
561 cause, upon motion supported by affidavit, may grant relief from such waiver.

562 4. Time of filing. Motions hereunder, except a motion for a bill of particulars
563 or a change of venue, shall be filed either within thirty days after arraignment or
564 prior to the impaneling of the trial jury, whichever event occurs earlier, unless
565 the period for filing is extended by the court for good cause shown.

566 5. Bill of particulars. When an indictment or information charges an offense
567 in accordance with this rule but fails to specify the particulars of the offense
568 sufficiently to fairly enable the defendant to prepare his or her defense, the court
569 may, on written motion of the defendant, require the county attorney to furnish
570 the defendant with a bill of particulars containing such particulars as may be
571 necessary for the preparation of the defense. A motion for a bill of particulars
572 may be made any time prior to or within ten days after arraignment unless the
573 time be extended by the court for good cause shown. A plea of not guilty at
574 arraignment does not waive the right to move for a bill of particulars if such
575 motion is timely filed within this rule. The county attorney may furnish a bill of
576 particulars on the county attorney's own motion, or the court may order a bill of
577 particulars without motion. Supplemental bills of particulars may be likewise
578 ordered by the court or voluntarily furnished, or a new bill may be substituted
579 for a bill already furnished. At the trial the state's evidence shall be confined to

580 the particulars of the bill or bills.

581 6. Dismissing indictment or information.

582 a. In general. If it appears from the bill of particulars furnished pursuant to
583 this rule that the particulars stated do not constitute the offense charged in the
584 indictment or information, or that the defendant did not commit that offense or
585 that a prosecution for that offense is barred by the statute of limitations, the
586 court may and on motion of defendant shall dismiss the indictment or
587 information unless the county attorney shall furnish another bill of particulars
588 which so states the particulars as to show that the particulars constitute the
589 offense charged in the indictment or information and that the offense was
590 committed by the defendant and that it is not barred by the statute of
591 limitations.

592 b. Indictment. A motion to dismiss the indictment may be made on one or
593 more of the following grounds:

594 (1) When the minutes of the evidence of witnesses examined before the grand
595 jury are not returned therewith.

596 (2) When it has not been presented and marked "filed" as prescribed.

597 (3) When any person other than the grand jurors was present before the grand
598 jury when the question was taken upon the finding of the indictment.

599 (4) When any person other than the grand jurors was present before the grand
600 jury during the investigation of the charge, except as required or permitted by
601 law.

602 (5) That the grand jury was not selected, drawn, summoned, impaneled, or
603 sworn as prescribed by law.

604 c. Information. A motion to dismiss the information may be made on one or
605 more of the following grounds:

606 (1) When the minutes of evidence have not been filed with the information.

607 (2) When the information has not been filed in the manner required by law.

608 (3) When the information has not been approved as required under rule five
609 (5).

610 d. Time of motion. Entry of a plea of not guilty at arraignment does not waive
611 the right to move to dismiss the indictment or information if such motion is
612 timely filed within this rule.

613 7. Effect of determination. If the court grants a motion based on a defect in
614 the institution of the prosecution or in the indictment or information, it may also
615 order that the defendant be held in custody or that the defendant's bail be
616 continued for a specified period pending the filing of a new indictment or
617 information if the same was dismissed by the court, or the amendment of any
618 such pleading if the defect is subject to correction by amendment. The new
619 information or indictment must be filed within thirty days of the dismissal of the
620 original indictment or information and the defendant must be brought to trial
621 within the time limits specified in rule twenty-seven (27), rules of criminal
622 procedure.

623 8. Ruling on motion. A pretrial motion shall be determined before trial.
624 Where factual issues are involved in determining a motion, the court shall state
625 its essential findings on the record.

626 9. Motion for change of venue.

627 a. Time of motion. A motion for change of venue shall be made as soon as the
628 grounds therefor appear. Such motion may be made before, at, or after
629 arraignment, until the time the jury is impaneled and sworn.

630 b. Grounds. The court upon motion shall transfer the proceeding to another
631 county if the court is satisfied that there exists such prejudice in the original
632 county that a fair and impartial trial cannot be had before by reason of the
633 prejudice of the judge, or to excitement or prejudice against the defendant in
634 such county. The petition shall be verified on information and belief by the
635 affidavit of the petitioners. If sustained on the ground of excitement and
636 prejudice in the county, it must be transferred to another county in which no

637 such objection exists.

638 c. Second change. When a change in place of trial has been granted to either
639 the prosecution or the defense, the other party to whom no change has been
640 granted, may, in the county to which the case has been sent, petition for a
641 change in the same manner as though said county was the county in which the
642 case was first pending. In such case, if the change be granted, the case shall not
643 be sent to the county in which it was originally pending.

644 d. Proceedings on transfer. When a transfer of the case is ordered to another
645 county the clerk shall transmit to the clerk of the court to which the proceeding
646 is transferred all papers in the proceeding or duplicates thereof and any bail
647 taken, and the prosecution shall continue in that county. If the defendant is in
648 custody, the court may order the defendant to be delivered to the sheriff of the
649 county to which transfer of the case is allowed, and upon such delivery with a
650 certified copy of the order therefor, the sheriff last mentioned must receive and
651 detain the defendant. All expenses attendant upon the change of venue and trial,
652 including the costs of keeping the defendant, which shall be allowed by the court
653 trying the case, may be recovered by the county to which the case is transferred
654 from the county in which the prosecution was commenced. The county attorney
655 in the original county shall be responsible for the prosecution in such other
656 county.

657 10. Pleadings of defendant.

658 a. Alibi.

659 (1) Notice. A defendant who intends to offer evidence of an alibi defense
660 shall, within the time provided for the making of pretrial motions or at such later
661 time as the court shall direct, inform the attorney for the government of such
662 intention and file such notice. The notice shall state the specific place or places
663 at which the defendant claims to have been at the time of the alleged offense
664 and the names and addresses of the witnesses upon whom the defendant intends
665 to rely to establish such alibi. In the event that a defendant shall file such notice
666 the attorney for the government shall file and serve upon the defendant the
667 names and addresses of the witnesses the government proposes to offer in
668 rebuttal to discredit the defendant's alibi. Such service shall be completed not
669 less than five days after receipt of defendant's witness list, or within such other
670 time as the court may direct. If either party shall fail to abide by the time
671 periods heretofore described, the proponent must move the court for leave to
672 introduce such evidence, showing diligence supported by affidavit.

673 (2) Failure to comply. Upon the failure of either party to comply with the
674 requirements of this rule, the court shall exclude the testimony of any witness
675 offered by such party to establish or rebut the defendant's alibi. This rule shall
676 not limit the right of the defendant to testify in his own behalf.

677 b. Insanity.

678 (1) Defense of insanity. If a defendant intends to rely upon the defense of
679 insanity at the time of the alleged crime, the defendant shall, within the time
680 provided for the filing of pretrial motions or at such later time as the court may
681 direct, inform the attorney for the government of such intention and file such
682 notice. The court may for good cause shown allow late filing of the notice or
683 grant additional time to the parties to prepare for trial or make such other order
684 as may be appropriate.

685 (2) Mental disease or defect inconsistent with the mental element required for
686 the offense charged. If a defendant intends to introduce expert testimony
687 relating to a mental disease, defect, or diminished mental capacity, the
688 defendant shall, within the time provided for the filing of pretrial motions or at
689 such later time as the court may direct, inform the attorney for the government
690 of such intention and file such notice. The court may for good cause shown
691 allow late filing of the notice or grant additional time to the parties to prepare
692 for trial or make such other order as may be appropriate.

693 (3) State's right to expert examination. Where a defendant has indicated the
694 use of the defense of insanity, and has engaged an expert or experts for the
695 purpose of examining him on the issue of insanity, the court shall order the
696 examination of the defendant by a state-named expert or experts.

697 **Rule 11. Suppression of evidence.**

698 1. Motion to suppress evidence. A person aggrieved by an unlawful search
699 and seizure may move to suppress for use as evidence anything so obtained on
700 any of the following grounds:

701 a. The property was illegally seized without a warrant.

702 b. The warrant is insufficient on its face.

703 c. The property seized is not that described in the warrant.

704 d. There was not probable cause for believing the existence of the grounds on
705 which the warrant was issued.

706 e. The warrant was illegally executed. The court shall receive evidence on any
707 issue of fact necessary to the decision of the motion. If the motion is granted the
708 property shall be restored to its owner or legal custodian unless otherwise
709 subject to lawful detention, and it shall not be admissible in evidence at any
710 hearing or trial.

711 The motion shall be made before trial or hearing unless opportunity therefor
712 did not exist or the defendant was unaware of the factual grounds for the
713 motion; but the court in its discretion may entertain the motion at the trial or
714 hearing, upon good cause supported by affidavit.

715 2. Appeal of interlocutory order. Any party aggrieved by an interlocutory
716 order affecting the validity of a search warrant or the suppression of evidence,
717 except in simple misdemeanors, may apply for a writ of certiorari to the supreme
718 court or any justice thereof to review the order in advance of trial.

719 **Rule 12. Depositions.**

720 1. By defendant. A defendant in a criminal case, either after preliminary
721 information, indictment, or information, may examine all witnesses listed by the
722 state on the indictment or information or notice of additional witnesses,
723 conditionally or on notice or commission, in the same manner and with like
724 effect as in civil actions.

725 When the state receives notice that a deposition will be taken of a witness
726 listed on the indictment, information or notice of additional witnesses, the state
727 may object that the witness is (a) a foundation witness or (b) has been
728 adequately examined on preliminary hearing. The court shall immediately
729 determine whether discovery of said witness or witnesses is necessary in the
730 interest of justice and shall allow or disallow said deposition.

731 2. Special circumstances. Whenever due to special circumstances of the case it
732 is in the interest of justice that the testimony of a prospective witness not
733 included in subsections one (1) or three (3) of this rule be taken and preserved
734 for use at trial, the court may upon motion of a party and notice to the parties
735 order that testimony of such witness be taken by deposition and that any
736 designated book, paper, document, record, recording, or other material not
737 privileged, be produced at the same time and place.

738 For purposes of this subsection, special circumstances shall be deemed to
739 exist, and the court shall order that depositions be taken, only upon the showing
740 of necessity arising from either the following circumstances:

741 a. The information sought by way of deposition cannot adequately be
742 disclosed by a bill of particulars, or by voluntary statements.

743 b. Other just cause necessitating discovery by deposition.

744 3. By state. At the taking of a deposition by a defendant under subsection one
745 (1) or two (2) of this rule, the defendant shall list all witnesses expected to be
746 called for the defense. There shall be a continuing duty throughout trial to
747 disclose additional defense witnesses, and such witnesses shall be subject to
748 being deposed by the state.

749 4. Perpetuating testimony. A person apprehensive of a criminal prosecution
750 may perpetuate testimony in his or her favor in the same manner and with like
751 effect, as may be done in apprehension of any civil action.

752 **Rule 13. Discovery.**

753 1. Witnesses examined by the prosecuting attorney. When a witness
754 subpoenaed by the prosecuting attorney pursuant to rule five (5) is summoned
755 by the prosecuting attorney after complaint, indictment or information, the
756 defendant shall be present and have the opportunity to cross-examine any
757 witnesses whose appearance before the county attorney is required by this rule.

758 2. Disclosure of evidence by the government upon defense motion or request.

759 a. Disclosure required upon request.

760 (1) Upon pretrial motion of a defendant the court shall order the attorney for
761 the government to permit the defendant to inspect and copy or photograph: Any
762 relevant written or recorded statements made by the defendant or copies thereof,
763 within the possession, custody or control of the government, unless same shall
764 have been included with the minutes of evidence accompanying the indictment
765 or information; the substance of any oral statement made by the defendant
766 which the government intends to offer in evidence at the trial, including any
767 voice recording of same; and the transcript or record of testimony of the
768 defendant before a grand jury, whether or not the government intends to offer
769 same in evidence upon trial.

770 (2) When two or more defendants are jointly charged, upon motion of any
771 defendant the court shall order the attorney for the government to permit the
772 defendant to inspect and copy or photograph any written or recorded statement
773 of a codefendant which the government intends to offer in evidence at the trial,
774 and the substance of any oral statement which the government intends to offer
775 in evidence at the trial made by a codefendant whether before or after arrest in
776 response to interrogation by any person known to the codefendant to be a
777 government agent.

778 (3) Upon motion of the defendant, the court shall order the government to
779 furnish to defendant such copy of the defendant's prior criminal record, if any,
780 as is then available to the government.

781 b. Discretionary discovery.

782 (1) Upon motion of the defendant the court may order the attorney for the
783 government to permit the defendant to inspect, and where appropriate, to
784 subject to scientific tests, items seized by the government in connection with the
785 alleged crime. The court may further allow the defendant to inspect and copy
786 books, papers, documents, statements, photographs or tangible objects which are
787 within the possession, custody or control of the government, and which are
788 material to the preparation of his or her defense, or are intended for use by the
789 government as evidence at the trial, or were obtained from or belong to the
790 defendant.

791 (2) Upon motion of a defendant the court may order the attorney for the
792 government to permit the defendant to inspect and copy or photograph any
793 results or reports of physical or mental examinations, and of scientific tests or
794 experiments, made in connection with the particular case, or copies thereof,
795 within the possession, custody or control of the government.

796 3. Disclosure of evidence by the defendant.

797 a. Documents and tangible objects. If the court grants the relief sought by the
798 defendant under subdivision two (2), paragraph b, subparagraph one (1), of this
799 rule, the court may, upon motion of the government, order the defendant to
800 permit the government to inspect and copy books, papers, documents,
801 statements other than those of the accused, photographs or tangible objects
802 which are not privileged and are within the possession, custody or control of the
803 defendant and which the defendant intends to introduce in evidence at trial.

804 b. Reports of examinations and tests. If the court grants relief sought by the
805 defendant under subdivision two (2), paragraph b, subparagraph one (1), of this
806 rule, the court may, upon motion of the government, order the defendant to
807 permit the government to inspect and copy the results or reports of physical or
808 mental examinations and of scientific tests or experiments made in connection
809 with the particular case, or copies thereof, within the possession or control of the
810 defendant and which the defendant intends to introduce in evidence at the trial
811 or which were prepared by a witness whom the defendant intends to call at the
812 trial when such results or reports relate to his or her testimony.

813 c. Time of motion. A motion for the relief provided under subdivision two (2)
814 of this rule shall be made, if at all, within five days after any order granting
815 similar relief to the defendant.

816 d. Failure to employ evidence. When evidence intended for use and furnished
817 under this rule is not actually employed at the trial, that fact shall not be
818 commented upon at trial.

819 4. Continuing duty to disclose. If, subsequent to compliance with an order
820 issued pursuant to this rule, either party discovers additional evidence, or
821 decides to use evidence which is additional to that originally intended for use,
822 and such additional evidence is subject to discovery under this rule, the party
823 shall promptly notify the other party of the existence of the additional evidence
824 to allow the other party to make an appropriate motion for additional discovery.

825 5. Regulation of discovery.

826 a. Protective orders. Upon a sufficient showing the court may at any time
827 order that the discovery or inspection be denied, restricted or deferred, or make
828 such other order as is appropriate. In addition to any other grounds for issuing
829 an order pursuant to this paragraph, the court may limit or deny discovery or
830 inspection, or limit the number of depositions to be taken if the court determines
831 that any of the following exist:

832 (1) That granting the motion will unfairly prejudice the nonmoving party and
833 will deny that party a fair trial.

834 (2) That the motion is intended only as a fishing expedition and that granting
835 the motion will unduly delay the trial and will result in unjustified expense.

836 (3) That the granting of the motion will result in the disclosure of privileged
837 information.

838 (4) That the granting of the motion will create a probability of fabrication on
839 the part of the moving party.

840 Upon motion by a party the court may permit a party to make such showing,
841 in whole or in part, in the form of a written statement to be inspected by the
842 judge alone. If the court enters an order granting relief following such a
843 showing, the entire text of the party's statement shall be sealed and preserved in
844 the records of the court to be made available to the appellate court in the event
845 of an appeal.

846 b. Time, place and manner of discovery and inspection. An order of the court
847 granting relief under this rule shall specify the time, place and manner of making
848 the discovery and inspection permitted and may prescribe such terms and
849 conditions as are just.

850 c. Failure to comply. If at any time during the course of the proceedings it is
851 brought to the attention of the court that a party has failed to comply with this
852 rule or with an order issued pursuant to this rule, the court may order such party
853 to permit the discovery or inspection, grant a continuance, or prohibit the party
854 from introducing any evidence not disclosed, or it may enter such other order as
855 it deems just under the circumstances.

856 d. Secrecy of grand jury. Except where specific provisions require otherwise,
857 grand jury proceedings remain confidential. However, any member of the grand
858 jury and the clerk thereof, and any officer of the court, may be required by the
859 court or any legislative committee duly authorized to inquire into the conduct or
860 acts of any state officer which might be the basis for impeachment proceedings,

861 to disclose the testimony of a witness examined before the grand jury for the
862 purpose of ascertaining whether it is consistent with that given by the witness
863 before the court or legislative committee, or to disclose the same upon a charge
864 of perjury against the witness, or when in the opinion of the court or legislative
865 committee such disclosure is necessary in the administration of justice.

866 No grand juror shall be questioned for anything he or she may say or any
867 vote the juror may give in the grand jury relative to a matter legally pending
868 before it, except for perjury of which the juror may have been guilty in making
869 an accusation, or in giving testimony to his or her fellow jurors.

870 **Rule 14. Subpoenas.**

871 1. For witnesses. A magistrate in a criminal action before him or her, and the
872 clerk of court in any criminal action pending therein, shall issue blank
873 subpoenas for witnesses, signed by him or her, with the seal of the court if by
874 the clerk, and deliver as many of them as requested to the defendant or the
875 defendant's attorney or the attorney for the state.

876 2. For production of documents—duces tecum. A subpoena may contain a
877 clause directing the witness to bring with him or her any book, writing, or other
878 thing under the witness' control which he or she is bound by law to produce as
879 evidence. The court on motion may quash or modify the subpoena if compliance
880 would be unreasonable or oppressive.

881 3. Service. A subpoena may be served in any part of the state. It may be
882 served by any adult person. A peace officer making service in a criminal case
883 must serve without delay in his or her county, city, or town any subpoena
884 delivered to him for service and make a written return stating the time, place,
885 and manner of service. When service is made by other than a peace officer,
886 proof thereof shall be by affidavit. Service is made by showing the original to the
887 witness and delivering a copy to him or her. If a witness conceals himself or
888 herself to avoid service of a subpoena, the officer may break open doors or
889 windows for the purpose of making service.

890 4. Depositions. An order to take a deposition authorizes the clerk of the court
891 for the county in which the deposition is to be taken to issue subpoenas for the
892 persons named or described therein.

893 5. Sanctions for refusing to appear or testify. Disobedience to a subpoena, or
894 refusal to be sworn or to answer as a witness, may be punished by the court or
895 magistrate as a contempt. The attendance of a witness who so fails to appear
896 may be coerced by warrant.

897 **Rule 15. Pretrial conference.**

898 1. When held. Where a plea of other than guilty to an indictment or trial
899 information is entered on behalf of the defendant, the court may order all
900 parties to the action to appear before it for a conference to consider such
901 matters as will promote a fair and expeditious trial.

902 2. Discussions and record. The conference may explore such matters as
903 amendment of pleadings, agreement to the introduction into evidence of
904 photographs or other exhibits to which there is no objection, submission of
905 requested jury instructions, and any other matters appropriate for discussion
906 which may aid and expedite trial of the case.

907 3. Stipulations and orders. The court shall make an order reciting any action
908 taken at the conference which will control the subsequent course of the action
909 relative to matters it includes, unless modified to prevent manifest injustice. A
910 stipulation entered into at such conference shall bind the defendant at trial, on
911 appeal, or in a post-conviction proceeding only if signed by both the defendant
912 and the defendant's attorney and filed with the clerk.

913 **Rule 16. Trial by jury or court.**

914 1. Trial by court allowed. Cases required to be tried by jury shall be so tried
915 unless the defendant waives a jury trial in writing.

916 2. Findings. In a case tried without a jury the court shall make a general
 917 finding. Where requested by any party before or during trial, the court shall find
 918 the facts specially and in writing, separately stating its conclusions of law and
 919 directing an appropriate judgment. A request for findings is not a condition
 920 precedent for review of the judgment.

921 **Rule 17. Juries.**

922 1. Rules for drawing. The rules for drawing the jury shall be the same as those
 923 provided in civil procedure.

924 2. Completion of panel. If for any reason the regular panel is exhausted
 925 without a jury being selected, it shall be completed in the manner provided in
 926 the chapters upon selecting, drawing, and summoning juries.

927 3. Challenges to the panel. All the provisions of law relating to challenges to
 928 the panel of trial jurors in civil procedure, the grounds therefor, the manner of
 929 exercising the same, and the effect thereof, shall apply to the panel of trial jurors
 930 in criminal cases.

931 4. Challenges to individual juror. A challenge to an individual juror is an
 932 objection which may be taken orally, and is either for cause or peremptory.

933 5. Challenges for cause. A challenge for cause may be made by the state or
 934 defendant, and must distinctly specify the facts constituting the causes thereof.
 935 It may be made for any of the following causes:

936 a. A previous conviction of the juror of a felony.

937 b. A want of any of the qualifications prescribed by statute to render a person
 938 a competent juror.

939 c. Unsoundness of mind, or such defects in the faculties of the mind or the
 940 organs of the body as render the juror incapable of performing the duties of a
 941 juror.

942 d. Affinity or consanguinity, within the fourth degree, to the person alleged to
 943 be injured by the offense charged, or on whose preliminary information, or at
 944 whose instance, the prosecution was instituted, or to the defendant, to be
 945 computed according to the rule of the civil law.

946 e. Standing in the relation of guardian and ward, attorney and client,
 947 employer and employee, or landlord and tenant, or being a member of the
 948 family of the defendant, or of the person alleged to be injured by the offense
 949 charged, or on whose preliminary information, or at whose instance, the
 950 prosecution was instituted, or in his or her employ on wages.

951 f. Being a party adverse to the defendant in a civil action, or having been the
 952 prosecutor against or accused by the defendant in a criminal prosecution.

953 g. Having served on the grand jury which found the indictment.

954 h. Having served on a trial jury which has tried another defendant for the
 955 offense charged in the indictment.

956 i. Having been on a jury formerly sworn to try the same indictment and
 957 whose verdict was set aside, or which was discharged without a verdict after the
 958 cause was submitted to it.

959 j. Having served as a juror, in a civil action brought against the defendant, for
 960 the act charged as an offense.

961 k. Having formed or expressed such an opinion as to the guilt or innocence of
 962 the prisoner as would prevent the juror from rendering a true verdict upon the
 963 evidence submitted on the trial.

964 l. Because of the juror being bail for any defendant in the indictment.

965 m. Because the juror is defendant in a similar indictment, or complainant or
 966 private prosecutor against the defendant or any other person indicted for a
 967 similar offense.

968 n. Because the juror is, or within a year preceding has been, engaged or
 969 interested in carrying on any business, calling, or employment, the carrying on
 970 of which is a violation of law, where the defendant is indicted for a like offense.

971 o. Because the juror has been a witness, either for or against the defendant, on
972 the preliminary hearing or before the grand jury.

973 p. Having requested, directly or indirectly, that his or her name be returned as
974 a juror for the regular biennial period.

975 6. Examination of jurors. Upon examination the jurors shall be sworn. If an
976 individual juror is challenged, the juror may be examined as a witness to prove
977 or disprove the challenge, and must answer every question pertinent to the
978 inquiry thereon, but the juror's answer shall not afterwards be testimony against
979 him or her. Other witnesses may also be examined on either side. The rules of
980 evidence applicable to the trial of other issues shall govern the admission or
981 exclusion of testimony on the trial of the challenge, and the court shall
982 determine the law and the fact, and must allow or disallow the challenge.

983 7. Order of challenges for cause. The state shall first complete its challenge for
984 cause, and the defendant afterwards, until sixteen jurors have been obtained
985 against whom no cause of challenge has been found to exist.

986 8. Order of challenges in general. The challenges of either party need not be
987 all taken at once, but separately, in the following order, including in each
988 challenge all the causes of challenge belonging to the same class: To the panel;
989 to an individual juror for cause; to an individual juror peremptorily.

990 9. Peremptory challenges. Peremptory challenges shall be exercised in the
991 same manner as is provided in the trial of civil actions.

992 10. Peremptory challenges—number. If the offense charged in the indictment
993 or information is or may be punishable with imprisonment for life, the state and
994 defendant shall each have the right to peremptorily challenge eight jurors and
995 shall strike two jurors.

996 If the offense charged be a felony, the state and the defendant shall each have
997 the right to peremptorily challenge four jurors and shall strike two jurors.

998 If the offense charged be a misdemeanor, the state and the defendant shall
999 each have the right to peremptorily challenge two jurors and shall strike two
1000 jurors.

1001 11. Multiple charges. If the indictment charges different offenses in different
1002 counts, the state and the defendant shall each have that number of peremptory
1003 challenges which they would have if the highest grade of offense charged in the
1004 indictment were the only charge.

1005 12. Multiple defendants. In a case where more than one defendant is tried,
1006 each defendant shall have one-half the number of challenges allowed in
1007 subdivision eleven (11) of this rule. The state shall be limited to the challenges
1008 and strikes specified in subdivision eleven (11). The defendants collectively shall
1009 be limited to two strikes.

1010 13. Clerk to prepare list—procedure. The clerk shall prepare a list of jurors
1011 called; and, after all challenges for cause are exhausted or waived, the parties,
1012 commencing with the state, shall alternately challenge peremptorily or waive by
1013 indicating any such challenge upon the list opposite the name of the juror
1014 challenged, or by indicating the number of waiver elsewhere on the list.

1015 14. Vacancy filled. After each challenge, sustained for cause, or made
1016 peremptorily as indicated on the list, another juror shall be called and examined
1017 for challenge for cause before a further challenge is made; and any new juror
1018 thus called may be challenged for cause and shall be subject to peremptory
1019 challenge or to being struck from the list as other jurors.

1020 15. Reading of names. After all challenges have thus been exercised or waived
1021 and four jurors have been struck from the list the clerk shall read the names of
1022 the twelve jurors remaining who shall constitute the jury selected.

1023 16. Jurors sworn. When twelve jurors are accepted they shall be sworn to try
1024 the issues.

1025 17. Alternate jurors. The court may impanel one or more alternate jurors
1026 whose qualifications, powers, functions, facilities, and privileges shall be the
1027 same as regular jurors. After the regular jury is selected, the clerk shall draw the

1028 names of three more persons if one alternate juror is desired, or four more
1029 persons if two alternate jurors are desired, and so on in like proportion, who are
1030 to serve under this rule, who shall be sworn and subject to examination and
1031 challenge for cause as provided in this rule. Each party must then strike off one
1032 such name, and the one or two or appropriate number remaining shall be sworn
1033 to try the case with the regular jury, and sit at the trial. Alternate jurors shall, in
1034 the order they were drawn, replace any juror who becomes unable to act, or is
1035 disqualified, before the jury retires, and if not so needed shall then be
1036 discharged.

1037 **Rule 18. Trial.**

1038 1. Order of trial and arguments.

1039 a. Order of trial. The jury having been impaneled and sworn, the trial must
1040 proceed in the following order:

1041 (1) Reading indictment and plea. The clerk or prosecuting attorney must read
1042 the indictment or the supplemental indictment as required under the provision
1043 of the Code, and state the defendant's plea to the jury.

1044 (2) Statement of state's evidence. The prosecuting attorney may briefly state
1045 the evidence by which he or she expects to sustain the indictment.

1046 (3) Statement of defendant's evidence. The attorney for the defendant may
1047 then briefly state his or her defense, or the attorney for the defendant may waive
1048 the making of such statement; the attorney for the defendant may reserve the
1049 right to make such statement to a time immediately prior to presentation of
1050 defendant's evidence.

1051 (4) Offer of state's evidence. The state may then offer the evidence in support
1052 of the indictment.

1053 (5) Offer of defendant's evidence. The defendant or the defendant's counsel
1054 may then offer evidence in support of his or her defense.

1055 (6) Rebutting or additional evidence. The parties may then, respectively, offer
1056 rebutting evidence only, unless the court, for good reasons, in furtherance of
1057 justice, permit them to offer evidence upon their original case.

1058 b. Order of argument—arguments. When the evidence is concluded, unless the
1059 case is submitted to the jury on both sides without argument, the prosecuting
1060 attorney must commence, the defendant follow by one or two counsel, at the
1061 defendant's option, unless the court permits the defendant to be heard by a
1062 larger number, and the prosecuting attorney conclude, confining himself to a
1063 response to the arguments of the defendant's counsel. Where two or more
1064 defendants are on trial for the same offense, they may be heard by one counsel
1065 each.

1066 2. Advance notice of evidence supporting indictments or informations. The
1067 prosecuting attorney, in offering trial evidence in support of an indictment, shall
1068 not be permitted to introduce any witness the minutes of whose testimony was
1069 not presented with the indictment to the court; in the case of informations, a
1070 witness may testify in support thereof if the witness' identity and a minute of the
1071 witness' evidence has been given pursuant to these rules. However, these
1072 provisions are subject to the following exception: Additional witnesses may be
1073 presented by the prosecuting attorney if he or she has given the defendant's
1074 attorney of record, or the defendant if he or she has no attorney, a minute of
1075 such witness' testimony, at least seven days before the commencement of the
1076 trial.

1077 3. Failure to give notice. Whenever the prosecuting attorney desires to
1078 introduce evidence to support the indictment, of which he or she shall not have
1079 given seven days' notice because of insufficient time therefor since the
1080 prosecutor learned said evidence could be obtained, the prosecutor may move
1081 the court for leave to introduce such evidence, giving the same particulars as in
1082 the former case, and showing diligence, supported by affidavit. Except where the
1083 evidence goes to merely formal matters, if the court sustains said motion, the
1084 defendant shall elect whether said cause shall be continued on his motion, or the

1085 witness shall then testify. If said defendant shall not elect to have said cause
1086 continued, the prosecuting attorney may examine said witness in the same
1087 manner and with the same effect as though seven days' notice had been given
1088 defendant or the defendant's attorney as hereinbefore provided, except the
1089 prosecuting attorney, in the examination of witnesses, shall be strictly confined
1090 to the matters set out in his or her motion.

1091 4. Reporting of trial. All the provisions relating to mode and manner of the
1092 trial of civil actions, report thereof, translation of the shorthand reporter's notes,
1093 the making of such reports and translation of the record, and in all other
1094 respects, apply to the trial of criminal actions.

1095 5. The jury upon trial.

1096 a. View.

1097 (1) When taken. When the court is of the opinion that it is proper, the jury
1098 should view the place in which the offense is charged to have been committed,
1099 or in which any other material fact occurred. It may order the jury to be
1100 conducted in a body, in the custody of proper officers, to the place, which shall
1101 be shown them by a person appointed by the court for that purpose.

1102 (2) Attending officers. The officers must be sworn to suffer no person to speak
1103 to or communicate with the jury on any subject connected with the trial, or to
1104 do so themselves, except the person appointed by the court for that purpose, and
1105 that only to show the place to be viewed, and to return them into court without
1106 unnecessary delay at a specified time.

1107 b. Juror may not be witness. A member of the jury may not testify as a
1108 witness in the trial of the case in which he or she is sitting as a juror. If the juror
1109 is called to testify, the opposing party shall be afforded an opportunity to object
1110 out of the presence of the jury.

1111 c. Alternate jurors; separation and deliberation of jurors. The court may
1112 impanel alternate jurors, which may replace jurors originally selected, in the
1113 manner provided in civil cases. The jurors shall be kept together unless the court
1114 permits the jurors to separate as in civil cases; and the officers having charge of
1115 the jury shall suffer no person to communicate with them except as provided for
1116 in civil cases.

1117 d. Admonition to jurors. The jury, whether permitted to separate or kept
1118 together in charge of sworn officers, must be admonished by the court that it is
1119 their duty not to permit any person to speak to or communicate with them on
1120 any subject connected with the trial, and that any and all attempts to do so
1121 should be immediately reported by them to the court, and that they should not
1122 converse among themselves on any subject connected with the trial, or form or
1123 express an opinion thereon, until the cause is finally submitted to them. Said
1124 admonition must be given or referred to by the court at each adjournment
1125 during the progress of the trial previous to the final submission of the cause to
1126 the jury.

1127 e. Notes taken by jurors during trial; exhibits used during deliberations. Notes
1128 may be taken by jurors during the testimony of witnesses. All jurors shall have
1129 an equal opportunity to take notes. The court shall instruct the jury to mutilate
1130 and destroy any notes taken during the trial at the completion of the jury's
1131 deliberation. Upon retiring for deliberations the jury may take with it all papers
1132 and exhibits which have been received in evidence, and the court's instructions.
1133 Provided, however, the jury shall not take with it depositions, nor shall it take
1134 original public records and private documents as ought not, in the opinion of the
1135 court, to be taken from the person having them in possession.

1136 f. Instructions. Upon the conclusion of the arguments, the court shall charge
1137 the jury in writing, without oral explanation or qualification, stating the law of
1138 the case. The rules relating to the instruction of juries in civil cases shall be
1139 applicable to the trial of criminal prosecutions. After hearing the charge, the jury
1140 may either decide in court or retire for deliberation.

1141 g. Report for information. After the jury has retired for deliberation, if there
1142 be any disagreement as to any part of the testimony, or if it desires to be
1143 informed on any point of law arising in the cause, it must require the officer to
1144 conduct it into court, and, upon its being brought in, the information required
1145 may be given, in the discretion of the trial court. Where further information as
1146 to the testimony which was given at trial is taken by the jury, this shall be
1147 accomplished by the court reporter or other appropriate official reading from
1148 the reporter's notes. Where the court gives the jury additional instructions, this
1149 shall appear of record. Provided, that the procedures described in this section
1150 shall take place in the presence of counsel for the defense and prosecution, or
1151 after oral notice to the county attorney and defendant's counsel and provision of
1152 an opportunity to same to be present.

1153 h. Separation of jurors. On final submission, the jury shall retire for
1154 deliberation, and be kept together in charge of an officer until they agree on a
1155 verdict or are discharged by the court, unless the court permits the jurors to
1156 separate temporarily overnight, on weekends or holidays, or in emergencies.
1157 During their deliberations, the officer in charge must not suffer any
1158 communication to be made to them, nor make any himself or herself, except to
1159 ask them if they have agreed on a verdict, unless by order of court; nor
1160 communicate to any person the state of their deliberations, or the verdict agreed
1161 upon before it is rendered.

1162 6. Retrial of defendants when original jury is discharged, and in other cases.

1163 a. Illness of jurors and other cases. The court may discharge a jury because of
1164 any accident or calamity requiring it, or by consent of all parties, or when on an
1165 amendment a continuance is ordered, or if they have deliberated until it
1166 satisfactorily appears that they cannot agree. The case shall be retried
1167 immediately or at a future time, as the court directs.

1168 b. Lack of jurisdiction; no offense charged. The court may also discharge the
1169 jury where it appears that it has no jurisdiction of the offense, or that the facts
1170 as charged in the indictment do not constitute an offense punishable by law.

1171 c. Crime committed in another state. If the jury be discharged because the
1172 court has not jurisdiction of the offense charged in the indictment, the offense
1173 being committed out of the jurisdiction of this state, the defendant must be
1174 discharged, or ordered to be retained in custody a reasonable time until the
1175 prosecuting attorney shall have a reasonable opportunity to inform the chief
1176 executive of the state in which the offense was committed of the facts, and for
1177 said officer to require the delivery of the offender.

1178 d. No offense charged—resubmission. If the jury be discharged because the
1179 facts set forth do not constitute an offense punishable by law, the court must
1180 order the defendant discharged and his or her bail, if any, exonerated, or, if the
1181 defendant has deposited money instead of bail, that the money deposited be
1182 refunded, or that any conditions upon the defendant's release from custody be
1183 discharged. If in the court's opinion a new indictment can be framed upon
1184 which the defendant can be legally convicted, the court may direct that the case
1185 be submitted to the same or another grand jury.

1186 7. The trial judge.

1187 a. Competency of judge as witness. The judge presiding at the trial shall not
1188 testify in that trial as a witness. If the judge is called to testify, no objection need
1189 be made in order to preserve the point.

1190 b. Disability of trial judge.

1191 (1) During trial. If by reason of death, sickness or other disability the judge
1192 before whom a jury trial has commenced is unable to proceed with the trial, any
1193 other judge regularly sitting in or assigned to the court, upon certifying that he
1194 or she has familiarized himself or herself with the record of the trial, may
1195 proceed with and finish the trial.

1196 (2) After verdict or finding of guilt. If by reason of absence, death, sickness or
1197 other disability the judge before whom the defendant has been tried is unable to
1198 perform the duties to be performed by the court after a verdict or finding of
1199 guilty, any other judge regularly sitting in or assigned to the court may perform
1200 those duties; but if such other judge is satisfied that he or she cannot perform
1201 those duties because he or she did not preside at the trial or for any other
1202 reason, he or she may in his or her discretion grant a new trial.

1203 c. Adjournments declared by trial court. While the jury is absent, the court
1204 may adjourn from time to time as to other business, but it shall be nevertheless
1205 deemed open for every purpose connected with the cause submitted to the jury
1206 until a verdict is rendered or the jury is discharged.

1207 8. Motion for judgment of acquittal.

1208 a. Motion before submission to jury. The court on motion of a defendant or
1209 of its own motion shall order the entry of judgment of acquittal of one or more
1210 offenses charged in the indictment after the evidence on either side is closed if
1211 the evidence is insufficient to sustain a conviction of such offense or offenses. If
1212 a defendant's motion for judgment of acquittal at the close of the evidence
1213 offered by the prosecuting attorney is not granted, the defendant may offer
1214 evidence without having waived his or her right to rely on such motion.

1215 b. Reservation of decision on motion. If a motion for judgment of acquittal is
1216 made at the close of all the evidence, the court may reserve decision on the
1217 motion, submit the case to the jury and decide the motion either before the jury
1218 returns a verdict or after it returns a verdict or is discharged without having
1219 returned a verdict.

1220 9. Trial of questions involving prior convictions. After conviction of the
1221 primary or current offense, but prior to pronouncement of sentence, if the
1222 indictment or information alleges one or more prior convictions which by the
1223 Code subjects the offender to an increased sentence, the offender shall have the
1224 opportunity in open court to affirm or deny that he or she is identical with the
1225 person previously convicted, or that he or she was not represented by counsel. If
1226 the offender denies he or she is the person previously convicted, sentence shall
1227 be postponed for such time as to permit a trial before a jury on the issue of the
1228 offender's identity with the person previously convicted. Other objections shall
1229 be heard and determined by the court, and these other objections shall be
1230 asserted prior to trial of the substantive offense in the manner presented in rule
1231 ten (10). On the issue of identity, the court may in its discretion reconvene the
1232 jury which heard the current offense or dismiss that jury and submit the issue to
1233 another jury to be later impaneled. If the offender is found by the jury to be the
1234 person previously convicted, or if the offender acknowledged that he or she is
1235 such person, the offender shall be sentenced as prescribed in the Code.

1236 **Rule 19. Witnesses.**

1237 1. Competency of witnesses; cross-examination of the accused. The rules for
1238 determining the competency of witnesses in civil actions are, so far as they are in
1239 their nature applicable, extended also to criminal actions and proceedings,
1240 except as otherwise provided. A defendant in a criminal action or proceeding
1241 shall be a competent witness in his or her own behalf, but cannot be called by
1242 the state. If the defendant offers himself or herself as a witness, the defendant
1243 may be cross-examined as an ordinary witness, but the state shall be strictly
1244 confined therein to the matters testified to in the examination in chief.

1245 2. Compelling attendance of witnesses from without the state to proceedings
1246 in Iowa. The presence and testimony of a witness located outside the state may
1247 be secured through the uniform act to secure witnesses from without the state set
1248 forth in division nineteen (XIX) of this chapter.

1249 3. Immunity.

1250 a. Before any witness shall be compelled to answer or to produce evidence in
1251 any judicial proceeding after having asserted that such answer or evidence would
1252 tend to render him or her criminally liable, incriminate him or her or violate his

1253 or her right to remain silent, the witness must knowingly waive his right or:

1254 (1) A county attorney or the attorney general must file with a district court
1255 judge or district associate judge a verified application setting forth that:

1256 The testimony of the witness, or the production of documents or other
1257 evidence in the possession of such witness, or both, is necessary and material;
1258 and

1259 The witness has refused to testify, or to produce documents or other evidence,
1260 or both, upon the ground that such testimony or evidence would tend to
1261 incriminate him or her; and

1262 It is the considered judgment of the county attorney or attorney general that
1263 justice and the public interest require the testimony, documents or evidence in
1264 question.

1265 (2) The application, transcripts and orders required by this subsection shall be
1266 filed as a separate case in the criminal docket entitled "In the matter of the
1267 testimony of (Name of witness)" and shall be indexed in the criminal index
1268 under the name of the witness. Any testimony given in support of the
1269 application for immunity shall be reported and a transcript of the testimony
1270 shall be filed with the application.

1271 (3) Upon consideration of such application the judge shall enter an order
1272 granting the witness immunity to prosecution for any crime or public offense
1273 concerning which the witness was compelled to give competent and relevant
1274 testimony or to produce competent and relevant evidence.

1275 (4) Testimony, documents or evidence which has been given by a witness
1276 granted immunity shall not be used against the witness in any trial or
1277 proceeding, or subject the witness to any penalty or forfeiture; provided, that
1278 such immunity shall not apply to any prosecution or proceeding for a perjury or
1279 a contempt of court committed in the course of or during the giving of such
1280 testimony.

1281 b. A complete verbatim transcript of testimony given pursuant to an order of
1282 immunity shall be made and filed with the application and the order of court.
1283 The application, order granting immunity and all transcripts filed shall be sealed
1284 upon motion of the defendant, county attorney, or attorney general and shall be
1285 opened only by order of the court. This section shall not bar the use of the
1286 transcript as evidence in any proceeding except the transcript shall not be used
1287 in any proceeding against the witness himself.

1288 c. Whoever shall refuse to testify or to produce evidence after having been
1289 granted immunity as aforesaid shall be subject to punishment for contempt of
1290 court as in the case of any witness who refuses to testify, a claim to privilege
1291 against self-incrimination notwithstanding.

1292 4. Witnesses for indigents. Counsel for a defendant who is financially unable
1293 to obtain expert or other witnesses necessary to an adequate defense of the case
1294 may request compensation in a written application. Upon finding, after
1295 appropriate inquiry, that the services are necessary and that the defendant is
1296 financially unable to provide compensation, the court shall authorize counsel to
1297 obtain such witnesses on behalf of the defendant. The court shall determine
1298 reasonable compensation for the services and direct payment to the person who
1299 rendered them pursuant to division fifteen (XV) of this chapter.

1300 **Rule 20. Evidence.**

1301 1. Rules. The rules of evidence prescribed in civil procedure shall apply to
1302 criminal proceedings as far as applicable and not inconsistent with the
1303 provisions of this rule.

1304 2. Questions of law and fact. Upon jury trial of a criminal case, questions of
1305 law are to be decided by the court, saving the right of the defendant and state to
1306 object; questions of fact are to be tried by jury.

1307 3. Corroboration of accomplice or person solicited. A conviction cannot be
1308 had upon the testimony of an accomplice or a solicited person, unless
1309 corroborated by other evidence which shall tend to connect the defendant with

1310 the commission of the offense; and the corroboration is not sufficient if it
1311 merely shows the commission of the offense or the circumstances thereof.

1312 4. Confession of defendant. The confession of the defendant, unless made in
1313 open court, will not warrant a conviction, unless accompanied with other proof
1314 that the defendant committed the offense.

1315 5. Prior inconsistent statement under oath. Evidence of a statement made
1316 under oath or affirmation by a witness is admissible if this prior statement is
1317 inconsistent with his testimony at a trial or hearing, and the witness is given an
1318 opportunity to explain or to deny the statement.

1319 6. Evidence of past sexual conduct in trials of sexual abuse. In prosecutions
1320 for the crime of sexual abuse, evidence of the prosecuting witness' previous
1321 sexual conduct shall not be admitted, nor reference made thereto in the presence
1322 of the jury, except as provided herein. Evidence of the prosecuting witness'
1323 previous sexual conduct shall be admissible if the defendant shall make
1324 application to the court before or during the trial.

1325 The court shall conduct a hearing in camera as to the relevancy of such
1326 evidence of previous sexual conduct, and shall limit the questioning and control
1327 the admission and exclusion of evidence upon trial.

1328 In no event shall such evidence of previous sexual conduct of the prosecuting
1329 witness committed more than one year prior to the date of the alleged crime be
1330 admissible upon the trial, except previous sexual conduct with the defendant.
1331 Nothing in this section shall limit the right of either the state or the accused to
1332 impeach credibility by the showing of prior felony convictions.

1333 **Rule 21. Verdict.**

1334 1. Form of verdicts. In open court the jury must render a verdict of "guilty",
1335 which imports a conviction, or "not guilty" or "not guilty by reason of insanity"
1336 which imports acquittal, on the material allegations in the charge; however,
1337 upon a plea of former conviction or acquittal of the same offense, it shall be "for
1338 the state" or "for the defendant". The jury shall return a verdict determining the
1339 degree of guilt in cases submitted to determine the grade of the offense.

1340 2. Answers to interrogatories. It must also return with the general verdict
1341 answers to special interrogatories submitted by the court upon its own motion,
1342 or at the request of the defendant in prosecutions where the defense is an
1343 affirmative one, or it is claimed any witness is an accomplice, or there has been
1344 a failure to corroborate where corroboration is required.

1345 3. Finding offense of different degree; included offenses. Upon trial of an
1346 offense consisting of different degrees, the jury may find the defendant not
1347 guilty of the degree charged in the indictment or information, and guilty of any
1348 degree inferior thereto, or of an attempt to commit the offense when such
1349 attempt is prohibited by law. In all cases, the defendant may be found guilty of
1350 any offense the commission of which is necessarily included in that with which
1351 the defendant is charged

1352 4. Several defendants. On an indictment or information against several
1353 defendants, if the jury cannot agree upon a verdict as to all, it may render a
1354 verdict as to those in regard to whom it does agree, on which a judgment shall
1355 be entered accordingly, and the case as to the rest may be tried by another jury.
1356 Upon an indictment or information against several defendants, any one or more
1357 may be convicted or acquitted.

1358 5. Return of jury; reading and entry of verdict; unanimous verdict. The jury,
1359 agreeing on a verdict unanimously, shall bring the verdict into court, where it
1360 shall be read to them, and inquiry made if it is their verdict. A party may then
1361 require a poll asking each juror if it is his or her verdict. If any juror express
1362 disagreement on such poll or inquiry, the jury shall be sent out for further
1363 deliberation; otherwise, the verdict is complete and the jury shall be discharged.
1364 When the verdict is given and is such as the court may receive, the clerk may
1365 enter it in full upon the record.

1366 6. Verdict insufficient; reconsideration; informal verdict. If the jury renders a
1367 verdict which is in none of the forms specified in this rule, or a verdict of guilty
1368 in which it appears to the court that the jury was mistaken as to the law, the
1369 court may direct the jury to reconsider it, and it shall not be recorded until it is
1370 rendered in some form from which the intent of the jury can be clearly
1371 understood. If the jury persists in finding an informal verdict, from which,
1372 however, it can be understood that the intention is to find for the defendant
1373 upon the issue, it shall be entered in the terms in which it is found, and the court
1374 must give judgment of acquittal.

1375 7. Defendant discharged on acquittal. If judgment of acquittal is given on a
1376 general verdict of not guilty, and the defendant is not detained for any other
1377 legal cause, the defendant must be discharged as soon as the judgment is given.

1378 8. Acquittal on ground of mental illness; commitment. If the defense is mental
1379 illness of the defendant, the jury must be instructed, if it acquits the defendant
1380 on that ground, to state that fact in its verdict. Upon hearing, the court may
1381 thereupon, if the defendant is found to be dangerous to the public peace and
1382 safety, order the defendant committed to one of the mental health institutes or
1383 the Iowa security medical facility, or retained in custody, until he or she
1384 demonstrates good mental health and is considered no longer dangerous to the
1385 public peace and safety or to himself.

1386 9. Proof necessary to sustain verdict of guilty.

1387 a. Reasonable doubt. Where there is a reasonable doubt of the defendant
1388 being proven to be guilty, the defendant is entitled to an acquittal.

1389 b. Reasonable doubt as to degree. Where there is a reasonable doubt of the
1390 degree of the offense of which the defendant is proved to be guilty, the
1391 defendant shall only be convicted of the degree as to which there is no
1392 reasonable doubt.

1393 **Rule 22. Judgment.**

1394 1. Entry of judgment of acquittal or conviction. Upon a verdict of not guilty
1395 for the defendant, or special verdict upon which a judgment of acquittal must be
1396 given, the court must render judgment of acquittal immediately. Upon a plea of
1397 guilty, verdict of guilty, or a special verdict upon which a judgment of
1398 conviction may be rendered, the court must fix a date for pronouncing
1399 judgment, which must be within a reasonable time but not less than eight days
1400 after the plea is entered or the verdict is rendered, unless defendant consents to
1401 a shorter time.

1402 2. Forfeiture of bail; warrant of arrest. If the defendant has been released on
1403 bail, or has deposited money instead thereof, and does not appear for judgment
1404 when the defendant's personal appearance is necessary, the court, in addition to
1405 the forfeiture of the undertaking of bail or money deposited, may make an order
1406 directing the clerk, on the application of the county attorney at any time
1407 thereafter, to issue a warrant into one or more counties for the defendant's
1408 arrest, which may be substantially in the form illustrated in the appendix of
1409 forms to these rules. The warrant may be served in any county in the state. The
1410 officer must arrest the defendant and bring the defendant before the court, or
1411 commit the defendant to the officer mentioned in the warrant.

1412 3. Imposition of sentence.

1413 a. Informing the defendant. When the defendant appears for judgment, he or
1414 she must be informed by the court or the clerk under its direction, of the nature
1415 of the indictment, his or her plea, and the verdict, if any thereon, and be asked
1416 whether he or she has any legal cause to show why judgment should not be
1417 pronounced against him.

1418 b. What may be shown for cause. The defendant may show for cause against
1419 the judgment that he or she is insane, or any sufficient ground for a new trial, or
1420 in arrest of judgment.

1421 c. Insanity. If the court is of the opinion that there is reasonable ground for
1422 believing the defendant insane, the question of the defendant's insanity shall be
1423 determined as provided in the Code, and if the defendant is found to be insane,
1424 such proceedings shall be had as are herein directed.

1425 d. Judgment entered. If no sufficient cause is shown why judgment should not
1426 be pronounced, and none appears to the court upon the record, judgment shall
1427 be rendered. Prior to such rendition, counsel for the defendant, and the
1428 defendant personally, shall be allowed to address the court where either wishes
1429 to make a statement in mitigation of punishment. In every case the court shall
1430 include in the judgment entry the number of the particular section of the Code
1431 under which the defendant is sentenced.

1432 e. Notification of right to appeal. After imposing sentence in a case, the court
1433 shall advise the defendant of his or her right to appeal as provided in rule fifteen
1434 point one (15.1) of the rules of the supreme court.

1435 f. Clerical mistakes. Clerical mistakes in judgments, orders or other parts of
1436 the record and errors in the record arising from oversight or omission may be
1437 corrected by the court at any time and after such notice, if any, as the court
1438 orders.

1439 g. Withdrawal of plea of guilty. At any time before judgment, the court may
1440 permit the plea of guilty to be withdrawn and other plea or pleas substituted.

1441 **Rule 23. Motions after trial.**

1442 1. In general. Permissible motions after trial include motions for new trial,
1443 motions in arrest of judgment, and motions to correct a sentence.

1444 2. New trial.

1445 a. Procedural steps in seeking or ordering new trial. The application for a new
1446 trial can be made only by the defendant and shall be made before judgment, but
1447 where based upon newly discovered evidence may be made after judgment as
1448 well. After giving the parties notice and an opportunity to be heard on the
1449 matter, the court may grant a motion for a new trial, timely served, for a reason
1450 not stated in the motion. In any case the court shall specify in the order the
1451 grounds therefor.

1452 b. Grounds.

1453 The court may grant a new trial for any or all of the following causes:

1454 (1) When the trial has been held in the absence of the defendant, in cases
1455 where such presence is required by law, except as provided in rule twenty-five (25).

1456 (2) When the jury has received any evidence, paper or document out of court
1457 not authorized by the court.

1458 (3) When the jury have separated without leave of court, after retiring to
1459 deliberate upon their verdict, or have been guilty of any misconduct tending to
1460 prevent a fair and just consideration of the case.

1461 (4) When the verdict has been decided by lot, or by means other than a fair
1462 expression of opinion on the part of all jurors.

1463 (5) When the court has misdirected the jury in a material matter of law, or has
1464 erred in the decision of any question of law during the course of the trial, or
1465 when the prosecuting attorney has been guilty of prejudicial misconduct during
1466 the trial thereof before a jury.

1467 (6) When the verdict is contrary to law or evidence.

1468 (7) When the court has refused properly to instruct the jury.

1469 (8) When the defendant has discovered important and material evidence in his
1470 or her favor since the verdict, which the defendant could not with reasonable
1471 diligence have discovered and produced at the trial. A motion based upon this
1472 ground may be made within two years after final judgment, but such motion
1473 may be considered thereafter upon a showing of good cause. When a motion for
1474 a new trial is made upon the ground of newly discovered evidence, the
1475 defendant must produce at the hearing, in support thereof, the affidavits of the
1476 witnesses by whom such evidence is expected to be given, and if time is required
1477 by the defendant to procure such affidavits, the court may postpone the hearing

1478 of the motion for such length of time as, under all circumstances of the case,
1479 may be reasonable.

1480 (9) When from any other cause the defendant has not received a fair and
1481 impartial trial.

1482 c. Trials without juries. On a motion for a new trial in an action tried without
1483 a jury, the court may where appropriate, in lieu of granting a new trial, vacate
1484 the judgment if entered, take additional testimony, amend findings of fact and
1485 conclusions of law or make new findings and conclusions, and enter judgment
1486 accordingly.

1487 d. Effect of a new trial. The granting of a new trial places the parties in the
1488 same position as if no trial had been had; all the testimony must be produced
1489 anew and the former verdict cannot be used or referred to either in evidence or
1490 argument.

1491 e. Time of decision. A motion for new trial shall be heard and determined by
1492 the court within thirty days from the date it is filed, except upon good cause
1493 entered in the record.

1494 3. Arrest of judgment.

1495 a. Motion in arrest of judgment: definition and grounds. A motion in arrest of
1496 judgment is an application by the defendant that no judgment be rendered on a
1497 finding, plea, or verdict of guilty. Such motion shall be granted when upon the
1498 whole record no legal judgment can be pronounced.

1499 b. Time of making motion by party. The motion must be made before the
1500 judgment is pronounced, and shall be filed within six days after finding, plea, or
1501 verdict of guilty.

1502 c. On motion of court. The court may also, upon its own observation of any
1503 of these grounds, arrest the judgment on its own motion.

1504 d. Effect of order arresting judgment. The effect of an order arresting
1505 judgment is to place the defendant in the same situation in which he or she was
1506 immediately before the indictment was found or the information filed.

1507 e. Proceedings after order arresting judgment. If, from the evidence on the
1508 trial, there is reasonable ground to believe the defendant guilty, and a new
1509 indictment or information can be framed, the court may order the defendant to
1510 be recommitted to the officer of the proper county, or admitted to bail or
1511 otherwise released anew, to answer the new indictment. In such case the order
1512 arresting judgment shall not be a bar to another prosecution. But if the evidence
1513 upon trial appears to the trial court insufficient to charge the defendant with any
1514 offense, the defendant must, if in custody, be released; or, if admitted to bail, his
1515 or her bail be exonerated; or if money has been deposited instead of bail, it must
1516 be refunded to the defendant or to the person or persons found by the court to
1517 have deposited said money on behalf of said defendant.

1518 f. Time of decision. A motion in arrest of judgment shall be heard and
1519 determined by the court within thirty days from the date it is filed, except upon
1520 good cause entered in the record.

1521 4. General principles.

1522 a. Extensions. The time for filing motions for new trial or in arrest of
1523 judgment may be extended to such further time as the court may fix during the
1524 six-day period.

1525 b. Disposition. If the defendant moves for a new trial, or in arrest of
1526 judgment, the court shall defer the judgment and proceed to hear and decide the
1527 motions.

1528 c. Appeal. Appeal from an order granting or denying a motion for new trial or
1529 in arrest of judgment may be taken by the state or the defendant. Where the
1530 court has denied the motion for new trial or in arrest of judgment, or both,
1531 appeal may be had only after judgment is pronounced.

1532 d. Custody pending appellate determination. Pending determination by the
1533 supreme court of such appeal, the trial court shall determine whether the
1534 defendant shall remain in custody, or whether, if in custody, the defendant

1535 should be released on bail or his or her own recognizance. Where the trial court
1536 has arrested judgment and an appeal is taken by the state, and it further appears
1537 to the trial court that there is no evidence sufficient to charge the defendant with
1538 an offense, the defendant shall not be held in custody.

1539 e. Reinstatement of verdict. In the event the supreme court reverses the order
1540 of the trial court arresting judgment or granting a new trial, it shall order that
1541 the verdict be reinstated, unless the supreme court finds other errors, in which
1542 event it may order that the verdict be set aside and a new trial be granted.

1543 5. Correction of sentence.

1544 a. Time when correction of sentence may be made. The court may correct an
1545 illegal sentence at any time and may correct a sentence imposed in an illegal
1546 manner within one hundred twenty days after receipt by the court of a mandate
1547 issued upon affirmance of the judgment or dismissal of the appeal.

1548 b. Credit for time served. The defendant shall receive full credit for time spent
1549 in custody under the sentence prior to correction or reduction.

1550 **Rule 24. Execution and stay thereof.**

1551 1. Mechanics of execution.

1552 a. Copy of judgment. When a judgment of confinement, either in the
1553 penitentiary or county jail or other detention facility, is pronounced, an
1554 execution, consisting of a certified copy of the entry of judgment must be
1555 forthwith furnished to the officer whose duty it is to execute the same, who shall
1556 proceed and execute it accordingly, and no other warrant or authority is
1557 necessary to justify or require its execution.

1558 b. Execution and return within county; confinement. A judgment for
1559 confinement to be executed in the county where the trial is had shall be executed
1560 by the sheriff thereof, and return made upon the execution, which shall be
1561 delivered to and filed by the clerk of said court.

1562 c. Executions outside county; confinement.

1563 (1) Under all other judgments for confinement, the sheriff shall deliver a
1564 certified copy of the execution with the body of the defendant to the keeper of
1565 the jail or penitentiary in which the defendant is to be confined in execution of
1566 the judgment, and take his or her receipt therefor on a duplicate copy thereof,
1567 which the sheriff must forthwith return to the clerk of the court in which the
1568 judgment was rendered, with the sheriff's return thereon, and a minute of said
1569 return shall be entered by the clerk as a part of the record of the proceedings in
1570 the cause in which the execution issued.

1571 (2) When such defendant is discharged from custody, the jailer or warden of
1572 the place of confinement shall make return of such fact to the proper court, and
1573 an entry thereof shall be made by its clerk as is required in the first instance.

1574 d. Execution for fine.

1575 (1) Upon a judgment for a fine, an execution may be issued as upon a
1576 judgment in a civil case, and return thereof shall be made in like manner.

1577 (2) Judgments for fines, in all criminal actions rendered, are liens upon the
1578 real estate of the defendant, and shall be entered upon the lien index in the same
1579 manner and with like effect as judgments in civil actions.

1580 e. Execution in other cases. When the judgment is for the abatement or
1581 removal of a nuisance, or for anything other than confinement or payment of
1582 money by the defendant, an execution consisting of a certified copy of the entry
1583 of such judgment, delivered to the sheriff of the proper county, shall authorize
1584 and require the sheriff to execute such judgement, and he or she shall return the
1585 same, with the sheriff's doings under the same thereon endorsed, to the clerk of
1586 the court in which the judgment was rendered, within a time specified by the
1587 court but not exceeding seventy days after the date of the certificate of such
1588 certified copy.

1589 f. Days in jail before trial credited. The defendant shall receive full credit for
1590 time spent in custody on account of the offense for which he or she is convicted.

1591 2. Stay of execution.

1592 a. Confinement. A sentence of confinement shall be stayed if an appeal is
1593 taken and the defendant is released pending disposition of appeal pursuant
1594 division fourteen (XIV).

1595 b. Fine and other cases. The defendant may have a stay of execution for the
1596 same length of time and in the same manner as provided by law in civil actions,
1597 and with like effect, and the same proceedings may be had therein.

1598 c. Probation. An order placing the defendant on probation may be stayed if
1599 an appeal is taken. If not stayed, the court shall specify when the term of
1600 probation shall commence. If the order is stayed the court shall fix the terms of
1601 the stay.

1602 **Rule 25. Presence of defendant; regulation of conduct by the court.**

1603 1. Felony or misdemeanor. In felony cases the defendant shall be present at
1604 the arraignment, at the time of the plea, at every stage of the trial including the
1605 impaneling of the jury and the return of the verdict, and at the imposition of
1606 sentence, except as otherwise provided by this rule. In other cases the defendant
1607 may appear by counsel.

1608 2. Continued presence not required. In all cases, the progress of the trial or
1609 any other proceeding shall not be prevented whenever a defendant, initially
1610 present, does one of the following:

1611 a. Voluntarily absents himself or herself after the trial or other proceeding has
1612 commenced.

1613 b. Engages in conduct which is such as to justify the defendant being excluded
1614 from the courtroom.

1615 3. Presence not required. A defendant need not be present in the following
1616 situations:

1617 a. A corporation may appear by counsel for all purposes.

1618 b. The defendant's presence is not required at a reduction of sentence under
1619 rule twenty-three (23).

1620 4. Regulation of conduct in the courtroom.

1621 a. The taking of photographs in the courtroom during the progress of judicial
1622 proceedings or radio broadcasting or televising of judicial proceedings from the
1623 courtroom shall not be permitted by the court, except for appropriate
1624 noncommercial purposes upon agreement by the prosecutor and the written
1625 consent of the defendant.

1626 b. When a defendant engages in conduct seriously disruptive of judicial
1627 proceedings, one or more of the following steps may be employed to ensure
1628 decorum in the courtroom:

1629 (1) Cite the defendant for contempt.

1630 (2) Take the defendant out of the courtroom until he or she promises to
1631 conduct himself or herself properly.

1632 (3) Bind and gag the defendant, thereby keeping the defendant present.

1633 c. When a person who is present in the courtroom is supposed by a magistrate
1634 to have upon his or her person a weapon, the magistrate or judge may direct
1635 that such person be searched, and any weapon be retained subject to order of
1636 the court.

1637 d. The magistrate may cause to have removed from the courtroom any person
1638 whose exclusion is necessary to preserve the integrity or order of the
1639 proceedings.

1640 **Rule 26. Right to assigned counsel.**

1641 1. Representation. Every defendant who is an indigent as defined in section
1642 three hundred thirty-six A point four (336A.4) of the Code shall be entitled to
1643 have counsel assigned to represent him or her at every stage of the proceedings
1644 from the defendant's initial appearance before the magistrate or the court
1645 through appeal, including probation and parole revocation hearings, unless the
1646 defendant waives such appointment.

1647 2. Compensation. When counsel is assigned to represent an indigent
1648 defendant, or to serve as standby counsel as provided in rule eight (8),
1649 compensation shall be paid as directed in division fifteen (XV) of this chapter.

1650 **Rule 27. Dismissal of prosecutions; right to speedy trial.**

1651 1. Dismissal generally: Effect. The court, upon its own motion or the
1652 application of the county attorney, in the furtherance of justice, may order the
1653 dismissal of any pending criminal prosecution, the reasons therefor being stated
1654 in the order and entered of record, and no such prosecution shall be
1655 discontinued or abandoned in any other manner. Such a dismissal is a bar to
1656 another prosecution for the same offense if it is a simple or serious
1657 misdemeanor; but it is not a bar if the offense charged be a felony or an
1658 aggravated misdemeanor.

1659 2. Speedy trial. It is the public policy of the state of Iowa that criminal
1660 prosecutions be concluded at the earliest possible time consistent with a fair trial
1661 to both parties. Applications for dismissals under this subsection may be made
1662 by the county attorney or the defendant or by the court on its own motion.

1663 a. When a person is arrested for the commission of a public offense and an
1664 indictment is not found against him within forty-five days, the court must order
1665 the prosecution to be dismissed, unless good cause to the contrary is shown or
1666 the defendant waives his right thereto.

1667 b. If a defendant indicted for a public offense has not waived his right to a
1668 speedy trial he must be brought to trial within ninety days after indictment is
1669 found or the court must order the indictment to be dismissed unless good cause
1670 to the contrary be shown.

1671 c. All criminal cases must be brought to trial within one year after the
1672 defendant's initial arraignment unless an extension is granted by the court, upon
1673 a showing of good cause.

1674 d. If the court direct the prosecution to be dismissed, the defendant, if in
1675 custody, must be discharged, or his bail, if any, exonerated, and if money has
1676 been deposited instead of bail, it must be refunded to the defendant.

1677 **Rule 28. Motions and other papers.**

1678 1. Motions. An application to the court for an order shall be by motion. A
1679 motion other than one made during a trial or hearing shall be in writing unless
1680 the court permits it to be made orally. It shall state the grounds upon which it is
1681 made and shall set forth the relief or order sought. It may be supported by
1682 affidavit.

1683 2. Service of motions and papers. Service and filing of written motions, notices
1684 and other similar papers shall be in the manner provided in civil actions.

1685 **Rule 29. Rules of court.**

1686 1. District court practice rules. Any rules made by courts governing local
1687 practice therein shall be consistent with these rules and applicable statutes.

1688 2. Procedures not specified therein. If no procedure is specifically prescribed
1689 by these rules or by statute, the court may proceed in any lawful manner not
1690 inconsistent with same.

1691 **Rule 30. Forms.** The forms contained in the appendix of forms are
1692 illustrative and not mandatory, and any particular instrument may be in more or
1693 less the form illustrated.

1694 **Rule 31. Title.** These rules shall be known as the rules of criminal procedure.
1695 (R.Cr.P.)

1696

APPENDIX OF FORMS

1697

(See Rule 30)

1698

FORM 1

1699

SEARCH WARRANT

1700 State of Iowa

1701 County of _____

1702 To any peace officer of the state:

1703 Proof having been this day made before me as provided by law that (here,
1704 with reasonable certainty and in accordance with the information and other
1705 proof obtained by the magistrate, designate the property, its location, the person
1706 in possession thereof, and the unlawful use or purpose to which it has been, or is
1707 being employed or held) and being satisfied that the foregoing recital relative to
1708 said property is probably true, now, therefore, you are commanded to make
1709 immediate search of (here state whether the search is of the person of a named
1710 person or of said premises, or of another designated thing) and if said property
1711 or any part thereof be found, you are commanded to bring said property
1712 forthwith before me at my office.

1713 Dated at _____ this _____ day of
1714 _____,

1715 _____
1716 (official title)

1717 FORM 2

1718 ARREST WARRANT ON A COMPLAINT

1719 State of Iowa

1720 County of _____

1721 To any peace officer of the state:

1722 Complaint upon oath or affirmation having been this day filed with me,
1723 charging that the crime (naming it) has been committed and accusing A
1724 _____ B _____ thereof:

1725 You are commanded forthwith to arrest the said A _____
1726 B _____ and bring such person before me at (naming the
1727 place), or, in case of my absence or inability to act, before the nearest or most
1728 accessible magistrate in this county.

1729 Dated at _____ this _____ day of
1730 _____,

1731 C _____ D _____
1732 (with official title)

1733 FORM 3

1734 ARREST WARRANT AFTER INDICTMENT OR INFORMATION

1735 State of Iowa

1736 County of _____

1737 To any peace officer in the state:

1738 An indictment (information) having been filed in the district court of said
1739 county on the _____ day of _____, _____, (the day on which the
1740 indictment (information) is filed) charging A. B. with the crime of (here
1741 designate the offense by the number of the statutory provision and name of the
1742 offense if it have one, or by a brief general description of it, substantially as in
1743 the indictment).

1744 You are hereby commanded to arrest the said A. B. and bring such person
1745 before said court to answer said indictment.

1746 Signed this _____ day of _____,

1747 (Seal) _____
1748 Clerk or Judge

1749 By order of the judge of the court.

1750 There may be added to the above, "Let the defendant be admitted to bail in
1751 the amount of _____ dollars (or subject to other conditions endorsed on
1752 the warrant)."

1753 If the offense be a misdemeanor, the warrant may be in a similar form, adding
1754 to the body thereof a direction substantially to the following effect: "Or, if the
1755 said A. B. require it, that you take such person before a magistrate or the clerk
1756 of the district court in said county, or in the county in which you arrest such

1757 person, that such person may give bail to answer the said indictment", and the
 1758 clerk may make an endorsement thereon to the following effect: "The defendant
 1759 is to be admitted to bail in the sum of _____ dollars" (the amount fixed
 1760 by the judge).

1761

FORM 4

1762 ARREST WARRANT WHEN DEFENDANT FAILS TO APPEAR FOR SENTENCING

1763 State of Iowa

1764 County of _____

1765 To any peace officer in the state:

1766 A _____ B _____, having been
 1767 duly convicted on the _____ day of _____, _____, in the district
 1768 court of _____ County, of the crime of (here state the name of the
 1769 offense and the statutory provision).

1770 You are hereby commanded to arrest the said A _____

1771 B _____ and bring such person before said court for judgment.

1772 Signed this _____ day of _____, _____.

1773

1774

Clerk or Judge

1775

FORM 5

1776

BAIL BOND

1777 State of Iowa

1778 County of _____

1779 An indictment (or charge) having been found (or made) in the district court (or
 1780 other appropriate court) of the county of _____ on the _____ day
 1781 of _____, _____, charging A _____

1782 B _____ with the crime of
 1783 _____ (designating it as in the warrant, indictment, or
 1784 complaint), and such person having been duly admitted to bail in the sum of
 1785 _____ dollars:

1786 We, A _____ B _____ and

1787 E _____ F _____, hereby undertake

1788 that the said A _____ B _____ shall

1789 appear at the _____ court of the county of _____, on the _____

1790 day of _____, _____, and answer the said indictment (or charge),

1791 and submit to the orders and judgment of said court, and not depart without

1792 leave of same, or, if such person fail to perform either of these conditions, that

1793 such person will pay to the State of Iowa the sum of _____ (inserting

1794 the sum in which the defendant is admitted to bail).

1795 A _____ B _____

1796 E _____ F _____

1797 Acknowledged before and accepted by me at _____, in the

1798 township of _____, in the county of _____ this _____

1799 day of _____, _____.

1800 G _____ H _____

1801 (with official title)

1802

FORM 6

1803

ORDER FOR DISCHARGE OF DEFENDANT UPON BAIL

1804 State of Iowa

1805 County of _____

1806 To the sheriff of the County of _____:

1807 C _____ D _____, who is

1808 detained by you on commitment (or indictment or conviction, as the case may

1809 be) for the offense of (here designate it generally), having given sufficient bail to

1810 answer the same, you are commanded forthwith to discharge such person from

1811 custody.

1812 Dated at _____, in the township (town or city) of _____,
 1813 in the county of _____, this ____ day of _____,
 1814 _____
 1815 K _____ L _____
 1816 (with official title)

1817 FORM 7
 1818 ORDER FOR DISCHARGE OF DEFENDANT UPON BAIL: ANOTHER FORM
 1819 (For endorsement on warrant or order of commitment)

1820 State of Iowa
 1821 County of _____
 1822 To the officer (naming the officer and the officer's title, thus
 1823 A _____ B _____, Sheriff of
 1824 _____ County) having in custody C _____
 1825 D _____ (naming him):

1826 The defendant named in the within warrant of arrest (or order of
 1827 commitment) now in your custody under the authority thereof for the offense
 1828 therein designated, having given sufficient bail to answer the same by the
 1829 undertaking herewith delivered to you, you are commanded forthwith to
 1830 discharge such person from custody, and, without unnecessary delay, deliver this
 1831 order, together with the said undertaking of bail, to
 1832 _____ (name and address of the appropriate district
 1833 court clerk, or the court or magistrate who issued the warrant).

1834 Dated at _____ this ____ day of _____, _____.
 1835 E _____ F _____
 1836 (with official title)

1837 FORM 8
 1838 TRIAL INFORMATION
 1839 (also designated County Attorney's Information)
 1840 IN THE DISTRICT COURT OF _____ COUNTY

1841 STATE OF IOWA
 1842 vs. _____ INFORMATION

1843 A _____ B _____
 1844 Comes now _____, as county attorney of _____
 1845 County, State of Iowa, and in the name and by the authority of the State of
 1846 Iowa accuses
 1847 A _____ B _____ of the crime of (here insert the
 1848 name of the offense, number of the statutory provision and whether felony
 1849 or misdemeanor), committed as follows:

1850 The said A _____ B _____, on or
 1851 about the ____ day of _____, ____ (inserting the year) in the
 1852 county of _____, and State of Iowa, did (here insert the acts or
 1853 omissions constituting the offense).

1854 _____
 1855 _____
 1856 County Attorney

1857 State of Iowa
 1858 County of _____ ss.

1859 I, _____, being first duly sworn, do depose and say,
 1860 that I have made full and careful investigation of the facts upon which the above
 1861 charge is based, and that the allegations contained in the above and foregoing
 1862 information are true, as I verily believe.

1863 _____
 1864 _____
 1865 Subscribed and sworn to by _____ before me, the
 1866 undersigned, this ____ day of _____, _____.
 1867 _____

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(Here insert title of official
before whom verification is
made.)

Upon the information shall be endorsed the following:

(a) A true information

County Attorney

(b) Names of witnesses:

(c) On this _____ day of _____, _____ being satisfied from the showing made herein that this cause should (or should not, as the case may be) be prosecuted by information, the same is approved (or disapproved and the charge is ordered submitted to the grand jury, as the case may be).

Judge of District Court
court, this _____ day of

(d) This information duly filed in the district

_____, _____.

(Clerk of the District Court
of _____ County, State
of Iowa)

By

Deputy Clerk

(e) Bail is hereby fixed on the within information in the sum of \$ _____

_____.

(Here insert official title of
judge or clerk, as case may
be)

FORM 9

GENERAL INDICTMENT FORM

IN THE DISTRICT COURT OF IOWA IN AND FOR _____ COUNTY
STATE OF IOWA

vs.

INDICTMENT

A _____ B _____

The grand jurors of the county of _____ accuse

A _____ B _____ of (here state the offense and

whether felony or misdemeanor) in violation of (here state by number the
statutory section violated) and charge that the said A _____

B _____ on or about the _____ day of _____, _____, in

the county of _____ and State of Iowa, (here briefly insert any

particulars of the offense, such as the name of the victim in a criminal homicide
case).

A true bill.

/s/ _____

Foreman of grand jury

1924 Names of witnesses:

1925 _____
 1926 _____
 1927 _____

1928 FORM 10
 1929 INDICTMENT
 1930 (short forms)

1931 The following forms may be used in cases in which they may be applicable:

1932 Abandoning Child: A.B. wrongfully abandoned C.D., a child (or a disabled
 1933 person) who was in the custody of said A.B.

1934 Arson: A.B. committed arson in the _____ degree upon (a dwelling) the
 1935 property of C.D. (of a value exceeding \$500) (thus endangering E.F.).

1936 Assaults: A.B. assaulted C.D. while participating in (name felony) (thereby
 1937 causing serious injury to C.D.); A.B. assaulted C.D. and thereby intentionally
 1938 caused serious injury to C.D.; A.B. administered a harmful substance (name
 1939 substance) to C.D.

1940 Attempts: A.B. attempted to (state substantive offense).

1941 Bigamy: A.B. committed bigamy by marrying C.D. while said A.B. had a
 1942 living spouse, D.B.

1943 Bomb threat: A.B. communicated a bomb threat to C.D.

1944 Bribery: A.B. bribed C.D.; A.B. solicited (received) a bribe from C.D. (an
 1945 elector) (an election official).

1946 Burglary: A.B. committed burglary in the _____ degree upon the property of
 1947 C.D. (briefly set out circumstances if first degree is charged; e.g., while carrying
 1948 a dangerous weapon).

1949 Carrying weapon: A.B. carried a concealed weapon; A.B. carried a (describe
 1950 firearm) within the city limits of (name city); A.B. carried a handgun in a
 1951 vehicle.

1952 Compounding felony: A.B., knowing that C.D. had committed a felony,
 1953 compounded that felony.

1954 Conspiracy: A.B. conspired with C.D. to commit (state substantive offense) (a
 1955 class _____ felony; a _____ misdemeanor).

1956 Criminal mischief: A.B. committed criminal mischief in the _____ degree
 1957 upon the property of (name owner).

1958 Criminal trespass: A.B. committed criminal trespass upon the property of
 1959 (name owner) (thus injuring C.D.) (causing more than \$100 in damage).

1960 Detention in brothel: A.B. detained C.D. in a brothel.

1961 Disturbance: A.B. willfully disturbed (name body or agency).

1962 Driving under suspension: A.B. operated a motor vehicle while his license was
 1963 (under suspension) (revoked).

1964 Escape: A.B. escaped from custody; A.B. permitted C.D. to escape from
 1965 custody.

1966 Extortion: A.B. committed extortion upon C.D.

1967 False imprisonment: A.B. falsely imprisoned C.D.

1968 False information: A.B., while attempting to purchase a handgun, falsely
 1969 stated (set out false statement); A.B., on an application for a weapons permit,
 1970 falsely stated (set out false statement).

1971 False report of destructive substance: A.B. falsely reported a bomb to C.D.

1972 False use of financial instrument: A.B. falsely used a financial instrument, to
 1973 wit: (set out type of instrument).

1974 Falsifying public documents: A.B. falsified public documents; A.B.
 1975 wrongfully possessed a seal of (name agency).

1976 Feticide: A.B. committed feticide by causing the death of the fetus of C.D.

1977 Fraudulent practices: A.B. committed a fraudulent practice by (state briefly
 1978 the fraudulent practice).

- 1979 Furnishing controlled substance: A.B. furnished a controlled substance, to
 1980 wit: (name controlled substance) to C.D., an inmate of (name institution); A.B.
 1981 introduced a controlled substance, to wit: (name controlled substance) into
 1982 (name institution).
- 1983 Furnishing pornography to minor: A.B. furnished pornography to C.D., a
 1984 minor.
- 1985 Going armed with intent: A.B. went armed with intent.
- 1986 Harassment of public officer: A.B. harassed C.D. (state title or position).
- 1987 Homicide: A.B. committed homicide in the _____ degree, resulting in the
 1988 death of C.D.
- 1989 Impersonating public official: A.B. falsely impersonated a public official.
- 1990 Improper voting: A.B. improperly voted (knowing himself not to be qualified)
 1991 (having already voted once in that election).
- 1992 Incest: A.B. committed incest with C.D.
- 1993 Indecent exposure: A.B. indecently exposed himself to C.D.
- 1994 Insurrection: A.B., acting with C.D. and E.F., participated in an insurrection.
- 1995 Kidnapping: A.B. committed kidnapping in the _____ degree by kidnapping
 1996 C.D.
- 1997 Lascivious acts with a child: A.B. committed lascivious acts with C.D., a
 1998 child.
- 1999 Malicious prosecution: A.B. maliciously caused (attempted to cause) the
 2000 prosecution of C.D.
- 2001 Nonsupport: A.B. wrongfully refused (or failed) to support C.D., whom A.B.
 2002 was under a legal obligation to support.
- 2003 Obstructing prosecution: A.B. obstructed the prosecution of C.D.
- 2004 OMVUI: A.B. operated a motor vehicle while under the influence of drugs or
 2005 intoxicants (having been convicted _____ times previously for the offense).
- 2006 Operating vehicle without consent: A.B. operated C.D.'s vehicle without
 2007 C.D.'s consent.
- 2008 Perjury: A.B. committed perjury by testifying (set out substance of testimony).
- 2009 Pimping: A.B. solicited C.D. as a patron for a prostitute; A.B. knowingly
 2010 shared in the earnings of C.D., a prostitute; A.B. knowingly furnished a place to
 2011 be used for prostitution.
- 2012 Possession of burglary tools: A.B. possessed burglary tools.
- 2013 Possession of explosive: A.B. possessed (name substance) with the intent to
 2014 use it to commit a public offense.
- 2015 Possession of offensive weapon: A.B. had unauthorized possession of an
 2016 offensive weapon, to wit: (describe weapon).
- 2017 Prostitution: A.B. committed prostitution by offering his/her services for sale
 2018 (or selling his or her services) as a partner in a sex act; A.B. purchased (or
 2019 offered to purchase) C.D.'s services as a partner in a sex act.
- 2020 Public display of offensive matter: A.B. publicly displayed offensive matter, to
 2021 wit: (describe offensive matter).
- 2022 Reckless endangerment: A.B. recklessly endangered human life or safety
 2023 (thereby seriously injuring C.D.).
- 2024 Reckless use of explosive: A.B. recklessly endangered the property or safety of
 2025 C.D. by A.B.'s use of (name substance).
- 2026 Riot: A.B., together with C.D. and E.F., participated in a riot.
- 2027 Risking a catastrophe: A.B. caused (or risked) a catastrophe by: (state nature
 2028 of activity).
- 2029 Robbery: A.B. committed robbery in the _____ degree against C.D.
- 2030 Sexual abuse: A.B. sexually abused C.D. in the _____ degree.
- 2031 Solicitation: A.B. solicited C.D. to commit (state substantive offense solicited)
 2032 (a felony) (an aggravated misdemeanor).
- 2033 Suborning perjury: A.B. suborned C.D. to commit perjury.

2034 Terrorism: A.B. committed terrorism.
 2035 Theft: A.B. committed theft in the _____ degree by taking property
 2036 belonging to C.D. (set out circumstances such as value of property setting degree
 2037 of theft).
 2038 Traps: A.B. set a trap (or spring gun).
 2039 A similar short form indictment may be used for offenses not appearing in
 2040 this table, provided it complies with the requirements of rule four (4), subsection
 2041 seven (7), Iowa Rules of Criminal Procedure.

1 SEC. 1302. NEW SECTION. **Trial of simple misdemeanors.**

2 **Rule 32. Scope.** The rules set forth in this section shall apply to trials of
 3 simple misdemeanors, and attendant proceedings and to appeals from conviction
 4 in such cases.

5 **Rule 33. Applicability of district court rules.** Procedures not provided for
 6 herein shall be governed by the provisions of these rules which are by their
 7 nature applicable relating to trial of indictable offenses, and by the statutes of
 8 the state of Iowa.

9 **Rule 34. To whom tried.** Judicial magistrates and district associate judges
 10 must hear, try and determine all simple misdemeanors. District judges may
 11 transfer any simple misdemeanors pending before them to the nearest judicial
 12 magistrate or district associate judge.

13 **Rule 35. The charge.** Prosecutions for simple misdemeanors must be
 14 commenced by filing a subscribed and sworn to complaint with a magistrate or
 15 district court clerk or the clerk's deputy.

16 **Rule 36. Contents of the complaint.** The complaint shall contain:

- 17 1. The name of the county and of the court where the complaint is filed.
- 18 2. The names of the parties, if the defendants be known, and if not, then such
 19 names as may be given them by the complainant.
- 20 3. A brief and concise statement of the act or acts constituting the offense,
 21 including the time and place of its commission as near as may be, and
 22 identifying by number the provision of law alleged to be violated.
- 23 4. The provisions of section seven hundred sixty-nine point six (769.6) of the
 24 Code shall be applicable to the prosecution before a magistrate of cases within
 25 the magistrate's jurisdiction.

26 **Rule 37. Filing of complaint.** The magistrate or district court clerk or the
 27 clerk's deputy must file the complaint and mark thereon the time of filing the
 28 same.

29 **Rule 38. Warrant of arrest.** Immediately upon filing the complaint, the
 30 magistrate or district court clerk or the clerk's deputy may issue a warrant of
 31 arrest or may issue a citation instead of a warrant for arrest and deliver it to a
 32 peace officer.

33 **Rule 39. Arrest.** The officer who receives the warrant shall arrest the
 34 defendant and bring the defendant before the magistrate without unnecessary
 35 delay or serve that citation in the manner provided in chapter two (2), division
 36 five (5) of this Act.

37 **Rule 40. Prosecution of corporations.** In prosecutions against corporations
 38 the corporation may be proceeded against by summons as set forth in division
 39 seven (VII) of this chapter.

40 **Rule 41. Appearance of defendant.** When the defendant first appears, the
 41 charge against the defendant must be distinctly read to him or her, and a copy
 42 given the defendant, and the defendant shall be asked whether he or she is
 43 charged under his or her right name. If the defendant objects that he or she is
 44 wrongly named in the complaint, the defendant must give his or her right name,
 45 and if the defendant refuses to do so, or does not object that he or she is
 46 wrongly named, the magistrate shall make an entry thereof in his or her docket,
 47 and the defendant is thereafter precluded from making any such objection.

48 Rule 42. **Rights of defendant.** The court shall inform the defendant:

49 1. Of the defendant's right to counsel.

50 2. Of the circumstances under which the defendant might secure pretrial
51 release, and of the defendant's right to review any conditions imposed on his or
52 her release.

53 3. That the defendant is not required to make a statement and that if he or
54 she does, it may be used against him or her.

55 In appropriate cases the court shall appoint counsel for an indigent defendant
56 in accordance with procedures established under rule two (2), subdivision three
57 (3). The magistrate shall allow the defendant reasonable time and opportunity to
58 consult with counsel, in the event the defendant expresses a desire to do so.

59 Rule 43. **Bail.** Admission to bail shall be as provided for in division eleven
60 (XI) of this chapter.

61 Rule 44. **Plea.** The defendant shall be required to enter a plea to the
62 complaint, and permissible pleas include those allowed when the defendant is
63 indicted, as set forth in rule eight (8).

64 Rule 45. **Trial date.** Upon a plea other than guilty the magistrate shall set a
65 trial date which shall be at least fifteen days after the plea is entered. The
66 magistrate shall notify the prosecuting attorney of the trial date and shall advise
67 the defendant that the trial will be without a jury unless demand for jury trial is
68 made at least ten days prior to the date set for trial. Failure to make a jury
69 demand in the manner prescribed herein constitutes a waiver of jury. If demand
70 is made, the action shall be tried by a jury of six members. Upon the request of
71 the defendant, the magistrate may set the date of trial at a time less than fifteen
72 days after a plea other than guilty is entered. The magistrate shall notify the
73 defendant that a request for earlier trial date shall constitute a waiver of jury.

74 Rule 46. **Change of venue.** A change of place of trial may be applied for in
75 the manner prescribed in rule ten (10), and the papers transmitted in similar
76 manner as described therein to the judicial officer or clerk of the court to which
77 change is allowed.

78 Rule 47. **Bailiff obtained.** If trial by jury is demanded, the magistrate shall
79 notify the sheriff who shall furnish a bailiff at that time and place to act as
80 officer of the court.

81 Rule 48. **Selection of jury; trial.**

82 1. Selection of panel. If a trial by jury is demanded, the magistrate shall notify
83 the clerk of the district court of the time and place of trial. The clerk shall
84 thereupon select by lot fourteen names from the district court jury panel. The
85 clerk shall notify these jurors of the time and place for trial.

86 2. Challenges. Except where inconsistent with this rule, rule seventeen (17)
87 shall apply, but no challenge to the panel is allowed.

88 3. Completion of panel. If for any reason the panel as chosen by the clerk
89 becomes insufficient to obtain a jury, the magistrate may direct the officer of the
90 court to summon any bystander or others who may be competent, and against
91 whom no sufficient cause of challenge appears, to act as jurors.

92 4. Strikes. If, after all challenges and strikes as noted in rule seventeen (17)
93 have been exercised, the remaining jurors number more than six, the parties
94 shall continue to strike jurors in order, commencing with the defendant, until the
95 panel is reduced to six jurors.

96 5. Alternate jurors. No alternate jurors shall be chosen.

97 6. Jury of six. When six jurors appear and are accepted, they shall constitute
98 the jury.

99 7. Oath of jurors. The magistrate must thereupon administer to them the
100 following oath or affirmation: "You do swear (or, you do solemnly affirm, as the
101 case may be) that you will well and truly try the issue between the state of Iowa
102 and the defendant, and a true verdict give according to the law and evidence."

103 8. Trial. The court shall conduct the trial in the manner of indictable cases in
104 accordance with rule eighteen (18).

105 9. Record. Upon the trial, the judicial magistrate shall make minutes of the
106 testimony of each witness and append the exhibits or copies thereof. The
107 proceedings upon trial shall not be reported, unless a party provides a reporter
108 at such party's expense. By agreement of the parties the magistrate may cause
109 the proceedings upon trial to be reported electronically. If the proceedings are
110 being electronically recorded both parties shall be notified in advance of that
111 recording. If the defendant is indigent and requests that the proceedings upon
112 trial be reported, the judicial magistrate shall cause them to be reported by a
113 reporter, or electronically, at public expense. If the proceedings have been
114 reported electronically the recording shall be retained under the jurisdiction of
115 the magistrate and upon request shall be transcribed only by a person
116 designated by the court under the supervision of the magistrate. The
117 transcription shall be provided anyone requesting same upon payment of actual
118 cost of transcription or to an indigent defendant as herein above provided.

119 **Rule 49. Judgment.** When the defendant is acquitted, he or she must be
120 immediately discharged. When the defendant pleads guilty or is convicted, the
121 magistrate may render judgment thereon as the case may require, being
122 governed by the rules prescribed for the trial of indictable offenses, as far as the
123 same are applicable.

124 **Rule 50. Costs taxed to prosecuting witness.** If the prosecuting witness fails
125 without good cause to appear or give evidence on the trial, and defendant is
126 discharged on account of such failure, the magistrate may, in his or her
127 discretion, tax the costs of the proceeding against such prosecuting witness and
128 render judgment therefor; and if defendant is acquitted, the magistrate shall, if
129 satisfied that the prosecution is malicious or without probable cause, so tax the
130 costs and render judgment therefor.

131 **Rule 51. Suppression of evidence and disposition of seized property.** Motions
132 to suppress evidence shall proceed in the manner provided for the trial of
133 indictable offenses, and any property seized dealt with in the manner provided
134 in indictable offenses.

135 **Rule 52. Joint trials.** Unless it shall result in prejudice to a party, the court
136 may order two or more complaints to be tried together if the defendant is the
137 same; or if there is more than one defendant, but all defendants so joined are
138 alleged to have participated in the same act or transaction or in the same series
139 of acts or transactions constituting an offense or offenses.

140 **Rule 53. Forfeiture of collateral in lieu of appearance.** In a specified simple
141 misdemeanor a court may accept a forfeiture of collateral security in lieu of
142 appearance, as a proper disposition of a case, except for nonscheduled traffic
143 violations. Each judicial district, by action of a majority of the district judges,
144 may determine the misdemeanors subject to such disposition and promulgate by
145 rule a list of same and disseminate to all magistrates in the district. A copy of
146 such rule shall be transmitted to the clerk of the supreme court. Prior to
147 termination of the case by forfeiture under this rule, the defendant must execute
148 a written request for same. Unless vacated upon application within thirty days of
149 the forfeiture, such forfeiture shall constitute a conviction in satisfaction.

150 **Rule 54. Appeals.**

151 1. Notice of appeal. An appeal may be taken by the plaintiff only upon a
152 finding of invalidity of an ordinance or statute. In all other cases, an appeal may
153 only be taken by the defendant and only upon a judgment of conviction.
154 Execution of the judgment shall be stayed upon the filing with the clerk of the
155 district court an appeal bond with surety approved by the clerk, in the sum
156 specified in the judgment. The defendant may take an appeal, by giving notice
157 orally to the magistrate that he or she appeals, or by delivering to the magistrate
158 not later than ten days thereafter, a written notice of the defendant's appeal, and
159 in either case the magistrate must make an entry on its docket of the giving of

160 such notice. Payment of fine or service of a sentence of imprisonment does not
 161 waive the right to appeal, nor render the appeal moot. When an appeal is taken,
 162 the magistrate shall forward to the appropriate district court clerk a copy of the
 163 docket entries in the magistrate's court, together with copies of the complaint,
 164 warrant, motions, pleadings, the magistrate's minutes of the witness' testimony
 165 and the exhibits or copies thereof and all other papers in the case. A district
 166 judge shall promptly hear the appeal upon the record thus filed without further
 167 evidence. Within ten days after an appeal is taken, unless extended by order of a
 168 district judge or by stipulation of the parties, any party may file with the clerk,
 169 as a part of the record, a transcript of the official report, if any, and, in the event
 170 the report was made electronically, the tape or other medium on which the
 171 proceedings were preserved. If the original action was tried before a district
 172 judge acting as a judicial magistrate, the appeal shall be to a different district
 173 judge. The judge shall decide the appeal without regard to technicalities or
 174 defects. Judgment shall be rendered as though the case were being originally
 175 tried.

176 2. Bail.

177 a. Admission to bail. Admission to bail shall be as provided for in division
 178 eleven (XI) of this chapter. Execution of the judgment shall not be stayed unless
 179 the defendant is admitted to bail.

180 b. Officers authorized to take bail. Bail may be taken by the magistrate who
 181 rendered the judgment, or by any magistrate in the county of the district court
 182 of that county. The magistrate taking bail shall remit it to the clerk of the
 183 district court who shall give receipt therefor.

184 3. Counsel. In appropriate cases, the magistrate shall appoint counsel on
 185 appeal.

186 4. Appeal to supreme court. After appeal to a district judge in a nonindictable
 187 case, either party may appeal from the judgment of the district judge to the
 188 supreme court in the same manner as from a judgment in a prosecution by
 189 indictment, and the defendant may be admitted to bail in like manner, and
 190 similar proceedings shall be had on the appeal in all respects, as far as
 191 applicable. The same proceedings shall be had to carry into effect the judgment
 192 of the supreme court upon the appeal as if it had been taken from a judgment
 193 prosecuted by indictment.

194 **Rule 55. New trial.** The magistrate, on motion of a defendant, may grant a
 195 new trial pursuant to the grounds set forth in rule twenty-three (23), except that
 196 a motion for a new trial based on newly discovered evidence must be made
 197 within six months after the final judgment. A motion for a new trial based on
 198 the ground of newly discovered evidence may be made only before or within
 199 thirty days after final judgment. A motion for a new trial based on any other
 200 grounds shall be made within seven days after a finding of guilty or within such
 201 further time as the court may fix during the seven-day period.

202 **Rule 56. Correction or reduction of sentence.** The magistrate may correct an
 203 illegal sentence at any time and may correct a sentence imposed in an illegal
 204 manner within the time provided herein for the reduction of sentence. The
 205 magistrate may reduce a sentence within ten days after the sentence is imposed
 206 or within ten days after the receipt by the magistrate of a mandate issued upon
 207 affirmance of the judgment or dismissal of the appeal, or within ten days after
 208 entry of any order or judgment of the supreme court denying review of, or
 209 having the effect of upholding, a judgment of conviction. The court may also
 210 reduce a sentence upon revocation of probation as provided by law.

211 APPENDIX OF FORMS

212 (SEE RULE 30)

213 FORM A
 214 COMPLAINT

215 State of Iowa Before (Judge, Magistrate) _____

216 County of _____ (insert name of lower court judge
217 or magistrate)

218 State of Iowa

219 vs.

220 A _____ B _____, Defendant

221 The defendant is accused of the crime of (here name the offense and provide
222 numerical designation), in that the defendant on the _____ day of
223 _____, _____, at the _____ (here locate the city, or
224 township where the offense occurred), in _____ county, did (state the
225 acts or omissions constituting the offense).

226 /s/ _____

227 FORM B

228 CONSENT TO FORFEITURE OF COLLATERAL

229 AS DISPOSITION OF MISDEMEANOR

230 State of Iowa

231 County of _____

232 I, the undersigned, agree to have the amount of \$ _____ forfeited as a fine
233 and my case terminated. I do this with the following understanding:

234 1. I have been charged with the offense of _____

235 _____ (here name the
236 offense and provide numerical designation).

237 2. I understand my rights, including my right to trial before the court on
238 such charge, and voluntarily waive same, understanding that forfeiture of
239 the aforesaid amount terminates my right to a trial and constitutes a
240 conviction of the offense charged.

241 _____
242 (Signature of defendant)

243 FORM C

244 NOTICE OF APPEAL TO A DISTRICT COURT JUDGE

245 FROM A JUDGMENT OR ORDER

246 State of Iowa

247 County of _____

248 State of Iowa

249 vs.

Notice of Appeal

250 C _____ D _____, Defendant

251 Notice is hereby given that C _____ D
252 _____, defendant above named, hereby appeals to a district
253 court judge for _____ County (from the final judgment) (from the
254 order) entered in this action on the _____ day of _____.

255 /s/ _____

256 _____

257 (Address)

258 Attorney for C _____ D _____

259 FORM D

260 BAIL BOND ON APPEAL TO DISTRICT COURT

261 State of Iowa

262 County of _____

263 A _____ B _____ having been convicted
264 before C _____ D _____, a magistrate of said
265 county, of the crime of (here designate it generally as in the information), by a
266 judgment rendered on the _____ day of _____, A.D. _____, and
267 having appealed from said judgment to a district court judge of said county:

268 We, A _____ B _____, and

269 E _____ F _____, hereby undertake that the

270 said A _____ B _____ will appear in the district
271 court of said county on the _____ day of _____ (month), 19__ (year),

272 (which date shall be not more than twenty days after perfection of the
273 undertaking), and submit to the judgment of said court, and not depart without
274 leave of the same, or that we (or I, as the case may be) will pay to the state of
275 Iowa the sum of _____ dollars (the amount of bail fixed).

276 A _____ B _____
277 E _____ F _____
278 Accepted by me, at _____, in the township of
279 _____, this _____ day of _____, A.D. _____.
280 C _____ D _____
281 Judicial Magistrate.

1 SEC. 1303. NEW SECTION. **Additions to and amendment of rules.** The rules
2 of criminal procedure may be amended, provisions deleted, and new rules
3 added, in the manner prescribed for civil rules under chapter six hundred eighty-
4 four (684) of the Code.

5 DIVISION XIV

6 APPEALS IN THE SUPREME COURT

1 SECTION 1401. NEW SECTION. **Definition of appeal and discretionary review.**
2 For the purposes of this division, unless the context otherwise requires:

3 1. "Appeal" is the right of both the defendant and the state to have specified
4 actions of the lower court considered by the supreme court.

5 2. "Discretionary review" is the process by which the supreme court may
6 exercise its discretion, in like manner as under the rules pertaining to
7 interlocutory appeals and certiorari in civil cases, to review specified matters not
8 subject to appeal as a matter of right. The supreme court may adopt additional
9 rules to control access to discretionary review.

1 SEC. 1402. NEW SECTION. **Parties—how designated on appeal.** The party
2 seeking review shall be known as the appellant and the adverse party as the
3 appellee, but the title of the action shall not be changed from that in the court
4 below.

1 SEC. 1403. NEW SECTION. **Appeals in cases involving more than one**
2 **defendant.** When defendants are tried jointly, they may seek discretionary
3 review or may appeal separately or they may join. The supreme court may, in
4 the interest of justice, consolidate appeals or applications for discretionary
5 review.

1 SEC. 1404. NEW SECTION. **Perfection of an appeal and application for**
2 **discretionary review.** An appeal is perfected by filing a written notice within
3 sixty days after judgment or order with the clerk of the court wherein the
4 judgment or order was issued. Application for discretionary review is made by
5 filing a written notice within ten days after judgment or order with the clerk of
6 the court wherein the judgment or order was issued.

1 SEC. 1405. NEW SECTION. **The state as appellant or applicant.**

2 1. Appeal is granted the state from:

3 a. An order dismissing an indictment, information, or any count thereof.

4 b. A judgment for the defendant on a motion to the indictment or the
5 information.

6 c. An order arresting judgment or granting a new trial.

7 2. Discretionary review may be available in the following cases:

8 a. An order quashing an arrest or search warrant.

9 b. An order suppressing or admitting evidence.

10 c. An order granting or denying a change of venue.

11 d. A final judgment or order raising a question of law important to the
12 judiciary and the profession.

1 SEC. 1406. NEW SECTION. **The defendant as appellant or applicant.**

2 1. Appeal is granted the defendant from:

3 a. A final judgment of sentence, except in case of simple misdemeanor and
4 ordinance violation convictions.

5 b. An order for the commitment of the defendant for insanity or drug
6 addiction, or an order for the indeterminate commitment of the defendant as a
7 mentally disordered sex offender.

8 2. Discretionary review may be available in the following cases:

9 a. An order suppressing or admitting evidence.

10 b. An order granting or denying a change of venue.

11 c. An order denying probation.

12 d. Simple misdemeanor and ordinance violation convictions.

13 e. An order raising a question of law important to the judiciary and the
14 profession.

1 SEC. 1407. NEW SECTION. **Duty of clerk when appeal is perfected or
2 application made.** When an appeal or an application for discretionary review is
3 filed, the clerk of the court in which the judgment or order was rendered shall:

4 1. Immediately prepare and transmit to the adverse party and his or her
5 attorney of record, and if the defendant is the moving party, to the attorney
6 general and the clerk of the supreme court, a true copy of the notice of appeal or
7 application, together with the date of filing.

8 2. Immediately prepare and transmit to the clerk of the supreme court and the
9 attorney general a transcript of all record entries relevant to the appeal or
10 application, together with copies of all papers in the case on file in the clerk's
11 office, except those returned by the examining magistrate on the preliminary
12 examination, all duly certified under seal of his or her court.

1 SEC. 1408. NEW SECTION. **Duties of prosecuting attorney.**

2 1. When an appeal is taken or an application made by the state or the
3 defendant the prosecuting attorney shall promptly prepare and deliver to the
4 attorney general so much of the proceedings as are material to the proper
5 disposition of the matter.

6 2. When a notice of appeal or application has been filed by an adverse party,
7 the prosecuting attorney shall immediately furnish the attorney general with a
8 copy of said notice.

1 SEC. 1409. NEW SECTION. **Indigent's right to transcript on appeal.** If a
2 defendant in a criminal cause has perfected an appeal from a judgment against
3 him or her and shall satisfy the judge of the lower court that he or she is
4 indigent, such judge may order the transcript made at the expense of the county
5 where the defendant was tried. When an attorney of record is representing such
6 indigent, said attorney shall make application to the lower court for the
7 transcript.

1 SEC. 1410. NEW SECTION. **Indigent's application for transcript in other cases.**

2 If a defendant in a criminal cause has been granted discretionary review from an
3 action of a lower court by the supreme court and the supreme court deems a
4 transcript or portions thereof are necessary to proper review of the question or
5 questions raised, the judge of the lower court shall order the transcript made at
6 the expense of the county where the defendant was tried, if the defendant is
7 indigent.

1 SEC. 1411. NEW SECTION. **Indigent's right to counsel.** An indigent
2 defendant is entitled to appointed counsel on the appeal of all indictable
3 offenses. Such appointment is subject to the rules and regulations which are or
4 may be promulgated by the supreme court of the state.

1 SEC. 1412. NEW SECTION. **Appeal by the state—effect.** An appeal taken
2 by the state does not stay the operation of a judgment in favor of the defendant,
3 nor does an application for discretionary review.

1 SEC. 1413. NEW SECTION. **Appeal or application by the defendant—effect.**
2 An appeal or application for discretionary review taken by the defendant does
3 not stay the execution of the judgment unless the defendant is released on bail
4 or otherwise as provided by law.

1 SEC. 1414. NEW SECTION. **Certificate of release.** When an appeal is taken
2 by the defendant and the defendant is released, the clerk of the district court
3 must give to the defendant or the defendant's attorney a certificate, under the
4 seal of the court, that an appeal has been taken and the defendant released. The
5 sheriff or other officer having the defendant in custody must, upon receipt of
6 this certificate, discharge the defendant from custody and return to the clerk of
7 court who issued it the execution under which he acted with his return thereon.

1 SEC. 1415. NEW SECTION. **Appeals and applications, when docketed, when**
2 **determined.** When a proper appeal is perfected in a criminal case and the
3 clerk's transcript of the record as required by section one thousand four hundred
4 seven (1407) of this division is filed in the supreme court, the cause shall be
5 docketed. Such causes shall take precedence over other business and the
6 supreme court shall hear and determine appeals in criminal actions at the
7 earliest time it may be done considering the rights of parties and proper
8 administration of justice. A similar rule shall apply to applications for
9 discretionary review.

1 SEC. 1416. NEW SECTION. **Failure of clerk to transmit papers as required.**
2 Failure of the clerk of the district court to transmit all the papers as required in
3 section one thousand four hundred seven (1407) of this division shall not
4 prejudice the rights of the parties.

1 SEC. 1417. NEW SECTION. **Personal appearance of the defendant.** The
2 personal appearance of the defendant in the supreme court on the trial of an
3 appeal, or upon the hearing of a matter of discretionary review, is in no case
4 necessary.

1 SEC. 1418. NEW SECTION. **Closing argument.** The defendant is entitled to
2 close the argument.

1 SEC. 1419. NEW SECTION. **Hearing in the supreme court, rules of procedure.**
2 The record and case shall be presented to the supreme court as provided by its
3 rules; and the provisions of law in civil procedure relating to the filing of
4 decisions and opinions of the supreme court shall apply in such cases.

1 SEC. 1420. NEW SECTION. **Decisions on appeals or applications by**
2 **defendant.** An appeal or application taken by the defendant shall not be
3 dismissed for an informality or defect in taking it if corrected as directed by the
4 supreme court. The supreme court, after an examination of the entire record,
5 may dispose of the case by affirmation, reversal or modification of the lower
6 court judgment. It may also dismiss the appeal or application if it determines
7 that there has been no substantial miscarriage of justice, and no violation of the
8 rights of the accused, and that the arguments do not present definite grounds for
9 a hearing. The supreme court may also order a new trial, or reduce the
10 punishment, but cannot increase it.

1 SEC. 1421. NEW SECTION. **Costs to the successful defendant.** If on appeal
2 or application by the defendant, the judgment of the trial court is reversed or
3 modified in the defendant's favor, the defendant shall recover the cost of
4 printing abstract and briefs (to a maximum of one dollar per page) to be paid by
5 the county wherein the trial occurred.

1 SEC. 1422. NEW SECTION. **Reversal—effect.** If a judgment against the
2 defendant is reversed, such reversal shall be deemed an order for a new trial,
3 unless the supreme court shall direct a different disposition. In reversing the
4 case, the supreme court may direct that the defendant be discharged and the
5 defendant's bail exonerated, or if money is deposited instead, that it be returned
6 to the defendant.

1 SEC. 1423. NEW SECTION. **Affirmance—effect.** On a judgment of
2 affirmance against the defendant, the original judgment shall be carried into
3 execution as the supreme court shall direct.

1 SEC. 1424. NEW SECTION. **Decision recorded and transmitted.** The
2 decision of the supreme court with any opinion filed or judgment rendered must
3 be recorded by its clerk. After the expiration of the period allowed for a
4 rehearing, or as ordered by the court or provided by its rules, a certified copy of
5 the decision and opinion shall be transmitted to the clerk of the trial court, filed
6 and entered of record by the clerk.

1 SEC. 1425. NEW SECTION. **Jurisdiction of appellate court ceases after**
2 **judgment.** The jurisdiction of the supreme court shall cease after the certified
3 copy of the decision and opinion is transmitted to the clerk of the trial court. All
4 proceedings for executing the judgment shall be had in the trial court or by its
5 clerk.

1 SEC. 1426. NEW SECTION. **Judgment enforced.** Unless some proceeding in
2 the district court is directed, a copy of the judgment of the trial court and
3 decision on appeal or review, or of the judgment and decision on appeal or
4 review certified by the clerk of the trial court shall be delivered to the sheriff or
5 proper officer as an execution. He shall be authorized to execute the judgment
6 of the court, or take any legal measures required to bring the action to a
7 conclusion.

1 SEC. 1427. NEW SECTION. **Time of confinement deducted.** A defendant,
2 confined during the pendency of an unsuccessful review or appeal, or convicted
3 at a new trial ordered by the supreme court, shall have the period of his or her
4 former confinement deducted from the period of confinement fixed on the last
5 verdict of conviction by the district court.

6 DIVISION XV

7 COSTS OF PROCEEDINGS AND COMPENSATION OF GRAND JURY CLERKS,
8 ATTORNEYS, WITNESSES AND OTHERS

1 SECTION 1501. NEW SECTION. **Costs payable by state in special cases.** All
2 costs and fees, including any award of attorney fees to a court-appointed
3 attorney, incurred in any parole revocation proceedings or in any criminal case
4 brought against an inmate of any state institution for a crime committed while
5 confined in such institution, or for a crime committed by such inmate while
6 placed outside the walls or confines of the institution under the control and
7 direction of a warden, supervisor, officer, or employee thereof, or for a crime
8 committed by such inmate during an escape or other unauthorized departure
9 from such institution or from the control of a warden, supervisor, officer, or
10 employee thereof, wherever the said inmate may have been placed by authorized
11 personnel thereof, shall be paid out of the state treasury from the general fund in
12 case the prosecution fails, or where such costs and fees, including an award of
13 attorney fees to a court-appointed attorney, cannot be made from the person
14 liable to pay the same, the facts being certified by the clerk of the district court
15 under his or her seal of office to the state comptroller, including a statement of
16 the amount of fees or costs incurred, such statement to be approved by the
17 presiding judge in writing appended thereto or endorsed thereon.

1 SEC. 1502. NEW SECTION. **Grand jury clerks and other officers.** The clerk
2 of the grand jury and any assistant clerks and bailiffs of the grand jury
3 appointed by the court, shall receive such compensation as may be set by the
4 court with the approval of the county board of supervisors for time actually and
5 necessarily employed in the performance of the duties prescribed in rule three
6 (3), rules of criminal procedure.

1 SEC. 1503. NEW SECTION. **Witnesses called to county attorney
2 investigations.** Witnesses subpoenaed by the county attorney pursuant to rule
3 five (5), rules of criminal procedure, shall receive the same fees and mileage as
4 are allowed witnesses in the district court, and shall be paid in the same manner
5 in which witnesses before the grand jury are paid except that such fees and
6 mileage shall be certified only by the county attorney.

1 SEC. 1504. NEW SECTION. **Special witnesses for indigents.** Witnesses
2 secured for indigent defendants under rule nineteen (19), rules of criminal
3 procedure, must file a claim for compensation supported by an affidavit
4 specifying the time expended, services rendered, and expenses incurred on behalf
5 of the defendant.

1 SEC. 1505. NEW SECTION. **Expert witnesses for state and defense.**
2 Notwithstanding the provisions of section six hundred twenty-two point seventy-
3 two (622.72) of the Code, reasonable compensation as determined by the court
4 shall be awarded expert witnesses, expert witnesses for indigents referred to in
5 section one thousand five hundred four (1504) of this division, or called by the
6 state in criminal cases.

1 SEC. 1506. NEW SECTION. **Fees to material witnesses.** Persons confined as
2 material witnesses shall, for each day of confinement, receive such fees as are set
3 by the district court.

1 SEC. 1507. NEW SECTION. **Fees to attorneys.** An attorney appointed by the
2 court to represent any person charged with a crime in this state shall be entitled
3 to a reasonable compensation which shall be the ordinary and customary charges
4 for like services in the community to be decided in each case by the district court
5 judge, including such sum or sums as the court may determine are necessary for
6 investigation in the interests of justice and in the event of appeal the cost of
7 obtaining the transcript of the trial and the printing of the trial record and
8 necessary briefs in behalf of the defendant. Such attorney need not follow the
9 case into another county or into the supreme court unless so directed by the court
10 at the request of the defendant, where grounds for further litigation are not
11 capricious or unreasonable, but if such attorney does so his or her fee shall be
12 determined accordingly. Only one attorney fee shall be so awarded in any one
13 case except that in class A felony cases, two may be authorized.

1 SEC. 1508. NEW SECTION. **Sheriff's fees.** For delivering prisoners under
2 the change of venue provisions of rule ten (10), rules of criminal procedure, or
3 transferring prisoners under section four hundred twenty-four (424) of this
4 chapter, sheriffs are entitled to the same fees as are allowed for the conveyance
5 of convicts to the penitentiary.

6
DIVISION XVI
DOUBLE JEOPARDY

1 SECTION 1601. NEW SECTION. **Conviction or acquittal—when a bar.** A
2 conviction or acquittal by a judgment upon a verdict shall bar another
3 prosecution for the same offense, notwithstanding a defect in form or substance
4 in the indictment on which the conviction or acquittal took place.

1 SEC. 1602. NEW SECTION. **Prosecutions barred.** When a defendant has
2 been convicted or acquitted upon an indictment for an offense consisting of
3 different degrees, the conviction or acquittal shall be a bar to another indictment

4 for the same offense charged in the former or for any lower degree of that
5 offense, or for an offense necessarily included therein.

1 SEC. 1603. NEW SECTION. **A prosecution is not barred.**

2 1. By a former prosecution before a court which lacked jurisdiction over the
3 defendant or the offense.

4 2. By a former prosecution procured by the defendant without the knowledge
5 of a prosecuting officer authorized to commence a prosecution for the maximum
6 offense which might have been charged on the facts known to the defendant,
7 and with the purpose of avoiding the sentence which otherwise might be
8 imposed.

9 3. If subsequent proceedings resulted in the invalidation, setting aside, reversal
10 or vacating of the conviction, unless the defendant was adjudged not guilty; but
11 in no case where a conviction for a lesser included crime has been invalidated,
12 set aside, reversed or vacated shall the defendant be subsequently prosecuted for
13 a higher degree of the crime for which he or she was originally convicted.

1 SEC. 1604. NEW SECTION. **Trial of former jeopardy issue.** When the
2 defendant's only plea to the indictment is a former conviction or acquittal, the
3 order of trial prescribed in rule eighteen (18), rules of criminal procedure, shall
4 be reversed, and the defendant shall first offer his evidence in support of his
5 defense.

6 DIVISION XVII

7 SPECIAL POWERS OF POLICE, GOVERNOR, AND ATTORNEY GENERAL

1 SECTION 1701. NEW SECTION. **Photographs—measurements—bertillon**
2 **system.** It shall be lawful for the sheriff of any county or the chief of police in
3 any city in this state, to take or procure the taking of the photograph of any
4 person held to answer on a charge of any felony, such person being in the
5 custody of such officer, or to make and record any measurements of such
6 prisoner, by the Bertillon or other system, and to exchange such photographs, or
7 measurements, or copies of the same, with other sheriffs and police officers, or
8 to distribute the same by mail for the purpose of securing evidence for the
9 identification of such person held to answer, if the identity and past record of
10 the said person are unknown to him or her; and the cost of such photographs
11 and measurements, and of distributing the same, may be allowed by the court as
12 a part of the costs in the case.

1 SEC. 1702. NEW SECTION. **Power of governor and attorney general.** The
2 governor and attorney general shall each have the power to call to their aid in
3 the enforcement of the law any peace officer; and when such officers are so
4 called upon it shall be their duty faithfully to render such assistance as may be
5 required, in any part of the state, and such peace officers while so acting shall
6 have the same powers throughout the state as possessed by the sheriff of the
7 county in which such peace officer is acting.

8 DIVISION XVIII

9 INTERSTATE EXTRADITION COMPACT

1 SECTION 1801. NEW SECTION. The interstate extradition compact is hereby
2 enacted into law and entered into by this state with all other jurisdictions legally
3 joining therein in the form substantially as follows:

4 INTERSTATE EXTRADITION COMPACT

5 The contracting states solemnly agree that:

1 SEC. 1802. NEW SECTION. The states which are parties to this agreement
2 find that existing extradition procedures are cumbersome, costly and frequently
3 result in unnecessary delay in the extradition of fugitives. They find further that
4 the provisions of the United States Constitution and United States Code relating

5 to extradition are meant to facilitate the return of fugitives; do not prescribe the
6 exclusive means for return of fugitives; and do not prevent the states from
7 establishing other procedures for this purpose.

1 SEC. 1803. NEW SECTION. As used in this compact, unless the context
2 clearly requires otherwise:

3 1. "State" means any state of the United States; the United States of
4 America; a territory or possession of the United States; the District of
5 Columbia; the Commonwealth of Puerto Rico.

6 2. "Demanding state" means the state in which a crime has been committed
7 and where a charge has been filed against a fugitive whose return for trial is
8 sought.

9 3. "Asylum state" means the state in which a person for whom the warrant
10 was issued has been found or arrested and from which the person's return to the
11 demanding state is sought.

12 4. "Fugitive" means any person who is charged with a crime in the demanding
13 state, or any person who has been convicted of a crime in the demanding state
14 and has escaped from confinement or has broken the terms of his or her bail,
15 probation or parole, and is no longer within the demanding state, whether the
16 person's leaving the demanding state was voluntary or involuntary. For purposes
17 of this division the term "fugitive" further includes a person in the asylum state
18 charged with committing a crime in the demanding state by the doing of an
19 intentional act outside the demanding state which resulted in such crime, as set
20 forth in section one thousand eight hundred fifteen (1815) of this division.

21 5. "Local prosecuting authority" means the chief prosecuting attorney or his
22 or her designee, of the governmental unit of the demanding state which has
23 jurisdiction over the crime committed by the fugitive. When the return to the
24 demanding state is required of a person who has been convicted of a crime in
25 the demanding state and the fugitive has escaped from confinement or broken
26 the terms of his or her bail, probation or parole, the term "local prosecuting
27 authority" includes the chief prosecuting attorney of the county in which the
28 offense was committed, the parole board, and in the case of escapes the warden
29 of the institution or the sheriff of the county from which the escape was made,
30 and in such cases these officials may make demand for return of the fugitive in
31 accordance with the provisions of this compact.

32 6. "Chief law enforcement officer" means county sheriff, chief of police or
33 other chief law enforcement officer in the local governmental unit wherein the
34 fugitive is located, and when the fugitive is confined in a penitentiary or
35 reformatory, it includes the warden or chief administrative officer of that
36 institution.

1 SEC. 1804. NEW SECTION. The local prosecuting authority of the demanding
2 state shall have the authority to issue a demand for the return of a fugitive. The
3 demand shall be made to a chief law enforcement officer of the local
4 governmental unit in the asylum state where the accused has been found.

1 SEC. 1805. NEW SECTION. Demand for the extradition of a fugitive under
2 this division shall be in writing or by other official communication setting forth
3 the crime with which the fugitive is charged, or that the fugitive has escaped
4 confinement or broken the terms of his bail, probation, or parole. Said demand
5 shall allege that a crime was committed in the demanding state and that the
6 person sought is a fugitive within the meaning of this compact.

1 SEC. 1806. NEW SECTION. A chief law enforcement officer of the local
2 governmental unit in the asylum state who receives the demand is authorized to
3 cause the arrest of the fugitive in accordance with the laws of the asylum state.

1 SEC. 1807. NEW SECTION. When an arrest has been made the fugitive shall
2 be taken for an appearance before a judge of court of record who shall inform

3 the fugitive of the demand made for his or her surrender and of the crime with
4 which he or she is charged, or other reason for the demand as set forth in section
5 one thousand eight hundred fifteen (1815) of this division. Said judge shall
6 apprise the fugitive of the fugitive's legal rights and shall advise said fugitive of
7 the fugitive's right to apply for a writ of habeas corpus.

1 SEC. 1808. NEW SECTION. If, at the fugitive's appearance, it appears that
2 the person held is the person charged with having committed the crime alleged
3 or has escaped confinement or broken the terms of his or her bail, probation, or
4 parole and, except in cases arising under section one thousand eight hundred
5 fifteen (1815) of this division, that the fugitive has fled from justice, the judge or
6 magistrate before whom the fugitive is taken must, by warrant reciting the
7 accusation, commit the fugitive to jail. Such commitment shall occur unless the
8 accused give bail as provided in section one thousand eight hundred fourteen
9 (1814) of this division or is otherwise legally discharged. When the accused is
10 confined pursuant to this section, said confinement shall be for the time
11 specified in the warrant, but not exceeding fifteen days, as will enable the arrest
12 of the fugitive to be made under a warrant issued by the authorities of the state
13 having jurisdiction of the crime. If a writ of habeas corpus is applied for, the
14 time established in this section shall be extended until such writ is disposed of.

1 SEC. 1809. NEW SECTION. The local prosecuting authority of the demanding
2 state shall cause a warrant to be issued to an agent, commanding the agent to
3 receive the fugitive when delivered to the agent and convey the fugitive to the
4 proper officer of the local jurisdiction in the demanding state.

1 SEC. 1810. NEW SECTION. Said designated agent of the demanding state
2 may at all times enter the asylum state for the purpose of making demand for
3 the surrender of the fugitive. Upon demand and proof of authority, the fugitive
4 shall be released and surrendered to the agent's custody subject to the provisions
5 of sections one thousand eight hundred eleven (1811) and one thousand eight
6 hundred twelve (1812) of this division unless a petition for habeas corpus has
7 been applied for and is pending before the court. All requirements to obtain
8 extradition other than provided in this compact are hereby waived on the part of
9 the state party hereto as to such fugitive.

1 SEC. 1811. NEW SECTION. If a criminal prosecution has been instituted
2 against the fugitive under the laws of the asylum state and is still pending, the
3 prosecuting authority of the asylum state in its discretion may either surrender
4 the fugitive on demand or hold the fugitive until he or she has been tried and
5 discharged or convicted and punished in the asylum state.

1 SEC. 1812. NEW SECTION. When it is desired to have returned to the
2 demanding state a person sentenced in the asylum state with a crime, and such
3 person is imprisoned, the governor of the asylum state may agree with the
4 governor of the demanding state for the extradition of such person before the
5 conclusion of his or her term or sentence upon condition that such person be
6 returned to the asylum state as soon as the prosecution in the demanding state is
7 terminated.

1 SEC. 1813. NEW SECTION. The guilt or innocence of the fugitive as to the
2 crime of which he or she is charged is not reviewable by any official of the
3 asylum state or in any proceeding in the asylum state after the demand for
4 extradition. When a habeas corpus hearing is held pursuant to section one
5 thousand eight hundred five (1805) of this division, the judge shall cause to be
6 presented to the fugitive a certified copy of the indictment found or information
7 from the state having jurisdiction of the crime, or a copy of any warrant which
8 was issued thereupon; or a copy of a judgment of conviction or of a sentence
9 imposed in execution thereof, together with a statement by the local prosecuting
10 authority of the demanding state that the fugitive has escaped from confinement

11 or has broken the terms of his or her bail, probation or parole. Notice of such
12 habeas corpus hearing including the time and place thereof shall be given to the
13 local prosecuting authority of the demanding state.

1 SEC. 1814. NEW SECTION. Unless the crime with which the prisoner is
2 charged is shown to be an offense punishable by death or life imprisonment
3 under the laws of the demanding state, a judge or magistrate in the asylum state
4 may admit the person arrested to bail by bond with sufficient sureties, and in
5 such sum as the judge or magistrate deems proper, conditioned for the prisoner's
6 appearance before the judge or magistrate at a time specified in such bond, and
7 for the prisoner's surrender. In the event of a violation of the conditions of said
8 bond, forfeiture thereof and recovery thereon may be had as in the case of
9 appearance bonds given by accused persons in criminal proceedings in the
10 asylum state.

1 SEC. 1815. NEW SECTION. A chief law enforcement officer of the local
2 governmental unit in the asylum state may surrender, on demand of the local
3 prosecuting authority of the demanding state, any person in the asylum state
4 charged in the demanding state in the manner provided in section one thousand
5 eight hundred five (1805) of this division with committing an act in the asylum
6 state, or in a third state, intentionally resulting in a crime in the demanding
7 state. The provisions of this compact not otherwise inconsistent shall apply to
8 such cases, even though the accused was not in the demanding state at the time
9 of the commission of the crime, and has not fled therefrom.

1 SEC. 1816. NEW SECTION. The expenses incurred in extradition shall be
2 assessed to the governmental unit of the demanding state seeking the return of
3 the fugitive, but this provision shall not be construed to alter or affect any
4 internal arrangements between a party state and its subdivisions as to the
5 payment of costs or responsibilities therefor. These expenses shall include fees
6 paid to the officers of the asylum state and all necessary and actual traveling
7 expenses incurred in returning the prisoner.

1 SEC. 1817. NEW SECTION. Each state party to this compact shall designate
2 an officer who, acting jointly with like officers of other party states, shall
3 promulgate rules and regulations to carry out more effectively the terms and
4 provisions of this compact, and who shall provide, within and without the state,
5 information necessary to the effective operation of this compact.

1 SEC. 1818. NEW SECTION. The governor of this state shall appoint an
2 administrator of interstate extradition to serve in such capacity for a period and
3 under terms determined by the governor. Said administrator shall fulfill the
4 duties set forth in section one thousand eight hundred seventeen (1817) of this
5 division and such other necessary duties as may be required for the
6 administration of this compact.

1 SEC. 1819. NEW SECTION. This compact shall enter into full force and effect
2 as to a party state when such state has enacted the same into law. A state party
3 to this compact may withdraw herefrom by enacting a statute repealing the
4 same. However, the withdrawal of any state shall not affect the status of any
5 proceedings already initiated at the time such withdrawal takes effect.

1 SEC. 1820. NEW SECTION. This compact provides an alternate procedure to
2 the uniform criminal extradition act, which remains in full force and effect; a
3 state seeking return of a fugitive may proceed under this compact, or under the
4 uniform criminal extradition act. Where another state seeks return of a fugitive
5 under this compact, the governor of this state may intervene at any time prior to
6 surrender of the fugitive and require the proceedings to be stayed subject to
7 investigation and appropriate orders relating to custody of the fugitive by the
8 governor.

1 SEC. 1821. NEW SECTION. This compact shall be liberally construed so as to
 2 effectuate its purposes. The provisions of this compact shall be severable and if
 3 any phrase, clause, sentence or provision of this compact is declared to be
 4 contrary to the constitution of any party state or of the United States or the
 5 applicability thereof to any government, agency, person or circumstance is held
 6 invalid, the validity of the remainder of this compact and the applicability
 7 thereof to any government, agency, person or circumstance is held invalid, the
 8 validity of the remainder of this compact and the applicability thereof to any
 9 government, agency, person or circumstance shall not be affected thereby. If this
 10 compact shall be held contrary to the constitution of any state party hereto, the
 11 compact shall remain in full force and effect as to the remaining states and in
 12 full force and effect as to the state affected as to all severable matters.

1 SEC. 1822. NEW SECTION. All courts, departments, agencies, officers and
 2 employees of this state and its political subdivisions are hereby directed to
 3 enforce the interstate extradition compact and to cooperate with one another
 4 and with other party states in enforcing the compact and effectuating its
 5 purpose.

1 SEC. 1823. NEW SECTION. Copies of this division shall, upon its approval,
 2 be transmitted to the governor of each state, the attorney general and the
 3 administrator of general services of the United States, and the Council of State
 4 Governments.

1 SEC. 1824. NEW SECTION. This compact may be cited as the interstate
 2 extradition compact.

3 DIVISION XIX

4 UNIFORM ACT TO SECURE WITNESSES FROM WITHOUT THE STATE

1 SECTION 1901. NEW SECTION. **Witnesses required to testify in another state.**
 2 A person residing or physically present within this state may be required to
 3 attend as a witness in a criminal action pending or grand jury investigation
 4 commenced in another state if compliance with the following criteria is
 5 accomplished:

6 1. The laws of such other state require or command persons residing or
 7 physically present within that state to attend and testify in this state.

8 2. A judge of a court of record in the other state certifies under the seal of
 9 such court that there is a criminal action pending in such court or that a grand
 10 jury investigation has commenced; that a person residing or physically present
 11 within this state is a material witness in such action or grand jury investigation;
 12 and that his presence will be required for a number of days which shall be
 13 specified in such certification.

14 3. The certification described in subsection two (2) of this section shall have
 15 been presented to any judge of the district court of the county in which the
 16 prospective witness is found.

17 4. The judge described in subsection three (3) of this section shall make an
 18 order directing the witness to appear at a specific time and place for the hearing.
 19 If at the hearing the judge determines that the witness is material and necessary,
 20 either for the prosecution or defense in a criminal action, or for a grand jury
 21 investigation, and that it will not cause undue hardship to the witness to be
 22 compelled to attend and testify in such proceedings and that the provisions of
 23 subsections two (2) and three (3) of this section are complied with, the judge
 24 shall make an order, with a copy of the certificate attached, directing the witness
 25 to attend and testify in the court where the action is pending or the place where
 26 such grand jury has commenced at the time and place specified in the certificate.

1 SEC. 1902. NEW SECTION. **Witnesses from another state required to testify**
 2 **in this state.** If a person, in any state whose law makes provision for

3 commanding persons within that state to attend and testify in criminal actions
 4 pending or grand jury investigations commenced in this state, is a material
 5 witness in a district court action pending or a grand jury investigation
 6 commenced in this state, a judge of such court shall, in order to obtain the
 7 presence of such witness, issue a certificate under the seal of the court stating
 8 these facts and specifying the number of days the witness will be required.

1 SEC. 1903. NEW SECTION. **Fees and enforcement of order.** A witness
 2 named in an order described in section one thousand nine hundred two (1902)
 3 of this division shall be entitled to ten cents per mile for each mile traveled by
 4 the most direct route to and from the proceedings the witness is required to
 5 attend, and shall also be entitled to ten dollars per day for each day spent in
 6 such travel or in attending the proceedings as a witness. Such amounts shall,
 7 upon proper claim being made, be paid from the court expense fund of the
 8 county.

9 If such witness fails without good cause to attend and testify as directed by
 10 such order the witness shall forfeit his or her right to receive mileage and per
 11 diem, and shall be guilty of contempt of court for which he or she may be
 12 punished accordingly.

1 SEC. 1904. NEW SECTION. **Exemptions; arrest, service of process.** If a
 2 person comes into this state in obedience to an order directing the person to
 3 attend and testify in this state, the person shall not while in this state pursuant to
 4 such order be subject to arrest or the service of process, civil or criminal, in
 5 connection with matters which arose before the person's entrance into this state
 6 under the order.

7 If a person passes through this state while going to another state in obedience
 8 to an order to attend and testify in that state or while returning therefrom, the
 9 person shall not while so passing through this state be subject to arrest or the
 10 service of process, civil or criminal, in connection with matters which arose
 11 before the person's entrance into this state pursuant to the order to testify.

1 SEC. 1905. NEW SECTION. **State.** The word "state" shall include any state
 2 or territory of the United States and the District of Columbia.

3 CHAPTER 3

4 DIVISION I

5 JUDGMENT AND SENTENCING PROCEDURES

1 SECTION 101. NEW SECTION. **Short title.** This chapter shall be known and
 2 may be cited as the "Iowa Corrections Code".

1 SEC. 102. NEW SECTION. **Presentence investigation.** Upon a plea of guilty,
 2 a verdict of guilty, or a special verdict upon which a judgment of conviction of
 3 any public offense may be rendered, the court shall receive from the state and
 4 from the defendant any information which may be offered which is relevant to
 5 the question of sentencing. The court may consider information from other
 6 sources, and, if the offense is a felony, shall order that a presentence
 7 investigation be made. If the offense is not a felony, the court may, in its
 8 discretion, order that a presentence investigation be made whenever the
 9 maximum period of confinement which may be imposed is in excess of thirty
 10 days.

11 The court may withhold execution of any judgment or sentence for such time
 12 as shall be reasonably necessary for an investigation with respect to deferment of
 13 judgment or suspension of sentence and probation. The investigation shall be
 14 made by the probation and parole service, or by another appropriate agency as
 15 determined by the court.

1 SEC. 103. NEW SECTION. **Report of investigation.** Whenever a presentence
 2 investigation is ordered by the court, the investigator shall promptly inquire

3 into: the defendant's characteristics, family and financial circumstances, needs,
4 and potentialities; the defendant's criminal record and social history; the
5 circumstances of the offense; the time the defendant has been in detention; and
6 the harm to the victim, the victim's immediate family, and the community. All
7 local and state mental and correctional institutions, courts, and police agencies
8 shall furnish to the investigator on request the defendant's criminal record and
9 other relevant information. With the approval of the court, a physical
10 examination of the defendant may be ordered, or the defendant may be
11 committed to a psychiatric facility for an evaluation of his or her personality
12 and mental health. The results of any such examination shall be included in the
13 report of the investigator.

1 SEC. 104. NEW SECTION. **Report confidential.** The court may, in its
2 discretion, make the presentence investigation report or parts of it available to
3 the defendant, or the court may make the report or parts of it available while
4 concealing the identity of the person who provided confidential information.
5 The report of any medical examination or psychiatric evaluation shall be made
6 available to the attorney for the state and to the defendant upon request. Such
7 reports shall be part of the record but shall be sealed and opened only on order
8 of the court. In any case where the defendant is committed to the custody of the
9 division of adult corrections, a copy of the presentence investigation report shall
10 be sent to the director at the time of commitment.

1 SEC. 105. NEW SECTION. **Pronouncing judgment and sentence.** After
2 receiving and examining all pertinent information, including the presentence
3 investigation report, if any, the court shall consider the following sentencing
4 options. The court shall determine which of them is authorized by law for the
5 offense, and of the authorized sentences, which of them or which combination of
6 them, in the discretion of the court, will provide maximum opportunity for the
7 rehabilitation of the defendant, and for the protection of the community from
8 further offenses by the defendant and others.

9 At the time fixed by the court for pronouncement of judgment and sentence,
10 the court shall act accordingly:

11 1. If authorized by section seven hundred two (702) of this chapter, the court
12 may defer judgment and sentence for an indefinite period in accordance with
13 division seven (VII) of this chapter.

14 2. If the defendant is neither a dangerous offender nor an incorrigible
15 offender as defined by sections two hundred eight (208) and two hundred ten
16 (210) of this chapter, the court may pronounce judgment and impose a fine.

17 3. The court may pronounce judgment and impose a fine or sentence the
18 defendant to confinement, or both, and suspend the execution of the sentence or
19 any part of it as provided in division seven (VII) of this chapter.

20 4. The court may pronounce judgment and impose a fine or sentence the
21 defendant to confinement, or both.

1 SEC. 106. NEW SECTION. **Judgment entered.** If judgment is not deferred,
2 and no sufficient cause is shown why judgment should not be pronounced and
3 none appears to the court upon the record, judgment shall be pronounced and
4 entered. In every case in which judgment is entered, the court shall include in
5 the judgment entry the number of the particular section of the Code under
6 which the defendant is sentenced and a statement of the days credited pursuant
7 to section two hundred forty-six point thirty-eight (246.38) of the Code shall be
8 incorporated into the sentence.

1 SEC. 107. NEW SECTION. **Commitment.** In imposing a sentence of
2 confinement for more than one year, the court shall commit the defendant to the
3 custody of the director of the division of adult corrections. Upon entry of
4 judgment and sentence, the clerk of the district court immediately shall notify
5 the director of such commitment. The court shall make such order as is

6 appropriate for the temporary custody of the defendant pending the defendant's
7 transfer to the custody of the director.

8 DIVISION II
9 FELONIES

1 SECTION 201. NEW SECTION. **Class A felony.** Upon a plea of guilty, a
2 verdict of guilty, or a special verdict upon which a judgment of conviction of a
3 class A felony may be rendered, the court shall enter a judgment of conviction
4 and shall commit the defendant into the custody of the director of the division
5 of adult corrections for the rest of his life. Nothing in this chapter pertaining to
6 deferred judgment, suspended sentence or probation shall apply to a class A
7 felony, and no person convicted of a class A felony shall be released on parole
8 unless the governor commutes the sentence to a term of years.

1 SEC. 202. NEW SECTION. **Record reviewed.** The board shall interview a
2 class A felon within five years of his or her confinement and regularly thereafter.
3 If, in the opinion of the board, the person should be considered for release on
4 parole, the board shall recommend to the governor that the person's sentence be
5 commuted to a term of years. If the person's sentence is so commuted, the
6 person shall be eligible for parole as provided in division six (VI) of this chapter.

1 SEC. 203. NEW SECTION. **Indeterminate sentence.** When a judgment of
2 conviction of a felony other than a class A felony is entered against any person,
3 the court, in imposing a sentence of confinement, shall commit the person into
4 the custody of the director of the division of adult corrections for an
5 indeterminate term, the maximum length of which shall not exceed the limits as
6 fixed by section two hundred nine (209) of this division nor shall the term be less
7 than the minimum term imposed by law, if a minimum sentence is provided.

1 SEC. 204. NEW SECTION. **Reconsideration of sentence.** For a period of
2 ninety days from the date when a person convicted of a felony, other than a
3 class A felony or a felony for which a minimum sentence of confinement is
4 imposed, begins to serve a sentence of confinement, the court, on its own motion
5 or on the recommendation of the commissioner of social services, may order the
6 person to be returned to the court, at which time the court may review its
7 previous action and reaffirm it or substitute for it any sentence permitted by law.
8 The court's final order in any such proceeding shall be delivered to the
9 defendant personally or by certified mail. Such action is discretionary with the
10 court, and its decision to take such action or not to take such action is not
11 subject to appeal. The provisions of this section notwithstanding, for the
12 purposes of appeal, a judgment of conviction of felony is a final judgment when
13 pronounced.

1 SEC. 205. NEW SECTION. **Place of confinement.** The director of the
2 division of adult corrections shall determine the appropriate place of
3 confinement of any person committed to the director's custody, in any
4 institution administered by the director, and may transfer the person from one
5 institution to another during the person's period of confinement.

1 SEC. 206. NEW SECTION. **Release on parole.** A person who has been
2 committed to the custody of the director of the division of adult corrections shall
3 remain in such custody until his or her release by the order of the board of
4 parole, in accordance with the law governing paroles, or until the maximum
5 term of the person's confinement, as fixed by law, has been completed.

3 serve a sentence of confinement, the court may order the person to be returned
 4 to the court, at which time the court may review its previous action and reaffirm
 5 it or substitute for it any sentence permitted by law. The court's final order in
 6 any such proceeding shall be delivered to the defendant personally or by
 7 certified mail. Such action is discretionary with the court and its decision to take
 8 such action or not to take such action is not subject to appeal. The provisions of
 9 this section notwithstanding, for the purposes of appeal a judgment of
 10 conviction is a final judgment when pronounced.

1 SEC. 303. NEW SECTION. **Work-release.** The court may direct that a
 2 prisoner, sentenced to confinement for ninety days or less, be released from
 3 custody during specified hours, as provided by sections three hundred fifty-six
 4 point twenty-six (356.26) through three hundred fifty-six point thirty-six (356.36)
 5 of the Code.

1 SEC. 304. NEW SECTION. **Place of confinement.** All persons sentenced to
 2 confinement for a period of one year or less shall be confined in a place to be
 3 furnished by the county where the conviction was had. All persons sentenced to
 4 confinement for a period of more than one year shall be committed to the
 5 custody of the director of the division of adult corrections to be confined in a
 6 place to be designated by the director and the cost of such confinement shall be
 7 borne by the state. The director may contract with local governmental units for
 8 the use of detention or correctional facilities maintained by such units for the
 9 confinement of such persons.

1 SEC. 305. NEW SECTION. **Local facilities preferred.** In designating places
 2 of confinement of misdemeanants, the department shall make optimum use of
 3 local facilities offering correctional programs, where such are available. Where a
 4 choice of facilities is offered, a choice of the facility nearest the prisoner's home
 5 shall be preferred, if such choice is compatible with the rehabilitation of the
 6 prisoner.

1 SEC. 306. NEW SECTION. **Segregation of prisoners.** In any detention
 2 facility, persons who are serving a sentence of confinement shall be segregated
 3 from persons who are being detained for any other purpose, whenever such is
 4 possible.

5 DIVISION IV

6 BOARD OF PAROLE

1 SECTION 401. NEW SECTION. **Board of parole.** The board of parole shall
 2 consist of five electors of the state. Not more than three members shall belong to
 3 the same political party. At least two members shall be practicing attorneys-at-
 4 law at the time of appointment. Each member shall serve for five years from
 5 July first of the year of appointment, except appointees to fill vacancies who
 6 shall serve for the balance of the unexpired term. The chairperson of the board
 7 shall be elected by the members of the board to a term of one year and may
 8 serve more than one term. A majority of the members of the board shall
 9 constitute a quorum to transact business.

1 SEC. 402. NEW SECTION. **Appointment.** The governor shall, during each
 2 regular session of the general assembly and within sixty days after the convening
 3 thereof, appoint, with the approval of two-thirds of the members of the senate, a
 4 successor to that member of the board whose term will expire on July 1
 5 following. Appointments may be made when the general assembly is not in
 6 session, to fill vacancies, but such appointments shall be subject to the approval
 7 of two-thirds of the members of the senate when next in session. Vacancies
 8 occurring during a session of the general assembly shall be filled as regular
 9 appointments are made and before the end of said session, and for the
 10 unexpired portion of the regular term.

1 SEC. 403. NEW SECTION. **Transition.** Persons serving on the board of
 2 parole on June 30, 1978 shall continue as members of the board of parole until
 3 they have served the term for which they were appointed with the conditions
 4 and salary of the initial appointment, and shall be deemed to fill a membership
 5 position as provided by section four hundred one (401) of this division. Initial
 6 appointment to fill the additional membership positions created by section four
 7 hundred one (401) of this division shall serve as follows:

8 1. One member shall serve until June 30, 1980.

9 2. The other member shall serve until June 30, 1983.

1 SEC. 404. NEW SECTION. **Expenses of members.** Each member of the
 2 board, the executive secretary, and all other employees shall, in addition to
 3 salary, be entitled to receive their necessary maintenance and traveling expenses
 4 while engaged in official business.

1 SEC. 405. NEW SECTION. **Administration.** The board of parole shall be
 2 responsible directly to the governor. The board of parole shall appoint an
 3 executive secretary and employ a clerical staff sufficient to carry on the
 4 necessary duties of the board. The board shall employ not less than four persons
 5 who shall serve as liaison personnel between the board, inmates and staff at the
 6 state's penal and correctional facilities and who shall perform other duties
 7 designated by the board of parole. The board shall submit to the state
 8 comptroller an estimate of the funds needed for salaries, maintenance, and office
 9 supplies at the time and in the manner provided by section eight point twenty-
 10 three (8.23) of the Code.

11 DIVISION V

12 PROBATION AND PAROLE SERVICE

1 SECTION 501. NEW SECTION. **Probation and parole service.** Pursuant to
 2 designation by the court, parole and probation services shall be provided by the
 3 department of social services or by a local agency established under chapter two
 4 hundred seventeen (217) of the Code. Parole and probation officers shall
 5 perform the duties assigned to them by law and by the director of the agency by
 6 which they are employed.

1 SEC. 502. NEW SECTION. **Parole and probation officers.** Parole and
 2 probation officers, while performing their duties as such, are peace officers and
 3 have all of the powers and authority of peace officers. Parole and probation
 4 officers shall investigate all persons referred to them for investigation by the
 5 chief parole officer or by any court to which they may be assigned. They shall
 6 furnish to each person released under their supervision a written statement of
 7 conditions. They shall keep informed of each person's conduct and condition
 8 and shall use all suitable methods to aid and encourage him or her to bring
 9 about improvement in his or her conduct or condition. Parole and probation
 10 officers shall keep records of their work, shall make reports as required by the
 11 court, and shall perform other such duties as may be assigned to them by the
 12 chief parole officer or the court. They shall coordinate their work with that of
 13 other social welfare agencies which offer services of a corrective nature
 14 operating in the area to which they are assigned.

1 SEC. 503. NEW SECTION. **Parole relief fund.** There is hereby established,
 2 from any unappropriated funds in the state treasury, a fund of twelve hundred
 3 fifty dollars which shall be known as the parole relief fund. The treasurer of the
 4 state shall continue to maintain said fund in said amount. Said fund may be
 5 used for the relief of paroled prisoners who are in distress because of illness, loss
 6 of employment, or conditions creating personal need. In no instance shall the
 7 total amount advances to a prisoner exceed one hundred dollars. The prisoner,
 8 at the time of receiving an advancement, shall execute and deliver to his or her

9 parole officer his or her written obligation to repay the same during the period
 10 of the prisoner's parole. When so paid, the amount shall be deposited with the
 11 treasurer of the state and credited to the fund from which drawn. Such fund
 12 shall be drawn on vouchers executed by the director of the bureau of adult
 13 corrections in favor of said needy person. Each voucher shall show that the
 14 advancement was ordered by the chief parole officer.

1 **SEC. 504. NEW SECTION. Local probation and parole services authorized.**
 2 The district court in any judicial district may designate any person or agency to
 3 perform the functions of the probation and parole services as to any person not
 4 under the supervision of the department of social services and subject to the
 5 jurisdiction of that court. The probation and parole services may cooperate with
 6 and use the facilities of any such local agency when authorized to do so by the
 7 commissioner of social services.

8 DIVISION VI

9 PAROLES

1 **SECTION 601. NEW SECTION. Parole.** Parole is the release of a person who
 2 has been committed to the custody of the commissioner of social services by
 3 reason of the person's commission of a public offense prior to the expiration of
 4 the person's term, subject to supervision by the department of social services and
 5 on conditions imposed by the department.

1 **SEC. 602. NEW SECTION. Authority of parole board.** The board of parole
 2 shall promulgate regulations regarding a system of paroles from correctional
 3 institutions, and shall direct, control, and supervise the administration of such
 4 system of paroles. The board shall determine which of those persons who have
 5 been committed to the custody of the director of the division of adult
 6 corrections, by reason of their conviction of a public offense, shall be released
 7 on parole.

1 **SEC. 603. NEW SECTION. Standards for release on parole.** A parole shall
 2 be ordered only for the best interest of society, not as an award of clemency.
 3 The board shall release on parole any person whom it has the power to so
 4 release, when in its opinion there is reasonable probability that such person can
 5 be released without detriment to the community or to himself or herself. A
 6 person's release is not a detriment to the community or the person when he or
 7 she is able and willing to fulfill the obligations of a law-abiding citizen, as the
 8 board shall determine.

1 **SEC. 604. NEW SECTION. Parole procedure.** Within one year after the
 2 commitment of any person other than a class A felon to the custody of the
 3 director of the division of adult corrections, a member of the board shall
 4 interview the person. Thereafter, at regular intervals, not to exceed one year, the
 5 board shall interview the person and consider his or her prospects for parole. At
 6 such time, the board shall consider all pertinent information regarding this
 7 person, including the circumstances of the person's offense, any presentence
 8 report which may be available, the previous social history and criminal record of
 9 such person, the person's conduct, employment and attitude in prison, and the
 10 reports of such physical and mental examinations as have been made. If the
 11 person who is under consideration for parole is serving a sentence for conviction
 12 of a felony and has a criminal record of one or more prior convictions for
 13 forcible felony or a crime of a similar gravity in this or any other state, parole
 14 shall be denied unless the defendant has served at least one-half of the
 15 maximum term of his sentence. Every person while on parole shall be under the
 16 supervision of the department of social services, which shall prescribe
 17 regulations for governing persons on parole. The board may adopt such other
 18 rules not inconsistent with the above as it may deem proper or necessary for the
 19 performance of its functions.

1 SEC. 605. **NEW SECTION. Information from correction personnel.** It shall
2 be the duty of all persons employed in any correctional institution to grant to
3 the members of the board of parole, or its properly accredited representatives,
4 access at all reasonable times to any person over whom the board has
5 jurisdiction under this Act, to provide for the board or such representatives
6 facilities for communicating with and observing such person, and to furnish to
7 the board such reports as the board shall require concerning the conduct and
8 character of any person in their custody and any other facts deemed by the
9 board pertinent in determining whether the person shall be released on parole.

1 SEC. 606. **NEW SECTION. Information from other sources.** The board shall
2 not be required to hear oral statements or arguments either by attorneys or other
3 persons. All persons presenting information or arguments to the board shall put
4 their statements in writing, and shall submit therewith an affidavit stating
5 whether any fee has been paid or is to be paid for their services in the case, and
6 by whom such fee is paid or to be paid.

1 SEC. 607. **NEW SECTION. Subpoena powers.** The board shall have power
2 to issue subpoenas requiring the attendance of such witnesses and the
3 production of such records, books, papers and documents as it may deem
4 necessary for investigation of the case of any person before it. Subpoenas so
5 issued may be served by any peace officer, in the same manner as similar
6 processes in the district court. Any person who testifies falsely or fails to appear
7 when subpoenaed, or fails or refuses to produce such material pursuant to the
8 subpoena, shall be subject to the same orders and penalties to which a person
9 before a court is subject. Any district court in this state, upon application of the
10 board, may compel the attendance of witnesses, the production of such material,
11 and the giving of testimony before the board, by an attachment for contempt or
12 otherwise in the same manner as production of evidence may be compelled
13 before such district court.

1 SEC. 608. **NEW SECTION.** When an inmate is discharged, paroled, or placed
2 on work release, the warden or superintendent shall furnish the inmate, at state
3 expense, appropriate clothing and transportation to the place in this state
4 indicated in the inmate's discharge, parole, or work release plan. When an
5 inmate is discharged, paroled, or placed on work release, the warden or
6 superintendent shall provide the inmate, at state expense, money in accordance
7 with the following schedule:

- 8 1. Upon discharge or parole, one hundred dollars.
- 9 2. Upon being placed on work release, fifty dollars.
- 10 3. Upon going from an educational work release to parole or discharge, fifty
11 dollars.

12 Those inmates receiving payment under subsections two (2) or three (3) of this
13 section shall not be eligible for payment under subsection one (1) of this section
14 unless they are returned to the institution. The warden or superintendent shall
15 maintain an account of all funds expended pursuant to this section.

1 SEC. 609. **NEW SECTION. Assignment to parole officer.** A person released
2 on parole shall be assigned to a parole officer by the chief parole officer. Both
3 the person and his or her parole officer shall be furnished with the conditions of
4 his or her parole and the regulations which the person will be required to
5 observe, in writing. The parole officer shall explain these conditions and
6 regulations to the person, and supervise, assist, and counsel the person during
7 the term of his or her parole.

1 SEC. 610. **NEW SECTION. Parole outside state.** The parole may be to a
2 place outside the state when the board of parole shall determine it to be to the
3 best interest of the state and the prisoner, under such rules and regulations as
4 the board of parole may impose.

1 SEC. 611. NEW SECTION. **Reciprocal agreements with other states.**

2 The governor of the state of Iowa is hereby authorized and empowered to enter
3 into compacts and agreements with other states, through their duly constituted
4 authorities, in reference to reciprocal supervision of persons on parole or
5 probation and for the reciprocal return of such persons to the contracting states
6 for violation of the terms of their parole or probation.

1 SEC. 612. NEW SECTION. **Detainers.** Prisoners against whom detainers
2 have been filed, may, after serving a portion of their sentence, be released by
3 parole to the institution or authorities filing the detainer.

4 Any detainer filed against a prisoner must within six months be supported by a
5 grand jury indictment or county attorney's information. In the event such
6 indictment is returned or information is filed, the prisoner shall have the right to
7 demand immediate trial at the next term of court where the charge is filed. The
8 prosecuting agency shall pay all costs of transportation, necessary expenses
9 incurred by the prisoner and such guards and other safety measures as the
10 warden shall deem necessary for the prisoner to appear at his or her trial.

11 In the event a detainer is not supported within six months by a county
12 attorney's information or grand jury indictment, or in the event the prosecuting
13 agency refuses or fails to give the prisoner immediate trial, or refuses or fails to
14 furnish transportation and pay all other necessary and related costs incident to
15 the prisoner appearing at his or her trial, the detainer shall be held to be invalid
16 and the parole board shall disregard such detainer in considering a prisoner for
17 parole.

1 SEC. 613. NEW SECTION. **Discharge from parole.** Unless sooner
2 discharged, a person released on parole shall be discharged when his or her term
3 of parole equals the period of imprisonment specified in the person's sentence,
4 less all time served in confinement. Discharge from parole may be granted prior
5 to such time, when an early discharge is appropriate. The board shall
6 periodically review all paroles, and when it shall determine that any person on
7 parole is able and willing to fulfill the obligations of a law-abiding citizen
8 without further supervision, it shall discharge the person from parole. In either
9 event, discharge from parole shall terminate the person's sentence.

1 SEC. 614. NEW SECTION. **Parole time counted.** The time when a prisoner
2 is on parole from the institution shall be held to apply upon the sentence against
3 the parolee even if the parole is subsequently revoked, except that the time when
4 the parolee is in violation of the terms of his parole agreement shall not apply
5 upon the sentence.

6 The time when a prisoner is absent from the institution by reason of an escape
7 shall not apply upon the sentence against the prisoner.

8 DIVISION VII

9 DEFERRED JUDGMENTS, SUSPENDED SENTENCES AND PROBATION

1 SECTION 701. NEW SECTION. **Probation.** Probation is the procedure under
2 which a defendant, against whom a judgment of conviction of a public offense
3 may be entered, is released by the court subject to supervision by probation and
4 parole services.

1 SEC. 702. NEW SECTION. **Deferred judgment or suspended sentence.**
2 Pursuant to section one hundred five (105) of this chapter, the trial court may,
3 upon a plea of guilty, a verdict of guilty, or a special verdict upon which a
4 judgment of conviction may be rendered, exercise either of the options
5 contained in subsections one (1) and two (2) of this section. However, this
6 section shall not apply to a forcible felony or a violation of section two hundred
7 four point four hundred one (204.401), subsection one (1) or two (2) of the Code,

8 to which section two hundred four point four hundred nine (204.409), subsection
9 two (2) of the Code is not applicable and which is not proved to be an
10 accommodation offense under section two hundred four point four hundred ten
11 (204.410) of the Code.

12 1. With the consent of the defendant, the court may defer judgment and place
13 the defendant on probation upon such conditions as it may require, or defer
14 sentence and place the defendant as provided in section seven hundred nine
15 (709) of this division. Upon fulfillment of the conditions of probation the
16 defendant shall be discharged without entry of judgment. Upon violation of the
17 conditions of probation, the court may proceed as provided in division eight
18 (VIII) of this chapter.

19 However, this subsection shall not apply if any of the following is true:

20 a. The offense is a violation of section nine hundred eight (908) of the Iowa
21 Criminal Code and the child is twelve years of age or under.

22 b. The defendant is a dangerous offender as defined in section two hundred
23 eight (208) of this chapter.

24 c. The defendant previously has been convicted of a felony. "Felony" means a
25 conviction in a court of this or any other state or of the United States, of an
26 offense classified as a felony by the law under which he or she was convicted at
27 the time of the defendant's conviction.

28 d. Prior to the commission of the offense the defendant had been granted a
29 deferred judgment or similar relief, two or more times anywhere in the United
30 States.

31 e. Prior to the commission of the offense the defendant had been granted a
32 deferred judgment or similar relief in a felony prosecution anywhere in the
33 United States within the preceding five years, measured from the date of
34 granting of deferment of judgment to the date of commission of the offense.

35 2. By record entry at the time of or after sentencing, the court may suspend
36 the sentence and place the defendant on probation upon such terms and
37 conditions as it may require.

1 SEC. 703. NEW SECTION. **Deferred judgment docket.** Any deferment of
2 judgment under this subsection shall be reported promptly to the supreme court
3 administrator who shall maintain a permanent record thereof including the
4 name of the defendant, the district court docket number, the nature of the
5 offense, and the date of the deferment. Before granting deferment in any case,
6 the court shall request of the supreme court administrator a search of the
7 deferred judgment docket and shall consider any prior record of a deferment of
8 judgment against the defendant. The permanent record provided for in this
9 subsection shall constitute a confidential record exempted from public access
10 under section sixty-eight A point seven (68A.7) of the Code and shall be
11 available only to justices of the supreme court, district judges, district associate
12 judges, and judicial magistrates requesting information pursuant to this
13 subsection.

1 SEC. 704. NEW SECTION. **Standards for release on probation.** Before
2 deferring judgment or suspending sentence, the court first shall determine which
3 option, if available, will provide maximum opportunity for the rehabilitation of
4 the defendant and protection of the community from further offenses by the
5 defendant and others. In making this determination the court shall consider the
6 age of the defendant; the defendant's prior record of convictions and prior
7 record of deferments of judgment if any; the defendant's employment
8 circumstances; the defendant's family circumstances; the nature of the offense
9 committed; and such other factors as are appropriate. The court shall file a
10 specific written statement of its reasons for and the facts supporting its decision
11 to defer judgment or to suspend sentence, and its decision on the length of
12 probation.

1 SEC. 705. NEW SECTION. **Conditions of probation.** The court, in ordering
2 probation, may impose any reasonable rules and conditions which will promote
3 rehabilitation of the defendant and protection of the community, including
4 adherence to regulations generally applicable to persons released on parole.

1 SEC. 706. NEW SECTION. **Length of probation.** The length of the probation
2 shall be for such term as the court may fix but not to exceed five years if the
3 offense is a felony or not to exceed two years if the offense is a misdemeanor.

4 If the person is ordered placed under the custody, care and supervision of the
5 probation and parole service, the term of probation shall be determined by the
6 board of parole and the probation of the defendant shall be supervised by the
7 probation and parole service. The length of the probation shall not be less than
8 one year and shall not be less than two years if the offense is a felony. However,
9 the court may subsequently reduce the length of the probation if the court
10 determines that the purposes of probation have been fulfilled, as provided in
11 section seven hundred eight (708) of this division.

12 In determining the length of the probation, the court shall determine what
13 period is most likely to provide maximum opportunity for the rehabilitation of
14 the defendant, to allow enough time to determine whether or not rehabilitation
15 has been successful, and to protect the community from further offenses by the
16 defendant and others.

1 SEC. 707. NEW SECTION. **Supervision during probationary period.** A person
2 released on probation shall be assigned to a parole officer. Both the person and
3 his or her parole officer shall be furnished with the conditions of the person's
4 probation and the regulations which the person will be required to observe, in
5 writing. The parole officer shall explain these conditions and regulations to the
6 person, and shall supervise, assist, and counsel the person during the term of his
7 or her probation.

8 When probation is granted, the court shall order said person committed to the
9 custody, care, and supervision:

- 10 1. Of any suitable resident of this state; or
- 11 2. Of any local agency established under chapter two hundred seventeen (217)
12 of the Code; or
- 13 3. Of the probation and parole service. The chief parole officer may also
14 accept the custody, care and supervision of any person granted probation or
15 parole from a sentence to a term in a county jail. Jurisdiction of these persons
16 shall remain with the sentencing court. The chief parole officer shall not,
17 however, accept the custody, care and supervision of any person who in the
18 chief probation officer's judgment could not be properly supervised.

19 In each case wherein the court shall order said person committed to the
20 custody, care, and supervision of the probation and parole service, the clerk of
21 the district shall at once furnish the chief parole officer with certified copies of
22 the indictment or information, the minutes of testimony attached thereto, the
23 judgment entry if judgment is not deferred, and the original mittimus. The
24 county attorney shall at once advise the chief parole officer, by letter, that the
25 defendant has been placed under the supervision of the probation and parole
26 service and give to the chief parole officer a detailed statement of the facts and
27 circumstances surrounding the crime committed and the record and history of
28 the defendant as may be known to the county attorney. If the defendant is
29 confined in the county jail at the time of sentence, the court may order the
30 defendant held until arrangements are made by the probation and parole service
31 for the defendant's employment and he or she has signed the necessary
32 probation papers. If the defendant is not confined in the county jail at the time
33 of sentence, the court may order the defendant to remain in the county wherein
34 the defendant has been convicted and sentenced and report to the sheriff as to
35 his or her whereabouts.

1 SEC. 708. **NEW SECTION. Discharge from probation.** At any time that the
 2 court determines that the purposes of probation have been fulfilled, the court
 3 may order the discharge of any person from probation. At the expiration of the
 4 period of probation, in cases where the court fixes the term of probation, the
 5 court shall order the discharge of such person from probation, and the court
 6 shall forward to the governor a recommendation for or against restoration of
 7 citizenship rights to such person. A person who has been discharged from
 8 probation shall no longer be held to answer for his or her offense. Upon
 9 discharge from probation, if judgment has been deferred under section seven
 10 hundred two (702) of this division, the court's criminal record with reference to
 11 the deferred judgment shall be expunged. The record maintained by the supreme
 12 court administrator as required by section seven hundred three (703) of this
 13 division shall not be expunged. The court's record shall never be expunged in
 14 any other circumstances except as provided in section six hundred two point
 15 fifteen (602.15) of the Code.

1 SEC. 709. **NEW SECTION. Local correctional program.** The court shall
 2 retain jurisdiction over any person assigned to a local correctional agency until
 3 such time as that person shall be withdrawn from the program by the court.
 4 Upon a showing that such person is not cooperating with the program, or is not
 5 responding to it, the court may withdraw the person from the program and
 6 impose any sentence authorized by law. Before taking such action, the court
 7 shall give the person an opportunity to be heard on any matter relevant to the
 8 proposed action.

1 SEC. 710. **NEW SECTION. Release after completion.** When the court has
 2 determined that any person ordered to participate in a locally administered
 3 correctional program has successfully completed such program, the court shall
 4 order such person to be released on probation. The provisions of sections six
 5 hundred three (603) through six hundred eight (608), inclusive, of this chapter,
 6 shall apply to such release.

1 SEC. 711. **NEW SECTION. Maximum period of confinement.** In no case
 2 shall the total time served in confinement and in any locally administered
 3 correctional program exceed the maximum period of confinement authorized for
 4 the public offense of which the defendant stands convicted.

1 SEC. 712. **NEW SECTION. Restitution.**
 2 1. As used in this section, unless the context otherwise requires:
 3 a. "Victim" means any person who has suffered pecuniary damages as a result
 4 of the defendant's criminal activities. However, with respect to any part of a
 5 victim's pecuniary damages paid by an insurer, the insurer shall be regarded as
 6 the victim only if the insurer has no right of subrogation and the insured has no
 7 duty to pay the proceeds of restitution to the insurer.
 8 b. "Pecuniary damages" means all damages which a victim could recover
 9 against the defendant in a civil action arising out of the same facts or event,
 10 except punitive damages and damages for pain, suffering, mental anguish, and
 11 loss of consortium. Without limitation, "pecuniary damages" includes damages
 12 for wrongful death.
 13 c. "Criminal activities" includes any crime for which there is a plea of guilty,
 14 verdict of guilty, or special verdict upon which a judgment of conviction may be
 15 rendered and any other crime committed after July 1, 1972 which is admitted or
 16 not contested by the defendant, whether or not prosecuted. However, "criminal
 17 activities" does not include misdemeanors under chapter three hundred twenty-
 18 one (321) of the Code.
 19 d. "Restitution" means full or partial payment of pecuniary damages to a
 20 victim.

21 2. It is the policy of this state that restitution be made by each violator of the
22 criminal laws to the victims of his or her criminal activities to the extent that the
23 violator is reasonably able to do so. This section shall be interpreted and
24 administered to effectuate this policy.

25 3. If the trial court exercises either of the sentencing options under section
26 seven hundred two (702) of this division, the court shall require as a condition of
27 probation that the defendant, in cooperation with the probation officer assigned
28 to the defendant, promptly prepare a plan of restitution, including a specific
29 amount of restitution to each victim and a schedule of restitution payments. If
30 the defendant is presently unable to make any restitution but there is a
31 reasonable possibility that the defendant may be able to do so at some time
32 during his probation period, the plan of restitution shall also state the conditions
33 under which or the event after which the defendant will make restitution. If the
34 defendant believes that he or she will not be able to make any restitution, the
35 defendant shall so state and shall specify the reasons. If the defendant believes
36 that no person suffered pecuniary damages as a result of the defendant's
37 criminal activities, he or she shall so state.

38 4. The defendant's plan of restitution and the comments of the defendant's
39 probation officer shall be submitted promptly to the court. The court shall
40 promptly enter an order approving the plan or modifying it and providing for
41 restitution payments to the extent that the defendant is or may become
42 reasonably able to make restitution, taking into account the factors enumerated
43 in subsection five (5) of this section. Compliance with the plan of restitution as
44 approved or modified by the court shall be a condition of the defendant's
45 probation. Restitution payments shall be made to the clerk unless otherwise
46 directed by the court. The court thereafter may modify the plan at any time
47 upon the defendant's request or upon the court's own motion. If the plan as
48 approved or modified does not require full payment of pecuniary damages to all
49 victims, or if the court determines that the defendant is not able and will not be
50 able to make any restitution at any time during the defendant's probation period
51 or that no person suffered pecuniary damages as a result of the defendant's
52 criminal activities, the court shall file a specific written statement of its reasons
53 for and the facts supporting its action or determination.

54 5. The probation officer when assisting the defendant in preparing the plan of
55 restitution, and the court before approving or modifying the plan of restitution,
56 shall consider the physical and mental health and condition of the defendant,
57 the defendant's age, the defendant's education, the defendant's employment
58 circumstances, the defendant's potential for employment and vocational
59 training, the defendant's family circumstances, the defendant's financial
60 condition, the number of victims, the pecuniary damages of each victim, what
61 plan of restitution will most effectively aid the rehabilitation of the defendant,
62 and such other factors as shall be appropriate. The probation officer shall
63 attempt to determine the name and address of each victim and the amount of
64 his or her pecuniary damages.

65 6. The clerk shall mail to each known victim a copy of the court's order
66 approving or modifying the plan of restitution, including the court's statement, if
67 any, under subsection four (4) of this section.

68 7. At any time during the probation period the defendant may request and the
69 court shall grant a hearing on any matter related to the plan of restitution.

70 8. Failure of the defendant to comply with subsection three (3) of this section
71 or to comply with the plan of restitution as approved or modified by the court
72 shall constitute a violation of the conditions of probation. Without limitation,
73 the court may modify the plan of restitution or extend the period of time for
74 restitution, but not beyond the maximum probation period specified in section
75 seven hundred six (706) of this division.

76 9. This section and proceedings under this section shall not limit or impair the
 77 rights of victims to sue and recover damages from the defendant in a civil
 78 action. However, any restitution payment by the defendant to a victim shall be
 79 set off against any judgment in favor of the victim in a civil action arising out of
 80 the same facts or event. The fact that restitution was required or made shall not
 81 be admissible as evidence in a civil action unless offered by such defendant.

82 DIVISION VIII

83 VIOLATIONS OF PAROLE OR PROBATION

1 SECTION 801. NEW SECTION. **Arrest of parole violator.** A parole officer
 2 having probable cause to believe that any person released on parole has violated
 3 the conditions of his or her parole may arrest such person, or the parole officer
 4 may make a complaint before a magistrate, charging such violation, and if it
 5 appears from such complaint, or from affidavits filed with it, that there is
 6 probable cause to believe that such person has violated the terms of his or her
 7 parole, the magistrate shall issue a warrant for the arrest of such person.

1 SEC. 802. NEW SECTION. **Initial appearance.** An officer making an arrest
 2 of an alleged parole violator shall take the arrested person before a magistrate
 3 without unnecessary delay for an initial appearance. At that time the alleged
 4 parole violator shall be furnished with a written notice of the claimed violation,
 5 shall be advised of his or her right to appointed counsel under rule twenty-six
 6 (26) of the rules of criminal procedure, and shall be given notice that a hearing
 7 will take place and that its purpose is to determine whether there is probable
 8 cause to believe that he or she has committed a parole violation.

9 The magistrate may order the alleged parole violator confined in the county
 10 jail or may order the alleged parole violator released on bail under such terms
 11 and conditions as the magistrate may require. Admittance to bail is discretionary
 12 with the magistrate and is not a matter of right.

1 SEC. 803. NEW SECTION. **Place of probable cause hearing.** The probable
 2 cause hearing shall be held in the same county as the alleged parole violator had
 3 his or her initial appearance. The clerk of court shall provide a room suitable for
 4 the probable cause hearing.

1 SEC. 804. NEW SECTION. **Probable cause hearing.** At the probable cause
 2 hearing, a magistrate shall determine whether there is probable cause to believe
 3 that the alleged parole violator has violated his or her parole. The alleged parole
 4 violator shall be informed of the evidence against him or her. The alleged parole
 5 violator shall be given an opportunity to be heard in person and to present
 6 witnesses and other evidence on his or her behalf. The alleged parole violator
 7 shall have the right to confront and cross-examine those furnishing evidence
 8 against him or her, except where the magistrate finds that a witness would be
 9 subjected to risk or harm if the witness' identity were disclosed.

1 SEC. 805. NEW SECTION. **Waiver of probable cause hearing.** The alleged
 2 parole violator may waive the probable cause hearing, in which event the
 3 magistrate shall proceed as upon a finding of probable cause. Before accepting a
 4 waiver of hearing, the magistrate shall inform the alleged violator of the charge
 5 against him or her, of the alleged violator's right to a hearing to determine
 6 whether there is probable cause to believe that he or she has violated his or her
 7 parole, and that if the alleged violator waives the hearing that he or she will be
 8 committed to the custody of the department of social services without further
 9 proceedings, to await the determination of his future status by the parole board.
 10 The magistrate shall make a verbatim record of the proceedings in which the
 11 hearing is waived.

1 SEC. 806. NEW SECTION. **Disposition by magistrate.** If it appears from the
 2 evidence that there is no probable cause to believe that the arrested person has

3 violated the conditions of his or her parole, the magistrate shall order the
4 arrested person to be released from custody and continued on parole. If it
5 appears that there is probable cause to believe that the arrested person has
6 violated the conditions of his or her parole, the magistrate shall commit the
7 arrested person to the custody of the department of social services, and the
8 procedure prescribed in section one hundred seven (107) of this chapter shall
9 apply to such commitment; or the magistrate may admit the arrested person to
10 bail as provided in section eight hundred two (802) of this chapter. The
11 magistrate shall make a summary of the testimony and other evidence
12 considered by the liaison officer and a statement of the facts relied on by the
13 liaison officer as a basis for his or her finding of probable cause or no probable
14 cause, and shall without delay forward them together with all documents
15 relating to the matter to the executive secretary of the parole board. If the
16 alleged parole violator has waived the probable cause hearing, the verbatim
17 record of that proceeding shall be forwarded in lieu of the summary of evidence
18 and statement of facts.

1 SEC. 807. NEW SECTION. **Action by parole board.** Upon a finding of
2 probable cause to believe that a parole violation has occurred, the board of
3 parole shall proceed without unreasonable delay to hear the charge of parole
4 violation. Upon receipt of the record prepared and forwarded by the magistrate,
5 the board shall fix a time and place for such hearing and shall notify in writing
6 the alleged violator, his attorney of record, if any, and the department of social
7 services of such hearing and the claimed violation of parole. The alleged violator
8 shall be given an opportunity to be heard by the board under such rules as the
9 board shall adopt. The inquiry shall be limited to the following two matters: 1.
10 Did the alleged parole violation actually occur? 2. If the violation did occur,
11 should the violator's parole be revoked? If the board determines that the parole
12 should be revoked, it shall make an order revoking the parole. The board shall
13 furnish the violator with a written statement of the facts relied upon to establish
14 a violation and the reasons for revoking parole.

1 SEC. 808. NEW SECTION. **Proceeding without arrest.** The board of parole
2 may receive from a parole officer a charge or complaint of parole violation
3 against any parolee and may proceed to a hearing on such charge in any case
4 where the alleged violator has not been arrested or has been arrested and
5 discharged by the magistrate on a finding of no probable cause. The presence of
6 the alleged violator at such hearing shall be secured by summons. A statement of
7 the charge against the alleged violator shall accompany the summons, and his or
8 her parole officer shall give the alleged violator such assistance as he or she may
9 need to get to the place of the hearing. Travel expenses, if any, shall be paid by
10 the board. If he or she fails without good cause to appear as commanded by the
11 summons, such failure shall be considered a violation of the parole and the
12 board may proceed to revoke his or her parole. If the parole is revoked, the
13 board shall issue a warrant for his or her arrest and return to the custody of the
14 department of social services. Upon his or her return to custody, the board shall
15 give him or her an opportunity to present any matters in defense or mitigation of
16 his conduct if he so requests.

1 SEC. 809. NEW SECTION. **Disposition of violator.** If the parole of any
2 parole violator is revoked, the violator shall remain in the custody of the
3 department of social services under the terms of the parolee's original
4 commitment. If the parole of any parole violator is not revoked, the board shall
5 order his or her release subject to the terms of his or her parole with any
6 modifications that the board shall determine proper.

1 SEC. 810. NEW SECTION. **Violation of probation.** A parole officer or other
2 agency charged with the supervision of a probationer as authorized by sections
3 one hundred seven (107) and five hundred one (501) of this chapter having

4 probable cause to believe that any person released on probation has violated the
 5 conditions of his or her probation shall proceed by arrest or summons as in the
 6 case of a parole violation. The functions of the magistrate and the board of
 7 parole shall be performed by the judge or magistrate who placed the alleged
 8 violator on probation if that judge or magistrate is available, otherwise by
 9 another judge or magistrate who would have had jurisdiction to try the original
 10 offense. Where the parole officer proceeds by arrest, any magistrate may receive
 11 the complaint, issue an arrest warrant, or conduct the initial appearance and
 12 probable cause hearing where it is not convenient for the judge who placed the
 13 alleged violator on probation to do so. The initial appearance, probable cause
 14 hearing, and probation revocation hearing, or any of them, may at the discretion
 15 of the court be merged into a single hearing, when it appears that the alleged
 16 violator will not be prejudiced thereby. If the violation is established, the court
 17 may continue the probation with or without an alteration of the conditions of
 18 probation, or may revoke the probation and may require the defendant to serve
 19 the sentence imposed, or any lesser sentence, and, if imposition of sentence was
 20 deferred, may impose any sentence which might originally have been imposed.

1 SEC. 811. NEW SECTION. **Conviction of other offense.** When the alleged
 2 violation consists of a conviction of a public offense in this or any other state,
 3 such conviction shall be proved by a certified copy of the judgment of
 4 conviction, together with evidence that the alleged violator is the person against
 5 whom the judgment was rendered. Neither the magistrate, court, nor board of
 6 parole shall re-try the facts underlying such conviction.

7 DIVISION IX

8 FINES

1 SECTION 901. NEW SECTION. **Fine without imprisonment.** Upon a verdict
 2 or plea of guilty of any public offense for which a fine is authorized, the court
 3 may impose a fine instead of any other sentence where it appears that the fine
 4 will be adequate to deter the defendant and to discourage others from similar
 5 criminal activity.

1 SEC. 902. NEW SECTION. **Fine in addition to imprisonment** The court may
 2 impose a fine in addition to confinement, where such is authorized.

1 SEC. 903. NEW SECTION. **Payment in installments.** The court may, in its
 2 discretion, order a fine to be paid in installments, or may fix a date in the future
 3 for the payment of the fine, whenever it appears that the defendant cannot make
 4 immediate payment, or should not be made to do so.

1 SEC. 904. NEW SECTION. **Corporations, partnerships and associations.**
 2 Whenever a corporation, partnership or other association, not subject to
 3 imprisonment is found guilty of any public offense, the court may impose a fine
 4 within the limits authorized by law. In addition to such fine, if the offense be a
 5 felony or aggravated misdemeanor, the corporation, partnership or association
 6 shall be liable as follows:

7 1. Any person who has suffered loss because of the public offense may
 8 recover from the corporation, partnership or association in an action at law
 9 damages equal to three times the amount of such loss.

10 2. If the corporation, partnership or association has received pecuniary benefit
 11 from the commission of the offense, the attorney general may recover from such
 12 corporation, partnership or association in an action at law for the use of the
 13 state damages equal to three times the amount of such benefit, provided, that
 14 any amount which is recovered under subsection one (1) of this section shall be
 15 subtracted from the damages recovered by the state.

1 SEC. 905. NEW SECTION. **Nonpayment of fines.** Any person who is able to
 2 pay a fine, or an installment of a fine, and who refuses to do so, or who fails to

3 make a good faith effort to pay his or her fine, or any installment thereof, shall
4 be held in contempt of court.

1 SEC. 906. NEW SECTION. **Fine as judgment.** Whenever a court has
2 imposed a fine on any defendant, the judgment in such case shall state the
3 amount of the fine, and shall have the force and effect of a judgment against the
4 defendant for the amount of the fine. The law relating to judgment liens,
5 executions, and other process available to creditors for the collection of debts
6 shall be applicable to such judgments; provided, that no law exempting the
7 personal property of the defendant from any lien or legal process shall be
8 applicable to such judgments.

9 CHAPTER 4

10 COORDINATING AMENDMENTS

1 SECTION 1. Section seven point ten (7.10), Code 1975, is amended to read as
2 follows:

3 **7.10 Emergency highway peace officers.** Whenever the governor is satisfied
4 that a state of emergency exists, or is likely to exist, on the public streets or
5 highways of this state, because of violations of chapter 321, ~~he~~ *the governor* shall
6 designate any employee or employees of this state as peace officers pursuant to
7 ~~section 748.3, subsection 6 chapter two (2), section one hundred four (104),~~
8 *subsection seven (7), paragraph j, of this Act*, until such time as the governor is
9 satisfied the state of emergency is ended.

1 SEC. 2. Section eight point forty (8.40), Code 1975, is amended to read as
2 follows:

3 **8.40 Misdemeanors—removal—impeachment.** A refusal to perform any of
4 the requirements of this chapter, and the refusal to perform any rule or
5 requirement or request of the governor or the state comptroller made pursuant
6 to or under authority of this chapter, by any board member, commissioner,
7 director, manager, building committee, or other officer or person connected with
8 any institution, or other state department or establishment as herein defined,
9 shall subject the offender to a penalty of two hundred fifty dollars, to be
10 recovered in an action instituted in the district court of Polk county by the
11 attorney general for the use of the state; ~~and shall also constitute a~~
12 ~~misdemeanor, punishable by fine or imprisonment, or both, in the discretion of~~
13 ~~the court.~~ If such offender be not an officer elected by vote of the people, such
14 offense shall be sufficient cause for removal from office or dismissal from
15 employment by the governor upon thirty days' notice in writing to such
16 offender; and, if such offender be an officer elected by vote of the people, such
17 offense shall be sufficient cause to subject the offender to impeachment.

1 SEC. 3. Section eleven point fourteen (11.14), unnumbered paragraph one (1),
2 Code 1975, is amended to read as follows:

3 A report of such examination shall be made in triplicate signed and verified
4 by the officers making the examination; one copy to be filed with the auditor of
5 state, one copy with the officer under investigation, and one copy to the county
6 auditor who shall transmit same to the board of supervisors if a county office is
7 under investigation, or with the president of the school board if a school is under
8 investigation, or with the mayor and the council if a city office is under
9 examination. All reports shall be open to public inspection, including copies on
10 file in the office of the state auditor, and refusal on the part of any public
11 official to permit such inspection when such reports have been filed with ~~him~~ *the*
12 *state auditor* shall constitute a *simple* misdemeanor ~~and shall be punishable by a~~
13 ~~fine not to exceed fifty dollars or by imprisonment in the county jail not to~~
14 ~~exceed fifteen days.~~

1 SEC. 4. Section eleven point nineteen (11.19), unnumbered paragraph two
2 (2), Code 1975, is amended to read as follows:

3 All reports shall be open to public inspection, including copies on file in the
4 office of the state auditor, and refusal on the part of any public official to permit
5 such inspection when such reports have been filed with ~~him the state auditor,~~
6 shall constitute a *simple* misdemeanor ~~and shall be punishable by a fine not to~~
7 ~~exceed fifty dollars or by imprisonment in the county jail not to exceed fifteen~~
8 ~~days.~~

1 SEC. 5. Section eighteen point ten (18.10), Code 1975, is amended to read as
2 follows:

3 **18.10 Capitol buildings and grounds—rules.** The director shall establish,
4 publish, and enforce rules regulating and restricting the use by the public of the
5 capitol buildings and grounds. The rules when established shall be posted in
6 conspicuous places about the buildings and grounds. Any person violating any
7 rule, except a parking regulation, shall be guilty of a *simple* misdemeanor ~~and~~
8 ~~upon conviction be punished by a fine of not to exceed one hundred dollars or~~
9 ~~by imprisonment in the county jail not to exceed thirty days.~~

1 SEC. 6. Section nineteen A point twenty (19A.20), Code 1975, is amended to
2 read as follows:

3 **19A.20 Penalty.** Any person who willfully violates any provision of this
4 chapter or any rules adopted in accordance with this chapter, *where no other*
5 *penalty is prescribed,* shall be guilty of a *simple* misdemeanor ~~and upon~~
6 ~~conviction shall be punished therefor by a fine of not more than one hundred~~
7 ~~dollars or by imprisonment in the county jail for not more than thirty days.~~

1 SEC. 7. Section twenty-five A point fifteen (25A.15), Code 1975, is amended
2 to read as follows:

3 **25A.15 Attorney's fees and expenses.** The court rendering a judgment for
4 the claimant under this chapter, or the state appeal board, with the advice and
5 approval of the attorney general, making an award under section 25A.3, or the
6 attorney general making an award under section 25A.9, as the case may be,
7 shall, as a part of the judgment or award, determine and allow reasonable
8 attorney's fees and expenses, to be paid out of but not in addition to the amount
9 of judgment or award recovered, to the attorneys representing the claimant. Any
10 attorney who charges, demands, receives, or collects for services rendered in
11 connection with such claim any amount in excess of that allowed under this
12 section, if recovery be had, shall be guilty of a *serious* misdemeanor; ~~and shall,~~
13 ~~upon conviction thereof, be subject to a fine of not more than one thousand~~
14 ~~dollars or imprisonment for not more than one year, or both.~~

1 SEC. 8. Section twenty-eight A point eight (28A.8), Code 1975, is amended to
2 read as follows:

3 **28A.8 Penalty.** Any person knowingly violating or attempting to violate
4 any provision of this chapter shall be guilty of a *simple* misdemeanor ~~and upon~~
5 ~~conviction shall be punished by a fine of not more than one hundred dollars.~~

1 SEC. 9. Section thirty point three (30.3), Code 1975, is amended to read as
2 follows:

3 **30.3 Penalties.** ~~If~~ *Where no other penalty is provided,* any person who shall
4 violate any of the provisions of this chapter, ~~he~~ shall be guilty of a *simple*
5 misdemeanor ~~and, on the occasion of the first conviction, shall be fined not less~~
6 ~~than ten dollars nor more than one hundred dollars and, on the occasion of the~~
7 ~~second or any subsequent conviction, shall be imprisoned not less than one day~~
8 ~~nor more than thirty days, according to the discretion of the court, within said~~
9 ~~limits, in any case.~~

1 SEC. 10. Section thirty-five A point nine (35A.9), Code 1975, is amended to
2 read as follows:

3 **35A.9 false statements—penalty.** Whoever knowingly makes a false
4 statement, oral or written, relating to a material fact in supporting a claim under
5 the provisions of this chapter, shall be ~~punished by a fine of not more than one~~
6 ~~thousand dollars or be imprisoned for not more than one year, or both guilty of~~
7 ~~a simple misdemeanor~~, and shall forfeit all benefits he or she might have been
8 entitled to under this chapter.

1 SEC. 11. Section thirty-five B point nine (35B.9), Code 1975, is amended to
2 read as follows:

3 **35B.9 False statements—penalty.** Whoever knowingly makes a false
4 statement, oral or written, relating to a material fact in supporting a claim under
5 the provisions of this chapter, shall be ~~punished by a fine of not more than one~~
6 ~~thousand dollars or be imprisoned for not more than one year, or both guilty of~~
7 ~~a simple misdemeanor~~, and shall forfeit all benefits he or she might have been
8 entitled to under this chapter.

1 SEC. 12. Section forty-three point one hundred twenty (43.120), unnumbered
2 paragraph one (1), Code 1975, is amended to read as follows:

3 Whoever is ~~guilty of commits~~ any of the following acts shall be ~~fin~~**ed not less**
4 ~~than one hundred dollars nor more than five hundred dollars, or be imprisoned~~
5 ~~in the county jail not less than thirty days nor more than six months guilty of a~~
6 ~~serious misdemeanor~~, to wit:

1 SEC. 13. Section forty-eight point five (48.5), subsection three (3), Code 1975,
2 as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
3 eighty-one (81), section forty-nine (49) is amended to read as follows:

4 3. Neither the duplicate registration records open to public inspection nor any
5 list obtained under subsection two (2) of this section shall be used for any
6 purpose of any kind or nature, other than to request a registrant's vote at a
7 primary or general election, or any other bona fide political purpose. The
8 commissioner shall keep a list of the name, address, telephone number, and
9 social security number of each person who copies or obtains copies of the
10 registration lists. Any person that uses such lists in violation of this section shall,
11 upon conviction, be ~~imprisoned in the county jail, not to exceed one year, or be~~
12 ~~fin~~**ed not to exceed one thousand dollars, or by both such fine and**
13 ~~imprisonment, for each violation guilty of a serious misdemeanor.~~

1 SEC. 14. Section forty-eight point sixteen (48.16), Code 1975, is amended to
2 read as follows:

3 **48.16 Penalties.** Any officer or employee who shall willfully fail to perform
4 or enforce any of the provisions of this chapter, or who shall unlawfully or
5 fraudulently remove any registration card or record from its proper
6 compartment in the registration records, or who shall willfully destroy any
7 record provided by this chapter, or any person who shall willfully or
8 fraudulently register more than once, or register under any but his *or her* true
9 name, or votes or attempts to vote by impersonating another who is registered,
10 or who willfully or fraudulently registers in any election precinct where ~~he the~~
11 ~~person~~ is not a resident at the time of registering, or who adds a name or names
12 to a page or pages, or who violates any of the provisions of this chapter, shall be
13 guilty of felony and, upon conviction, shall be ~~imprisoned in the state~~
14 ~~penitentiary for not less than one year an aggravated misdemeanor.~~

1 SEC. 15. Section forty-eight point twenty-seven (48.27), subsection four (4),
2 paragraphs a and d, Code 1975, are amended to read as follows:

3 a. They shall secure registration of eligible voters anywhere in the jurisdiction
4 of the county commissioner of registration. It shall be unlawful for any mobile
5 deputy registrar to refuse to register any eligible voter and any unreasonable

6 refusal shall be a *simple* misdemeanor.

7 d. Mobile deputy registrars shall return all completed registration records at
8 least weekly to the county commissioner of registration except that completed
9 registration records shall be turned in at least every two working days during the
10 last ten days of registration. All completed and unused material must be turned
11 in no later than six o'clock on the day registration closes for the election. Failure
12 to comply with this provision shall be a *simple* misdemeanor.

1 SEC. 16. Section forty-nine point one hundred eight (49.108), Code 1975, is
2 amended to read as follows:

3 **49.108 Penalty.** Any violation of the provisions of section 49.107 shall be
4 ~~punished by a fine of not less than five dollars nor more than one hundred~~
5 ~~dollars, or by imprisonment for not less than ten days nor more than thirty days~~
6 ~~in the county jail, or by both fine and imprisonment constitute a simple~~
7 ~~misdemeanor.~~

1 SEC. 17. Section forty-nine point one hundred ten (49.110), Code 1975, is
2 amended to read as follows:

3 **49.110 Intimidation of employees by employer.** Any employer who shall
4 refuse to an employee the privilege conferred by section 49.109, or shall subject
5 such employee to a penalty or reduction of wages because of the exercise of such
6 privilege, or shall in any manner attempt to influence or control such employee
7 as to how ~~he~~ *the employee* shall vote, by offering any reward, or threatening
8 discharge from employment; or otherwise intimidating or attempting to
9 intimidate such employee from exercising ~~his~~ *the employee's* right to vote, shall
10 be ~~punished by a fine of not less than five dollars nor more than one hundred~~
11 ~~dollars guilty of a simple misdemeanor.~~

1 SEC. 18. Section forty-nine point one hundred twelve (49.112), Code 1975, is
2 amended to read as follows:

3 **49.112 Penalty.** Any person violating section 49.111 shall be ~~fin~~
4 ~~ed not less than ten dollars nor more than one hundred dollars, or imprisoned not less than~~
5 ~~ten nor more than thirty days, or be punished by both said fine and~~
6 ~~imprisonment guilty of a simple misdemeanor.~~

1 SEC. 19. Section forty-nine point one hundred nineteen (49.119), Code 1975,
2 is amended to read as follows:

3 **49.119 Penalty.** Any person violating or attempting to violate any
4 provisions or requirements of this chapter, or failing or refusing to comply with
5 any order or command of an election officer, made in pursuance of the
6 provisions of this chapter, shall, unless otherwise provided, be ~~punished by a fine~~
7 ~~of not less than fifty dollars nor more than two hundred dollars, or by~~
8 ~~imprisonment of not less than twenty days, nor more than six months, in the~~
9 ~~county jail guilty of a simple misdemeanor.~~

1 SEC. 20. Section forty-nine point one hundred twenty-two (49.122), Code
2 1975, is amended to read as follows:

3 **49.122 Penalty.** Any person violating any of the provisions of sections
4 49.120 and 49.121 shall be deemed guilty of a *simple* misdemeanor ~~and punished~~
5 ~~by a fine of not less than fifty dollars nor more than three hundred dollars, or by~~
6 ~~imprisonment in the county jail not less than thirty days nor more than six~~
7 ~~months.~~

1 SEC. 21. Section fifty-one point sixteen (51.16), Code 1975, is amended to
2 read as follows:

3 **51.16 Violations.** Any judge or clerk violating the provisions of this chapter
4 shall be guilty of a *simple* misdemeanor; ~~and, upon conviction thereof, shall be~~
5 ~~liable to a fine of not to exceed five hundred dollars, or imprisonment in the~~
6 ~~county jail not to exceed six months. Any person so convicted shall be~~
7 ~~disfranchised for five years thereafter.~~

1 SEC. 22. Section fifty-three point thirty-four (53.34), Code 1975, is amended
2 to read as follows:

3 **53.34 False affidavit.** Any person who shall willfully swear falsely to any of
4 such affidavits shall be guilty of ~~perjury, and punished accordingly a fraudulent~~
5 ~~practice.~~

1 SEC. 23. Section fifty-three point thirty-five (53.35), Code 1975, is amended
2 to read as follows:

3 **53.35 Refusal to return ballot.** Any person who, having procured an official
4 ballot or ballots, shall willfully neglect or refuse to cast or return the same in the
5 manner provided, or who shall willfully violate any provision of this chapter,
6 shall, unless otherwise provided, be ~~fined not to exceed one hundred dollars, or~~
7 ~~imprisoned in the county jail not to exceed thirty days guilty of a simple~~
8 ~~misdemeanor.~~ Any person who applies for a ballot and willfully neglects or
9 refuses to return the same shall be deemed to have committed an offense in the
10 county to which such ballot was returnable.

1 SEC. 24. Section fifty-three point thirty-six (53.36), Code 1975, is amended to
2 read as follows:

3 **53.36 Offenses by officers.** If any commissioner or any election officer shall
4 refuse or neglect to perform any of the duties prescribed by this chapter, or shall
5 violate any of the provisions thereof, he *or she* shall be ~~fined not less than one~~
6 ~~hundred dollars nor more than one thousand, or imprisoned in the county jail~~
7 ~~not to exceed ninety days, where no other penalty is provided, be guilty of a simple~~
8 ~~misdemeanor.~~

1 SEC. 25. Section fifty-six point sixteen (56.16), Code 1975, is amended to
2 read as follows:

3 **56.16 Penalty.** Any person who willfully violates any provisions of this
4 chapter shall upon conviction, be ~~subject to a fine of not more than one~~
5 ~~thousand dollars or imprisonment in the county jail for not more than thirty~~
6 ~~days guilty of a serious misdemeanor.~~

1 SEC. 26. Section sixty-four point twenty-five (64.25), Code 1975, is amended
2 to read as follows:

3 **64.25 Failure to give bond.** ~~Any Action by any officer who acts in an~~
4 ~~official capacity without giving bond when such bond is required shall be fined~~
5 ~~in an amount not exceeding the amount of the bond required of him constitute~~
6 ~~grounds for removal from office.~~

1 SEC. 27. Section sixty-seven point six (67.6), Code 1975, is amended to read
2 as follows:

3 **67.6 Effect of order—penalty.** It shall be unlawful for such officer, after the
4 making of such order of suspension, to exercise or attempt to exercise any of the
5 functions of his *or her* office until such suspension shall be revoked; and any
6 attempt by the suspended officer to exercise such office shall be ~~punished by~~
7 ~~imprisonment in the county jail not more than one year, or by a fine not~~
8 ~~exceeding one thousand dollars, or by both fine and imprisonment constitute a~~
9 ~~serious misdemeanor.~~

1 SEC. 28. Section sixty-eight A point six (68A.6), Code 1975, is amended to
2 read as follows:

3 **68A.6 Penalty.** It shall be unlawful for any person to deny or refuse any
4 citizen of Iowa any right under this chapter, or to cause any such right to be
5 denied or refused. Any person knowingly violating or attempting to violate any
6 provision of this chapter ~~where no other penalty is provided~~ shall be guilty of a
7 ~~simple misdemeanor and upon conviction shall be punished by a fine of not~~
8 ~~more than one hundred dollars.~~

1 SEC. 29. Section sixty-nine point two (69.2), subsection six (6), Code 1975, is
2 amended to read as follows:

3 6. The conviction of incumbent of an ~~infamous crime~~ *aggravated misdemeanor*,
4 or of any public offense involving the violation of ~~his~~ *the incumbent's* oath of
5 office.

1 SEC. 30. Section seventy-three point five (73.5), Code 1975, is amended to
2 read as follows:

3 **73.5 Violations.** Any officer or person who is connected with, or is a
4 member or agent or representative of any commission, board, committee, officer
5 or other governing body of this state, or of any county, township, school district,
6 city, or contractor, who fails to give preference to Iowa labor as required in
7 sections 73.3 and 73.4, shall be guilty of a *simple* misdemeanor, ~~and upon~~
8 ~~conviction shall be punished by a fine of not to exceed one hundred dollars, or~~
9 ~~by imprisonment in the county jail for not to exceed thirty days.~~ Each separate
10 case of failure to give preference to Iowa labor shall constitute a separate
11 offense.

1 SEC. 31. Section seventy-five point seven (75.7), Code 1975, is amended to
2 read as follows:

3 **75.7 Penalty.** Any public officer who fails to perform any duty required by
4 this chapter or who does any act prohibited by this chapter, *where no other*
5 *penalty is provided*, shall be guilty of a *simple* misdemeanor.

1 SEC. 32. Section seventy-seven point eleven (77.11), Code 1975, is amended
2 to read as follows:

3 **77.11 Improperly acting as notary.** If any notary public exercises the duties
4 of his *or her* office after the expiration of his *or her* commission, or when
5 otherwise disqualified, or appends his *or her* official signature to documents
6 when the parties have not appeared before him *or her*, he *or she* shall be ~~fin~~
7 ~~not less than fifty dollars~~ *guilty of a simple misdemeanor*, and shall be removed
8 from office by the secretary of state.

1 SEC. 33. Section seventy-seven point fifteen (77.15), Code 1975, is amended
2 to read as follows:

3 **77.15 Neglect to deposit records.** If any notary, on his *or her* resignation or
4 removal, neglects for three months so to deposit them, he *or she* shall be guilty of
5 a *simple* misdemeanor and be liable in an action to any person injured by such
6 neglect.

1 SEC. 34. Section seventy-seven point sixteen (77.16), Code 1975, is amended
2 to read as follows:

3 **77.16 Neglect of executor to deposit records.** If an executor or administrator
4 of a deceased notary willfully neglects, for three months after his *or her*
5 acceptance of that appointment, to deposit in the secretary of state's office the
6 records and papers of a deceased notary which came into his *or her* hands, he
7 shall be held guilty of a *simple* misdemeanor.

1 SEC. 35. Section eighty point six (80.6), Code 1975, is amended to read as
2 follows:

3 **80.6 Impersonating officer—uniform.** Any person who impersonates a
4 member of the Iowa safety patrol or other officer or employee of the
5 department, or wears a uniform likely to be confused with the official uniform
6 of any such officer, with intent to deceive anyone, shall be guilty of a *simple*
7 misdemeanor ~~and be punished as provided in section 321.482.~~

1 SEC. 36. Section eighty A point twelve (80A.12), Code 1975, is amended to
2 read as follows:

3 **80A.12 Penalties.** Any person, firm or corporation who violates any of the
4 provisions of this chapter ~~or~~ *where no other penalty is provided shall be guilty of a*
5 *simple misdemeanor.* *Anyone* who makes any false statement or representation in

6 any application or statement filed with the commissioner of public safety, as
 7 required by this chapter, or any person who falsely states or represents that he or
 8 she has been or is a private detective or advertises himself or herself as such; or
 9 ~~any shall be guilty of a fraudulent practice. Any person, firm, or corporation who~~
 10 engages in the private detective business or profession as defined in this chapter,
 11 without being possessed of a current, valid license therefor, as provided by this
 12 chapter, shall be guilty of a *serious* misdemeanor ~~and upon conviction thereof~~
 13 ~~shall be punished by a fine of not less than one hundred dollars, nor more than~~
 14 ~~five hundred dollars, or by imprisonment in the county jail not to exceed six~~
 15 ~~months, or by both such fine and imprisonment.~~

1 SEC. 37. Section eighty-one point thirteen (81.13), Code 1975, is amended to
 2 read as follows:

3 **81.13 Penalties.** Any person violating any provision of this chapter shall be
 4 guilty of a *simple* misdemeanor, except as herein otherwise provided; ~~and shall~~
 5 ~~upon conviction thereof be punished by a fine of not more than one hundred~~
 6 ~~dollars or by imprisonment in the county jail not exceeding thirty days.~~

1 SEC. 38. Section eighty-one A point nine (81A.9), Code 1975, is amended to
 2 read as follows:

3 **81A.9 Penalty.** Any merchant, whether an individual person, a firm,
 4 corporation, partnership or association violating any of the provisions of this
 5 chapter shall, ~~upon conviction, be fined in a sum not to exceed one hundred~~
 6 ~~dollars, or be imprisoned not to exceed thirty days in jail be guilty of a simple~~
 7 ~~misdemeanor.~~ Each sale made in violation of the provisions hereof shall be and
 8 constitute a separate offense.

1 SEC. 39. Section eighty-three A point twenty-nine (83A.29), Code 1975, is
 2 amended to read as follows:

3 **83A.29 Penalty for failure to register.** Any operator who fails to make
 4 timely application for registration of each site where mining is being conducted
 5 is guilty of a *simple* misdemeanor ~~and on conviction shall be punished by a fine~~
 6 ~~of not less than fifty dollars nor more than five hundred dollars or by~~
 7 ~~imprisonment not to exceed thirty days, or both such fine and imprisonment.~~
 8 Each day mining activities are conducted at a site for which no application for
 9 registration has been made as required under section 83A.13 shall constitute a
 10 separate violation.

1 SEC. 40. Section eighty-four point sixteen (84.16), subsections one (1) and
 2 two (2), Code 1975, are amended to read as follows:

3 **84.16 Penalties.**

4 1. Any person who violates any provision of this chapter, or any rule or order
 5 of the council *where no other penalty is provided* shall be ~~subject to a penalty of~~
 6 ~~not more than one thousand dollars for each act of violation and for each day~~
 7 ~~that such violation continues; unless the penalty for such violation is otherwise~~
 8 ~~specifically provided for and made exclusive in this chapter guilty of a simple~~
 9 ~~misdemeanor.~~

10 2. If any person, for the purpose of evading this chapter, or any rule or order
 11 of the council, shall make or cause to be made any false entry or statement in a
 12 report required by this chapter or by any such rule or order, or shall make or
 13 cause to be made any false entry in any record, account, or memorandum
 14 required by this chapter, or by any such rule or order, or shall omit, or cause to
 15 be omitted, from any such record, account, or memorandum, full, true, and
 16 correct entries as required by this chapter, or by any such rule or order, or shall
 17 remove from this state or destroy, mutilate, alter or falsify any such record,
 18 account, or memorandum, such person shall be guilty of a *misdemeanor* ~~and,~~
 19 ~~upon conviction, shall be subject to a fine of not more than five thousand~~
 20 ~~dollars or imprisonment in a county jail for a term not exceeding six months, or~~
 21 ~~to both such fine and imprisonment~~ *fraudulent practice.*

1 SEC. 41. Section eighty-four point sixteen (84.16), Code 1975, is amended by
2 striking subsection four (4).

1 SEC. 42. Section eighty-five point forty-one (85.41), Code 1975, is amended
2 to read as follows:

3 **85.41 Refusal to furnish statement.** On failure of the employer to furnish
4 such statement of earnings for thirty days after receiving written request therefor
5 from an injured employee, ~~his~~ *the employee's* agent, attorney, dependent, or legal
6 representative, such employer shall pay a penalty of ~~twenty-five dollars for each~~
7 ~~offense to be collected by the commissioner in any court having jurisdiction and~~
8 ~~paid into the state treasury~~ *be guilty of a simple misdemeanor.*

1 SEC. 43. Section eighty-five point fifty-four (85.54), Code 1975, is amended
2 to read as follows:

3 **85.54 Contracts to avoid compensation.** Any contract of employment, relief
4 benefit, or insurance, or other device whereby the employee is required to pay
5 any premium or premiums for insurance against the compensation provided for
6 in this chapter, shall be null and void; and any employer withholding from the
7 wages of any employee any amount for the purpose of paying any such premium
8 shall be guilty of a *simple misdemeanor and punishable by a fine not less than*
9 ~~ten dollars nor more than fifty dollars for each offense.~~

1 SEC. 44. Section eighty-six point four (86.4), Code 1975, is amended to read
2 as follows:

3 **86.4 Political activity and contributions.** It shall be unlawful for the
4 commissioner, or any appointee of the commissioner while in office, to espouse
5 the election or appointment of any candidate to any political office, ~~contribute~~
6 ~~to the campaign fund of any political party; or to the campaign fund of any~~
7 ~~person who is a candidate for election or appointment to any political office;~~
8 and any person violating the provisions of this section shall be guilty of a *simple*
9 ~~misdemeanor and shall be fined one hundred dollars, and it shall be sufficient~~
10 ~~cause for removal from office.~~

1 SEC. 45. Section eighty-six point five (86.5), Code 1975, is amended to read
2 as follows:

3 **86.5 Political promises.** Any person who is a candidate for appointment as
4 commissioner who makes any promise to another, express or implied, in
5 consideration of any assistance or influence given or recommendation made that
6 the candidate will, if appointed as a commissioner, appoint such person or one
7 whom he *or she* may recommend to any office within the power of the
8 commissioner to appoint, shall be ~~fined one hundred dollars~~ *guilty of a simple*
9 ~~misdemeanor.~~

1 SEC. 46. Section eighty-six point ten (86.10), unnumbered paragraph three
2 (3), Code 1975, is amended to read as follows:

3 ~~A refusal~~ *Refusal* on the part of the employer to submit his *or her* books,
4 records, or payrolls for the inspection of the commissioner or his *or her*
5 authorized representatives presenting written authority from the commissioner,
6 shall ~~subject the employer to a penalty of one hundred dollars for each such~~
7 ~~offense, to be collected by civil action in the name of the state, and paid into the~~
8 ~~state treasury~~ *constitute a simple misdemeanor.*

1 SEC. 47. Section eighty-six point twelve (86.12), Code 1975, is amended to
2 read as follows:

3 **86.12 Failure to report.** Any employer who willfully fails to make the
4 reports required by this chapter shall be ~~liable to a penalty of fifty dollars for~~
5 ~~each offense to be recovered by the commissioner~~ *guilty of a simple misdemeanor.*
6 The commissioner shall be represented by the county attorney of the county in
7 which such proceedings is brought.

1 SEC. 48. Section eighty-seven point two (87.2), unnumbered paragraph three
2 (3), Code 1975, is amended to read as follows:

3 Any employer coming under the provisions of this and chapters 85 and 86
4 who fails to comply with this section or to post and keep the above notice in the
5 manner and form herein required, shall be guilty of a *simple* misdemeanor.

1 SEC. 49. Section eighty-seven point fourteen (87.14), Code 1975, is amended
2 to read as follows:

3 **87.14 Mines—insurance required.** It shall be unlawful for any person, firm,
4 association, corporation or partnership to engage in the business of operating a
5 mine under any system of removing coal for sale, or any work in connection
6 therewith, or incident thereto, without first obtaining insurance covering
7 compensation payments or obtaining relief therefrom as provided in chapters 85,
8 86, and 87, as herein amended. Any violation of this section shall be deemed a
9 *simple* misdemeanor ~~and upon conviction of such offense the offender shall be~~
10 ~~punished by a fine of not less than ten dollars nor more than one hundred~~
11 ~~dollars.~~ Each day such offense is committed shall be regarded as a separate,
12 wrongful act and may be prosecuted in one proceeding, but in separate counts,
13 at the election of the prosecuting attorney.

1 SEC. 50. Section eighty-eight point fourteen (88.14), subsection eight (8),
2 Code 1975, is amended to read as follows:

3 8. Disclosure of confidential information. Whoever violates the provisions of
4 section 88.12 shall be ~~fined not more than one thousand dollars, or imprisoned~~
5 ~~not more than one year, or both such fine and imprisonment guilty of a serious~~
6 ~~misdemeanor;~~ and shall be removed from office or employment.

1 SEC. 51. Section eighty-eight A point ten (88A.10), subsection two (2), Code
2 1975, is amended to read as follows:

3 2. Any person who interferes with, impedes, or obstructs in any manner the
4 commissioner or any authorized representative of the bureau in the performance
5 of his *or her* duties under this chapter is guilty of a *simple* misdemeanor. Any
6 person who bribes or attempts to bribe the commissioner or his *or her* designee
7 shall be subject to ~~section 739.1 chapter one (1), section two thousand two hundred~~
8 ~~one (2201) of this Act.~~

1 SEC. 52. Section eighty-nine point nine (89.9), Code 1975, is amended to read
2 as follows:

3 **89.9 Penalty.** Any person or persons, corporations and directors, managers
4 and superintendents, and officers thereof, violating any of the provisions of this
5 chapter, shall be guilty of a *simple* misdemeanor; ~~and upon conviction thereof~~
6 ~~shall be punished by a fine in a sum not more than one hundred dollars.~~

1 SEC. 53. Section ninety-one point sixteen (91.16), Code 1975, is amended to
2 read as follows:

3 **91.16 Violations—penalties.** Persons violating any of the provisions of this
4 chapter shall be punished as in this section provided, respectively:

5 1. Any owner, superintendent, manager, or person in charge of any factory,
6 mill, workshop, store, mine, hotel, restaurant, cafe, railway, business house,
7 public or private work, who shall refuse to allow the commissioner of labor or
8 any inspector or employee of the bureau of labor to enter the same, or who shall
9 hinder or deter him *or her* in collecting information which it is his *or her* duty to
10 collect shall be ~~fined not exceeding one hundred dollars or imprisoned in the~~
11 ~~county jail not exceeding thirty days guilty of a simple misdemeanor.~~

12 2. Any person duly subpoenaed to attend a hearing before the commissioner
13 or deputy or a court in any proceeding provided by this chapter who shall
14 willfully neglect or refuse to attend or testify at the time and place named in the
15 subpoena shall be ~~fined not exceeding fifty dollars or imprisoned in the county~~
16 ~~jail not exceeding thirty days.~~

17 3 2. Any officer or employee of the bureau of labor, or any person making
18 unlawful use of names or information obtained by virtue of his *or her* office,
19 shall be ~~fined not exceeding five hundred dollars or imprisoned in the county jail~~
20 ~~not exceeding one year guilty of a serious misdemeanor.~~

21 4 3. Any owner, operator, or manager of a factory, mill, workshop, mine,
22 store, railway, business house, public or private work, who shall neglect or refuse
23 for thirty days after receipt of notice from the commissioner to furnish any
24 reports or returns he *or she* may require to enable him *or her* to discharge his *or*
25 *her* duties shall be ~~fined not to exceed one hundred dollars or imprisoned in the~~
26 ~~county jail not to exceed thirty days guilty of a simple misdemeanor.~~

1 SEC. 54. Section ninety-two point twenty (92.20), Code 1975, is amended to
2 read as follows:

3 **92.20 Penalty.** The parent, guardian, or person in charge of any migratory
4 worker or of any child who shall engage in any street occupation in violation of
5 any of the provisions of this chapter shall be ~~punished by a fine of not less than~~
6 ~~twenty dollars nor more than fifty dollars guilty of a simple misdemeanor.~~

7 Any person who furnishes or sells to any minor child any article of any
8 description when ~~he~~ *the person* knows or should have known that said minor
9 intends to sell in violation of the provisions of this chapter, shall be ~~punished by~~
10 ~~a fine of not less than twenty dollars nor more than one hundred dollars guilty of~~
11 ~~a simple misdemeanor.~~

12 Any other violation of this chapter for which a penalty is not specifically
13 provided, shall be ~~punishable by a fine of not less than twenty dollars nor more~~
14 ~~than one hundred dollars guilty of a simple misdemeanor.~~ Every day during which
15 any violation of this chapter continues shall constitute a separate and distinct
16 offense, and the employment of any person in violation of this chapter shall,
17 with respect to each person so employed, constitute a separate and distinct
18 offense.

1 SEC. 55. Section ninety-four point seven (94.7), Code 1975, is amended to
2 read as follows:

3 **94.7 Unlawful practices—civil liability.** ~~No~~ Any person, firm, or
4 corporation shall ~~send who sends~~ an application for employment to an employer
5 who has not applied to such person, firm, or corporation for help or labor ~~shall~~
6 ~~be guilty of a simple misdemeanor. Nor shall any~~ Any person, firm, or corporation
7 engaged in the business of operating an employment agency or bureau, ~~who~~
8 fraudulently ~~promise or deceive promises or deceives~~ either through a false notice
9 or advertisement or other means, any applicant for help or employment with
10 regard to the service to be rendered by such person, firm, corporation, agency,
11 or bureau ~~shall be guilty of a simple misdemeanor. Any person who violates any~~
12 ~~of the provisions of this section shall be liable in a civil suit for damages to any~~
13 ~~person who is damaged or injured thereby and shall also be guilty of a~~
14 ~~misdemeanor, and upon conviction, shall be punished as provided in section~~
15 ~~94.12.~~

1 SEC. 56. Section ninety-four point twelve (94.12), Code 1975, is amended to
2 read as follows:

3 **94.12 Violations.** Any person, firm, or corporation violating any of the
4 provisions of this chapter, or who shall refuse access to records, books, or other
5 papers relative to the conduct of such agency or bureau, to any person having
6 authority to examine same, shall be ~~punished by a fine not exceeding one~~
7 ~~hundred dollars or imprisonment in the county jail not to exceed thirty days~~
8 ~~guilty of a simple misdemeanor unless otherwise provided.~~

1 SEC. 57. Section ninety-five point six (95.6), Code 1975, is amended to read
2 as follows:

3 **95.6 Violations.** Any person in any manner undertaking to do any of the
4 things described in section 95.1, without first securing a license as herein
5 provided, shall be guilty of a *serious* misdemeanor.

1 SEC. 58. Section ninety-six point eleven (96.11), subsection nine (9), Code
2 1975, is amended to read as follows:

3 9. Subpoenas. In case of contumacy by, or refusal to obey a subpoena issued
4 to any person, any court of this state within the jurisdiction of which the inquiry
5 is carried on or within the jurisdiction of which said person guilty of contumacy
6 or refusal to obey is found or resides or transacts business, upon application by
7 the commission, or appeal tribunal, or any member or duly authorized
8 representative thereof, shall have jurisdiction to issue to such person an order
9 requiring such person to appear before the commission, or an appeal tribunal,
10 there to produce evidence if so ordered or there to give testimony touching the
11 matter under investigation or in question; any failure to obey such order of the
12 court may be punished by said court as a contempt thereof. ~~Any person who
13 shall without just cause fail or refuse to attend and testify or to answer any
14 lawful inquiry or to produce books, papers, correspondence, memoranda, and
15 other records, if it is in his power to do so, in obedience to a subpoena, shall be
16 punished by a fine of not more than two hundred dollars or by imprisonment,
17 for not longer than sixty days, or by both such fine and imprisonment, and each
18 day such violation continues shall be deemed to be a separate offense.~~

1 SEC. 59. Section ninety-six point fifteen (96.15), subsections one (1) and two
2 (2), Code 1975, are amended to read as follows:

3 1. Waiver of rights void. Any agreement by an individual to waive, release, or
4 commute his *or her* rights to benefits or any other rights under this chapter shall
5 be void. Any agreement by any individual in the employ of any person or
6 concern to pay all or any portion of an employer's contributions, required under
7 this chapter from such employer, shall be void. No employer shall directly or
8 indirectly make or require or accept any deduction from wages to finance the
9 employer's contributions required from ~~him~~ *the employer*, or require or accept
10 any waiver of any right hereunder by any individual in his *or her* employ. Any
11 employer or officer or agent of an employer who violates any provision of this
12 subsection shall, for each offense, be ~~fin~~ *ined not less than one hundred dollars nor*
13 ~~more than one thousand dollars or be imprisoned for not more than six months,~~
14 ~~or both guilty of a serious misdemeanor.~~

15 2. Limitation of fees. No individual claiming benefits shall be charged fees of
16 any kind in any proceeding under this chapter by the commission or its
17 representatives or by any court or any officer thereof. Any individual claiming
18 benefits in any proceeding before the commission, or an appeal tribunal or a
19 court may be represented by counsel or other duly authorized agent; but no
20 such counsel or agent shall either charge or receive for such services more than
21 an amount approved by the commission. Any person who violates any
22 provisions of this subsection shall, for each such offense, be ~~fin~~ *ined not less than*
23 ~~fifty dollars nor more than five hundred dollars, or imprisoned for not more~~
24 ~~than six months, or both guilty of a serious misdemeanor.~~

1 SEC. 60. Section ninety-six point sixteen (96.16), subsections one (1), two (2),
2 and three (3), Code 1975, are amended to read as follows:

3 1. Penalties. Whoever makes a false statement or representation knowing it to
4 be false or knowingly fails to disclose a material fact, to obtain or increase any
5 benefit or other payment under this chapter, either for himself or for any other
6 person, shall be ~~punished by a fine of not less than twenty dollars nor more than~~
7 ~~fifty dollars or by imprisonment for not longer than thirty days guilty of a~~
8 ~~fraudulent practice.~~ Each such false statement or representation or failure to
9 disclose a material fact shall constitute a separate offense.

10 2. False statement. Any employing unit or any officer or agent of an
 11 employing unit or any other person who makes a false statement or
 12 representation knowing it to be false, or who knowingly fails to disclose a
 13 material fact, to prevent or reduce the payment of benefits to any individual
 14 entitled thereto, or to avoid becoming or remaining subject hereto, or to avoid or
 15 reduce any contribution or other payment required from an employing unit
 16 under this chapter, or who willfully fails or refuses to make any such
 17 contributions or other payment or to furnish any reports required hereunder, or
 18 to produce or permit the inspection or copying of records as required hereunder,
 19 shall be ~~punished by a fine of not less than twenty dollars nor more than two~~
 20 ~~hundred dollars, or by imprisonment for not longer than sixty days, or by both~~
 21 ~~such fine and imprisonment~~ *guilty of a fraudulent practice*; and each such false
 22 statement or representation or failure to disclose a material fact, and each day of
 23 such failure or refusal, shall constitute a separate offense.

24 3. Unlawful acts. Any person who shall willfully violate any provisions of this
 25 chapter or any rule thereunder, the violation of which is made unlawful or the
 26 observance of which is required under the terms of this chapter, and for which a
 27 penalty is neither prescribed herein nor provided by any other applicable statute,
 28 shall be ~~punished by a fine of not less than twenty dollars nor more than two~~
 29 ~~hundred dollars or by imprisonment for not longer than sixty days, or by both~~
 30 ~~such fine and imprisonment~~ *guilty of a simple misdemeanor*, and each day such
 31 violation continues shall be deemed to be a separate offense.

1 SEC. 61. Section ninety-seven A point thirteen (97A.13), Code 1975, is
 2 amended to read as follows:

3 **97A.13 Protection against fraud.** Any person who shall knowingly make
 4 any false statement, or shall falsify or permit to be falsified any record or
 5 records of the system in any attempt to defraud the system as a result of such
 6 act, shall be guilty of a ~~misdemeanor~~ and shall be punishable therefor under the
 7 ~~laws of this state~~ *fraudulent practice*. Should any change or error in records result
 8 in any member or beneficiary receiving from the system more or less than ~~he~~ *the*
 9 *person* would have been entitled to receive had the records been correct, the
 10 board of trustees shall correct such error, and, as far as practicable, shall adjust
 11 the payments in such a manner that the actuarial equivalent of the benefit to
 12 which such member or beneficiary was correctly entitled, shall be paid.

1 SEC. 62. Section ninety-seven B point thirty-eight (97B.38), Code 1975, is
 2 amended to read as follows:

3 **97B.38 Fees for services.** The commission may, by rule, prescribe the
 4 maximum fees which may be charged for services performed in connection with
 5 any claim before the commission under this chapter, and any agreement in
 6 violation of such rules shall be void. Any person who shall, with intent to
 7 defraud, in any manner willfully and knowingly deceive, mislead, or threaten any
 8 claimant or prospective claimant or beneficiary under this chapter by word,
 9 circular, letter or advertisement, or who shall knowingly charge or collect directly
 10 or indirectly any fee in excess of the maximum fee, or make any agreement
 11 directly or indirectly to charge or collect any fee in excess of the maximum fee,
 12 prescribed by the commission, shall be deemed guilty of a ~~misdemeanor~~ and,
 13 ~~upon conviction thereof, shall for each offense be punished by a fine not~~
 14 ~~exceeding five hundred dollars or by imprisonment not exceeding one year, or~~
 15 ~~both~~ *fraudulent practice*.

1 SEC. 63. Section ninety-seven B point forty (97B.40), Code 1975, is amended
 2 to read as follows:

3 **97B.40 Fraud.** Whoever, for the purpose of causing an increase in any
 4 payment authorized to be made under this chapter, or for the purpose of causing
 5 any payment to be made where no payment is authorized under this chapter,
 6 shall willfully make or cause to be made any false statement or representation as
 7 to the amount of any wages paid or received for the period during which earned

8 or unpaid, knowing it to be false or whoever makes or causes to be made any
 9 false statement of a material fact knowing it to be false in any application for
 10 any payment under this chapter, or whoever willfully makes or causes to be
 11 made any false statement, representation, affidavit, or document in connection
 12 with such an application knowing them to be false, shall be guilty of a
 13 ~~misdemeanor and upon conviction thereof shall be fined not more than one~~
 14 ~~thousand dollars or imprisoned for not more than one year, or both fraudulent~~
 15 ~~practice.~~

1 SEC. 64. Section ninety-eight point three (98.3), Code 1975, is amended to
 2 read as follows:

3 **98.3 Violation.** Any person who shall violate any of the provisions of
 4 section 98.2 shall for the first offense be ~~punished by a fine of not less than~~
 5 ~~twenty-five dollars nor more than one hundred dollars, or by imprisonment in~~
 6 ~~the county jail for not more than thirty days guilty of a simple misdemeanor.~~ For
 7 a second or any subsequent violation such person shall be ~~punished by a fine of~~
 8 ~~not less than one hundred dollars nor more than five hundred dollars, or~~
 9 ~~imprisonment in the county jail for not less than one month nor more than six~~
 10 ~~months or by both such fine and imprisonment guilty of a serious misdemeanor.~~

1 SEC. 65. Section ninety-eight point thirty-seven (98.37), Code 1975, is
 2 amended to read as follows:

3 **98.37 Certain offenses and penalties provided.** Whoever shall violate any
 4 provision of this chapter for which a fine or imprisonment is not elsewhere
 5 specifically provided, shall be ~~punished by a fine of not less than ten dollars nor~~
 6 ~~more than one hundred dollars or by imprisonment for not to exceed thirty days~~
 7 ~~guilty of a simple misdemeanor unless otherwise provided.~~

1 SEC. 66. Section ninety-eight point thirty-eight (98.38), Code 1975, is
 2 amended to read as follows:

3 **98.38 Counterfeiting and previously used stamps.** Any person who shall
 4 print, engrave, make, issue, sell, or circulate, or shall possess or have in his or her
 5 possession with intent to use, sell, circulate, or pass, any counterfeit stamp or
 6 previously used stamp, or who shall use, or consent to the use of, any counterfeit
 7 stamp or previously used stamp in connection with the sale, or offering for sale,
 8 of any cigarettes, or who shall place, or cause to be placed, on any individual
 9 package of cigarettes, any counterfeit stamp or previously used stamp, shall be
 10 guilty of a felony and upon conviction shall be ~~fined not less than one hundred~~
 11 ~~dollars nor more than one thousand dollars or by imprisonment not more than~~
 12 ~~one year or both such fine and imprisonment an aggravated misdemeanor.~~

1 SEC. 67. Section ninety-eight point forty-five (98.45), unnumbered paragraph
 2 four (4), Code 1975, is amended to read as follows:

3 Any person who fails or refuses to transmit to the director the required
 4 reports or whoever refuses to permit the examination of the records by the
 5 director shall be guilty of a *simple* misdemeanor.

1 SEC. 68. Section ninety-eight point fifty (98.50), Code 1975, is amended to
 2 read as follows:

3 **98.50 Violations, penalties.**
 4 1. Any person who in any manner knowingly attempts to evade the tax
 5 imposed by this division or who knowingly aids or abets in the evasion or
 6 attempted evasion of the tax or who knowingly violates the provisions of section
 7 98.44, subsection 1, of this division, shall be ~~imprisoned in the county jail for a~~
 8 ~~term of not more than one year or fined not to exceed one thousand dollars, or~~
 9 ~~both guilty of a serious misdemeanor.~~

10 2. Any person who otherwise violates any provisions of this division shall be
 11 guilty of a *simple* misdemeanor.

1 SEC. 69. Section ninety-nine point one (99.1), unnumbered paragraph one
2 (1), Code 1975, is amended to read as follows:

3 Whoever shall erect, establish, continue, maintain, use, own, or lease any
4 building, erection, or place used for the purpose of ~~lewdness, assignation,~~
5 prostitution or gambling; ~~or pool selling as defined by section 726.6, except as~~
6 ~~authorized under the laws of this state,~~ is guilty of a nuisance, and the building,
7 erection, or place, or the ground itself, in or upon which such ~~lewdness,~~
8 ~~assignation,~~ prostitution; or gambling; ~~or pool selling as defined by section 726.6~~
9 is conducted, permitted, or carried on, continued, or exists, and the furniture,
10 fixtures, musical instruments, and movable property used in conducting or
11 maintaining such nuisance, are also declared a nuisance and shall be enjoined
12 and abated as hereinafter provided.

1 SEC. 70. Section one hundred point four (100.4), Code 1975, is amended to
2 read as follows:

3 **100.4 Refusal of officer to investigate.** Any chief of a fire department,
4 mayor, or township clerk who fails or refuses to make the investigation and
5 report required of him or her, shall be ~~fin~~ed in a sum not less than five dollars
6 nor more than one hundred dollars guilty of a simple misdemeanor.

1 SEC. 71. Section one hundred point eight (100.8), Code 1975, is amended to
2 read as follows:

3 **100.8 Refusal to testify or produce books.** Any witness who refuses to be
4 sworn, ~~or refuses to testify,~~ except as otherwise provided by law, or who
5 disobeys any lawful order of said fire marshal, or his or her designated
6 subordinates, or who fails to produce any books, papers, or documents touching
7 any matter under examination, shall be guilty of a simple misdemeanor; ~~and~~
8 ~~shall be fined not exceeding one hundred dollars or imprisoned in the county jail~~
9 ~~not exceeding thirty days.~~

1 SEC. 72. Section one hundred point thirty-five (100.35), Code 1975, is
2 amended to read as follows:

3 **100.35 Rules of marshal.** The fire marshal shall adopt, amend, promulgate
4 and enforce rules and standards relating to fire protection, fire safety and the
5 elimination of fire hazards in churches, schools, hotels, theaters, amphitheaters,
6 hospitals, health care facilities as defined in section 135C.1, boarding homes or
7 housing, rest homes, dormitories, college buildings, lodge halls, club rooms,
8 public meeting places, places of amusement, and all other buildings or structures
9 in which persons congregate from time to time, whether publicly or privately
10 owned. Any person, firm or corporation violating any of such rules and
11 regulations of the fire marshal shall be deemed guilty of a simple misdemeanor
12 ~~and upon conviction shall be punished by a fine of not less than twenty-five~~
13 ~~dollars nor more than one hundred dollars.~~ Each day of the continuing violation
14 of such rules after conviction shall be considered a separate offense. Appeals
15 may be taken from such convictions as in other criminal cases.

1 SEC. 73. Section one hundred one point seven (101.7), Code 1975, is
2 amended to read as follows:

3 **101.7 Penalty.** Any person, firm or corporation violating any of the rules
4 promulgated under this chapter shall be deemed guilty of a simple misdemeanor
5 ~~and upon conviction shall be punished by a fine of not less than twenty-five~~
6 ~~dollars nor more than one hundred dollars.~~ Each day of the continuing violation
7 of such rules after conviction shall be considered a separate offense. Appeals
8 may be taken from such convictions as in other criminal cases.

1 SEC. 74. Section one hundred one A point one (101A.1), subsection one (1),
2 Code 1975, is amended to read as follows:

3 1. "Explosive" or "explosives" means any chemical compound, mixture or
4 device, the primary or common purpose of which is to function by explosion,

5 i.e., with substantially instantaneous release of gas and heat, unless such
6 compound, mixture, or device is otherwise specifically classified by the United
7 States department of transportation. The term "explosives" includes all material
8 which is classified as class A, class B, and class C explosives by the United
9 States department of transportation, and includes, but is not limited to,
10 dynamite, black powder, pellet powders, initiating explosives, blasting caps,
11 electric blasting caps, safety fuse, fuse lighters, fuse igniters, squibs, cordeau
12 detonative fuse, instantaneous fuse, igniter cord, igniters, smokeless propellant,
13 cartridges for propellant-actuated power devices and cartridges for industrial
14 guns, but shall not include "fireworks" as defined and regulated pursuant to
15 sections ~~732.17 through 732.19~~ in chapter one (1), section two thousand seven
16 hundred two (2702) of this Act nor ammunition or small arms primers
17 manufactured for use in shotguns, rifles, and pistols. Commercial explosives are
18 those explosives which are intended to be used in commercial or industrial
19 operations.

1 SEC. 75. Section one hundred one A point fourteen (101A.14), Code 1975, is
2 amended to read as follows:

3 **101A.14 Criminal penalties.**

4 1. Any person who violates the provisions of section 101A.2, subsection 3, or
5 section 101A.3, subsection 4, commits a public offense and, upon conviction,
6 shall be ~~punished by imprisonment in the penitentiary for a term not to exceed
7 fifteen years, or fined not to exceed five thousand dollars, or by both such
8 imprisonment and fine guilty of a class C felony.~~

9 2. Any person who violates the provisions of sections 101A.6, 101A.8 or
10 101A.9 or any of the rules adopted by the commissioner of public safety
11 pursuant to the provisions of this chapter, commits a ~~public offense and, upon
12 conviction, shall be punished by imprisonment in the county jail not to exceed
13 thirty days, or fined not to exceed one hundred dollars simple misdemeanor.~~

1 SEC. 76. Section one hundred two point four (102.4), Code 1975, is amended
2 to read as follows:

3 **102.4 False claim to exemption.** Any person who shall by
4 misrepresentation, or by the use of a false certificate or the certificate of any
5 other person, endeavor to avail himself *or herself* of the benefits of this chapter,
6 ~~upon conviction thereof, shall be imprisoned in the county jail for a period of
7 not more than six nor less than one month, and pay a fine of not less than ten
8 nor more than one hundred dollars guilty of a serious misdemeanor.~~

1 SEC. 77. Section one hundred three point seventeen (103.17), Code 1975, is
2 amended to read as follows:

3 **103.17 Violations.** Any person who shall violate any of the provisions of
4 law relating to fire escapes, or means of escape from fire, or any owner, agent, or
5 trustee having the full care and control of any building and who has been served
6 with notice as provided herein and who shall, within sixty days of the service of
7 the notice, or within the time as extended by the state fire marshal, fail and
8 neglect to comply with the requirements of law, or of the state fire marshal, or
9 who shall fail, refuse, or neglect to perform any order or requirement fixed by
10 law, or by the state fire marshal, shall be ~~punished by a fine of not less than
11 twenty-five dollars nor more than one hundred dollars guilty of a simple
12 misdemeanor.~~ Each additional week of neglect to comply with such notice, order,
13 or requirement shall constitute a separate offense.

1 SEC. 78. Section one hundred three A point twenty-one (103A.21),
2 subsections one (1) and two (2), Code 1975, are amended to read as follows:

3 **103A.21 Penalty.**

4 1. Any person served with an order pursuant to the provisions of
5 section 103A.19, subsection 3, who fails to comply with the order within
6 thirty days after service or within the time fixed by the local building
7 department for compliance, whichever is longer, and any owner, builder,

8 architect, tenant, contractor, subcontractor, construction superintendent or their
 9 agents, or any other person taking part or assisting in the construction or use of
 10 any building or structure who shall knowingly violate any of the applicable
 11 provisions of the state building code or any lawful order of a local building
 12 department made thereunder, shall be ~~punishable by a fine of not more than one~~
 13 ~~hundred dollars, or thirty days in jail, or by both fine and imprisonment guilty of~~
 14 ~~a simple misdemeanor.~~

15 2. Violation of this chapter shall not impose any disability upon or affect or
 16 impair the credibility as a witness, or otherwise, of any person.

17 Violations of this section shall be *simple* misdemeanors, and ~~municipal, police,~~
 18 ~~or mayors' magistrates' and district associate judges' courts~~ shall have exclusive
 19 jurisdiction to originally hear and determine charges of violations.

1 SEC. 79. Section one hundred four point seventeen (104.17), Code 1975, is
 2 amended to read as follows:

3 **104.17 Penalties.**

4 1. Any owner who violates any of the provisions of this chapter shall be
 5 ~~punished for each offense by a fine of not more than one hundred dollars, or by~~
 6 ~~imprisonment for not more than thirty days in the county jail guilty of a simple~~
 7 ~~misdemeanor, unless otherwise specifically provided in this chapter.~~

8 2. Any person who bribes or attempts to bribe an inspector shall be subject to
 9 criminal proceedings under ~~section 739.1~~ *chapter one (1), section two thousand two*
 10 *hundred one (2201) of this Act.*

1 SEC. 80. Section one hundred six point seven (106.7), subsection five (5),
 2 Code 1975, is amended to read as follows:

3 5. Failure of the operator of any vessel involved in a collision, reportable
 4 accident, or other casualty, to offer assistance and aid to other persons affected
 5 by such collision, accident, or casualty, as set forth in this chapter, shall be
 6 ~~punishable by a fine of not more than one thousand dollars, or imprisonment in~~
 7 ~~the county jail for not more than one year, or both constitute a serious~~
 8 ~~misdemeanor.~~

1 SEC. 81. Section one hundred six point thirteen (106.13), Code 1975, is
 2 amended to read as follows:

3 **106.13 Penalty.** Any person violating any of the provisions of this chapter,
 4 for which another penalty is not otherwise specifically provided, shall, ~~upon~~
 5 ~~conviction or a plea of guilty, be fined not to exceed one hundred dollars or be~~
 6 ~~imprisoned in the county jail not to exceed thirty days be guilty of a simple~~
 7 ~~misdemeanor.~~

8 Chapter 232 shall have no application in the prosecution of offenses
 9 committed in violation of this chapter or rules and regulations which are
 10 adopted under the authority of this chapter which are ~~punishable by a fine of~~
 11 ~~not more than one hundred dollars or by imprisonment for not more than thirty~~
 12 ~~days constitute simple misdemeanors.~~

1 SEC. 82. Section one hundred six point twenty-five (106.25), Code 1975, is
 2 amended to read as follows:

3 **106.25 Penalty.** If any owner, agent or master of any vessel, plying the
 4 waters of this state, shall hire or offer for hire, such vessel for the carrying of a
 5 person or persons thereon, without first obtaining annually, a permit as in this
 6 chapter required, and before operating such vessel in such service; or if the
 7 owner, agent or master, having obtained such permit, receives for carriage or
 8 permits carriage on such vessel a greater number of persons than authorized
 9 therein, or if any person acts as pilot or engineer on any vessel, for which
 10 inspection and registration are required, without first obtaining a permit
 11 therefor; or if such pilot or engineer continues to follow such avocation after the
 12 same has been revoked or expired, he *or she* shall be ~~fin~~ed in a ~~sum~~ not to
 13 ~~exceed one thousand dollars or imprisoned in the county jail not to exceed one~~

14 ~~year or punished by both such fine and imprisonment guilty of a serious~~
 15 ~~misdemeanor.~~ The provisions of this section shall not apply to vessels registered
 16 or numbered by authority of the United States.

1 SEC. 83. Section one hundred nine point nine (109.9), Code 1975, is amended
 2 to read as follows:

3 **109.9 Spawning grounds.** To effect sound wildlife management and
 4 maintain biological balance as provided in section 109.39, the commission may
 5 set aside certain portions of any state waters for spawning grounds where the
 6 same are suitable for this purpose for such length of time as it may deem
 7 advisable by the posting of notices in conspicuous places around such area, and
 8 it shall be unlawful for any person to fish or to in any manner interfere with the
 9 spawning of fish in this area. Any person violating any of the provisions of this
 10 section shall be guilty of a *simple* misdemeanor ~~and punished as provided in~~
 11 ~~section 109.32.~~

1 SEC. 84. Section one hundred nine point thirty-two (109.32), unnumbered
 2 paragraph one (1), Code 1975, is amended to read as follows:

3 Whoever shall take, catch, kill, injure, destroy, have in possession, buy, sell,
 4 ship, or transport any frogs, fish, mussels, birds, their nests, eggs, or plumage,
 5 fowls, game, or animals in violation of the provisions of this chapter or of
 6 administrative rules of the commission or whoever shall use any device,
 7 equipment, seine, trap, net, tackle, firearm, drug, poison, explosive, or other
 8 substance or means, the use of which is prohibited by this chapter, or use the
 9 same at a time, place or in a manner or for a purpose prohibited, or do any
 10 other act in violation of the provisions of this chapter or of administrative rules
 11 of the commission for which no other punishment is provided, shall be ~~fin~~
 12 ~~ed not less than ten dollars nor more than one hundred dollars or be imprisoned in the~~
 13 ~~county jail not more than thirty days guilty of a simple misdemeanor.~~

1 SEC. 85. Section one hundred nine point thirty-three (109.33), Code 1975, is
 2 amended to read as follows:

3 **109.33 Violations relating to dams.** Whoever shall erect any dam or other
 4 obstruction prohibited by this chapter or at a place or in a manner prohibited
 5 ~~shall be guilty of a simple misdemeanor,~~ or shall injure or destroy any dam
 6 lawfully erected, shall be ~~fin~~
 7 ~~ed not less than one hundred dollars nor more than~~
 8 ~~five hundred dollars, or be imprisoned in the county jail not more than one~~
~~hundred days guilty of an aggravated misdemeanor.~~

1 SEC. 86. Section one hundred nine point thirty-four (109.34), Code 1975, is
 2 amended to read as follows:

3 **109.34 Violations by common carrier.** Any common carrier which shall
 4 violate any of the provisions of this chapter relating to receiving, having in
 5 possession, shipping or delivering any fish, fowls, birds, birds' nests, eggs, or
 6 plumage, game or animals, in violation of the provisions of this chapter or
 7 contrary to the regulations and restrictions therein provided, and any agent,
 8 employee, or servant of such corporation violating such provisions, shall be ~~fin~~
 9 ~~ed not less than one hundred dollars nor more than three hundred dollars, and any~~
 10 ~~such agent, employee, or servant may be imprisoned not exceeding thirty days~~
 11 ~~guilty of a simple misdemeanor.~~

1 SEC. 87. Section one hundred nine point sixty-one (109.61), unnumbered
 2 paragraph three (3), Code 1975, is amended to read as follows:

3 Violation of the provisions of this section shall constitute a *simple*
 4 misdemeanor ~~and punishment shall be as provided for in section 109.32.~~

1 SEC. 88. Section one hundred nine point eighty-seven (109.87), unnumbered
 2 paragraph two (2), Code 1975, is amended to read as follows:

3 Taking or attempting to take beaver on private lands or waters without
4 permission of the owner or tenant shall constitute a *simple* misdemeanor
5 punishable as provided in section 109.32.

1 SEC. 89. Section one hundred nine point ninety-three (109.93), unnumbered
2 paragraph two (2), Code 1975, is amended to read as follows:

3 Any person violating this section shall be ~~punished by a fine of not more than~~
4 ~~three hundred dollars or imprisonment in the county jail for a period not to~~
5 ~~exceed thirty days guilty of a simple misdemeanor.~~

1 SEC. 90. Section one hundred nine point one hundred twenty (109.120),
2 Code 1975, is amended to read as follows:

3 **109.120 Hunting from aircraft or snowmobiles prohibited.** It shall be
4 unlawful for any person to intentionally kill or wound, attempt to kill or wound,
5 or pursue any animal, fowl or fish from or with an aircraft in flight or from or
6 with any self-propelled vehicles designed for travel on snow or ice which utilize
7 sled type runners, or skis, or an endless belt tread or any combination thereof
8 and which are commonly known as snowmobiles. Any person who violates the
9 provisions of this section shall be guilty of a *simple* misdemeanor ~~and upon~~
10 ~~conviction thereof shall be punished by a fine not to exceed one hundred~~
11 ~~dollars, or by a term not to exceed thirty days in the county jail.~~

1 SEC. 91. Section one hundred ten point thirteen (110.13), Code 1975, is
2 amended to read as follows:

3 **110.13 Unlawful use—effect.** The use of a license by a person other than
4 that to whom issued shall nullify said license and such use shall constitute a
5 *simple* misdemeanor.

1 SEC. 92. Sections one hundred ten point twenty (110.20) and one hundred
2 ten point twenty-one (110.21), Code 1975, are amended by striking the sections
3 and inserting in lieu thereof the following:

4 **110.20 Disposition of seized property.** Disposition of seized property shall
5 be made in accordance with chapter two (2), division nine (IX) of this Act.

1 SEC. 93. Section one hundred ten point twenty-six (110.26), Code 1975, is
2 amended to read as follows:

3 **110.26 Penalties.** Whoever shall violate any of the provisions of this
4 chapter shall be ~~fined not less than ten dollars nor more than one hundred~~
5 ~~dollars or be imprisoned in the county jail not more than thirty days guilty of a~~
6 ~~simple misdemeanor.~~

1 SEC. 94. Section one hundred ten A point nine (110A.9), Code 1975, is
2 amended to read as follows:

3 **110A.9 Violations—penalty.** Any licensee or any other person, who willfully
4 and intentionally transfers or permits the transfer of the tags issued to the
5 operator of one licensed game breeding and shooting preserve area to the
6 operator of another licensed game breeding and shooting preserve area, or to
7 any other person, or who affixes such tags to game birds not taken from a
8 licensed game breeding and shooting preserve area or to game birds taken from
9 any area other than the area for which such tags were issued, is guilty of a *simple*
10 misdemeanor.

1 SEC. 95. Section one hundred eleven point four (111.4), unnumbered
2 paragraph three (3), Code 1975, is amended to read as follows:

3 Any person, firm, association, or corporation violating any of the provisions
4 of this section or any rule or regulation adopted by the commission under the
5 authority of this section shall be guilty of a *simple* misdemeanor, ~~and upon~~
6 ~~conviction shall be punished by a fine of not to exceed one hundred dollars or~~
7 ~~by imprisonment in the county jail not to exceed thirty days.~~

1 SEC. 96. Section one hundred eleven point fifty-seven (111.57), Code 1975, is
2 amended to read as follows:

3 **111.57 Penalties.** Any person violating any of the provisions of the
4 foregoing sections number 111.35 to 111.56, inclusive, shall, ~~upon conviction, be~~
5 ~~fined not to exceed one hundred dollars or be imprisoned in the county jail not~~
6 ~~to exceed thirty days be guilty of a simple misdemeanor.~~

1 SEC. 97. Section one hundred eleven A point five (111A.5), Code 1975, is
2 amended to read as follows:

3 **111A.5 Rules and regulations—officers.** The county conservation board
4 may make, alter, amend or repeal rules and regulations for the protection,
5 regulation and control of all museums, parks, preserves, parkways, playgrounds,
6 recreation centers, and other property under its control. No rules and regulations
7 adopted shall be contrary to, or inconsistent with, the laws of the state of Iowa.
8 Such rules and regulations shall not take effect until ten days after their
9 adoption by said board and after their publication once a week for two weeks in
10 at least one paper circulating in the county and after a copy thereof has been
11 posted near each gate or principal entrance to the public ground to which they
12 apply. After such publication and posting, any person violating any provision of
13 such rules and regulations which are then in effect shall, ~~upon conviction, be~~
14 ~~fined not more than one hundred dollars or be imprisoned in the county jail not~~
15 ~~more than thirty days be guilty of a simple misdemeanor.~~ The board may
16 designate the executive officer and such employees as ~~he the executive officer~~
17 may designate as police officers who shall have all the powers conferred by law
18 on police officers, peace officers, or sheriffs in the enforcement of the laws of the
19 state of Iowa and the apprehension of violators thereof.

1 SEC. 98. Section one hundred fourteen point twenty-five (114.25), Code 1975,
2 is amended to read as follows:

3 **114.25 Violations.** Any person who ~~violates such permanent injunction or~~
4 ~~presents or attempts to file as his or her own the certificate of registration of~~
5 ~~another, or who shall give false or forged evidence of any kind to the board, or~~
6 ~~to any member thereof, in obtaining a certificate of registration, or who shall~~
7 ~~falsely impersonate another practitioner of like or different name, or who shall~~
8 ~~use or attempt to use a revoked certificate of registration, shall be deemed guilty~~
9 ~~of a misdemeanor and shall be punished by a fine of not less than one hundred~~
10 ~~dollars nor more than five hundred dollars, or by imprisonment for three~~
11 ~~months, or by both such fine and imprisonment fraudulent practice.~~

1 SEC. 99. Section one hundred fourteen point thirty-two (114.32),
2 unnumbered paragraph two (2), Code 1975, is amended to read as follows:

3 A member of the board who willfully communicates or seeks to communicate
4 such information, and any person who willfully requests, obtains, or seeks to
5 obtain such information, is guilty of a ~~public offense which is punishable by a~~
6 ~~fine not exceeding one hundred dollars or by imprisonment in the county jail for~~
7 ~~not more than thirty days simple misdemeanor.~~

1 SEC. 100. Section one hundred fifteen point nine (115.9), Code 1975, is
2 amended to read as follows:

3 **115.9 Violations punished.** Any ~~violation of person who violates~~ the
4 provisions of this chapter shall be ~~punished by a fine not exceeding one hundred~~
5 ~~dollars guilty of a simple misdemeanor.~~

1 SEC. 101. Section one hundred fifteen point twenty (115.20), unnumbered
2 paragraph two (2), Code 1975, is amended to read as follows:

3 A member of the board who willfully communicates or seeks to communicate
4 such information, and any person who willfully requests, obtains, or seeks to
5 obtain such information, is guilty of a ~~public offense which is punishable by a~~
6 ~~fine not exceeding one hundred dollars or by imprisonment in the county jail for~~
7 ~~not more than thirty days simple misdemeanor.~~

1 SEC. 102. Section one hundred sixteen point sixteen (116.16), unnumbered
2 paragraph two (2), Code 1975, is amended to read as follows:

3 A member of the board who willfully communicates or seeks to communicate
4 such information, and any person who willfully requests, obtains, or seeks to
5 obtain such information, is guilty of a public offense which is punishable by a
6 fine not exceeding one hundred dollars or by imprisonment in the county jail for
7 not more than thirty days simple misdemeanor.

1 SEC. 103. Section one hundred sixteen point twenty-nine (116.29),
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 Any person who violates any provisions of section 116.25 shall be guilty of a
4 serious misdemeanor; and upon conviction, shall be subject to a fine of not more
5 than five hundred dollars, or to imprisonment for not more than one year, or to
6 both such fine and imprisonment.

1 SEC. 104. Section one hundred seventeen point forty-three (117.43), Code
2 1975, is amended to read as follows:

3 **117.43 Penalties.** Any person found guilty of violating a provision of
4 sections 117.1 to 117.42, inclusive, in a first offense shall be punished by a fine
5 of not to exceed one hundred dollars or by imprisonment for a term of not to
6 exceed thirty days in jail guilty of a simple misdemeanor.

1 SEC. 105. Section one hundred seventeen point forty-five (117.45),
2 unnumbered paragraph two (2), Code 1975, is amended to read as follows:

3 Any person who shall violate the provisions of this section shall be imprisoned
4 in the penitentiary not exceeding two years, or may be fined in the discretion of
5 the court, not exceeding five thousand dollars, or imprisoned in the county jail
6 not more than one year guilty of a fraudulent practice.

1 SEC. 106. Section one hundred seventeen point fifty-two (117.52),
2 unnumbered paragraph two (2), Code 1975, is amended to read as follows:

3 A member of the board who willfully communicates or seeks to communicate
4 such information, and any person who willfully requests, obtains, or seeks to
5 obtain such information, is guilty of a public offense which is punishable by a
6 fine not exceeding one hundred dollars or by imprisonment in the county jail for
7 not more than thirty days simple misdemeanor.

1 SEC. 107. Section one hundred seventeen A point five (117A.5), Code 1975,
2 is amended to read as follows:

3 **117A.5 Penalties.**

4 1. Any person, firm, partnership, corporation, company, or association
5 representing in any manner that the state, the commission or any officer thereof
6 has recommended or acquiesced in the recommendation of the purchase of any
7 subdivided land offered for sale or lease, in advertising or offering such
8 subdivided land for sale or lease, shall be guilty of a serious misdemeanor and
9 shall be punished by a fine of not more than one thousand dollars, or by
10 imprisonment in the county jail for not more than one year or by both such fine
11 and imprisonment.

12 2. Any person, officer, director, agent, or employee of a person, company,
13 firm, partnership, association, or corporation offering to sell or lease, or selling
14 or leasing, subdivided land prior to the filing of the offering statement and the
15 application required by this chapter shall be guilty of a serious misdemeanor and
16 punished by a fine not to exceed two thousand dollars or by imprisonment in
17 the county jail for a term not to exceed one year, or by both such fine and
18 imprisonment.

19 3. Except as provided in subsection 2, every person, officer, director, agent, or
20 employee of a person, company, firm, partnership, corporation, or association
21 who authorizes, directs, or aids in the publication, advertisement, distribution, or

22 circulation of any device, scheme, or artifice for obtaining money or property by
 23 means of any false pretense, representation, or promise concerning any
 24 subdivided land offered for sale or lease, and every person, officer, director,
 25 agent, or employee of a company, firm, partnership, corporation, or association
 26 who make or attempts to make fictitious or pretended purchases or sales of
 27 subdivided lands in this state, or in any other respect willfully violates or fails to
 28 comply with any of the provisions of this chapter, or omits or neglects to obey,
 29 observe, or comply with any order, permit, decision, demand, or requirement of
 30 the commission under the provisions of this chapter, is guilty of a *serious*
 31 misdemeanor ~~and shall be punished by a fine not to exceed two thousand~~
 32 ~~dollars or by imprisonment in the county jail for a term not to exceed one year~~
 33 ~~or by both such fine and imprisonment, and if such person is a licensee under~~
 34 ~~chapter 117, the commission also may revoke or suspend his license in the~~
 35 ~~manner provided in such chapter.~~

1 SEC. 108. Section one hundred eighteen point nineteen (118.19), Code 1975,
 2 is amended to read as follows:

3 **118.19 Violations—punishment.** Any person who practices or offers to
 4 practice architecture or who uses the word architect or any word or any letters
 5 or figures indicating or tending to imply that the person using the same is an
 6 architect, without first having complied with the provisions of this chapter, shall
 7 be deemed guilty of a *serious* misdemeanor ~~and shall be punished with a fine of~~
 8 ~~not more than two hundred dollars or imprisonment for not more than one year,~~
 9 ~~or both such fine and imprisonment.~~

1 SEC. 109. Section one hundred eighteen point twenty-seven (118.27),
 2 unnumbered paragraph two (2), Code 1975, is amended to read as follows:

3 A member of the board who willfully communicates or seeks to communicate
 4 such information, and any person who willfully requests, obtains, or seeks to
 5 obtain such information, is guilty of a public offense which is punishable by a
 6 fine not exceeding one hundred dollars ~~or by imprisonment in the county jail for~~
 7 ~~not more than thirty days simple misdemeanor.~~

1 SEC. 110. Section one hundred eighteen A point eighteen (118A.18), Code
 2 1975, is amended to read as follows:

3 **118A.18 Unlawful practice.** Any person who uses the words landscape
 4 architect or any word or any letters or figures indicating or tending to imply that
 5 the person using the same is a landscape architect, without having a valid
 6 certificate of registration as a landscape architect issued pursuant to this chapter,
 7 is guilty of a *simple* misdemeanor ~~and upon conviction may be sentenced to pay~~
 8 ~~a fine of not more than five hundred dollars or be imprisoned for not more than~~
 9 ~~three months; or be subject to both such fine and imprisonment.~~

1 SEC. 111. Section one hundred nineteen point one (119.1), Code 1975, is
 2 amended to read as follows:

3 **119.1 Fraudulent marking.** Any person making for sale, selling, or offering
 4 to sell or dispose of, or having in possession with intent to sell or dispose of, any
 5 article of merchandise made, in whole or in part, of gold or any alloy of gold,
 6 and having stamped, branded, engraved, or imprinted thereon, or upon any tag,
 7 card, or label attached thereto, or upon any container in which said article is
 8 enclosed, any mark indicating or designed to indicate that the gold or alloy in
 9 such article is of a greater degree of fineness than the actual fineness or qualify*
 10 thereof, unless the actual fineness thereof, in the case of flatware or watchcases,
 11 be not less by more than three one-thousandths parts, and in case of all other
 12 articles be not less by more than one-half carat than the fineness indicated by
 13 the marks stamped, branded, engraved, or imprinted upon any part of such
 14 article, or upon any tag, card, or label attached thereto, or upon any container in
 15 which such article is enclosed according to the standards and subject to the
 16 qualifications hereinafter set forth, is guilty of a ~~misdemeanor~~ *fraudulent practice*.

*According to enrolled Act

1 SEC. 112. Section one hundred nineteen point three (119.3), Code 1975, is
2 amended to read as follows:

3 **119.3 "Sterling silver."** Any person making for sale, selling, or offering to sell
4 or dispose of, or having in possession with intent to sell or dispose of, any article
5 of merchandise made in whole or in part of silver or of any alloy of silver and
6 having marked, stamped, branded, engraved, or imprinted thereon, or upon any
7 tag, card, or label attached thereto, or upon any container in which said article is
8 enclosed, the words "sterling silver" or "sterling" or any colorable imitation
9 thereof, unless nine hundred twenty-five one-thousandths of the component
10 parts of the metal purporting to be silver of which such article is manufactured
11 are pure silver, subject to the qualifications hereinafter set forth, is guilty of a
12 ~~misdemeanor~~ *fraudulent practice*, but in the case of all such articles there shall be
13 allowed a divergence in fineness of four one-thousandths parts from the
14 foregoing standard.

1 SEC. 113. Section one hundred nineteen point four (119.4), Code 1975, is
2 amended to read as follows:

3 **119.4 "Coin silver."** Any person making for sale, selling, or offering to sell or
4 dispose of, or having in possession with intent to sell or dispose of, any article of
5 merchandise made in whole or in part of silver or of any alloy of silver and
6 having marked, stamped, branded, engraved, or imprinted thereon, or upon any
7 tag, card, or label attached thereto, or upon any box, package, cover, or wrapper
8 in which such article is enclosed, the words "coin" or "coin silver", or any
9 colorable imitation thereof, unless nine hundred one-thousandths of the
10 component parts of the metal appearing or purporting to be silver of which such
11 article is manufactured are pure silver, subject to the qualifications hereinafter
12 set forth, is guilty of a ~~misdemeanor~~ *fraudulent practice*; but in case of all such
13 articles there shall be allowed a divergence in fineness of four one-thousandths
14 parts from the foregoing standards.

1 SEC. 114. Section one hundred nineteen point five (119.5), Code 1975, is
2 amended to read as follows:

3 **119.5 Other articles of silver.** Any person making for sale, selling, or
4 offering to sell or dispose of, or having in possession with intent to sell or
5 dispose of, any article of merchandise made in whole or in part of silver or of
6 any alloy of silver and having stamped, branded, engraved, or imprinted
7 thereon, or upon any tag, card, or label attached thereto, or upon any container
8 in which said article is enclosed, any mark or word, other than the word
9 "sterling" or the word "coin", indicating, or designed to indicate that the silver
10 or alloy of silver in said article is of a greater degree of fineness than the actual
11 fineness or quality, unless the actual fineness of the silver or alloy or silver of
12 which said article is composed be not less by more than four one-thousandths
13 parts than the actual fineness indicated by the said mark or word, other than the
14 word "sterling" or "coin", stamped, branded, engraved, or imprinted upon any
15 part of said article, or upon any tag, card, or label attached thereto, or upon any
16 container in which said article is enclosed, subject to the qualifications
17 hereinafter set forth, is guilty of a ~~misdemeanor~~ *fraudulent practice*.

1 SEC. 115. Section one hundred nineteen point seven (119.7), Code 1975, is
2 amended to read as follows:

3 **119.7 Gold-plated or gold-filled articles.** Any person making for sale,
4 selling, or offering to sell or dispose of, or having in possession with intent to sell
5 or dispose of, any article of merchandise made in whole or in part of inferior
6 metal having deposited or plated thereon, or brazed or otherwise affixed thereto,
7 a plate, plating, covering, or sheet of gold or of any alloy of gold and which
8 article is known in the market as "rolled gold-plate", "gold-plate", "gold-filled",
9 or "gold-electroplate", or by any similar designation, and having stamped,
10 branded, engraved, or imprinted thereon, or upon any tag, card, or label

11 attached thereto, or upon any container in which said article is enclosed, any
 12 word or mark usually employed to indicate the fineness of gold, unless said
 13 word be accompanied by other words plainly indicating that such article or part
 14 thereof is made of rolled gold-plate, or gold-plate, or gold-electroplate, or is
 15 gold-filled, as the case may be, is guilty of a ~~misdemeanor~~ *fraudulent practice*.

1 SEC. 116. Section one hundred nineteen point eight (119.8), Code 1975, is
 2 amended to read as follows:

3 **119.8 Silver-plated articles.** Any person making for sale, selling, or offering
 4 to sell or dispose of, or having in possession with intent to sell or dispose of, any
 5 article of merchandise made in whole or in part of inferior metal having
 6 deposited or plated thereon, or brazed or otherwise affixed thereto, a plate,
 7 plating, covering, or sheet of silver or of any alloy of silver, and which article is
 8 known in the market as "silver-plate" or "silver-electroplate", or by any similar
 9 designation, and having stamped, branded, engraved, or imprinted thereon, or
 10 upon any tag, card, or label attached thereto, or upon any container in which
 11 said article is encased or enclosed, the word "sterling" or the word "coin" either
 12 alone or in conjunction with any other words or marks, is guilty of a
 13 ~~misdemeanor~~ *fraudulent practice*.

1 SEC. 117. Section one hundred nineteen point nine (119.9), Code 1975, is
 2 amended to read as follows:

3 **119.9 Violation.** Every person guilty of a violation of the provisions of this
 4 chapter, and every officer, manager, director, or agent of any such person
 5 directly participating in such violation or consenting thereto, shall be ~~punished~~
 6 ~~by a fine of not more than five hundred dollars or imprisonment for not more~~
 7 ~~than three months, or both, at the discretion of the court guilty of a simple~~
 8 ~~misdemeanor~~; but nothing in this chapter shall apply to articles manufactured
 9 prior to June 13, 1907.

1 SEC. 118. Section one hundred twenty point thirteen (120.13), Code 1975, is
 2 amended to read as follows:

3 **120.13 Penalty.** Anyone not having a certificate of registration who shall
 4 hold himself out as a watchmaker or as one qualified to do watchmaking or
 5 anyone who shall violate any of the provisions of this chapter shall be guilty of a
 6 ~~serious misdemeanor and shall be punished by a fine of not more than one~~
 7 ~~hundred dollars or by imprisonment in the county jail for not more than thirty~~
 8 ~~days or by both such fine and imprisonment.~~

1 SEC. 119. Section one hundred twenty point seventeen (120.17), unnumbered
 2 paragraph two (2), Code 1975, is amended to read as follows:

3 A member of the board who willfully communicates or seeks to communicate
 4 such information, and any person who willfully requests, obtains, or seeks to
 5 obtain such information, is guilty of a ~~public offense which is punishable by a~~
 6 ~~fine not exceeding one hundred dollars or by imprisonment in the county jail for~~
 7 ~~not more than thirty days simple misdemeanor.~~

1 SEC. 120. Section one hundred twenty-two point six (122.6), Code 1975, is
 2 amended to read as follows:

3 **122.6 Violations.** Any person who shall violate the provisions of this
 4 chapter or who shall solicit funds without a permit, or if under a permit
 5 thereafter divert the same to purposes other than for which said donations were
 6 contributed, shall be deemed guilty of a ~~simple misdemeanor and upon~~
 7 ~~conviction shall be punished by a fine of not more than one hundred dollars or~~
 8 ~~by imprisonment in the county jail for not to exceed thirty days.~~

1 SEC. 121. Section one hundred twenty-three point forty-eight (123.48),
 2 subsection two (2), Code 1975, is amended to read as follows:

3 2. Any person under legal age who presents to any vendor falsified evidence
 4 of age as provided in subsection 1 of this section shall be guilty of a *simple*
 5 misdemeanor ~~and upon conviction shall be punished by a fine not to exceed one~~
 6 ~~hundred dollars or by imprisonment in the county jail for not more than thirty~~
 7 ~~days.~~

1 SEC. 122. Section one hundred twenty-three point fifty (123.50), subsection
 2 one (1), Code 1975, is amended to read as follows:

3 1. Any person who violates any of the provisions of section 123.49 shall be
 4 ~~subject to a fine of not to exceed one hundred dollars or to imprisonment for~~
 5 ~~not more than thirty days in the county jail guilty of a simple misdemeanor.~~

1 SEC. 123. Section one hundred twenty-three point fifty-one (123.51),
 2 subsection four (4), Code 1975, is amended to read as follows:

3 4. Violations of this section shall be a *simple* misdemeanor ~~punishable by a~~
 4 ~~fine not exceeding one hundred dollars or imprisonment in the county jail not~~
 5 ~~exceeding thirty days.~~

1 SEC. 124. Section one hundred twenty-three point eighty-seven (123.87),
 2 Code 1975, is amended to read as follows:

3 **123.87 Prompt service.** It shall be a *simple* misdemeanor for any peace
 4 officer to delay service of original notices, writs of injunction, writs of
 5 abatement, or warrants for contempt in any equity case filed for injunction or
 6 abatement by the state.

1 SEC. 125. Section one hundred twenty-three point ninety-nine (123.99), Code
 2 1975, is amended to read as follows:

3 **123.99 False statements.** If any person, for the purpose of procuring the
 4 shipment, transportation, or conveyance of any intoxicating liquors within this
 5 state, shall make to any person, company, corporation, or common carrier, or to
 6 any agent thereof, any false statements as to the character or contents of any
 7 box, barrel, or other vessel or package containing such liquors; or shall refuse to
 8 give correct and truthful information as to the contents of any such box, barrel,
 9 or other vessel or package so sought to be transported or conveyed; or shall
 10 falsely mark, brand, or label such box, barrel, or other vessel or package in order
 11 to conceal the fact that the same contains intoxicating liquors; or shall by any
 12 device or concealment procure or attempt to procure the conveyance or
 13 transportation of such liquors as herein prohibited, ~~he the person shall be fined~~
 14 ~~for each offense one hundred dollars and costs of prosecution, and be~~
 15 ~~committed to the county jail until such fine and costs are paid guilty of a simple~~
 16 ~~misdemeanor.~~

1 SEC. 126. Section one hundred twenty-three point one hundred two
 2 (123.102), Code 1975, is amended to read as follows:

3 **123.102 Inspection of shipping records.** The record book required by section
 4 123.101 shall, during business hours, be open to inspection by any peace or law
 5 enforcing officer. It shall be a *simple* misdemeanor to refuse such inspection.

1 SEC. 127. Section one hundred twenty-three point one hundred four
 2 (123.104), unnumbered paragraph one (1), Code 1975, is amended to read as
 3 follows:

4 It shall be a *simple* misdemeanor for any corporation, common carrier, person,
 5 or any agent or employee thereof:

1 SEC. 128. Section one hundred twenty-seven point seven (127.7), Code 1975,
 2 is amended by striking the section and inserting in lieu thereof the following:

3 **127.7 Liquor subject to forfeiture.** The court, upon conviction, shall enter a
 4 judgment of forfeiture of the liquor and vessels seized and shall file with the
 5 clerk of the district court a certified transcript of such order.

1 SEC. 129. Section one hundred twenty-seven point eight (127.8), Code 1975,
2 is amended by striking the section and inserting in lieu thereof the following:

3 **127.8 Disposition of forfeited liquors.** When a judgment has been entered
4 decreeing a forfeiture of any intoxicating liquors, the magistrate shall direct the
5 disposition of such liquors and the vessels containing the same:

6 1. By ordering that forfeited intoxicating liquors, which have a valid unbroken
7 federal liquor tax stamp properly affixed to the vessel and which the magistrate
8 has no reason to believe is adulterated or contaminated, be delivered to the Iowa
9 beer and liquor control department.

10 2. By ordering the destruction of forfeited intoxicating liquors which do not
11 have a valid federal liquor tax stamp properly affixed to the vessel or which the
12 magistrate has reason to believe is contaminated or adulterated.

13 3. By ordering any portion thereof consisting of alcohol, brandies, wine, or
14 whiskey, to be delivered, for medicinal or scientific purposes, to any state or
15 reputable hospital in the county, or in adjoining counties, or to the board of
16 control of state institutions, or to any reputable educational institution in the
17 state for scientific purposes.

1 SEC. 130. Section one hundred twenty-seven point nine (127.9), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the following:

3 **127.9 Conveyance subject to forfeiture.** Any conveyance which is used to
4 transport a quantity of unlawful liquor which is large enough to give rise to a
5 presumption that the liquors are being transported for the purpose of sale and
6 the transportation of such liquors is not incidental to the transportation of
7 persons or other property is subject to forfeiture to the state.

1 SEC. 131. Section one hundred twenty-seven point eleven (127.11), Code
2 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **127.11 Procedure.** Upon the filing of an information the procedure for
5 forfeiting the conveyance shall be as follows:

6 1. Notice of the time and place of the forfeiture hearing shall be personally
7 served upon all owners and lien holders of record of the seized conveyance at
8 least thirty days prior to the date set for hearing. The notice shall contain a
9 reasonable description of the conveyance and the time and place of its seizure.

10 2. Any person having a claim to the conveyance may file a claim with the
11 clerk of court alleging his or her claim to the vehicle and the grounds relied
12 upon in claiming that his or her property interest in the conveyance may not be
13 forfeited.

14 3. The hearing shall be held before the district court in the county in which
15 the conveyance was seized.

16 4. If a judgment of forfeiture is entered, the judgment shall state the value of
17 the conveyance and the amount forfeited and direct the sheriff to sell the
18 conveyance as chattel under execution, and a certified copy of the judgment
19 shall constitute an execution.

1 SEC. 132. Section one hundred twenty-seven point twelve (127.12), Code
2 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **127.12 Basis of forfeiture.** An order of forfeiture may only be entered upon
5 a finding by the court that all of the following are true:

6 1. The quantity of liquor transported is large enough to give rise to a
7 presumption that the liquor was being transported for the purpose of sale.

8 2. The transportation of the liquor was not incidental to the transportation of
9 persons or other property.

10 3. One of the owners or lien holders knew or consented to the transportation
11 of the liquor.

1 SEC. 133. Section one hundred twenty-seven point thirteen (127.13), Code
2 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **127.13 Effect of forfeiture on owners and lien holders.** An order of
5 forfeiture shall only be effective against the property interest of an owner or lien
6 holder who knew or consented to the transportation of the liquor. The property
7 interest of an owner or lien holder who did not consent or know of the
8 transportation of the liquor shall not be affected by the order.

1 SEC. 134. Section one hundred twenty-seven point twenty (127.20), Code
2 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **127.20 Sale of conveyance.** Prior to placing the conveyance for sale to the
5 general public the sheriff shall permit any owner or lien holder having a
6 property interest of fifty percent or more in the conveyance the opportunity to
7 purchase the property interest forfeited. If such owner or lien holder does not
8 exercise his or her option under this section or if no such owner or lien holder
9 exists the conveyance shall be sold at public auction with the proceeds first
10 being applied to the owners and lien holders who have not had their property
11 interest forfeited and then applied to the expenses of keeping the conveyance
12 and court costs.

1 SEC. 135. Section one hundred thirty-five point twenty (135.20), unnumbered
2 paragraph two (2), Code 1975, is amended to read as follows:

3 Any person who sells or offers to sell any pipe for use in the construction,
4 reconstruction, or modification of a water well which is not clearly marked as
5 provided in this section or who willfully alters any markings on such pipe in
6 violation of this section, shall be guilty of a *simple* misdemeanor, ~~and, upon~~
7 ~~conviction, shall be fined not more than one hundred dollars or be imprisoned~~
8 ~~in the county jail not more than thirty days.~~ Each violation shall constitute a
9 separate offense.

1 SEC. 136. Section one hundred thirty-five point thirty-six (135.36), Code
2 1975, is amended to read as follows:

3 **135.36 Interference with health officer.** Any person resisting or interfering
4 with the department, its employees, or authorized agents, in the discharge of any
5 duty imposed by law shall be guilty of a *simple* misdemeanor.

1 SEC. 137. Section one hundred thirty-five point thirty-eight (135.38), Code
2 1975, is amended to read as follows:

3 **135.38 Penalty.** Any person who knowingly violates any provision of this
4 chapter, or of the rules of the department, or any lawful order, written or oral, of
5 the department or of its officers, or authorized agents, shall be guilty of a *simple*
6 misdemeanor. ~~If said rules relate to the practice of cosmetology or barbering~~
7 ~~said misdemeanors shall be punished by a fine of not to exceed one hundred~~
8 ~~dollars or by imprisonment not to exceed thirty days.~~

1 SEC. 138. Section one hundred thirty-five point forty-one (135.41), Code
2 1975, is amended to read as follows:

3 **135.41 Publication.** The state department of health, the Iowa medical
4 society or any of its allied medical societies or the Iowa society of osteopathic
5 physicians and surgeons or any in-hospital staff committee shall use or publish
6 said material only for the purpose of advancing medical research or medical
7 education in the interest of reducing morbidity or mortality, except that a
8 summary of such studies may be released by any such group for general
9 publication. In all events the identity of any person whose condition or
10 treatment has been studied shall be confidential and shall not be revealed under
11 any circumstances. A violation of this section shall constitute a *simple*
12 misdemeanor ~~and be punishable as such.~~

1 SEC. 139. Section one hundred thirty-five B point fifteen (135B.15), Code
2 1975, is amended to read as follows:

3 **135B.15 Penalties.** Any person establishing, conducting, managing, or
4 operating any hospital without a license shall be guilty of a *serious* misdemeanor
5 ~~and upon conviction thereof shall be fined not less than one hundred dollars or~~
6 ~~more than five hundred dollars~~, and each day of continuing violation after
7 conviction shall be considered a separate offense.

1 SEC. 140. Section one hundred thirty-five C point twenty-one (135C.21),
2 Code 1975, is amended to read as follows:

3 **135C.21 Penalty.** Any person establishing, conducting, managing, or
4 operating any health care facility without a license shall be guilty of a *serious*
5 misdemeanor ~~and, upon conviction thereof, shall be fined not less than one~~
6 ~~hundred dollars nor more than one thousand dollars or be imprisoned in the~~
7 ~~county jail for not more than six months, or both.~~ Each day of continuing
8 violation after conviction or notice from the department by certified mail of a
9 violation shall be considered a separate offense. Any such person establishing,
10 conducting, managing or operating any health care facility without a license may
11 be by any court of competent jurisdiction temporarily or permanently restrained
12 therefrom in any action brought by the state.

1 SEC. 141. Section one hundred thirty-five D point eighteen (135D.18), Code
2 1975, is amended to read as follows:

3 **135D.18 Penalty.** Any person violating any provision of this chapter shall
4 be ~~fined not less than one hundred dollars nor more than one thousand dollars~~
5 ~~or be imprisoned in the county jail for not more than six months or by both~~
6 ~~such fine and imprisonment guilty of a simple misdemeanor.~~

1 SEC. 142. Section one hundred thirty-seven point twenty-one (137.21), Code
2 1975, is amended to read as follows:

3 **137.21 Penalties.** Any person who violates any provision of this chapter or
4 the rules of a local board or any lawful order of said board, its officers, or
5 authorized agents shall be guilty of a *simple* misdemeanor ~~and shall be punished~~
6 ~~by a fine not to exceed one hundred dollars or by imprisonment in the county~~
7 ~~jail for not more than thirty days.~~ Each additional day of neglect or failure to
8 comply with such provision, rule or lawful order after notice of violation by the
9 local board shall constitute a separate offense.

1 SEC. 143. Section one hundred thirty-eight point nineteen (138.19), Code
2 1975, is amended to read as follows:

3 **138.19 Penalties.** Any person failing to comply with any provision of this
4 chapter, or with any rule or order issued pursuant to the provisions of this
5 chapter, or interfering with, impeding, or obstructing in any manner, the
6 commissioner, department, or any of its employees in the performance of official
7 duties pursuant to this chapter, shall be guilty of a *simple* misdemeanor ~~and~~
8 ~~fined in an amount of not less than fifty dollars nor more than one hundred~~
9 ~~dollars for each such offense.~~ If any person further fails to comply with any
10 provisions of this chapter, or with any rule or order issued pursuant to the
11 provisions of this chapter, the commissioner shall enforce such provision, rule, or
12 order by filing an action for injunction against such person in the district court
13 in the county wherein such violation or violations occur.

1 SEC. 144. Section one hundred thirty-nine point thirty-two (139.32), Code
2 1975, is amended to read as follows:

3 **139.32 Penalty.** Any person who knowingly violates any provision of this
4 chapter, or of the rules of the state department or the local board, or any lawful
5 order, written or oral, of said department or board, or of their officers or
6 authorized agents, shall be guilty of a *simple* misdemeanor.

1 SEC. 145. Section one hundred forty point fifteen (140.15), Code 1975, is
2 amended to read as follows:

3 **140.15 Penalty.** Any person violating any of the provisions of this chapter
4 shall be ~~punished by a fine of not more than one hundred dollars, or by~~
5 ~~imprisonment in the county jail for a period not to exceed thirty days, or by~~
6 ~~both such fine and imprisonment~~ *guilty of a simple misdemeanor.*

1 SEC. 146. Section one hundred forty-one point six (141.6), Code 1975, is
2 amended to read as follows:

3 **141.6 Penalty.** A person who violates the confidentiality provision of this
4 chapter shall be guilty of a *simple* misdemeanor and ~~shall, upon conviction, be~~
5 ~~punished by a fine of not more than one hundred dollars.~~

1 SEC. 147. Section one hundred forty-two point five (142.5), Code 1975, is
2 amended to read as follows:

3 **142.5 Disposition after dissection.** The remains of every body received for
4 scientific purposes under this chapter shall be decently buried or cremated after
5 it has been used for said purposes, and failure to do so shall be a *simple*
6 misdemeanor.

1 SEC. 148. Section one hundred forty-two point eight (142.8), Code 1975, is
2 amended to read as follows:

3 **142.8 Purpose for which body used.** The dead bodies delivered under this
4 chapter shall be used only within the limits of this state for the purpose of
5 scientific, medical, and surgical study, and no person shall remove the same
6 beyond the limits of this state or in any manner traffic therein. Any person who
7 shall violate this section shall be ~~punished by imprisonment for a term not~~
8 ~~exceeding one year in the county jail~~ *guilty of a serious misdemeanor.*

9 This section shall not apply to bodies given under authority of the Uniform
10 Anatomical Gift Act.

1 SEC. 149. Section one hundred forty-two point nine (142.9), Code 1975, is
2 amended to read as follows:

3 **142.9 Failure to deliver dead body.** Any person having the custody of the
4 dead body of any human being which is required to be delivered for scientific
5 purposes by this chapter, who shall fail to notify the state department of the
6 existence of such body, or fail to deliver the same in accordance with the
7 instruction of the department, shall be ~~punished by a fine not exceeding five~~
8 ~~hundred dollars~~ *guilty of a simple misdemeanor.*

1 SEC. 150. Section one hundred forty-two point ten (142.10), Code 1975, is
2 amended to read as follows:

3 **142.10 Use without proper record.** Any physician or member of the
4 instructional staff of any college or school who uses, or permits others under his
5 *or her* charge to use the dead body of a human being for the purpose of medical
6 or surgical study without the record required in section 142.6 having been made,
7 or who shall refuse to allow any peace officer or relative of the deceased to
8 inspect said record or body, shall be ~~punished by imprisonment in the county~~
9 ~~jail not exceeding one year, or by a fine not exceeding one thousand dollars, or~~
10 ~~by both~~ *guilty of a serious misdemeanor.*

1 SEC. 151. Section one hundred forty-two point eleven (142.11), Code 1975, is
2 amended to read as follows:

3 **142.11 Penalties.** Any person who shall receive or deliver any dead body of
4 a human being knowing that any of the provisions of this chapter have been
5 violated, shall be ~~imprisoned in the penitentiary not more than two years, or~~
6 ~~fined not exceeding twenty-five hundred dollars, or both~~ *guilty of an aggravated*
7 *misdemeanor.*

1 SEC. 152. Section one hundred forty-four point fifty-two (144.52),
2 unnumbered paragraph one (1), Code 1975, is amended by striking the
3 unnumbered paragraph and inserting in lieu thereof the following:

4 Any person committing any of the following acts is guilty of a serious
5 misdemeanor:

1 SEC. 153. Section one hundred forty-four point fifty-three (144.53),
2 unnumbered paragraph one (1), Code 1975, is amended by striking the
3 unnumbered paragraph and inserting in lieu thereof the following:

4 Any person committing any of the following acts is guilty of a simple
5 misdemeanor:

1 SEC. 154. Section one hundred forty-seven point seventy-four (147.74),
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 Any person who falsely holds himself out by the use of any professional title
4 or abbreviation, either in writing, cards, signs, circulars, or advertisements, to be
5 a practitioner of a system of the healing arts other than the one under which ~~he~~
6 *the person* holds a license or who fails to use the following designations shall be
7 guilty of a *simple* misdemeanor ~~and shall be fined not less than twenty-five~~
8 ~~dollars, nor more than one hundred dollars, or be sentenced to thirty days in jail.~~

1 SEC. 155. Section one hundred forty-seven point eighty-four (147.84), Code
2 1975, is amended to read as follows:

3 **147.84 Forgeries.** Any person who shall file or attempt to file with the state
4 department of health any false or forged diploma, or certificate or affidavit of
5 identification or qualification, shall be guilty of ~~forgery and punished~~
6 ~~accordingly a fraudulent practice.~~

1 SEC. 156. Section one hundred forty-seven point eighty-five (147.85), Code
2 1975, is amended to read as follows:

3 **147.85 Fraud.** Any person who shall present to the department a diploma
4 or certificate of which ~~he~~ *the person* is not the rightful owner, for the purpose of
5 procuring a license, or who shall falsely personate anyone to whom a license has
6 been issued by said department shall be ~~punished as provided in section 147.86~~
7 ~~guilty of a serious misdemeanor.~~

1 SEC. 157. Section one hundred forty-seven point eighty-six (147.86), Code
2 1975, is amended to read as follows:

3 **147.86 Penalties.** Any person violating any provision of this or the
4 following chapters of this title, except insofar as said provisions apply or relate
5 to or affect the practice of pharmacy, of cosmetology, and of barbering, shall be
6 ~~finned not less than one hundred dollars nor more than one thousand dollars or~~
7 ~~be imprisoned in the county jail for not more than six months or by both such~~
8 ~~fine and imprisonment guilty of a serious misdemeanor.~~

1 SEC. 158. Section one hundred forty-seven point one hundred thirteen
2 (147.113), Code 1975, is amended to read as follows:

3 **147.113 Violations.** Any person failing to make the report required herein
4 shall be guilty of a *simple* misdemeanor ~~and upon conviction shall be fined not~~
5 ~~to exceed one hundred dollars.~~

1 SEC. 159. Section one hundred forty-seven point one hundred thirty
2 (147.130), Code 1975, is amended to read as follows:

3 **147.130 Misdemeanor.** It shall be a *serious* misdemeanor for any person to
4 act or serve in the capacity of a nursing home administrator unless ~~he~~ *the person*
5 is the holder of a license as a nursing home administrator issued in accordance
6 with the provisions of this division.

1 SEC. 160. Section one hundred forty-seven point one hundred thirty-four
2 (147.134), unnumbered paragraph two (2), Code 1975, is amended to read as
3 follows:

4 A member of the board who willfully communicates or seeks to communicate
5 such information, and any person who willfully requests, obtains or seeks to
6 obtain such information, is guilty of a ~~public offense which is punishable by a~~
7 ~~fine not exceeding one hundred dollars or by imprisonment in the county jail for~~
8 ~~not more than thirty days simple misdemeanor.~~

1 SEC. 161. Section one hundred fifty-four A point six (154A.6), unnumbered
2 paragraph two (2), Code 1975, is amended to read as follows:

3 A member of the board who willfully communicates or seeks to communicate
4 such information, and any person who willfully requests, obtains, or seeks to
5 obtain such information, is guilty of a ~~public offense which is punishable by a~~
6 ~~fine not exceeding one hundred dollars or by imprisonment in the county jail for~~
7 ~~not more than thirty days simple misdemeanor.~~

1 SEC. 162. Section one hundred fifty-four A point twenty-seven (154A.27),
2 Code 1975, is amended to read as follows:

3 **154A.27 Penalties.** A violation of any provisions of this chapter is
4 ~~punishable, upon conviction, by a fine of not more than five hundred dollars or~~
5 ~~by imprisonment for not more than ninety days in the county jail, or by both~~
6 ~~such fine and imprisonment a simple misdemeanor.~~

1 SEC. 163. Section one hundred fifty-five point twenty-six (155.26), Code
2 1975, is amended to read as follows:

3 **155.26 Possession of prescription drugs.** Any person found in possession of
4 a drug or medicine limited by law to dispensation by a prescription, unless such
5 drug or medicine was so lawfully dispensed, shall be deemed guilty of ~~violating~~
6 ~~the provisions of this section, and upon conviction thereof, shall be fined not~~
7 ~~more than one thousand dollars or be imprisoned in the county jail for not more~~
8 ~~than one year, or both a serious misdemeanor.~~ This section shall not apply to a
9 licensed pharmacy, licensed wholesaler, physician, veterinarian, dentist,
10 podiatrist or nurse acting under the direction of a physician or the board of
11 pharmacy examiners, its officers, agents, inspectors, and representatives, nor to a
12 common carrier or messenger when transporting such drug or medicine in the
13 same unbroken package in which the drug or medicine was delivered to him *or*
14 *her* for transportation.

1 SEC. 164. Section one hundred fifty-five point twenty-seven (155.27), Code
2 1975, is amended to read as follows:

3 **155.27 Penalty.** Any person violating any of the provisions of this chapter
4 or any chapter pertaining to or affecting the practice of pharmacy for which a
5 specific penalty is not otherwise provided, shall be deemed guilty of a *simple*
6 ~~misdemeanor, and upon conviction thereof, shall be fined not more than five~~
7 ~~hundred dollars or shall be imprisoned in the county jail for not more than six~~
8 ~~months, or both.~~

1 SEC. 165. Section one hundred fifty-five point thirty (155.30), unnumbered
2 paragraphs two (2) and three (3), Code 1975, are amended to read as follows:

3 If the prescription drug is a controlled substance as defined in section 204.101,
4 subsection 6, the person shall be punished pursuant to section 204.401,
5 subsection 1, and section 204.411. If the prescription drug is not a controlled
6 substance, the person shall upon conviction of a first offense be ~~fined not more~~
7 ~~than one thousand dollars or be imprisoned in the county jail for not more than~~
8 ~~one year, or both guilty of a serious misdemeanor.~~ For a second offense, or if in
9 case of a first conviction of violation of any provision of section 155.29 or of
10 violation of any provision of this section, the offender shall previously have been
11 convicted of any violation of the laws of the United States or of any state,

12 territory, or district thereof relating to prescription drugs, the offender ~~upon~~
 13 ~~conviction~~ shall be ~~fin~~ed not more than two thousand dollars and be ~~imprisoned~~
 14 in the state penitentiary not less than two or more than five years *guilty of an*
 15 *aggravated misdemeanor*. For a third or subsequent offense in violation of this
 16 section or in violation of section 155.29, or if the offender shall previously have
 17 been convicted two or more times in the aggregate of any violation of the laws
 18 of the United States or of any state, territory, or district thereof relating to
 19 prescription drugs, the offender ~~upon conviction~~ shall be ~~fin~~ed not more than
 20 five thousand dollars and be ~~imprisoned in the state penitentiary not less than~~
 21 ~~five or more than ten years~~ *guilty of a class "D" felony*.

22 Any person violating any provision of this chapter by selling, giving away, or
 23 administering any prescription drug to a minor shall ~~upon conviction thereof be~~
 24 ~~punished by imprisonment in the state penitentiary for not less than five or more~~
 25 ~~than twenty years~~ *be guilty of a class "C" felony*.

1 SEC. 166. Section one hundred fifty-six point twelve (156.12), Code 1975, is
 2 amended to read as follows:

3 **156.12 Funeral directors and embalmers—solicitation of business—penalty.**
 4 Every funeral director or embalmer, or any person acting for him *or her*, who
 5 pays or causes to be paid, directly or indirectly, any money or other thing of
 6 value as a commission or gratuity for the securing of business for such funeral
 7 director or embalmer, and every person who accepts or offers to accept any
 8 money or other thing of value as a commission or gratuity from a funeral
 9 director or embalmer in order to secure business for him *or her* shall be deemed
 10 guilty of a *simple* misdemeanor, and ~~upon conviction thereof shall be fined not~~
 11 ~~more than five hundred dollars or shall be imprisoned in the county jail for not~~
 12 ~~less than thirty days, or both~~; provided that nothing herein contained shall be
 13 construed as prohibiting any person, firm, co-operative burial association or
 14 corporation, subject to the provisions of this chapter, from using legitimate and
 15 honest advertising.

1 SEC. 167. Section one hundred fifty-nine point seventeen (159.17), Code
 2 1975, is amended to read as follows:

3 **159.17 Interference with department.** Any person resisting or interfering
 4 with the department, its employees or authorized agents, in the discharge of any
 5 duty imposed by law shall be guilty of a *simple* misdemeanor.

1 SEC. 168. Section one hundred sixty-two point thirteen (162.13), unnumbered
 2 paragraphs one (1) and two (2), Code 1975, are amended to read as follows:

3 Operation of a pound, animal shelter, pet shop, boarding kennel, commercial
 4 kennel, hobby kennel or public auction, as defined in section 162.2, or dealing in
 5 dogs or cats, or both, either as a dealer or a commercial breeder, without a
 6 currently valid license or a certificate of registration shall constitute a *simple*
 7 misdemeanor and each day of such operation shall constitute a separate offense.
 8 ~~Upon conviction, a violator shall be fined not more than one hundred dollars or~~
 9 ~~imprisoned in the county jail not more than thirty days.~~

10 Failure of any person licensed or registered to adequately house, feed or water
 11 dogs or cats, or both, in his *or her* possession or custody or failure of any
 12 operator of a licensed pet shop to adequately house, feed, or water any
 13 vertebrate animal shall constitute a *simple* misdemeanor. ~~Upon conviction, a~~
 14 ~~violator shall be fined not more than one hundred dollars or imprisoned in the~~
 15 ~~county jail not more than thirty days.~~ Such animals shall be subject to seizure
 16 and impoundment and may be sold or destroyed by euthanasia at the discretion
 17 of the secretary and such failure shall also constitute grounds for revocation of
 18 license after public hearing. The commission of an act declared to be an
 19 unlawful practice under section 713.24, by any person licensed under this
 20 chapter shall constitute grounds for revocation of license.

1 SEC. 169. Section one hundred sixty-two point fifteen (162.15), Code 1975, is
2 amended to read as follows:

3 **162.15 Violation by animal warden.** Violation of any provision of this
4 chapter which relates to the seizing, impoundment, and custody of an animal by
5 an animal warden shall constitute a *simple* misdemeanor and each animal
6 handled in violation shall constitute a separate offense. ~~Upon conviction, a~~
7 ~~violation shall be fined not more than one hundred dollars or imprisoned in the~~
8 ~~county jail not more than thirty days.~~

1 SEC. 170. Section one hundred sixty-three point eighteen (163.18), Code
2 1975, is amended to read as follows:

3 **163.18 False representation.** Any person who knowingly makes any false
4 representation as to the purpose for which a shipment of animals is being or will
5 be made, with intent to avoid or prevent an inspection of such animals for the
6 purpose of determining whether the animals are free from disease, shall be guilty
7 of a *simple* misdemeanor and ~~punished as provided in this chapter.~~

1 SEC. 171. Section one hundred sixty-three point twenty-one (163.21), Code
2 1975, is amended to read as follows:

3 **163.21 Penalties.** Any person who shall violate any provision of this
4 chapter or any rule adopted thereunder by the department shall be ~~punished by~~
5 ~~a fine of not less than one hundred dollars nor more than one thousand dollars,~~
6 ~~or by imprisonment in the county jail for not more than one year guilty of a~~
7 ~~*simple* misdemeanor.~~

1 SEC. 172. Section one hundred sixty-three point twenty-three (163.23), Code
2 1975, is amended to read as follows:

3 **163.23 False certificates of health—penalty.** Any veterinarian issuing a
4 certificate of health for an animal knowing that the animal described therein was
5 not the animal from which the tests were made as a basis for the certificate or
6 who otherwise falsifies any such certificate shall be guilty of a ~~misdemeanor and~~
7 ~~punished as provided in this chapter~~ *fraudulent practice.*

1 SEC. 173. Section one hundred sixty-three point twenty-four (163.24), Code
2 1975, is amended to read as follows:

3 **163.24 Using false certificate.** Any person, firm, or corporation importing,
4 exporting, or transporting within this state or selling or offering for sale any
5 animal for which a certificate of health has been issued and who uses such
6 certificate in connection with any of said transactions knowing that the animal
7 described in said certificate was not the animal from which the tests were made
8 as a basis for the certificate or who knowingly uses any altered or otherwise false
9 certificate in connection with any of said transactions shall be guilty of a
10 ~~misdemeanor and punished as provided in this chapter~~ *fraudulent practice.*

1 SEC. 174. Section one hundred sixty-three point twenty-five (163.25), Code
2 1975, is amended to read as follows:

3 **163.25 Altering certificate.** Any person, firm, or corporation removing or
4 altering on any animal, tested or being tested for disease, any tag or mark of
5 identification authorized by the department or inserted by any qualified
6 veterinarian or altering any certificate of vaccination by one authorized to
7 vaccinate animals shall be guilty of a ~~misdemeanor and punished as provided in~~
8 ~~this chapter~~ *fraudulent practice.*

1 SEC. 175. Section one hundred sixty-three point twenty-nine (163.29), Code
2 1975, is amended to read as follows:

3 **163.29 Penalty.** Any person, firm, partnership, or corporation violating the
4 provisions of this division shall, ~~upon conviction thereof, be fined not less than~~
5 ~~one hundred dollars and not to exceed five hundred dollars~~ *guilty of a simple*
6 *misdemeanor.* Each day the provisions of section 163.27, or any rule made
7 pursuant thereto, is violated shall be a separate offense.

1 SEC. 176. Section one hundred sixty-three A point ten (163A.10), Code 1975,
2 is amended to read as follows:

3 **163A.10 Penalty.** Any person who shall violate any provision of this
4 chapter or any rule adopted thereunder by the department of agriculture shall be
5 ~~punished by a fine of not less than one hundred dollars nor more than one~~
6 ~~thousand dollars; or by imprisonment in the county jail for not more than one~~
7 ~~year guilty of a serious misdemeanor.~~

1 SEC. 177. Section one hundred sixty-four point thirty-one (164.31), Code
2 1975, is amended to read as follows:

3 **164.31 Penalties.** Any person found guilty of violating the provisions of
4 this chapter shall be deemed guilty of a *simple* misdemeanor ~~and punished by a~~
5 ~~fine not to exceed one hundred dollars on first offense; two hundred dollars on~~
6 ~~second offense; and three hundred dollars on the third and all subsequent~~
7 ~~offenses.~~

1 SEC. 178. Section one hundred sixty-five point twenty-seven (165.27), Code
2 1975, is amended to read as follows:

3 **165.27 Penalty.** Any owner of dairy or breeding cattle in the state who
4 prevents, hinders, obstructs, or refuses to allow a veterinarian authorized by the
5 department of agriculture to conduct such tests for tuberculosis on ~~his~~ *the*
6 *owner's* cattle, shall be deemed guilty of a *simple* misdemeanor ~~and shall be~~
7 ~~punished by a fine of not more than one hundred dollars, nor less than twenty-~~
8 ~~five dollars.~~

1 SEC. 179. Section one hundred sixty-five point thirty-three (165.33), Code
2 1975, is amended to read as follows:

3 **165.33 Penalty.** Any person found guilty of violating the provisions of
4 section 165.32 shall be deemed guilty of a *simple* misdemeanor ~~and punished by~~
5 ~~a fine of not to exceed one hundred dollars nor less than twenty-five dollars.~~

1 SEC. 180. Section one hundred sixty-six point thirty-eight (166.38), Code
2 1975, is amended to read as follows:

3 **166.38 Compensation.** No licensed veterinarian shall receive, directly or
4 indirectly, any compensation of any kind for the handling, sale, or use of any
5 biological products, other than ~~his~~ *the veterinarian's* charges for administering the
6 same, unless ~~he~~ *the veterinarian* makes known in writing the amount of such
7 compensation, if requested to do so by the person using biological products. Any
8 veterinarian violating this section shall ~~forfeit his license to practice and the~~
9 ~~same shall not be renewed for a period of one year~~ *be guilty of a simple*
10 *misdemeanor.*

1 SEC. 181. Section one hundred sixty-six A point fourteen (166A.14), Code
2 1975, is amended to read as follows:

3 **166A.14 Penalty.** Any person, firm or partnership or corporation violating
4 the provisions of this chapter shall ~~upon conviction thereof be fined not less~~
5 ~~than one hundred dollars and not to exceed five hundred dollars~~ *be guilty of a*
6 *simple misdemeanor.*

1 SEC. 182. Section one hundred sixty-seven point nineteen (167.19), Code
2 1975, is amended to read as follows:

3 **167.19 Penalty.** The violation of any of the provisions of this chapter or
4 any rule adopted thereunder by the department shall be ~~punishable by a fine of~~
5 ~~not less than five dollars nor more than one hundred dollars or by imprisonment~~
6 ~~in the county jail not more than thirty days~~ *guilty of a simple misdemeanor.*

1 SEC. 183. Section one hundred sixty-eight point eight (168.8), Code 1975, is
2 amended to read as follows:

3 **168.8 Punishment.** Any person, partnership, corporation, company, firm,
4 society, or association who violates any provision of this chapter shall be guilty

5 of a *simple* misdemeanor and shall be punished by a fine not exceeding one
6 hundred dollars.

1 SEC. 184. Section one hundred sixty-nine point forty-three (169.43), Code
2 1975, is amended to read as follows:

3 **169.43 Forgeries.** Any person who shall file or attempt to file with the
4 department of agriculture any false or forged diploma, or certificate or affidavit
5 of identification or qualification, shall be guilty of ~~forgery and punished~~
6 ~~accordingly a fraudulent practice.~~

1 SEC. 185. Section one hundred sixty-nine point forty-five (169.45), Code
2 1975, is amended to read as follows:

3 **169.45 Penalty.** Any person who violates any provision of this chapter shall
4 be guilty of a *simple* misdemeanor.

1 SEC. 186. Section one hundred sixty-nine point fifty-six (169.56),
2 unnumbered paragraph two (2), Code 1975, is amended to read as follows:

3 A member of the board who willfully communicates or seeks to communicate
4 such information, and any person who willfully requests, obtains, or seeks to
5 obtain such information, is guilty of a ~~public offense which is punishable by a~~
6 ~~fine not exceeding one hundred dollars or by imprisonment in the county jail for~~
7 ~~not more than thirty days simple misdemeanor.~~

1 SEC. 187. Section one hundred seventy point thirty-eight (170.38),
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 The state fire marshal shall adopt, amend, promulgate, and enforce such rules
4 and standards relating to fire protection and fire safety in hotels, restaurants and
5 food establishments, but such rules shall be promulgated only after public
6 hearing. Any person, firm or corporation violating any of said rules of said fire
7 marshal shall be deemed guilty of a *simple* misdemeanor, ~~and upon conviction~~
8 ~~thereof shall be punished by a fine of not less than twenty-five dollars nor more~~
9 ~~than one hundred dollars, and each day of a continuing violation after~~
10 ~~conviction shall be considered a separate offense.~~

1 SEC. 188. Section one hundred seventy point forty-nine (170.49), Code 1975,
2 is amended to read as follows:

3 **170.49 Penalty.** Any person who shall violate any provision of this chapter
4 shall be ~~fined not exceeding one hundred dollars or imprisoned in the county jail~~
5 ~~not exceeding thirty days guilty of a simple misdemeanor.~~

1 SEC. 189. Section one hundred seventy-one point sixteen (171.16), Code
2 1975, is amended to read as follows:

3 **171.16 Penalties.** Any person violating any of the provisions of this chapter
4 shall be ~~punished for the first offense by a fine of not less than twenty-five~~
5 ~~dollars nor more than one hundred dollars, and for the second offense by a fine~~
6 ~~of not less than one hundred dollars nor more than five hundred dollars, or by~~
7 ~~imprisonment for not more than six months, or by both such fine and~~
8 ~~imprisonment guilty of a simple misdemeanor.~~

1 SEC. 190. Section one hundred seventy-two point eleven (172.11), Code 1975,
2 is amended to read as follows:

3 **172.11 Penalties.** Any person who shall violate any provision of this
4 chapter shall be ~~fined not less than twenty-five dollars nor more than one~~
5 ~~hundred dollars or be imprisoned in the county jail not exceeding thirty days~~
6 ~~guilty of a simple misdemeanor.~~

1 SEC. 191. Section one hundred seventy-four point seven (174.7), Code 1975,
2 is amended to read as follows:

3 **174.7 Refusal to remove obstructions.** Any person owning, occupying, or
4 using any such obstruction who shall refuse or fail to remove the same when
5 ordered to do so by the management shall be ~~liable to a fine of not less than five~~

6 dollars ~~not more than one hundred dollars for each such offense guilty of a~~
7 ~~simple misdemeanor.~~

1 SEC. 192. Section one hundred seventy-four point twenty-one (174.21), Code
2 1975, is amended to read as follows:

3 **174.21 Violations—penalty.** Any person convicted of a violation of section
4 174.20 shall be ~~imprisoned in the penitentiary for a period of not more than~~
5 ~~three years, or in the county jail for not more than one year, and be fined in a~~
6 ~~sum not exceeding one thousand dollars guilty of a fraudulent practice.~~

1 SEC. 193. Section one hundred seventy-six point fourteen (176.14), Code
2 1975, is amended to read as follows:

3 **176.14 Dividends—diversion of funds.** No dividend shall ever be declared
4 by the association and any diversion of the funds or property of such
5 organization to any other purpose than that for which such organization was
6 incorporated shall constitute ~~larceny and be punished accordingly theft.~~

1 SEC. 194. Section one hundred seventy-seven A point sixteen (177A.16),
2 Code 1975, is amended to read as follows:

3 **177A.16 Violations.** Any person, copartnership, association or corporation,
4 or any combination of individuals, violating any provision of a quarantine
5 promulgated under the authority of this chapter, or of any rules issued
6 supplemental thereto, shall be guilty of a *simple* misdemeanor ~~and upon~~
7 ~~conviction thereof be punished by imprisonment in the county jail not exceeding~~
8 ~~thirty days or by a fine of not less than twenty-five dollars nor more than one~~
9 ~~hundred dollars for each offense.~~

1 SEC. 195. Section one hundred seventy-seven A point eighteen (177A.18),
2 Code 1975, is amended to read as follows:

3 **177A.18 Violations.** Any person who shall violate any provision or
4 requirement of this chapter, or of the rules made or of any notice given pursuant
5 thereto, or who shall forge, counterfeit, deface, destroy, or wrongfully use, any
6 certificate provided for in this chapter, or in the rules and regulations made
7 pursuant thereto, shall be deemed guilty of a *simple* misdemeanor ~~and upon~~
8 ~~conviction thereof shall be punished by a fine of not less than ten dollars, nor~~
9 ~~more than one hundred dollars or by imprisonment for not more than thirty~~
10 ~~days.~~

1 SEC. 196. Section one hundred seventy-seven A point nineteen (177A.19),
2 subsection four (4), Code 1975, is amended to read as follows:

3 4. The ~~penalties procedures~~ provided in section 177A.17 and all other
4 applicable provisions of sections 177A.5 to 177A.18 shall govern and apply to
5 the enforcement of this section.

1 SEC. 197. Section one hundred seventy-nine point eleven (179.11), Code
2 1975, is amended to read as follows:

3 **179.11 Penalties.** ~~Any~~ *Except as otherwise provided,* any person who shall
4 violate or aid in the violation of any of the provisions of this chapter shall be
5 deemed guilty of a *simple* misdemeanor ~~and upon conviction thereof shall be~~
6 ~~punished by a fine of not to exceed one hundred dollars, or by imprisonment in~~
7 ~~the county jail not to exceed thirty days.~~ All prosecutions for alleged violations
8 of the provisions of this chapter shall be by the county attorney of the county in
9 which such alleged violation occurred and shall be instituted and conducted
10 under the direction and authority of the attorney general of the state.

1 SEC. 198. Section one hundred eighty-one point twenty (181.20), Code 1975,
2 is amended to read as follows:

3 **181.20 Misdemeanors.** Any person who shall violate or assist in the
4 violation of any of the provisions of this chapter shall be deemed guilty of a
5 *simple* misdemeanor.

1 SEC. 199. Section one hundred eighty-four A point fifteen (184A.15), Code
2 1975, is amended to read as follows:

3 **184A.15 Misdemeanor.** It is a *simple* misdemeanor for any person to
4 willfully violate any provision of this chapter, or for any person to willfully
5 render or furnish a false or fraudulent report, statement, or record required by
6 the council or secretary.

1 SEC. 200. Section one hundred eighty-five point thirty-one (185.31), Code
2 1975, is amended to read as follows:

3 **185.31 Penalty.** It is a *simple* misdemeanor for any person to willfully
4 violate any provision of this chapter or for any person to willfully render or
5 furnish a false or fraudulent report, statement, or record required by the
6 secretary.

1 SEC. 201. Section one hundred eighty-seven point seven (187.7), Code 1975,
2 is amended to read as follows:

3 **187.7 Unlawful use of brand.** It shall be unlawful to use any brand for
4 branding any horses, cattle, sheep, mules, or asses unless the brand has been
5 recorded as provided by this chapter. Hot brands and cryo-brands, consisting of
6 Arabic numerals only, may be used in conjunction with recorded brands for
7 within the herd identification and as such shall not be recorded; and when so
8 used shall not be evidence of ownership. Anyone convicted of violating this
9 section shall be ~~fin~~ed a sum not to exceed one hundred dollars or imprisoned in
10 the county jail not to exceed thirty days *guilty of a simple misdemeanor.*

1 SEC. 202. Section one hundred eighty-seven point fourteen (187.14), Code
2 1975, is amended to read as follows:

3 **187.14 Tampering with brand.** Any person who shall brand, attempt to
4 brand, or cause to be branded the animals of another, or who shall efface,
5 deface, or obliterate or attempt to efface, deface, or obliterate any brand upon
6 any animal or animals of another, or who shall brand, attempt to brand, or
7 cause to be branded the recorded brand of another on any animal shall be
8 ~~imprisoned in the penitentiary not to exceed two years or fined not to exceed~~
9 ~~one thousand dollars, or both~~ *guilty of a fraudulent practice.*

1 SEC. 203. Section one hundred eighty-eight point forty (188.40), Code 1975,
2 is amended to read as follows:

3 **188.40 Penalty against finder.** If any person shall sell, trade, or take out of
4 the state any estray before the legal title shall have vested in ~~him~~ *the person, he*
5 *or she* shall forfeit to the owner double its value, and shall also be guilty of a
6 *simple* misdemeanor.

1 SEC. 204. Section one hundred eighty-eight point forty-six (188.46), Code
2 1975, is amended to read as follows:

3 **188.46 Penalty.** Any officer who fails to perform the duties enjoined upon
4 ~~him~~ *the officer* in this chapter in relation to estrays, shall be ~~fin~~ed not less than
5 ~~five dollars nor more than fifty dollars~~ *guilty of a simple misdemeanor.*

1 SEC. 205. Section one hundred eighty-nine point twenty-one (189.21), Code
2 1975, is amended to read as follows:

3 **189.21 Penalty.** Unless otherwise provided, any person violating any
4 provision of this title, or any rule made by the department and promulgated
5 under the authority of said department, shall be ~~punished by a fine of not less~~
6 ~~than ten dollars nor more than one hundred dollars or by imprisonment in the~~
7 ~~county jail not to exceed thirty days; and on a third conviction for the same~~
8 ~~offense may be restrained by injunction from operating such place of business~~
9 *guilty of a simple misdemeanor.*

1 SEC. 206. Section one hundred eighty-nine A point seventeen (189A.17),
2 subsection one (1), Code 1975, is amended to read as follows:

3 1. Any person who violates any provisions of this chapter for which no other
 4 criminal penalty is provided shall ~~upon conviction be subject to imprisonment in~~
 5 ~~the county jail for not more than one year, or a fine of not more than one~~
 6 ~~thousand dollars, or both such imprisonment and fine~~ *be guilty of a simple*
 7 *misdemeanor*; but if such violation involves intent to defraud, or any distribution
 8 or attempted distribution of an article that is adulterated, except as defined in
 9 section 189A.2, subsection 15, paragraph "h" such person shall be ~~subject to~~
 10 ~~imprisonment in the penitentiary for not more than three years or a fine of not~~
 11 ~~more than ten thousand dollars or both~~ *guilty of a fraudulent practice.*

1 SEC. 207. Section one hundred eighty-nine A point twenty (189A.20), Code
 2 1975, is amended by striking unnumbered paragraph one (1).

1 SEC. 208. Section one hundred ninety-one point three (191.3), unnumbered
 2 paragraph three (3), Code 1975, is amended to read as follows:

3 Any person violating any provision of this section shall ~~upon conviction or~~
 4 ~~plea of guilty be punished, for the first offense by a fine of one hundred dollars;~~
 5 ~~for the second offense by a fine of three hundred dollars; for the third offense~~
 6 ~~by a fine of five hundred dollars~~ *be guilty of a simple misdemeanor* and the
 7 suspension for one year of all licenses issued by the state of Iowa for the public
 8 eating place in which said violation occurred.

1 SEC. 209. Section one hundred ninety-one point five (191.5), Code 1975, is
 2 amended to read as follows:

3 **191.5 Advertising oleomargarine—restrictions.** No person, by himself, or
 4 agent, shall, by any means whatever, directly or indirectly, advertise or represent
 5 by statement, printing, writing, circular, poster, design, device, grade
 6 designation, advertisement, symbol, sound, or any combination thereof, that
 7 oleo, oleomargarine or margarine, or any brand of oleo, oleomargarine or
 8 margarine, is a dairy product for the purpose of inducing or which is likely to
 9 induce, directly or indirectly, the purchase for consumption of oleo,
 10 oleomargarine or margarine, or any brand thereof. Whoever shall violate this
 11 provision shall be deemed guilty of a *simple misdemeanor*.

1 SEC. 210. Section one hundred ninety-one A point twelve (191A.12), Code
 2 1975, is amended to read as follows:

3 **191A.12 Penalty.** Any person who violates any provision of this chapter
 4 shall, upon conviction, be ~~fin~~ *not exceeding one hundred dollars or*
 5 ~~imprisoned in the county jail not exceeding thirty days~~ *guilty of a simple*
 6 *misdemeanor*.

1 SEC. 211. Section one hundred ninety-two point sixty-six (192.66), subsection
 2 eight (8), Code 1975, is amended to read as follows:

3 8. Any person violating any provisions of this section shall be ~~punished by a~~
 4 ~~fine of not more than fifty dollars~~ *guilty of a simple misdemeanor*.

1 SEC. 212. Section one hundred ninety-two A point nineteen (192A.19), Code
 2 1975, is amended to read as follows:

3 **192A.19 Reports and answers to department.** Whenever the department has
 4 reason to believe that any distributor or retailer or processor may be in
 5 possession of information relevant to an investigation by it of suspected
 6 violations of the provisions of this chapter, the secretary may require such
 7 person to file with ~~him~~ *the secretary* in such form as ~~he~~ *the secretary* may
 8 prescribe special reports or answers in writing to specific questions furnishing
 9 such information. Such reports and answers shall be made under oath or
 10 otherwise as the secretary may prescribe and shall be filed with ~~him~~ *the secretary*
 11 within such reasonable period as ~~he~~ *the secretary* may prescribe. Any person who
 12 fails without lawful cause to file such reports or answers in writing within the
 13 period prescribed or shall willfully make or cause to be made any false
 14 statements in any such report or answer in writing shall be guilty of a *simple*

15 misdemeanor and upon conviction thereof fined not less than five hundred
16 dollars nor more than one thousand dollars.

1 SEC. 213. Section one hundred ninety-four point twenty (194.20), Code 1975,
2 is amended to read as follows:

3 **194.20 Penalty.** Any person who, by himself or herself or by his or her
4 agent or employee, willfully violates any requirement of this chapter shall be
5 fined not less than fifty dollars nor more than one hundred dollars guilty of a
6 simple misdemeanor.

1 SEC. 214. Section one hundred ninety-five point twenty-seven (195.27), Code
2 1975, is amended to read as follows:

3 **195.27 Penalties.** Any person who, by himself or herself or by his or her
4 agent or employee, willfully violates any requirement of this chapter shall be
5 fined not less than twenty-five dollars nor more than one hundred dollars guilty
6 of a simple misdemeanor.

1 SEC. 215. Section one hundred ninety-six point eighteen (196.18), Code 1975,
2 is amended to read as follows:

3 **196.18 Penalty.** Any person found guilty of any violation of this chapter
4 shall, upon conviction for the first offense, be fined twenty-five dollars; for the
5 second offense, he shall be fined one hundred dollars; and for the third and
6 subsequent offenses, he shall be fined two hundred dollars be deemed to have
7 committed a simple misdemeanor. In addition to such fines, the court for the third
8 offense shall suspend his the person's license for thirty days; and for the fourth
9 and any subsequent offense, such person's license shall be revoked for a period
10 of one year.

1 SEC. 216. Section one hundred ninety-six A point twenty-three (196A.23),
2 Code 1975, is amended to read as follows:

3 **196A.23 Penalty.** Any person who willfully violates any provision of this
4 chapter, willfully gives a false report, statement, or record required by the
5 council, or willfully fails to furnish or render any report, statement or record
6 required by the secretary shall be guilty of a simple misdemeanor.

1 SEC. 217. Section one hundred ninety-seven point six (197.6), Code 1975, is
2 amended to read as follows:

3 **197.6 Violations.** Any person who shall violate the provisions of this
4 chapter shall, for each offense, be deemed guilty of a simple misdemeanor and
5 punishable as such.

1 SEC. 218. Section one hundred ninety-eight point thirteen (198.13),
2 subsection one (1), Code 1975, is amended to read as follows:

3 1. Any person convicted of violating any of the provisions of this chapter or
4 who shall impede, hinder or otherwise prevent, or attempt to prevent, said
5 secretary or his the secretary's authorized agent in performance of his or her duty
6 in connection with the provisions of this chapter, shall be guilty of a simple
7 misdemeanor and shall be fined not less than twenty-five dollars or more than
8 one hundred dollars for the first violation, and not less than fifty dollars or more
9 than three hundred dollars for a subsequent violation.

1 SEC. 219. Section one hundred ninety-nine point thirteen (199.13), Code
2 1975, is amended to read as follows:

3 **199.13 Penalty.** Every violation of the provisions of this chapter shall be
4 deemed a simple misdemeanor, punishable by a fine of not more than two
5 hundred fifty dollars. The department of agriculture through its duly authorized
6 agent or agents, may institute proceedings in a court of competent jurisdiction to
7 enforce the provisions of this chapter.

1 SEC. 220. Section two hundred point eighteen (200.18), subsection two (2),
2 Code 1975, is amended to read as follows:

3 2. Any person ~~convicted~~ of violating any provision of this chapter or the rules
4 and regulations issued thereunder shall be ~~punished by a fine of not less than~~
5 ~~one hundred dollars nor more than two hundred fifty dollars guilty of a simple~~
6 ~~misdemeanor.~~

1 SEC. 221. Section two hundred one point eleven (201.11), unnumbered
2 paragraph one (1), Code 1975, is amended to read as follows:

3 Whoever sells, offers for sale, or exposes for sale or distribution any bulk
4 agricultural lime, limestone, or aglime without complying with the provisions of
5 this chapter, or permits any certification to accompany or be printed or stamped
6 on any bill of lading, scale ticket, ticket, or delivery receipt or other instrument
7 of sale, shipping or delivery, stating that the agricultural lime, limestone, or
8 aglime contains a different number of pounds of ECCE than certified as
9 provided in this chapter, or who shall adulterate any agricultural lime, limestone,
10 or aglime*with foreign mineral matter or other foreign substances, or who shall
11 adulterate the same with any substance injurious to the growth of plants, or
12 make any false report, shall be deemed guilty of a *simple* misdemeanor. ~~On~~
13 ~~conviction thereof, such person shall be fined not less than fifty dollars nor more~~
14 ~~than one hundred dollars.~~ The secretary of agriculture may revoke the license of
15 any person so convicted.

1 SEC. 222. Section two hundred one point fourteen (201.14), Code 1975, is
2 amended to read as follows:

3 **201.14 Misdemeanor.** Any person who shall obstruct the secretary of
4 agriculture or ~~his the secretary's~~ agents or representatives when in the discharge
5 of any duty or duties prescribed by this chapter shall be deemed to be guilty of a
6 *simple* misdemeanor and ~~upon conviction thereof shall be punished by a fine of~~
7 ~~not less than ten dollars nor more than one hundred dollars for the first offense,~~
8 ~~and for each subsequent offense by a fine of not less than fifty dollars nor more~~
9 ~~than thirty days in jail, or by both such fine and imprisonment.~~

1 SEC. 223. Section two hundred three A point five (203A.5), subsection one
2 (1), Code 1975, is amended to read as follows:

3 1. Any person who violates any of the provisions of this chapter shall be guilty
4 of a *serious* misdemeanor and ~~shall on conviction thereof be subject to~~
5 ~~imprisonment for not more than six months in the county jail or a fine of not~~
6 ~~more than five hundred dollars, or both such imprisonment and fine; but if the~~
7 ~~violation is committed after a conviction of such person under this section has~~
8 ~~become final, such person shall be subject to imprisonment for not more than~~
9 ~~one year in the county jail, or a fine of not more than one thousand dollars, or~~
10 ~~both such imprisonment and fine guilty of an aggravated misdemeanor.~~

1 SEC. 224. Section two hundred four point four hundred one (204.401),
2 subsection one (1), paragraphs a, b, c, and d, Code 1975, are amended to read as
3 follows:

4 a. A substance classified in schedule I or II which is a narcotic drug, is guilty
5 of a public offense and ~~upon conviction shall be punished by imprisonment in~~
6 ~~the penitentiary for not to exceed ten years and by a fine of not more than two~~
7 ~~thousand dollars class "C" felony.~~

8 b. Any other controlled substance classified in schedules I, II, or III, is guilty
9 of a public offense and ~~upon conviction shall be punished by imprisonment in~~
10 ~~the penitentiary for not to exceed five years and by a fine of not more than one~~
11 ~~thousand dollars class "D" felony.~~

12 c. A substance classified in schedule IV, is guilty of a public offense and ~~upon~~
13 ~~conviction shall be punished by imprisonment in the county jail for not to~~
14 ~~exceed one year or by a fine of not more than five hundred dollars, or by both~~
15 ~~such imprisonment and fine serious misdemeanor.~~

* According to enrolled Act

16 d. A substance classified in schedule V, is guilty of a public offense and upon
 17 conviction shall be punished by imprisonment in the county jail for not to
 18 exceed six months or by a fine of not more than two hundred fifty dollars, or
 19 both such imprisonment and fine *simple misdemeanor*.

1 SEC. 225. Chapter two hundred four (204), Code 1975, is amended by adding
 2 the following new section:

3 NEW SECTION **Mandatory minimum sentence.** A person sentenced
 4 pursuant to section two hundred four point four hundred one (204.401),
 5 subsection one (1), paragraph a or b of the Code, shall not be eligible for parole
 6 until he or she has served a minimum period of confinement of one-third of the
 7 maximum indeterminate sentence prescribed by law.

8 This section shall not apply if:

9 1. The offense is found to be an accommodation pursuant to section two
 10 hundred four point four hundred ten (204.410) of the Code; or

11 2. The controlled substance is marijuana.

1 SEC. 226. Section two hundred four point four hundred one (204.401),
 2 subsection two (2), paragraphs a, b, c, and d, Code 1975, are amended to read as
 3 follows:

4 a. A counterfeit substance classified in schedule I or II which is a narcotic
 5 drug, is guilty of a public offense and upon conviction shall be punished by
 6 imprisonment in the penitentiary for not to exceed ten years, and by a fine of
 7 not more than two thousand dollars *class "C" felony*.

8 b. Any other counterfeit substance classified in schedules I, II, or III, is guilty
 9 of a public offense and upon conviction shall be punished by imprisonment in
 10 the penitentiary for not to exceed five years and by a fine of not more than one
 11 thousand dollars *class "D" felony*.

12 c. A counterfeit substance classified in schedule IV, is guilty of a public
 13 offense and upon conviction shall be punished by imprisonment in the county
 14 jail for not to exceed one year or by a fine of not more than five hundred
 15 dollars, or by both such imprisonment and fine *serious misdemeanor*.

16 d. A counterfeit substance classified in schedule V, is guilty of a public
 17 offense and upon conviction shall be punished by imprisonment in the county
 18 jail for not to exceed six months or by a fine of not more than two hundred fifty
 19 dollars, or by both such imprisonment and fine *simple misdemeanor*.

1 SEC. 227. Section two hundred four point four hundred two (204.402),
 2 subsection two (2), paragraphs a and b, Code 1975, are amended to read as
 3 follows:

4 a. Of a violation of paragraphs "a", "b", "d", or "e" shall be punished by
 5 imprisonment in the penitentiary for not to exceed one year or by a fine of not
 6 more than one thousand dollars, or both such imprisonment and fine *an*
 7 *aggravated misdemeanor*.

8 b. Of a violation of paragraph "c" shall be punished by a fine of not more
 9 than five hundred dollars if the conviction is the defendant's first under this
 10 chapter or under any state or federal statute relating to narcotic drugs,
 11 marijuana, or stimulant, depressant, or hallucinogenic drugs, and by
 12 imprisonment in the penitentiary for not to exceed one year, or by a fine of not
 13 more than one thousand dollars, or both such imprisonment and fine if the
 14 defendant has previously been so convicted *a serious misdemeanor*.

1 SEC. 228. Section two hundred four point four hundred three (204.403),
 2 subsection two (2), Code 1975, is amended to read as follows:

3 2. Any person who violates this section, or who acts with, enters into a
 4 common scheme or design with, or conspires with one or more other persons to
 5 violate this section, is guilty of a public offense and upon conviction shall be
 6 punished by imprisonment in the penitentiary for not to exceed one year and by
 7 a fine of not more than one thousand dollars *serious misdemeanor*.

1 SEC. 229. Section two hundred four point four hundred six (204.406), Code
2 1975, is amended to read as follows:

3 **204.406 Distribution to persons under age eighteen.** Any person who is
4 eighteen years of age or over who violates section 204.401, subsection 1, by
5 distributing a substance listed in schedule I or II, which is a narcotic drug, to a
6 person under eighteen years of age, shall be ~~punished by a fine and by a term of~~
7 ~~imprisonment not to exceed twice that authorized by section 204.401, subsection~~
8 ~~1, paragraph "a" guilty of a class "B" felony, however the minimum time to be~~
9 ~~served before parole may be granted shall be five years.~~ Any person who is eighteen
10 years of age or over who violates section 204.401, subsection 1, by distributing
11 any other controlled substance listed in schedules I, II, or III, ~~IV, or V~~ to a
12 person under eighteen years of age who is at least three years his or her junior
13 shall be ~~punished by a fine not to exceed that authorized by section 204.401,~~
14 ~~subsection 1, paragraph "b" or "c", or by a term of imprisonment not to exceed~~
15 ~~one and one-half times that authorized by section 204.401, subsection 1,~~
16 ~~paragraph "b" or "c", or by both such fine and imprisonment guilty of a class~~
17 ~~"C" felony.~~ Any person who is eighteen years of age or over who violates section two
18 hundred four point four hundred one (204.401), subsection one (1) of the Code by
19 distributing any controlled substance listed in schedules four (IV) and five (V) to a
20 person under eighteen years of age who is at least three years his junior shall be
21 guilty of an aggravated misdemeanor.

1 SEC. 230. Section two hundred four point four hundred seven (204.407),
2 unnumbered paragraphs three (3) and four (4), Code 1975, are amended to read
3 as follows:

4 Any person who violates this section and where the controlled substance is
5 any one other than marijuana is guilty of a ~~public offense and upon conviction~~
6 ~~shall be punished by imprisonment in the penitentiary for not to exceed five~~
7 ~~years or by a fine of not to exceed ten thousand dollars or by both such~~
8 ~~imprisonment and fine class "D" felony.~~

9 Any person who violates this section, and where the controlled substance is
10 marijuana only, is guilty of a ~~public offense and upon conviction shall be~~
11 ~~punished by imprisonment in the county jail for not to exceed one year or by a~~
12 ~~fine of not to exceed one thousand dollars or by both such fine and~~
13 ~~imprisonment serious misdemeanor.~~

1 SEC. 231. Section two hundred four point four hundred ten (204.410), Code
2 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **204.410 Accommodation offense.** In a prosecution for unlawful delivery or
5 possession with intent to deliver a controlled substance, if the prosecution proves
6 that the defendant violated the provisions of section two hundred four point
7 four hundred one (204.401), subsection one (1), of the Code, but fails to prove
8 that the defendant delivered or possessed with intent to deliver the controlled
9 substance for the purpose of making a profit, the defendant shall be guilty of an
10 accommodation offense and shall be sentenced as if he had been convicted of a
11 violation of section two hundred four point four hundred one (204.401),
12 subsection three (3) of the Code. An accommodation offense may be proved as
13 an included offense under a charge of delivering or possessing with the intent to
14 deliver a controlled substance* in violation of section two hundred four point
15 four hundred one (204.401), subsection one (1), of the Code.

16 The effective date of this section shall be July 1, 1976.

1 SEC. 232. Section two hundred four point five hundred five (204.505),
2 subsection four (4), Code 1975, is amended by striking the subsection and
3 inserting in lieu thereof the following:

4 4. The disposition of property, other than conveyances subject to forfeiture,
5 which has been taken or detained under this chapter shall be made in

*According to enrolled Act

6 accordance with division nine (IX) of chapter two (2) of this Act.

7 However, controlled substances taken, detained, or forfeited shall be disposed
8 of as provided by section two hundred four point five hundred six (204.506) of
9 the Code. Such property shall not be subject to replevin.

1 SEC. 233. Section two hundred five point ten (205.10), Code 1975, is
2 amended to read as follows:

3 **205.10 False representations.** Any person who obtains any poison
4 enumerated in section 205.5 under a false name or statement shall be guilty of a
5 misdemeanor and punished as provided in chapter 189 *fraudulent practice*.

1 SEC. 234. Section two hundred six point twenty-two (206.22), Code 1975, is
2 amended to read as follows:

3 **206.22 Penalties.**

4 1. Any person violating section 206.11, subsection 1, paragraph "a", shall be
5 guilty of a *simple* misdemeanor and upon conviction shall be fined not more
6 than one hundred dollars.

7 2. Any person violating any provision of this chapter other than section
8 206.11, subsection 1, paragraph "a", shall be guilty of a *serious* misdemeanor and
9 upon conviction shall be fined not more than five hundred dollars for the first
10 offense and upon conviction for a subsequent offense shall be fined not more
11 than one thousand dollars; provided, that any offense committed more than five
12 years after a previous conviction shall be considered a first offense; and
13 provided, further, that in any case where a registrant was issued a warning by
14 the secretary pursuant to the provisions of this chapter, such registrant shall
15 upon conviction of a violation of any provision of this chapter other than section
16 206.11, subsection 1, paragraph "a", be fined not more than one thousand
17 dollars, or imprisoned for not more than one year, or be subject to both such
18 fine and imprisonment guilty of a *serious* misdemeanor; and the registration of
19 the article with reference to which the violation occurred shall terminate
20 automatically. An article, the registration of which has been terminated, may not
21 again be registered unless the article, its labeling, and other material required to
22 be submitted appear to the secretary to comply with all the requirements of this
23 chapter.

24 3. Notwithstanding any other provisions of the section, in case any person,
25 with intent to defraud, uses or reveals information relative to formulae of
26 products acquired under authority of section 206.12, he shall be fined not more
27 than one thousand dollars or imprisoned for not more than one year, or both
28 guilty of a *serious* misdemeanor.

1 SEC. 235. Section two hundred eight A point eleven (208A.11), Code 1975, is
2 amended to read as follows:

3 **208A.11 Penalty.** If any person, partnership, corporation, or association
4 shall violate the provisions of this chapter, such person, partnership, corporation
5 or association shall be deemed guilty of a *simple* misdemeanor and, upon convic-
6 tion thereof, shall be punished according to the general provisions of title X and
7 the department may after due hearing cancel registration.

1 SEC. 236. Section two hundred ten point twenty-one (210.21), Code 1975, is
2 amended to read as follows:

3 **210.21 Violations.** It shall be unlawful for any person to manufacture,
4 procure, or keep for the purpose of sale, offer or expose for sale, or sell bread in
5 the form of loaves which are not of one of the weights specified in section 210.19
6 or violate the rules of the secretary of agriculture pertaining thereto. Any person
7 who, by himself or herself or by his or her servant, or agent, or as the servant or
8 agent of another, shall violate any of the provisions of sections 210.19 to 210.25,
9 shall be guilty of a *simple* misdemeanor and shall be punished by a fine of not
10 less than ten dollars nor more than one hundred dollars upon conviction in any
11 court of competent jurisdiction, or by imprisonment for not more than thirty
12 days, in the discretion of the court.

1 SEC. 237. Section two hundred eleven point two (211.2), Code 1975, is
2 amended to read as follows:

3 **211.2 Violations.** Any person or corporation failing to keep such record or
4 refusing to offer the same for inspection when requested at a reasonable time by
5 the peace officer, shall be guilty of a *simple* misdemeanor and ~~punished by a fine~~
6 ~~not exceeding one hundred dollars.~~

1 SEC. 238. Section two hundred fourteen point eight (214.8), Code 1975, is
2 amended to read as follows:

3 **214.8 Penalty.** Any weighmaster violating any of the provisions of sections
4 214.6 and 214.7, shall be guilty of a *simple* misdemeanor, and ~~punished as~~
5 ~~provided in chapter 189~~ and be liable to the person injured for all damages
6 sustained.

1 SEC. 239. Section two hundred fourteen A point eleven (214A.11), Code
2 1975, is amended to read as follows:

3 **214A.11 Violations.** Any person violating the provisions of this chapter
4 shall be guilty of a *simple* misdemeanor and ~~shall be punished by a fine of not to~~
5 ~~exceed one hundred dollars or imprisonment in the county jail for a period of~~
6 ~~not to exceed thirty days.~~

1 SEC. 240. Section two hundred fifteen point twenty (215.20), unnumbered
2 paragraph two (2), Code 1975, is amended to read as follows:

3 Any person violating any provision of this section is guilty of a *simple*
4 misdemeanor and, upon conviction shall be punished as provided by law.

1 SEC. 241. Section two hundred fifteen A point ten (215A.10), Code 1975, is
2 amended to read as follows:

3 **215A.10 Penalty.** Every person who uses or causes to be used a moisture-
4 measuring device in commerce with knowledge that such device has not been
5 inspected and approved by the department in accordance with the provisions of
6 this chapter shall be guilty of a *simple* misdemeanor and ~~upon conviction shall~~
7 ~~be punished by a fine not exceeding one hundred dollars or by imprisonment in~~
8 ~~the county jail for a period not to exceed thirty days or both such fine and~~
9 ~~imprisonment.~~

1 SEC. 242. Section two hundred seventeen point fourteen (217.14), subsection
2 seven (7), unnumbered paragraph two (2), Code 1975, is amended to read as
3 follows:

4 The commissioner of social services may establish for any inmate sentenced
5 pursuant to ~~section 789.13~~ *chapter three (3), section two hundred two (202) of this*
6 *Act* a furlough program under which inmates sentenced to and confined in an
7 institution under the jurisdiction of the department of social services may be
8 temporarily released. Furloughs for a period not to exceed fourteen days may be
9 granted when an immediate member of the inmate's family is seriously ill or has
10 died, when an inmate is to be interviewed by a prospective employer, or when
11 an inmate is authorized to participate in a training program not available within
12 the institution. Furloughs for a period not to exceed fourteen days may also be
13 granted in order to allow the inmate to participate in programs or activities that
14 serve rehabilitative objectives. The commissioner of social services shall
15 promulgate rules and regulations to carry out the provisions of this paragraph.

1 SEC. 243. Section two hundred eighteen point ninety-one (218.91), Code
2 1975, is amended to read as follows:

3 **218.91 Boys transferred from training school to reformatory.** The director of
4 the division of child and family services with the consent and approval of the
5 director of the division of corrections of the department of social services may
6 order the transfer of inmates of the training school for boys to the men's

7 reformatory for custodial care whenever it is determined that such action will be
 8 conducive to the welfare of the other inmates of the school. Such transfer shall
 9 be effected by application in writing to the district court, or any judge thereof,
 10 of the county in which the said training school is situated. Upon the granting of
 11 the order of transfer, the transfer shall take place. The county attorney of the
 12 said county shall appear in support of such application. The cost of the transfer
 13 shall be paid from the funds of the training school for boys. Subsequent to a
 14 transfer made under this section, the person transferred shall be subject to all
 15 the provisions of law and regulations of the institution to which he is transferred,
 16 and for the purposes of chapter 745 one (1), section one thousand nine hundred
 17 four (1904) of this Act such person shall be regarded as having been committed
 18 to the institution.

1 SEC. 244. Section two hundred twenty-two point forty-seven (222.47), Code
 2 1975, is amended to read as follows:

3 **222.47 Penalty for false petition of commitment.** Any person who shall
 4 maliciously seek to have any person adjudged mentally retarded, knowing that
 5 such person is not mentally retarded, shall be ~~fin~~~~ed not exceeding one thousand~~
 6 ~~dollars or imprisoned not exceeding one year in the county jail guilty of a~~
 7 ~~fraudulent practice.~~

1 SEC. 245. Section two hundred twenty-three point four (223.4), subsection
 2 two (2), Code 1975, is amended to read as follows:

3 2. Commitments by the courts as mentally incompetent to stand trial under
 4 chapter 783 two (2), section one thousand two hundred four (1204) of this Act.

1 SEC. 246. Section two hundred twenty-four A point six (224A.6), Code 1975,
 2 is amended to read as follows:

3 **224A.6 Penalties.** Any person who violates any provision of this chapter
 4 shall, ~~upon conviction, be fined not exceeding one hundred dollars, or~~
 5 ~~imprisoned in the county jail not exceeding thirty days guilty of a simple~~
 6 ~~misdemeanor.~~

1 SEC. 247. Section two hundred twenty-nine point thirty-eight (229.38), Code
 2 1975, is amended to read as follows:

3 **229.38 Cruelty or official misconduct.** If any person having the care of a
 4 mentally ill person, and restraining him *or her*, whether in a hospital or
 5 elsewhere, with or without authority, shall treat him *or her* with unnecessary
 6 severity, harshness, or cruelty, or in any way abuse him *or her*, or if any officer
 7 required by the provisions of this and chapters 226 to 228, inclusive, to perform
 8 any act shall willfully refuse or neglect to perform the same, ~~he the person shall,~~
 9 unless otherwise provided, be ~~fin~~~~ed not to exceed five hundred dollars, or be~~
 10 ~~imprisoned in the county jail not to exceed three months, and pay the costs of~~
 11 ~~prosecution, or be both fined and imprisoned at the discretion of the court guilty~~
 12 ~~of a serious misdemeanor.~~

1 SEC. 248. Section two hundred thirty-five A point nine (235A.9), subsection
 2 one (1), Code 1975, is amended to read as follows:

3 1. Any person, official, agency or institution, required by this chapter to
 4 report a suspected case of child abuse who knowingly and willfully fails to do so
 5 is guilty of a *simple* misdemeanor and ~~upon conviction shall be fined not more~~
 6 ~~than one hundred dollars or be imprisoned in the county jail not more than ten~~
 7 ~~days.~~

1 SEC. 249. Section two hundred thirty-five A point twenty-one (235A.21),
 2 subsection one (1), Code 1975, is amended to read as follows:

3 1. Any person who willfully requests, obtains, or seeks to obtain child abuse
 4 information under false pretenses, or who willfully communicates or seeks to
 5 communicate child abuse information to any agency or person except in
 6 accordance with sections 235A.15 and 235A.17, or any person connected with

7 any research authorized pursuant to section 235A.15 who willfully falsifies child
 8 abuse information or any records relating thereto, is guilty of a ~~criminal offense~~
 9 ~~and upon conviction for each such offense be punished by a fine of not more~~
 10 ~~than one thousand dollars or by imprisonment in the state penitentiary for not~~
 11 ~~more than two years, or by both such fine and imprisonment~~ *serious*
 12 *misdemeanor*. Any person who knowingly, but without criminal purposes,
 13 communicates or seeks to communicate child abuse information except in
 14 accordance with sections 235A.15 and 235A.17 shall for each such offense be
 15 ~~finned not more than one hundred dollars or be imprisoned not more than ten~~
 16 ~~days be guilty of a simple misdemeanor.~~

1 SEC. 250. Section two hundred thirty-six point thirty-four (236.34), Code
 2 1975, is amended to read as follows:

3 **236.34 Penalty.** Every person who violates any of the provisions of this
 4 chapter or who shall intentionally make any false statements or reports to the
 5 state commissioner with reference to the matters contained herein, shall be guilty
 6 of a ~~misdemeanor and upon conviction shall be fined not to exceed three~~
 7 ~~hundred dollars or imprisoned for a term not to exceed one year~~ *fraudulent*
 8 *practice*.

1 SEC. 251. Section two hundred thirty-eight point forty-five (238.45), Code
 2 1975, is amended to read as follows:

3 **238.45 Penalty.** Every person who violates any of the provisions of this
 4 chapter or who intentionally shall make any false statements or reports to the
 5 state director with reference to the matters contained herein, shall be guilty of a
 6 ~~misdemeanor and upon conviction shall be punished accordingly~~ *fraudulent*
 7 *practice*.

1 SEC. 252. Section two hundred thirty-nine point fourteen (239.14), Code
 2 1975, is amended to read as follows:

3 **239.14 Fraudulent acts.** Whoever obtains, or attempts to obtain, or aids or
 4 abets any person to obtain, by means of a willfully false statement or
 5 representation, or by impersonation, or any fraudulent device, any assistance
 6 under this chapter to which the recipient is not entitled, shall be guilty of a
 7 ~~misdemeanor, and, upon conviction thereof, shall be punishable by fine, not~~
 8 ~~exceeding five hundred dollars or by imprisonment in the county jail for not~~
 9 ~~more than three months, or by both such fine and imprisonment~~ *fraudulent*
 10 *practice*.

1 SEC. 253. Chapter two hundred forty-five (245), Code 1975, is amended by
 2 adding the following new section:

3 **NEW SECTION. Federal prisoners.** Convicts sentenced for any term by any
 4 court of the United States may be received by the superintendent into the
 5 women's reformatory and there kept in pursuance of their sentences. Convicts at
 6 the women's reformatory may also be transferred to the federal bureau of
 7 prisons.

1 SEC. 254. Section two hundred forty-five point eleven (245.11), Code 1975, is
 2 amended to read as follows:

3 **245.11 Effect of transfer.** After a transfer to either institution is made,
 4 under section 245.10, the person transferred shall be subject to all the provisions
 5 of law and regulations of the institution to which she is transferred, and for the
 6 purposes of chapter ~~745 one (1), section one thousand nine hundred four (1904) of~~
 7 ~~this Act~~, a person transferred from the training school for girls to the women's
 8 reformatory shall be regarded as having been committed thereto.

1 SEC. 255. Section two hundred forty-six point eleven (246.11), Code 1975, is
 2 amended to read as follows:

3 **246.11 Federal prisoners.** Convicts sentenced for any term at ~~hard labor~~ by
4 any court of the United States may be received by the warden into the
5 penitentiary or the men's reformatory and there kept in pursuance of their
6 sentences. *Convicts at either the penitentiary or men's reformatory may also be*
7 *transferred to the federal bureau of prisons.*

1 SEC. 256. Section two hundred forty-nine point eleven (249.11), Code 1975,
2 is amended to read as follows:

3 **249.11 Fraud.** Any person who obtains assistance under this chapter by
4 misrepresentation or by failure with fraudulent intent to bring forth all of the
5 facts required of an applicant for assistance under this chapter, or any person
6 who shall knowingly make false statements concerning an applicant's eligibility
7 for assistance under this chapter, is guilty of a *simple* misdemeanor.

1 SEC. 257. Section two hundred fifty point ten (250.10), unnumbered
2 paragraph three (3), Code 1975, is amended to read as follows:

3 It shall be unlawful for any person, body, association, firm, corporation or
4 any other agency to solicit, disclose, receive, make use of or to authorize,
5 knowingly permit, participate in or acquiesce in the use of any lists, names or
6 other information obtained from the reports above provided for, for commercial
7 or political purposes, and a violation of this provision shall constitute a *serious*
8 misdemeanor ~~punishable by a fine of not to exceed two thousand dollars or by~~
9 ~~imprisonment in the county jail not to exceed one year, or by both such fine and~~
10 ~~imprisonment.~~

1 SEC. 258. Section two hundred sixty-two point sixty-eight (262.68), Code
2 1975, is amended to read as follows:

3 **262.68 Speed limit on institutional grounds.** The maximum speed limit of all
4 vehicles on institutional roads at institutions under the control of the state board
5 of regents shall be forty-five miles per hour. All driving shall be confined to
6 driveways designated by the state board. Whenever the state board shall
7 determine that the speed limit hereinbefore set forth is greater than is reasonable
8 or safe under the conditions found to exist at any place of congestion or upon
9 any part of its institutional roads, said board shall determine and declare a
10 reasonable and safe speed limit thereat which shall be effective when
11 appropriate signs giving notice thereof are erected at such places of congestion
12 or other parts of its institutional roads. Any person violating the aforementioned
13 speed limits shall, ~~upon conviction, be fined not to exceed one hundred dollars,~~
14 ~~or be imprisoned in the county jail not to exceed thirty days guilty of a simple~~
15 ~~misdemeanor.~~

1 SEC. 259. Section two hundred sixty-four point six (264.6), Code 1975, is
2 amended to read as follows:

3 **264.6 Penalty.** The members of the board of trustees and the officers of an
4 institution of higher learning who do not file, in accordance with the provisions
5 of this chapter, the record of grades in the office of the registrar of the state
6 university within twelve months after the said institution has been closed or has
7 ceased to function as an educational institution, ~~may shall be fined an amount~~
8 ~~not to exceed five hundred dollars guilty of a simple misdemeanor.~~

1 SEC. 260. Section two hundred eighty-five point fourteen (285.14), Code
2 1975, is amended to read as follows:

3 **285.14 Nonstandard buses—penalties.** Any person who operates or permits
4 to be operated as a school bus to transport pupils, any vehicle which does not
5 comply with the requirements provided by law or by the rules and regulations of
6 the state department of public instruction, or for which there is not a valid
7 temporary certificate for operation, shall be ~~punished by a fine of not to exceed~~
8 ~~one hundred dollars or by imprisonment in the county jail not to exceed thirty~~
9 ~~days guilty of a simple misdemeanor.~~

1 SEC. 261. Section two hundred eighty-five point fifteen (285.15), Code 1975,
2 is amended to read as follows:

3 **285.15 Forfeiture of reimbursement rights.** The failure of any local district
4 to comply with the provisions of this chapter or any other laws relating to the
5 transportation of pupils, or any rules made by the state department of public
6 instruction under this chapter or the final decisions of the area education agency
7 board, or the final decisions of the state department of public instruction shall
8 during the period such failure to comply existed forfeit the rights to collect
9 transportation costs from school or parents while operating in such illegal
10 manner. Any superintendent, board, or board member who knowingly operates
11 or permits to be operated any school bus transporting public school pupils in
12 violation of any school transportation law shall be deemed guilty of a *simple*
13 misdemeanor.

1 SEC. 262. Section two hundred eighty-nine point six (289.6), Code 1975, is
2 amended to read as follows:

3 **289.6 Violations.** When such part-time school shall have been established,
4 any parent or person in charge of such minor as defined in this chapter who
5 shall violate the provisions of this chapter, shall be ~~punished by a fine of not less~~
6 ~~than ten dollars nor more than fifty dollars guilty of a simple misdemeanor,~~ or
7 any person unlawfully employing any such minor shall be ~~punished by a fine of~~
8 ~~not less than twenty dollars nor more than one hundred dollars, or be~~
9 ~~imprisoned in the county jail not to exceed thirty days guilty of a simple~~
10 ~~misdemeanor.~~

1 SEC. 263. Section two hundred ninety-seven point fourteen (297.14), Code
2 1975, is amended to read as follows:

3 **297.14 Barbed wire.** No fence provided for in section 297.13 shall be
4 constructed of barbed wire, nor shall any barbed wire fence be placed within ten
5 feet of any school grounds. Any person violating the provisions of this section
6 shall be ~~punished by a fine not exceeding twenty-five dollars guilty of a simple~~
7 ~~misdemeanor.~~

1 SEC. 264. Section two hundred ninety-nine point six (299.6), Code 1975, is
2 amended to read as follows:

3 **299.6 Violations.** Any person who shall violate any of the provisions of
4 sections 299.1 to 299.5, inclusive, shall be ~~fined not less than five dollars nor~~
5 ~~more than twenty dollars for each offense guilty of a simple misdemeanor.~~

1 SEC. 265. Section three hundred one point twenty-eight (301.28), Code 1975,
2 is amended to read as follows:

3 **301.28 Officers and teachers as agents for books and supplies.** It shall be
4 unlawful for any school director, officer, area education director or teacher to
5 act as agent for any school textbooks or school supplies during such term of
6 office or employment, and any school director, officer, area education director
7 or teacher, who shall act as agent or dealer in school textbooks or school
8 supplies, during the term of such office or employment, shall be deemed guilty
9 of a *serious* misdemeanor, ~~and shall, upon conviction thereof, be fined not less~~
10 ~~than ten dollars nor more than one hundred dollars, and pay the costs of~~
11 ~~prosecution.~~

1 SEC. 266. Section three hundred six B point six (306B.6), Code 1975, is
2 amended to read as follows:

3 **306B.6 Misdemeanor.** Whoever erects or maintains an advertising device in
4 violation of this chapter or in violation of rules and regulations promulgated by
5 the department under this chapter shall be guilty of a *simple* misdemeanor ~~and~~
6 ~~upon conviction be fined not less than twenty-five dollars nor more than one~~
7 ~~hundred dollars.~~

1 SEC. 267. Section three hundred nine point sixty-six (309.66), Code 1975, is
2 amended to read as follows:

3 **309.66 Use of gravel beds.** The board of supervisors may permit private
4 parties or municipal corporations to take materials from such acquired lands in
5 order to improve any street or highway in the county, but it shall be a *serious*
6 misdemeanor for any person to use or for the board of supervisors to dispose of
7 any such material for any purpose other than for the improvement of such
8 streets or highways.

1 SEC. 268. Section three hundred thirteen A point thirty-seven (313A.37),
2 Code 1975, is amended to read as follows:

3 **313A.37 Failure to pay toll—penalty.** Any person who uses any toll bridge
4 and fails or refuses to pay the toll provided therefor shall be ~~punished by a fine~~
5 ~~of not more than one hundred dollars or by imprisonment for not more than~~
6 ~~thirty days, or both guilty of a simple misdemeanor.~~

1 SEC. 269. Section three hundred seventeen point twenty-four (317.24), Code
2 1975, is amended to read as follows:

3 **317.24 Punishment of officer.** Any officer referred to in this chapter who
4 neglects or fails to perform the duties incumbent upon ~~him~~ *the officer* under the
5 provisions of this chapter shall be ~~punished by a fine not exceeding one hundred~~
6 ~~dollars guilty of a simple misdemeanor.~~

1 SEC. 270. Section three hundred twenty point eight (320.8), Code 1975, is
2 amended to read as follows:

3 **320.8 Penalty.** Failure to comply with any of the conditions of said grant,
4 whether made such by statute or by agreement, or the laying of any such mains,
5 or the constructing of any such catterways, without having secured the grant of
6 permission as provided by law shall be ~~punished by a fine of not less than one~~
7 ~~hundred dollars nor more than one thousand dollars deemed a simple~~
8 ~~misdemeanor.~~ It shall be the duty of the state department of transportation and
9 of the board of supervisors, as regards the highways under their respective
10 jurisdictions, to enforce the provisions of this section and the laws relating
11 thereto.

1 SEC. 271. Section three hundred twenty-one point one (321.1), subsection
2 forty-five (45), Code 1975, is amended to read as follows:

3 45. "Peace officer" means every officer authorized to direct or regulate traffic
4 or to make arrests for violations of traffic regulations in addition to its meaning
5 in ~~section 748.3~~ *chapter two (2), section one hundred four (104), subsection seven (7)*
6 *of this Act.*

1 SEC. 272. Section three hundred twenty-one point seventy-eight (321.78),
2 Code 1975, is amended to read as follows:

3 **321.78 Injuring or tampering with vehicle.** Any person who either
4 individually or in association with one or more other persons willfully injures or
5 tampers with any vehicle or breaks or removes any part or parts of or from a
6 vehicle without the consent of the owner is guilty of a *simple* misdemeanor
7 ~~punishable as provided in section 321.482.~~

1 SEC. 273. Section three hundred twenty-one point seventy-nine (321.79),
2 Code 1975, is amended to read as follows:

3 **321.79 Intent to injure.** Any person who with intent to commit any
4 malicious mischief, injury, or other crime climbs into or upon a vehicle whether
5 it is in motion or at rest or with like intent attempts to manipulate any of the
6 levers, starting mechanism, brakes, or other mechanism or device of a vehicle
7 while the same is at rest and unattended or with like intent sets in motion any
8 vehicle while the same is at rest and unattended is guilty of a *simple*
9 misdemeanor ~~punishable as provided in section 321.482.~~

1 SEC. 274. Section three hundred twenty-one point ninety-one (321.91),
2 subsection two (2), Code 1975, is amended to read as follows:

3 2. Any person who abandons a motor vehicle shall be guilty of a *simple*
4 misdemeanor.

1 SEC. 275. Section three hundred twenty-one point ninety-seven (321.97),
2 Code 1975, is amended to read as follows:

3 **321.97 Fraudulent applications.** Any person who fraudulently uses a false or
4 fictitious name in any application for the registration of, or certificate of title to,
5 a vehicle or knowingly makes a false statement or knowingly conceals a material
6 fact or otherwise commits a ~~fraud in any such application, shall upon conviction~~
7 ~~be punished by a fine of not more than one thousand dollars, or by~~
8 ~~imprisonment for not more than one year or both~~ *fraudulent practice*.

1 SEC. 276. Section three hundred twenty-one point ninety-eight (321.98), Code
2 1975, is amended to read as follows:

3 **321.98 Operation without registration.** No person shall operate, nor shall an
4 owner knowingly permit to be operated upon any highway any vehicle required
5 to be registered and titled hereunder unless there shall be attached thereto and
6 displayed thereon when and as required by this chapter a valid registration card
7 and registration plate or plates issued therefor for the current registration year
8 and unless a certificate of title has been issued for such vehicle except as
9 otherwise expressly permitted in this chapter. Any violation of this section is a
10 *simple* misdemeanor ~~punishable as provided in section 321.482~~.

1 SEC. 277. Section three hundred twenty-one point ninety-nine (321.99), Code
2 1975, is amended to read as follows:

3 **321.99 Improper use of registration.** No person shall lend to another any
4 registration card, registration plate, special plate, or permit issued to him or her
5 if the person desiring to borrow the same would not be entitled to the use
6 thereof, nor shall any person knowingly permit the use of any of the same by
7 one not entitled thereto, nor shall any person display upon a vehicle any
8 registration card, registration plate or permit not issued for such vehicle or not
9 otherwise lawfully used thereon under this chapter. Any violation of this section
10 is a *simple* misdemeanor ~~punishable as provided in section 321.482~~.

1 SEC. 278. Section three hundred twenty-one point one hundred (321.100),
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 It is a *felony*, ~~punishable as provided in section 321.483, fraudulent practice~~ for
4 any person to commit any of the following acts:

1 SEC. 279. Section three hundred twenty-one point two hundred sixteen
2 (321.216), unnumbered paragraph one (1), Code 1975, is amended to read as
3 follows:

4 It is a *simple* misdemeanor, ~~punishable as provided in section 321.482 unless~~
5 ~~another punishment is otherwise provided,~~ for any person:

1 SEC. 280. Section three hundred twenty-one point two hundred seventeen
2 (321.217), Code 1975, is amended to read as follows:

3 **321.217 Perjury.** Any person who makes any false affidavit, or knowingly
4 swears or affirms falsely to any matter or thing required by the terms of this
5 chapter to be sworn to or affirmed, is guilty of ~~perjury and upon conviction shall~~
6 ~~be punishable by fine or imprisonment as other persons committing perjury are~~
7 ~~punishable a class "D" felony~~.

1 SEC. 281. Section three hundred twenty-one point two hundred eighteen
2 (321.218), Code 1975, is amended to read as follows:

3 **321.218 Driving while license denied, suspended or revoked.** Any person
4 whose operator's or chauffeur's license or driving privilege, has been denied,
5 canceled, suspended or revoked as provided in this chapter, and who drives any

6 motor vehicle upon the highways of this state while such license or privilege is
 7 denied, canceled, suspended, or revoked, is guilty of a *simple* misdemeanor ~~and~~
 8 ~~upon conviction shall be punished by imprisonment for not less than two days~~
 9 ~~or more than thirty days.~~ The sentence imposed under this section shall not be
 10 suspended by the court, notwithstanding the provisions of section 789A.1 or any
 11 other provision of statute. The department, upon receiving the record of the
 12 conviction of any person under this section upon a charge of driving a motor
 13 vehicle while the license of such person was suspended or revoked, shall extend
 14 the period of suspension or revocation for an additional like period, and the
 15 department shall not issue a new license during such additional period.

1 SEC. 282. Section three hundred twenty-one point two hundred seventy-
 2 seven (321.277), unnumbered paragraph two (2), Code 1975, is amended to read
 3 as follows:

4 Every person convicted of reckless driving shall be ~~punished upon a~~
 5 ~~conviction by imprisonment for a period of not more than thirty days, or by fine~~
 6 ~~of not less than twenty-five dollars, nor more than one hundred dollars guilty of~~
 7 ~~a simple misdemeanor.~~

1 SEC. 283. Section three hundred twenty-one point two hundred seventy-eight
 2 (321.278), unnumbered paragraph two (2), Code 1975, is amended to read as
 3 follows:

4 Any person who violates the provisions of this section shall be guilty of ~~drag~~
 5 ~~racing and upon conviction shall be punished by a fine of not more than one~~
 6 ~~hundred dollars or by imprisonment in the county jail for not more than thirty~~
 7 ~~days a simple misdemeanor.~~

1 SEC. 284. Section three hundred twenty-one point two hundred eighty-one
 2 (321.281), unnumbered paragraph one (1), Code 1975, is amended to read as
 3 follows:

4 Whoever operates a motor vehicle upon the public highways of this state
 5 while under the influence of an alcoholic beverage, a narcotic, hypnotic or other
 6 drug, or any combination of such substances shall, upon conviction or a plea of
 7 guilty, ~~be punished be guilty of a serious misdemeanor for the first offense and~~
 8 ~~shall be imprisoned in the county jail not less than two days by a fine of not less~~
 9 ~~than three hundred dollars nor more than one thousand dollars, or by~~
 10 ~~imprisonment in the county jail for a period of not to exceed one year, or by~~
 11 ~~both such fine and imprisonment; be guilty of an aggravated misdemeanor for the~~
 12 ~~second offense and shall be imprisoned in the county jail not less than seven days~~
 13 ~~by a fine of not less than five hundred dollars, nor more than one thousand~~
 14 ~~dollars, or by imprisonment in the penitentiary for a period of not to exceed one~~
 15 ~~year, or by both such fine and imprisonment; and be guilty of a class "D" felony~~
 16 ~~for a third offense and each offense thereafter by imprisonment in the~~
 17 ~~penitentiary for any term of years not less than one or more than five, and the~~
 18 ~~court may pronounce sentence for a lesser period than the maximum, the~~
 19 ~~provisions of the indeterminate sentence law to the contrary notwithstanding.~~

1 SEC. 285. Section three hundred twenty-one point two hundred eighty-one
 2 (321.281), unnumbered paragraph five (5), Code 1975, is amended to read as
 3 follows:

4 This section shall not apply to a person operating a motor vehicle while under
 5 the influence of a narcotic, hypnotic or other drug if such substances were
 6 prescribed for such person and have been taken under such prescription and in
 7 accordance with the directions of a ~~reputable doctor of medicine medical~~
 8 ~~practitioner as defined in section one hundred fifty-five point three (155.3), subsection~~
 9 ~~eleven (11), of the Code, provided however there is no evidence of the~~
 10 ~~consumption of alcohol and further provided said doctor of medicine medical~~
 11 ~~practitioner has not directed such person to refrain from operating a motor~~
 12 ~~vehicle.~~

1 SEC. 286. Section three hundred twenty-one point two hundred eighty-two
2 (321.282), Code 1975, is amended to read as follows:

3 **321.282 Violations.** If any person who has been convicted or pleaded guilty
4 to driving or operating a motor vehicle upon the public highways of this state
5 while in an intoxicated condition is found driving or operating any motor
6 vehicle in violation of the provisions of sections 321.174 and 321.209 ~~he the~~
7 ~~person shall, without regard to any other punishment provided by law, be~~
8 ~~imprisoned in the county jail for a period of not to exceed thirty days guilty of a~~
9 ~~simple misdemeanor.~~

1 SEC. 287. Section three hundred twenty-one point two hundred eighty-three
2 (321.283), subsection fourteen (14), Code 1975, is amended to read as follows:

3 14. Penalty. Any person violating a restriction or a temporary driving permit
4 issued under subsection 6 shall be guilty of a *simple* misdemeanor.

1 SEC. 288. Section three hundred twenty-one point four hundred seventy-six
2 (321.476), unnumbered paragraph three (3), Code 1975, is amended to read as
3 follows:

4 Any person who prevents or in any manner obstructs an officer attempting to
5 carry out the provisions of this section is guilty of a *simple* misdemeanor ~~and~~
6 ~~shall be punished as provided in section 321.482.~~

1 SEC. 289. Section three hundred twenty-one point four hundred eighty-two
2 (321.482), Code 1975, is amended to read as follows:

3 **321.482 Penalties for misdemeanor.** It is a *simple* misdemeanor for any
4 person to do any act forbidden or to fail to perform any act required by any of
5 the provisions of this chapter unless any such violation is by this chapter or
6 other law of this state declared to be a felony. Chapter 232 shall have no
7 application in the prosecution of offenses committed in violation of this chapter
8 which are punishable by a fine of not more than one hundred dollars, or by
9 imprisonment for not more than thirty days *simple misdemeanor*.

10 Every person convicted of a misdemeanor for a violation of any of the
11 provisions of this chapter for which another penalty is not provided shall be
12 punished by a fine of not more than one hundred dollars or by imprisonment for
13 not more than thirty days.

1 SEC. 290. Section three hundred twenty-one point four hundred eighty-three
2 (321.483), Code 1975, is amended to read as follows:

3 **321.483 Penalty for felony.** Any person who is convicted of a violation of
4 any of the provisions of this chapter herein declared to constitute a felony, and
5 for which another punishment is not otherwise provided, shall be ~~punished by~~
6 ~~imprisonment for a term of not more than five years, or by a fine of not less~~
7 ~~than five hundred dollars nor more than five thousand dollars, or by both such~~
8 ~~fine and imprisonment guilty of a class "D" felony.~~

1 SEC. 291. Section three hundred twenty-one A point thirty-two (321A.32),
2 Code 1975, is amended to read as follows:

3 **321A.32 Other violations—penalties.**

4 1. Any person whose license or registration or nonresident's operating
5 privilege has been suspended, denied or revoked under this chapter or continues
6 to remain suspended or revoked under this chapter, and who, during such
7 suspension, denial or revocation, or during such continuing suspension or
8 continuing revocation, drives any motor vehicle upon any highway or knowingly
9 permits any motor vehicle owned by such person to be operated by another
10 upon any highway, except as permitted under this chapter, shall be ~~fined not~~
11 ~~more than five hundred dollars or imprisoned not exceeding six months, or both~~
12 ~~guilty of a serious misdemeanor.~~

13 2. Any person willfully failing to return license or registration as required in
14 section 321A.31 shall be ~~fined not more than five hundred dollars or imprisoned~~

15 ~~not to exceed thirty days, or both guilty of a serious misdemeanor.~~

16 3. Any person who shall forge or, without authority, sign any notice provided
17 for under section 321A.5 that a policy or bond is in effect, or any evidence of
18 proof of financial responsibility, or who files or offers for filing any such notice
19 or evidence of proof knowing or having reason to believe that it is forged or
20 signed without authority, shall be ~~fined not more than one thousand dollars or~~
21 ~~imprisoned not more than one year, or both guilty of a serious misdemeanor.~~

22 4. Any person who shall violate any provision of this chapter for which no
23 penalty is otherwise provided shall be ~~fined not more than five hundred dollars~~
24 ~~or imprisoned not more than ninety days, or both guilty of a serious misdemeanor.~~

1 SEC. 292. Section three hundred twenty-one B point seven (321B.7), Code
2 1975, is amended to read as follows:

3 **321B.7 Refusal to submit.** If a person under arrest refuses to submit to the
4 chemical testing, no test shall be given, but the director, upon the receipt of a
5 sworn report of the peace officer that he *or she* had reasonable grounds to
6 believe the arrested person to have been operating a motor vehicle upon a public
7 highway of this state while under the influence of an alcoholic beverage, that he
8 *or she* had placed such person under arrest for the offense of operating a motor
9 vehicle while under the influence of an alcoholic beverage and that the person
10 had refused to submit to the chemical testing, shall revoke his *or her* license or
11 permit to drive and any nonresident operating privilege for a period of not less
12 than one hundred twenty days nor more than one year; or if the person is a
13 resident without a license or permit to operate a motor vehicle in this state, the
14 director shall deny to the person the issuance of a license or permit within one
15 year from the date of the alleged violation, subject to review as hereinafter
16 provided. The effective date of any such revocation shall be twenty days after
17 the director has mailed notice of such revocation to such person by registered or
18 certified mail.

1 SEC. 293. Section three hundred twenty-one B point fifteen (321B.15), Code
2 1975, is amended to read as follows:

3 **321B.15 Driving while license denied or revoked.** Any person whose license,
4 or driving privilege, has been denied or revoked as provided in this chapter, and
5 who drives any motor vehicle upon the highways of this state while such license
6 or privilege is denied or revoked, is guilty of a *simple* misdemeanor and upon
7 conviction shall be punished as provided for *simple* misdemeanors in section
8 321.482. The department, upon receiving the record of the conviction of any
9 person under this section upon a charge of driving a motor vehicle while the
10 license of such person was revoked, shall extend the period of revocation for an
11 additional like period, and the department shall not issue a new license during
12 such additional period.

1 SEC. 294. Section three hundred twenty-one F point twelve (321F.12), Code
2 1975, is amended to read as follows:

3 **321F.12 Penalty.** Any person violating any provision of this chapter shall
4 be guilty of a *simple* misdemeanor.

1 SEC. 295. Section three hundred twenty-one G point fourteen (321G.14),
2 Code 1975, is amended to read as follows:

3 **321G.14 Penalty.** Any person who shall violate any provision of this
4 chapter or any regulation of the commission or director of transportation shall
5 be guilty of a *simple* misdemeanor and ~~punished by a fine of not more than one~~
6 ~~hundred dollars, or by imprisonment for not more than thirty days.~~

7 Chapter 232 shall have no application in the prosecution of offenses which are
8 committed in violation of this chapter, and which ~~are punishable by a fine of not~~
9 ~~more than one hundred dollars or by imprisonment for not more than thirty~~
10 ~~days constitute simple misdemeanors.~~

1 SEC. 296. Section three hundred twenty-two point fourteen (322.14),
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 Any person violating any of the provisions of this chapter where a penalty is
4 not specifically provided for shall be deemed guilty of a *simple* misdemeanor ~~and~~
5 ~~upon conviction thereof shall be punished by a fine not exceeding one hundred~~
6 ~~dollars or thirty days in jail.~~

1 SEC. 297. Section three hundred twenty-three point nine (323.9), Code 1975,
2 is amended to read as follows:

3 **323.9 Violations.** Any person violating the provisions of this chapter is
4 guilty of a *simple* misdemeanor ~~and shall be punished by a fine not to exceed~~
5 ~~one hundred dollars or imprisonment in the county jail for a period of not to~~
6 ~~exceed thirty days.~~

1 SEC. 298. Section three hundred twenty-four point fourteen (324.14), Code
2 1975, is amended to read as follows:

3 **324.14 Penalty for operating unregistered transport.** It shall be unlawful for
4 any person to transport motor fuel in bulk upon the highways of this state in a
5 conveyance the registration of which is required without the evidence of
6 registration provided for and any person found guilty of the unlawful act shall
7 be ~~fined not to exceed one hundred dollars or imprisoned in the county jail not~~
8 ~~more than thirty days guilty of a simple misdemeanor,~~ and each cargo so
9 transported shall be considered a separate offense. This penalty shall be in
10 addition to penalties imposed under other provisions of this chapter. Persons
11 transporting motor fuel in bulk upon the highways of this state in an amount of
12 not to exceed four thousand gallons shall not be regarded as transporting in
13 bulk.

1 SEC. 299. Section three hundred twenty-four point twenty (324.20), Code
2 1975, is amended to read as follows:

3 **324.20 Posting price and discounts.** Every distributor and other person
4 selling motor fuel in this state for resale to dealers in this state, shall keep posted
5 in a conspicuous place most accessible to the public at their place or places of
6 business, including bulk plants, a placard showing in legible words and figures
7 the same height and size, the price per gallon of each grade of motor fuel offered
8 for sale, the amount of state excise tax per gallon thereon, the federal excise tax
9 per gallon thereon, and the total thereof. If any rebate, discount, commission, or
10 other concession is granted by distributors or persons engaged in the sale of
11 motor fuel for resale to dealers of such nature as will reduce the cost or price to
12 any purchaser or dealer in such products, the conditions, quantity, and amount
13 of such rebate, discount, commission or other concession shall be posted as a
14 part of the posted price. All price placards shall be subject to the approval of the
15 department of revenue. Any distributor or person failing to post or keep posted
16 the placard required by this section, or who posts placards not approved by the
17 department of revenue as provided in this section, or who sells any motor fuel
18 for resale at a price which directly or indirectly, by any means or device,
19 deviates from the posted price set forth on the price placard approved by the
20 department of revenue, shall be guilty of a *simple* misdemeanor ~~and shall be~~
21 ~~punished by a fine of one hundred dollars or imprisonment in the county jail for~~
22 ~~thirty days.~~ Nothing contained herein shall prohibit or restrict the distribution of
23 earnings to the members of any distributor or person, nor to the distribution to
24 consumers of road maps, publicity and other advertising media carrying the
25 name of the distributor, person, or produce. Each day the required placard
26 remains unposted or an unauthorized placard remains posted, or each deviation
27 from the posted price, shall be considered a separate offense. In the event of a
28 second conviction for the violation of any of the provisions of this section, the
29 department of revenue may revoke the license of such distributor or person so
30 convicted.

1 SEC. 300. Section three hundred twenty-four point fifty-two (324.52),
2 unnumbered paragraph two (2), Code 1975, is amended to read as follows:

3 Any person who brings into the state in the fuel supply tanks of a commercial
4 motor vehicle more than thirty gallons of motor fuel or special fuel in violation
5 of the provisions of the preceding paragraph is guilty of a *simple* misdemeanor
6 and upon conviction shall be fined not more than one hundred dollars or shall
7 be imprisoned in the county jail not more than thirty days.

1 SEC. 301. Section three hundred twenty-four point sixty-three (324.63),
2 unnumbered paragraph two (2), Code 1975, is amended to read as follows:

3 Any person violating the provisions of this section, and disclosing the contents
4 of any records or reports required to be kept or made under the provisions of
5 this chapter, except as hereinabove provided, shall upon conviction be fined not
6 less than one hundred dollars nor more than one thousand dollars or be
7 confined in the county jail not less than thirty days nor more than six months
8 guilty of a *simple misdemeanor*.

1 SEC. 302. Section three hundred twenty-four point seventy-three (324.73),
2 Code 1975, is amended to read as follows:

3 **324.73 Embezzlement of fuel tax money—penalty.** Every sale of motor fuel
4 in this state and every sale of special fuel dispensed by the seller into a fuel
5 supply tank of a motor vehicle shall, unless otherwise provided, be presumed to
6 include as a part of the purchase price the fuel tax due the state of Iowa under
7 the provisions of this chapter. Every person collecting fuel tax money as part of
8 the selling price of motor fuel or special fuel, shall hold the tax money in trust
9 for the state of Iowa unless the fuel tax on the fuel has been previously paid to
10 the state of Iowa. Any person receiving fuel tax money in trust and failing to
11 remit it to the department of revenue on or before time required shall be guilty
12 of ~~embezzlement of public funds and upon conviction shall be subjected to the~~
13 ~~penalty provided by law for that offense theft.~~

1 SEC. 303. Section three hundred twenty-four point seventy-five (324.75),
2 Code 1975, is amended to read as follows:

3 **324.75 Penalty for false certificate.** Any person who makes a false
4 certificate, false fuel invoice, false fuel receipt, or false fuel sales ticket in any
5 report, return, application, claim, or evidence required or provided for by this
6 chapter or under any rule or regulation made by the department of revenue shall
7 be punished by imprisonment in the penitentiary for not more than one year, or
8 by imprisonment in the county jail for such term as the court may determine,
9 not exceeding six months, or by a fine of not more than two thousand dollars, or
10 by such combination of either imprisonment and fine as the court may
11 determine guilty of a *fraudulent practice*.

1 SEC. 304. Section three hundred twenty-five point thirty-four (325.34), Code
2 1975, is amended to read as follows:

3 **325.34 Misdemeanor—penalty.** Every owner, officer, agent, or employee of
4 any motor carrier, and every other person who violates or fails to comply with,
5 or who procures, aids, or abets in the violation of any provision of this chapter,
6 or who fails to obey, observe, or comply with any order, decision, rule, or
7 regulation, direction, demand, or requirement or any part or provision thereof,
8 of the commission, or who procures, aids, or abets any corporation or person in
9 his failure to obey, observe, or comply with any such order, decision, rule,
10 direction, demand, or regulation or any part or provision thereof, shall be guilty
11 of a *simple* misdemeanor and upon conviction shall be punished by a fine not
12 exceeding one hundred dollars or by imprisonment in the county jail for a
13 period of not to exceed thirty days.

1 SEC. 305. Section three hundred twenty-five point thirty-five (325.35),
2 unnumbered paragraph three (3), Code 1975, is amended to read as follows:

3 It shall be a *simple* misdemeanor; ~~punishable by a fine of not to exceed one~~
 4 ~~hundred dollars or by imprisonment in the county jail not to exceed thirty days,~~
 5 for any motor carrier to operate any motor vehicle for which the annual fee has
 6 not been paid and the board may revoke the certificate of convenience and
 7 necessity of any such violator.

1 SEC. 306. Section three hundred twenty-six point twenty-seven (326.27),
 2 Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975
 3 Session, chapter one hundred seventy-three (173), section nine (9) is amended to
 4 read as follows:

5 **326.27 Violations to negate agreements.** Operation of a commercial vehicle
 6 or vehicles in violation of the requirements of this chapter, the motor vehicle
 7 registration laws of this state, or the terms of any agreement negotiated by the
 8 department pursuant to this chapter may, after due notice and hearing, be
 9 grounds for denial of reciprocal or proportional registration privileges on the
 10 vehicle or vehicles of an owner so operated. Any owner denied such reciprocal
 11 or proportional registration privileges shall be subject to payment of full annual
 12 Iowa registration fees on any such vehicle operated on Iowa highways. In
 13 addition to denial of reciprocal or proportional registration privileges, it shall be
 14 a *simple* misdemeanor ~~punishable upon conviction by a fine of not more than~~
 15 ~~one hundred dollars or imprisonment in the county jail for not more than thirty~~
 16 ~~days,~~ unless such act is declared under Iowa law to be a felony, for any person
 17 to operate under reciprocity or proportional registration in violation of any
 18 requirements of this chapter.

1 SEC. 307. Section three hundred twenty-seven point nine (327.9),
 2 unnumbered paragraph three (3), Code 1975, is amended to read as follows:

3 It shall be a *simple* misdemeanor for any truck operator or contract carrier to
 4 operate any motor truck for which the annual fee has not been paid and the
 5 board may revoke the truck operator or contract carrier permit of any such
 6 violator or both.

1 SEC. 308. Section three hundred twenty-seven point twenty-two (327.22),
 2 Code 1975, is amended to read as follows:

3 **327.22 Violations—punishment.** Every owner, officer, agent, or employee of
 4 any truck operator, and every other person who violates or fails to comply with,
 5 or who procures, aids, or abets in the violation of any provision of this chapter,
 6 or who fails to obey, observe, or comply with any order, decision, rule, or
 7 regulation, direction, demand, or requirement or any part or provision thereof,
 8 of the commission, or the department, or who procures, aids, or abets any
 9 corporation or person in his *or her* failure to obey, observe, or comply with any
 10 such order, decision, rule, direction, demand, or regulation or any part or
 11 provision thereof, shall be guilty of a *simple* misdemeanor ~~and upon conviction~~
 12 ~~shall be punished by a fine not exceeding one hundred dollars or by~~
 13 ~~imprisonment in the county jail for a period of not to exceed thirty days.~~

1 SEC. 309. Section three hundred twenty-seven A point eighteen (327A.18),
 2 Code 1975, is amended to read as follows:

3 **327A.18 Penalties.** Every owner, officer, agent or employee of any liquid
 4 transport carrier, and every other person who violates or fails to comply with, or
 5 who procures, aids, or abets in the violation of any provision of this chapter, or
 6 who fails to obey, observe, or comply with any order, decision, rule, or
 7 regulation, direction, demand, or requirement or any part or provision thereof of
 8 the board, or who procures, aids or abets any corporation or person in his
 9 failure to obey, observe, or comply with any such order, decision, rule, direction,
 10 demand or regulation or any part or provision thereof, shall be guilty of a *simple*
 11 misdemeanor ~~and upon conviction shall be punished by a fine not exceeding one~~
 12 ~~hundred dollars or by imprisonment in the county jail for a period of not to~~
 13 ~~exceed thirty days.~~

1 SEC. 310. Section three hundred twenty-eight point forty (328.40), Code
2 1975, is amended to read as follows:

3 **328.40 Penalties.** Any person who violates any of the provisions of this
4 chapter, or who makes any material false statement or representation in any
5 application or statement filed with the department as required by this chapter or
6 any of the rules and regulations issued pursuant thereto shall be guilty of a
7 ~~misdemeanor, and upon conviction thereof shall be punished accordingly~~
8 *fraudulent practice.*

1 SEC. 311. Section three hundred twenty-eight point forty-one (328.41),
2 unnumbered paragraph two (2), Code 1975, is amended to read as follows:

3 Any person who operates an aircraft in a careless or reckless manner in
4 violation of the provisions of this section shall be guilty of a *simple* misdemeanor
5 ~~and upon conviction thereof shall be punished accordingly.~~

1 SEC. 312. Section three hundred twenty-nine point fourteen (329.14), Code
2 1975, is amended to read as follows:

3 **329.14 Enforcement and remedies.** Each violation of this chapter or of any
4 regulations, order, or rules promulgated pursuant to this chapter, shall constitute
5 a *simple* misdemeanor; ~~and the perpetrator thereof, upon conviction, shall be~~
6 ~~punished accordingly;~~ and each day a violation continues to exist shall
7 constitute a separate offense.

1 SEC. 313. Section three hundred thirty-two point thirty (332.30), Code 1975,
2 is amended to read as follows:

3 **332.30 Penalty.** Any person who violates any of the provisions of sections
4 332.23 to 332.29 or who violates any of the terms or conditions under which ~~he~~
5 *the person* is permitted to engage in the business activity for which ~~he~~ *the person*
6 was licensed, shall be fined a sum not to exceed twenty-five dollars *guilty of a*
7 *simple misdemeanor.*

1 SEC. 314. Section three hundred thirty-six A point seven (336A.7), Code
2 1975, is amended to read as follows:

3 **336A.7 Other attorney appointed.** The court may, for cause, upon the
4 application of the indigent person or the public defender, or on its own motion,
5 appoint an attorney other than the public defender, to represent the indigent
6 person at any state of the proceedings or on appeal. The attorney so appointed
7 shall be compensated as provided in ~~section 775.5 chapter two (2), section one~~
8 *thousand five hundred seven (1507) of this Act.*

1 SEC. 315. Section three hundred thirty-six B point two (336B.2), Code 1975,
2 is amended to read as follows:

3 **336B.2 Financial statement.** Before an attorney is appointed under the
4 provisions of sections 68.8, 145.17, 145.19, 222.22, 232.28, ~~775.4 or 777.12 rule~~
5 *eight (8), rules of criminal procedure,* or to represent any person charged with a
6 crime in this state, the court shall require the client, or his parent, guardian, or
7 custodian to complete under oath a detailed financial statement.

1 SEC. 316. Section three hundred thirty-six B point five (336B.5), Code 1975,
2 is amended to read as follows:

3 **336B.5 False statement—penalty.** Any person that submits to a court or to
4 a public defender a materially false financial statement, for the purpose of
5 obtaining legal assistance at public expense, shall be guilty of a ~~misdemeanor~~
6 ~~and shall be punished by a fine of not more than one hundred dollars or by~~
7 ~~imprisonment for not more than thirty days~~ *fraudulent practice.*

1 SEC. 317. Section three hundred thirty-nine point five (339.5), Code 1975, is
2 amended to read as follows:

3 **339.5 Reports by others.** Every person who knows of the existence of a
4 body where death occurred in the manner specified in section 339.6, shall notify

5 the county or state medical examiner or the city or state law enforcement agency
 6 or county sheriff thereof as soon as possible, unless such person shall have good
 7 reason to believe that such notice has already been given. Any person who shall
 8 fail to give such notice to a medical examiner shall be guilty of a public offense,
 9 ~~and upon conviction thereof shall be punished by a fine of not more than five~~
 10 ~~hundred dollars or a sentence in the county jail of not more than six months, or~~
 11 ~~by both such fine and imprisonment serious misdemeanor.~~

1 SEC. 318. Section three hundred thirty-nine point thirteen (339.13),
 2 unnumbered paragraph four (4), Code 1975, is amended to read as follows:

3 Any person violating any of the provisions of this section shall be deemed
 4 guilty of a *serious* misdemeanor ~~and, upon conviction thereof, shall be fined not~~
 5 ~~more than one thousand dollars or imprisoned in the county jail not more than~~
 6 ~~one year, or by both such fine and imprisonment.~~

1 SEC. 319. Section three hundred forty-one A point twenty-one (341A.21),
 2 Code 1975, is amended to read as follows:

3 **341A.21 Indictable misdemeanor.** Any person who willfully violates any of
 4 the provisions of this chapter shall be guilty of a *simple* misdemeanor, ~~and upon~~
 5 ~~conviction thereof, shall be punished by a fine of not more than one hundred~~
 6 ~~dollars or by imprisonment in the county jail for not longer than thirty days or~~
 7 ~~punished by both such fine and imprisonment.~~ The district court shall have
 8 jurisdiction of all such offenses.

1 SEC. 320. Section three hundred forty-three point nine (343.9), Code 1975, is
 2 amended to read as follows:

3 **343.9 Violations.** Any officer of any county, or any deputy or employee of
 4 such officer, who violates any of the provisions of sections 343.7 and 343.8, shall
 5 be guilty of a *simple* misdemeanor, ~~and fined not less than one hundred dollars,~~
 6 ~~nor more than five hundred dollars, for each offense.~~

1 SEC. 321. Section three hundred forty-four point ten (344.10), unnumbered
 2 paragraph two (2), Code 1975, is amended to read as follows:

3 Any county official in charge of any department or office who violates this
 4 law shall be guilty of a *simple* misdemeanor ~~and punished accordingly.~~

1 SEC. 322. Section three hundred forty-six point twenty-two (346.22), Code
 2 1975, is amended to read as follows:

3 **346.22 Violations.** Any officer of any county, or any deputy or employee of
 4 such officer, who violates any of the provisions of sections 346.20 and 346.21,
 5 shall be guilty of a *simple* misdemeanor, ~~and fined not less than one hundred~~
 6 ~~dollars, nor more than five hundred dollars, for each offense.~~

1 SEC. 323. Section three hundred fifty point seven (350.7), Code 1975, is
 2 amended to read as follows:

3 **350.7 False claim.** Any person who shall claim or attempt to procure any
 4 bounty provided for in this chapter upon any animal killed in another state or
 5 county, or upon any animal which has been domesticated, or who shall attempt
 6 to obtain any bounty by presenting any false claim or spurious exhibit, shall be
 7 ~~fined not more than one hundred dollars nor less than fifty dollars for each~~
 8 ~~offense guilty of a fraudulent practice.~~

1 SEC. 324. Section three hundred fifty-one point forty-three (351.43), Code
 2 1975, is amended to read as follows:

3 **351.43 Penalty.** Any person refusing to comply with the provisions of
 4 sections 351.33 to 351.42 or violating any of their provisions, shall be deemed
 5 guilty of a *simple* misdemeanor ~~and upon conviction shall be fined not more~~
 6 ~~than one hundred dollars or imprisoned not more than thirty days, for each~~
 7 ~~offense.~~

1 SEC. 325. Section three hundred fifty-one A point six (351A.6), Code 1975, is
2 amended to read as follows:

3 **351A.6 Penalty.** It shall be a *simple* misdemeanor for any person or
4 corporation to violate any provision of this chapter. ~~Every person convicted~~
5 ~~hereunder shall be punished by imprisonment for a period not more than thirty~~
6 ~~days, or by a fine not to exceed one hundred dollars.~~ Any pound failing or
7 refusing to comply with the provisions of this chapter shall become immediately
8 ineligible for any public moneys notwithstanding the provisions of any contract,
9 and it shall be unlawful for any public body to pay any public moneys to a
10 pound after receipt by it of a notice of such noncompliance or refusal from any
11 institution authorized by the state department of health to obtain dogs until such
12 time as such institution shall have withdrawn its notice or the state department
13 of health shall have notified such public body that such notice was without
14 foundation.

1 SEC. 326. Section three hundred fifty-six point seven (356.7), Code 1975, is
2 amended to read as follows:

3 **356.7 Calendar returned.** On or before the fifteenth day of the months of
4 January, April, July and October each year, the sheriff of each county must
5 return a copy of such calendar to the district court of the district within which
6 his county is situated. If a sheriff neglects or refuses to do so, he *or she* shall be
7 ~~punished by a fine not exceeding one hundred dollars guilty of a simple~~
8 ~~misdemeanor.~~

1 SEC. 327. Section three hundred fifty-six point twenty-three (356.23), Code
2 1975, is amended to read as follows:

3 **356.23 Cruel treatment.** If any officer or other person treat any prisoner in
4 a cruel or inhuman manner, he *or she* shall be ~~punished by fine not exceeding~~
5 ~~one thousand dollars or by imprisonment in the county jail not exceeding twelve~~
6 ~~months, or by both such fine and imprisonment guilty of a serious misdemeanor.~~

1 SEC. 328. Section three hundred fifty-six point twenty-five (356.25), Code
2 1975, is amended to read as follows:

3 **356.25 Annoyance of prisoner.** Any person persisting in insulting or
4 annoying or communicating with any prisoner, after being commanded by such
5 officer to desist, shall be ~~punished by a fine not exceeding ten dollars, or by~~
6 ~~imprisonment not exceeding three days guilty of a simple misdemeanor.~~

1 SEC. 329. Section three hundred fifty-six A point three (356A.3), Code 1975,
2 is amended to read as follows:

3 **356A.3 Alternative confinement of prisoners.** Any municipal or district
4 court judge may sentence and commit a person to a facility established and
5 maintained pursuant to section 356A.1 or 356A.2 instead of the county jail. A
6 district court judge may order the transfer of a person sentenced and committed
7 to the county jail to such a facility upon his *or her* own motion, the motion of
8 the sentenced and committed person, or the motion of the sheriff. The original
9 order of commitment or the order of transfer to the facility shall set forth the
10 terms and conditions of the detention* or commitment; that the detained or
11 committed person shall abide by the terms and conditions of this chapter and
12 the rules and regulations of the facility to which committed or transferred. The
13 order shall be read to the detained, committed or transferred person in open
14 court. The committing court or a district court judge may order any person who
15 has been detained, committed, or transferred to such a facility to be transferred
16 to the county jail if, upon hearing, the court determines such person has been
17 refractory, disorderly, has willfully destroyed or injured any property in the
18 facility, or has violated any of the terms and conditions of the order of
19 detention, commitment, or transfer or the provisions of this chapter or the rules
20 and regulations of the facility wherein ~~he~~ *the person* was detained or committed.
21 Any violations of the order of detention, commitment, or transfer shall further

*According to enrolled Act

22 be punished as contempt of court pursuant to chapter 665. The provisions of
 23 chapter ~~745~~ *one (1), section one thousand nine hundred four (1904) of this Act* shall
 24 be applicable to any person detained, committed, or transferred to a facility
 25 established and maintained pursuant to this chapter. The county or city to which
 26 the cause originally belonged shall be liable for the expense of the original
 27 detention, commitment, or transfer and the subsequent expenses of maintaining
 28 such person in the facility. The county's expense shall be levied and paid out of
 29 the court expense fund pursuant to section 444.10.

1 SEC. 330. Section three hundred fifty-eight A point twenty-six (358A.26),
 2 Code 1975, is amended to read as follows:

3 **358A.26 Penalty.** In addition to any other remedy granted herein, the
 4 violation on any regulation, restriction or boundary adopted under this chapter
 5 or the occupancy or use of any structure erected, altered or maintained in
 6 violation of this chapter shall constitute a *simple* misdemeanor. Such occupancy
 7 or use shall be deemed a continuing violation and may be the subject to
 8 repeated prosecutions if so continued. ~~Every person convicted of a~~
 9 ~~misdemeanor, by reason of violations hereinabove set forth, shall be punished by~~
 10 ~~a fine of not more than one hundred dollars or by imprisonment of not more~~
 11 ~~than thirty days.~~

1 SEC. 331. Section three hundred sixty-four point five (364.5), unnumbered
 2 paragraph one (1), Code 1975, as amended by Acts of the Sixty-sixth General
 3 Assembly, 1975 Session, chapter two hundred three (203), section thirteen (13) is
 4 amended to read as follows:

5 **364.5 Joint action—league of municipalities.** It is unlawful for the league of
 6 Iowa municipalities to provide any form of aid to a political party or to the
 7 campaign of a candidate for political or public office. Any person violating or
 8 being an accessory to a violation of this section is guilty of a *simple*
 9 misdemeanor.

1 SEC. 332. Section four hundred point thirty (400.30), Code 1975, is amended
 2 to read as follows:

3 **400.30 Penalty.** The provisions of this chapter shall be strictly carried out
 4 by each person or body having powers or duties thereunder, and any act or
 5 failure to act tending to avoid or defeat the purposes of such provisions is
 6 hereby prohibited and shall be ~~punishable~~ as a *simple* misdemeanor.

1 SEC. 333. Section four hundred nine point fourteen (409.14), unnumbered
 2 paragraph seven (7), Code 1975, is amended to read as follows:

3 If any such plat of land is tendered for recording in the office of the county
 4 recorder or county auditor of any county in which any city of the above class
 5 may be situated, it shall be the duty of such county recorder and auditor to
 6 examine such plat, to ascertain whether the endorsement of approval by the city
 7 council, as herein provided for, shall appear thereon. If it shall, and the plat
 8 otherwise conforms to the provisions of law, said officers shall accept same for
 9 recording. If such endorsement does not appear thereon said officers shall refuse
 10 and decline to accept such plat, and any filing thereof shall be void. Any failure
 11 to observe the provisions of this section on the part of any county recorder or
 12 county auditor shall constitute a *simple* misdemeanor in office.

1 SEC. 334. Section four hundred eleven point fourteen (411.14), Code 1975, is
 2 amended to read as follows:

3 **411.14 Protection against fraud.** Any person who shall knowingly make any
 4 false statement, or shall falsify or permit to be falsified any record or records of
 5 such retirement system in any attempt to defraud such system as a result of such
 6 act, shall be guilty of a *misdemeanor*, and shall be ~~punishable therefor under the~~
 7 ~~laws of this state fraudulent practice.~~ Should any change or errors in records
 8 result in any member or beneficiary receiving from the retirement system more

9 or less than he *or she* would have been entitled to receive had the records been
 10 correct, the respective board of trustees shall correct such error, and, as far as
 11 practicable, shall adjust the payments in such a manner that the actuarial
 12 equivalent of the benefit to which such member or beneficiary was correctly
 13 entitled, shall be paid.

1 SEC. 335. Section four hundred thirteen point one hundred seven (413.107),
 2 Code 1975, is amended to read as follows:

3 **413.107 Violations.** Every person who shall violate or assist in the violation
 4 of any provision of this chapter shall be guilty of a *simple* misdemeanor
 5 ~~punishable by a fine of not less than ten dollars or more than one hundred~~
 6 ~~dollars, and in default in payment thereof, by imprisonment in the county jail~~
 7 ~~for not more than thirty days.~~

1 SEC. 336. Section four hundred thirteen point one hundred eleven (413.111),
 2 Code 1975, is amended to read as follows:

3 **413.111 Lien on property.** The existence of a nuisance in or upon such
 4 dwelling, structure on the same lot with a dwelling, or on such lot, which the
 5 owner thereof has created or permitted to exist and any violation of this chapter
 6 as to such dwelling, structure, and lot of which the owner has been guilty shall in
 7 such proceeding subject such dwelling, structure, and lot respectively to a
 8 penalty of fifty dollars, which shall be a lien thereon until paid; and any
 9 violation of an order made or a notice given by the health officer, permitted or
 10 committed by the owner of a dwelling, structure on the same lot with a dwelling,
 11 or such lot, shall in such proceeding subject the dwelling, structure, and lot
 12 respectively to a penalty of fifty dollars, which penalty shall be a lien thereon
 13 until paid constitute a *simple misdemeanor*.

1 SEC. 337. Section four hundred twenty-two point twenty (422.20), Code 1975,
 2 is amended to read as follows:

3 **422.20 Information confidential—penalty.** It shall be unlawful for any
 4 officer or employee of the state of Iowa to divulge or to make known in any
 5 manner whatever not provided by law to any person the amount or source of
 6 income, profits, losses, expenditures, or any particular thereof, set forth or
 7 disclosed in any income return, or to permit any income return or copy thereof
 8 or any book containing any abstract or particulars thereof to be seen or
 9 examined by any person except as provided by law; and it shall be unlawful for
 10 any person to print or publish in any manner whatever not provided by law any
 11 income return, or any part thereof or source of income, profits, losses, or
 12 expenditures appearing in any income return; and any person committing an
 13 offense against the foregoing provision shall, ~~upon conviction for each such~~
 14 ~~offense, be punished by imprisonment in the county jail for a term not exceeding~~
 15 ~~one year, or by a fine of not more than one thousand dollars, or both be guilty of~~
 16 ~~a serious misdemeanor~~; and if the offender be an officer or employee of the state
 17 of Iowa he *or she* shall also be dismissed from office or discharged from
 18 employment. Nothing herein shall prohibit turning over to duly authorized
 19 officers of the United States information and income returns pursuant to
 20 agreement between the director and the secretary of the treasury of the United
 21 States or ~~his~~ *the secretary's* delegate.

1 SEC. 338. Section four hundred twenty-two point twenty-five (422.25),
 2 subsections five (5) and eight (8), Code 1975, are amended to read as follows:

3 5. Any person required to supply any information, to pay any tax, or to make,
 4 sign, or file any return or supplemental return, who willfully makes any false or
 5 fraudulent return, or willfully fails to pay such tax, supply such information, or
 6 make, sign, or file such return, at the time or times required by law, shall ~~upon~~
 7 ~~conviction for each such offense be punished by imprisonment in the county jail~~
 8 ~~for a term not exceeding one year, or by a fine not exceeding twenty-five~~
 9 ~~hundred dollars, or both such fine and imprisonment be guilty of a fraudulent~~

10 *practice.*

11 8. Any person who willfully attempts in any manner to defeat or evade any
12 tax imposed by this division or the payment thereof, shall upon conviction for
13 each such offense be ~~punished by imprisonment in the county jail for a term not~~
14 ~~exceeding one year or in the state penitentiary for a term not exceeding five~~
15 ~~years or by a fine not exceeding five thousand dollars, or both such fine and~~
16 ~~imprisonment guilty of a class "D" felony.~~

1 SEC. 339. Section four hundred twenty-two point forty (422.40), subsection
2 four (4), Code 1975, is amended to read as follows:

3 4. Any person, or any officer or employee of any corporation, or member or
4 employee of any partnership, who, with intent to evade any requirement of this
5 division or any lawful requirement of the director thereunder, shall fail to pay
6 any tax or to make, sign, or verify any return or to supply any information
7 required by or under the provisions of this division, shall be guilty of a *serious*
8 ~~misdemeanor and punished accordingly.~~ Any person, corporation, or any officer
9 or employee of a corporation, or member or employee of any partnership, who,
10 with intent to evade any of the requirements of this division, or any lawful
11 requirements of the director thereunder, shall make, render, sign, or verify any
12 false or fraudulent return or statement, or shall supply any false or fraudulent
13 information, or who shall aid, abet, direct, cause, or who shall procure anyone so
14 to do, shall be ~~liable to a penalty of not more than five thousand dollars, to be~~
15 ~~recovered by the attorney general, in the name of the state, by action in any~~
16 ~~court of competent jurisdiction, and shall also upon conviction be punished by~~
17 ~~imprisonment in the penitentiary for a term not exceeding one year, or by a fine~~
18 ~~of not less than five hundred dollars nor more than five thousand dollars, or~~
19 ~~both guilty of a fraudulent practice.~~ Such penalty shall be in addition to all other
20 penalties in this division provided.

1 SEC. 340. Section four hundred twenty-two point forty-two (422.42),
2 subsection sixteen (16), unnumbered paragraph three (3), Code 1975, is amended
3 to read as follows:

4 Every operator of a vending machine or amusement device equipment, the
5 receipts from the operation of which are taxable under section 422.43, shall by
6 means of a sticker identify each such machine operated by him *or her* to show
7 the valid sales tax permit number issued to him *or her* under which the sales tax
8 concerning the operation of each given machine is being reported and remitted
9 to the department. The stickers shall be provided by the department and it shall
10 be the duty of each operator to place and maintain same in a place easily seen
11 by the user on each machine operated by him *or her*. Failure to so identify such
12 machines shall be ~~unlawful and~~ a *simple* misdemeanor.

1 SEC. 341. Section four hundred twenty-two point forty-five (422.45),
2 subsection seven (7), paragraph c, Code 1975, is amended to read as follows:

3 c. Any contractor who shall willfully make false report of tax paid under the
4 provisions of this subsection shall be guilty of a *simple* misdemeanor and in
5 addition thereto shall be liable for the payment of the tax with penalty and
6 interest thereon.

1 SEC. 342. Section four hundred twenty-two point fifty-eight (422.58),
2 subsections two (2) and three (3), Code 1975, are amended to read as follows:

3 2. Any person who shall sell tangible personal property, tickets or admissions
4 to places of amusement and athletic events, or gas, water, electricity, and
5 communication service at retail, or engage in the rendering, furnishing, or
6 performing services enumerated in section 422.43, in this state after ~~his the~~
7 ~~person's~~ license shall have been revoked, or without procuring a license within
8 sixty days after the effective date of this division, as provided in section 422.53,
9 or who shall violate the provisions of section 422.49, and the officers of any
10 corporation who shall so act, shall be guilty of a *simple* misdemeanor;

11 ~~punishment for which shall be a fine of not more than one hundred dollars or~~
 12 ~~imprisonment in the county jail for not more than thirty days in the discretion of~~
 13 ~~the court.~~

14 3. Any person required to make, render, sign, or certify any return or
 15 supplementary return, who makes any false or fraudulent return with intent to
 16 defeat or evade the assessment required by law to be made, shall be guilty of a
 17 class "D" felony ~~and shall, for each such offense, be fined not less than five~~
 18 ~~hundred dollars and not more than five thousand dollars, or be imprisoned not~~
 19 ~~exceeding one year, or be subject to both such fine and imprisonment, in the~~
 20 ~~discretion of the court.~~

1 SEC. 343. Section four hundred twenty-two point seventy-two (422.72),
 2 subsection two (2), Code 1975, is amended to read as follows:

3 2. Any person violating the provisions of subsection 1 of this section shall be
 4 guilty of a *serious* misdemeanor ~~and punishable by a fine not to exceed one~~
 5 ~~thousand dollars.~~

1 SEC. 344. Section four hundred twenty-three point eleven (423.11), Code
 2 1975, is amended to read as follows:

3 **423.11 Absorbing tax prohibited.** It shall be unlawful for any retailer to
 4 advertise or hold out or state to the public or to any purchaser, consumer or
 5 user, directly or indirectly, that the tax or any part thereof imposed by this
 6 chapter will be assumed or absorbed by the retailer or that it will not be added
 7 to the selling price of the property sold, or if added that it or any part thereof
 8 will be refunded. The director shall have the power to adopt and promulgate
 9 rules for adding such tax, or the average equivalent thereof, by providing
 10 different methods applying uniformly to retailers within the same general
 11 classification for the purpose of enabling such retailers to add and collect, as far
 12 as practicable, the amount of such tax. Any person violating any of the
 13 provisions of this section within this state shall be guilty of a *simple*
 14 ~~misdemeanor and subject to the penalties provided in section 423.20.~~

1 SEC. 345. Section four hundred twenty-three point nineteen (423.19), Code
 2 1975, is amended to read as follows:

3 **423.19 Fraud.** Any person required to make, render, sign, or certify any
 4 return or supplementary return, who makes any false or fraudulent return with
 5 intent to defeat or evade the tax, or amount required to be paid by this chapter,
 6 shall be guilty of a felony ~~and shall, for each such offense, be fined not less than~~
 7 ~~five hundred dollars and not more than five thousand dollars, or be imprisoned~~
 8 ~~not exceeding one year, or be subject to both such fine and imprisonment, in the~~
 9 ~~discretion of the court~~ *fraudulent practice.*

1 SEC. 346. Section four hundred twenty-three point twenty (423.20), Code
 2 1975, is amended to read as follows:

3 **423.20 Penalty.** Any retailer or other person failing or refusing to furnish
 4 any return herein required to be made, or failing or refusing to furnish a
 5 supplemental return or other data required by the director, shall be guilty of a
 6 *simple* misdemeanor ~~and subject to a fine of not to exceed one hundred dollars~~
 7 ~~for each such offense, or to imprisonment for not to exceed thirty days, or to~~
 8 ~~both such fine and imprisonment, in the discretion of the court.~~

1 SEC. 347. Section four hundred twenty-three point twenty-six (423.26), Code
 2 1975, is amended to read as follows:

3 **423.26 Penalty for false statement.** Any person who willfully makes any
 4 false statement in regard to the purchase price of a vehicle subject to taxation
 5 under section 423.7 is guilty of a *simple* misdemeanor.

1 SEC. 348. Section four hundred twenty-three A point four (423A.4), Code
 2 1975, is amended to read as follows:

3 **423A.4 Penalty.** A person who violates the provisions of this chapter shall
 4 upon conviction be ~~punished by imprisonment in the county jail for not more~~
 5 ~~than one year or be fined not more than ten thousand dollars or punished by~~
 6 ~~both such imprisonment and fine~~ *guilty of an aggravated misdemeanor.*

1 SEC. 349. Section four hundred twenty-four point thirteen (424.13),
 2 subsection two (2), Code 1975, is amended to read as follows:

3 2. Any person required to make, render, sign, or verify any return or
 4 supplementary return, who makes any false or fraudulent return with the intent
 5 to defeat or evade the assessment required by law to be made, shall be guilty of
 6 a ~~felony and shall, for each such offense, be fined not less than five hundred~~
 7 ~~dollars, nor not more than five thousand dollars, or be imprisoned not exceeding~~
 8 ~~one year, or be subject to both fine and imprisonment, in the discretion of the~~
 9 ~~court~~ *fraudulent practice.*

1 SEC. 350. Section four hundred twenty-five point thirteen (425.13), Code
 2 1975, is amended to read as follows:

3 **425.13 Conspiracy to defraud.** If any two or more persons conspire and
 4 confederate together with fraudulent intent to obtain the credit provided for
 5 under the terms of this chapter by making a false deed, or a false contract of
 6 purchase, they are guilty of a ~~conspiracy and every person who is convicted of~~
 7 ~~such a conspiracy shall be imprisoned in the county jail for a period not to~~
 8 ~~exceed one year, or shall be fined in a sum not to exceed one thousand dollars,~~
 9 ~~or shall be imprisoned in the penitentiary not more than three years~~ *fraudulent*
 10 *practice.*

1 SEC. 351. Section four hundred twenty-five point fourteen (425.14), Code
 2 1975, is amended to read as follows:

3 **425.14 False affidavits.** Any person making a false claim or affidavit for the
 4 purpose of securing a homestead tax credit, or for the purpose of aiding another
 5 to secure such homestead tax credit, shall be guilty of a ~~misdemeanor and, upon~~
 6 ~~conviction, shall be punished by a fine of not more than one hundred dollars, or~~
 7 ~~by imprisonment in the county jail not more than thirty days, or by both such~~
 8 ~~fine and imprisonment~~ *fraudulent practice.*

1 SEC. 352. Section four hundred twenty-five point twenty-nine (425.29), Code
 2 1975, is amended to read as follows:

3 **425.29 False claim—penalty.** Any person making a false affidavit for the
 4 purpose of obtaining reimbursement provided for in this division or who
 5 knowingly receives the reimbursement without being legally entitled to it or
 6 makes claim for the reimbursement in more than one county in the state shall be
 7 guilty of a *simple* misdemeanor; and upon conviction shall be fined not more
 8 than one hundred dollars or imprisoned in the county jail for not more than
 9 thirty days or be subject to both such fine and imprisonment. An action under
 10 this section shall be brought in the county in which the affidavit was filed. The
 11 claim for reimbursement shall be disallowed in full and if the claim has been
 12 paid the amount may be recovered by assessment in the manner that income
 13 taxes are assessed pursuant to sections 422.26 and 422.30. The director of
 14 revenue shall send a notice of disallowance of the claim.

1 SEC. 353. Section four hundred twenty-seven point seven (427.7), Code 1975,
 2 is amended to read as follows:

3 **427.7 Penalty.** Any person making a false affidavit for the purpose of
 4 obtaining the exemption provided for in sections 427.3 to 427.6 or who
 5 knowingly receives such exemption without being legally entitled thereto, or who
 6 makes claim for exemption in more than one county in the state shall be guilty
 7 of a ~~misdemeanor and upon conviction thereof~~ fined not more than one
 8 hundred dollars or imprisoned in the county jail for not more than thirty days or
 9 be both so fined and imprisoned *fraudulent practice.*

1 SEC. 354. Section four hundred twenty-seven point sixteen (427.16),
2 subsection seven (7), Code 1975, is amended to read as follows:

3 7. Penalty. If any person willfully makes or causes to be made any statement
4 to the officer charged with assessment or valuation of property for tax purposes
5 in his *or her* taxing district containing a false statement of a material fact, be ~~he~~
6 *the person* owner, shipper, storageman, or warehouseman, ~~he the person~~ shall be
7 guilty of a misdemeanor and upon conviction shall be punished by a fine of not
8 less than one hundred dollars or more than five hundred dollars or by
9 imprisonment in the county jail for not less than thirty days or more than one
10 hundred fifty days *fraudulent practice*.

1 SEC. 355. Section four hundred twenty-seven A point four (427A.4),
2 unnumbered paragraph five (5), Code 1975, is amended to read as follows:

3 Any person making a false affidavit for the purpose of obtaining the credit
4 provided for in this section, or who knowingly receives such credit without being
5 legally entitled thereto, or who makes claim for credit of more than ten thousand
6 dollars in the state shall be guilty of a misdemeanor and upon conviction thereof
7 shall be fined not more than one hundred dollars or imprisoned in the county
8 jail for not more than thirty days or be both so fined and imprisoned*
9 *fraudulent practice*.

1 SEC. 356. Section four hundred twenty-eight A point ten (428A.10), Code
2 1975, is amended to read as follows:

3 **428A.10 Penalty.** Any person, firm or corporation liable for the tax
4 imposed by this chapter who knowingly fails to comply with the provisions of
5 sections 428A.5 and 428A.6 relating to the attachment or cancellation of
6 documentary stamps, shall be subject to a fine of not less than one hundred
7 dollars nor more than five hundred dollars *guilty of a simple misdemeanor*.

1 SEC. 357. Section four hundred forty-one point nineteen (441.19),
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 The assessor shall list every person in his *or her* county or city as the case may
4 be and assess all the property therein, personal and real, except such as is
5 heretofore exempted or otherwise assessed. Any person who shall refuse to assist
6 in making out a list of his *or her* property, or of any property which ~~he the person~~
7 is by law required to assist in listing, or who shall refuse to make either of the
8 oaths or affirmations or combinations thereof required by section 441.20, shall
9 be guilty of a *simple* misdemeanor and, upon conviction thereof, shall be fined in
10 a sum not to exceed five hundred dollars.

1 SEC. 358. Section four hundred forty-four point seven (444.7), Code 1975, is
2 amended to read as follows:

3 **444.7 Excessive tax prohibited.** It is hereby made a *simple* misdemeanor for
4 the board of supervisors to authorize, or the county auditor to carry upon the
5 tax lists for any year, an amount of tax for any public purpose in excess of the
6 amount certified or authorized as provided by law. The state comptroller shall
7 prescribe and furnish the county auditors forms and instructions to aid them in
8 determining the legality and authorized amount of tax levies. In the case of an
9 excessive levy, it shall be the duty of the county auditor to reduce it to the
10 maximum amount authorized by law, and in any event not in excess of the
11 amount certified; and in case of an illegal levy the county auditor shall not enter
12 or carry any tax on the tax lists for such levy.

1 SEC. 359. Section four hundred forty-four point seventeen (444.17), Code
2 1975, is amended to read as follows:

3 **444.17 Peddling without license.** Any person peddling outside the limits of
4 a city without such license or after the expiration thereof, shall be guilty of a
5 *simple* misdemeanor, whether ~~he the person~~ be the owner of the goods sold or
6 carried by him *or her* or not, and, on conviction thereof, shall forfeit and pay

*According to enrolled Act

7 into the county treasury, in addition to the penalty imposed therefor, double the
8 amount of the tax for one year as fixed in section 444.13.

1 SEC. 360. Section four hundred forty-four point nineteen (444.19), Code
2 1975, is amended to read as follows:

3 **444.19 Violations.** Any person exhibiting any such show without first
4 having obtained such license shall be guilty of a *simple* misdemeanor, and shall
5 also forfeit and pay to the county treasurer double the amount fixed for such
6 license, for the benefit of the school fund.

1 SEC. 361. Section four hundred forty-six point twenty-six (446.26), Code
2 1975, is amended to read as follows:

3 **446.26 Misconduct of officers.** Any treasurer or auditor failing to attend a
4 sale of lands in person or by deputy shall ~~forfeit and pay the sum of one~~
5 ~~hundred dollars, to be recovered in an action in the name of the county and for~~
6 ~~its use be guilty of a simple misdemeanor.~~ If such officer or deputy shall sell or
7 assist in selling any real estate, knowing it is not subject to taxation, or that the
8 taxes for which it is sold have been paid, or shall knowingly and willfully sell or
9 assist in selling any real estate for taxes to defraud the owner thereof, or shall
10 knowingly and willfully execute a deed for property so sold, he *or she* shall; ~~upon~~
11 ~~conviction, be fined in a sum of not less than one thousand nor more than three~~
12 ~~thousand dollars, or imprisoned in the county jail not exceeding one year, or~~
13 ~~both fined and imprisoned, be guilty of a serious misdemeanor and shall be liable~~
14 ~~to pay the injured party all damages sustained by him or her on account thereof,~~
15 ~~and all such sales shall be void.~~

1 SEC. 362. Section four hundred forty-six point twenty-seven (446.27), Code
2 1975, is amended to read as follows:

3 **446.27 Fraud of officers.** If any treasurer or auditor shall be directly or
4 indirectly concerned in the purchase of any real estate sold for the nonpayment
5 of taxes, ~~he the treasurer or auditor~~ and his *or her* sureties shall be liable on his *or*
6 *her* official bond for all damages sustained by the owner of such property, and
7 all such sales shall be void. In addition thereto, the officer so offending shall;
8 ~~upon conviction, be fined in a sum of not more than one thousand dollars guilty~~
9 ~~of a fraudulent practice.~~

1 SEC. 363. Section four hundred fifty point fifty (450.50), Code 1975, is
2 amended to read as follows:

3 **450.50 Removal of property from state—bond.** It shall be unlawful for any
4 person to remove from this state any property, or the proceeds thereof, that may
5 be subject to the tax imposed by this chapter, without paying the said tax to the
6 department of revenue. Any person violating the provision of this section shall
7 be guilty of a ~~felony~~ *serious misdemeanor* and upon conviction shall be fined an
8 amount equal to twice the amount of tax, interest, and costs for which the estate
9 may be liable; ~~but in no case less than two hundred dollars, and imprisoned as~~
10 ~~the court shall direct, until the fine is paid;~~ provided, however, that the penalty
11 hereby imposed shall not be enforced if, prior to the removal of such property or
12 the proceeds thereof, the person desiring to effect such removal files with the
13 clerk a bond conditioned upon the payment of the tax, interest, and costs, as is
14 provided in section 450.49 hereof.

1 SEC. 364. Section four hundred fifty-two point three (452.3), Code 1975, is
2 amended to read as follows:

3 **452.3 Discounting warrants.** If the state treasurer *of state* or any county
4 treasurer, by himself *or herself* or through another, discounts state comptroller's
5 or auditor's warrants, either directly or indirectly, he *or she* shall ~~upon conviction~~
6 ~~be fined in any sum not exceeding one thousand dollars be guilty of a serious~~
7 ~~misdemeanor.~~

1 SEC. 365. Section four hundred fifty-two point four (452.4), Code 1975, is
2 amended to read as follows:

3 **452.4 Loans by county treasurer.** A county treasurer shall be ~~liable to a like~~
4 ~~fine guilty of a serious misdemeanor~~ for loaning out, or in any manner using for
5 private purposes, state, county, or other funds in ~~his~~ *the treasurer's* hands.

1 SEC. 366. Section four hundred fifty-two point five (452.5), Code 1975, is
2 amended to read as follows:

3 **452.5 Loans by state treasurer of state.** The ~~state~~ *state* treasurer *of state* shall be
4 ~~liable to a fine of not more than ten thousand dollars for a like guilty of a serious~~
5 ~~misdemeanor for a like violation.~~

1 SEC. 367. Section four hundred fifty-two point fourteen (452.14), Code 1975,
2 is amended to read as follows:

3 **452.14 False statements or reports.** Any officer or other person making a
4 false statement or report or in any manner violating any of the provisions of
5 sections 452.10 to 452.13, shall be guilty of a ~~misdemeanor and shall be liable to~~
6 ~~a fine of not less than five hundred dollars fraudulent practice.~~

1 SEC. 368. Section four hundred fifty-two point fifteen (452.15), Code 1975, is
2 amended to read as follows:

3 **452.15 Official delinquency.** If any auditor or treasurer or other officer
4 shall neglect or refuse to perform any act or duty specifically required of him *or*
5 *her*, such officer shall be guilty of a *simple* misdemeanor, ~~and, upon conviction,~~
6 ~~shall be fined in any sum not exceeding one thousand dollars,~~ and he *or she* and
7 his *or her* bondsmen shall be liable on his *or her* official bond for ~~such fine any~~
8 ~~fine imposed,~~ and for the damages sustained by any person through such neglect
9 or refusal.

1 SEC. 369. Section four hundred fifty-five point one hundred sixty (455.160),
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 Any person or persons willfully diverting, obstructing, impeding, or filling up,
4 without legal authority, any ditch, drain, or watercourse or breaking down or
5 injuring any levee or the bank of any settling basin, established, constructed, and
6 maintained under any provision of law, or obstructing, or engaging in travel or
7 agricultural practices upon the improvement or rights of way of a levee or
8 drainage district which the governing body thereof has, by resolution,
9 determined to be injurious to such improvement or to interfere with its proper
10 preservation, operation, or maintenance, and has prohibited, shall be deemed
11 guilty of a *serious* misdemeanor ~~and punished accordingly~~ and any such
12 unlawful act as above described is hereby declared to be a nuisance and may be
13 abated as such.

1 SEC. 370. Section four hundred fifty-five A point thirty-nine (455A.39), Code
2 1975, is amended to read as follows:

3 **455A.39 Penalties.** Whoever is convicted of erecting, causing or continuing
4 a common or public nuisance, as provided in this chapter, or whoever diverts or
5 withdraws water in violation of the provisions of this chapter, upon conviction,
6 shall be ~~fined not exceeding one hundred dollars or be imprisoned in the county~~
7 ~~jail not exceeding thirty days guilty of a simple misdemeanor~~ and each day that
8 such violation continues after conviction shall be considered a separate offense.

1 SEC. 371. Section four hundred fifty-five B point sixty-four (455B.64), Code
2 1975, is amended to read as follows:

3 **455B.64 Misdemeanor.** Any person, including any firm, corporation,
4 municipal corporation, or other governmental subdivision or agency, violating
5 any provisions of this part 2 of division III or the rules adopted thereunder after
6 written notice thereof by the executive director is guilty of a *simple*
7 misdemeanor. Each day of operation in such violation of said part or any rules
8 adopted thereunder shall constitute a separate offense. ~~Upon conviction, such~~

9 persons shall be fined not exceeding one hundred dollars, or be imprisoned in
 10 the county jail for not more than thirty days, or by both such fine and
 11 imprisonment. It shall be the duty of the appropriate county attorney to secure
 12 injunctions of continuing violations of any provisions of said part or the rules
 13 adopted thereunder.

1 SEC. 372. Section four hundred fifty-five B point ninety-four (455B.94), Code
 2 1975, is amended to read as follows:

3 **455B.94 Penalty.** Any person who violates any provisions of this part 2 of
 4 division IV or rules adopted under said part, or any order of the commission or
 5 executive director issued pursuant to said part, shall be ~~punished by a fine of not~~
 6 ~~more than five hundred dollars or by imprisonment not to exceed six months or~~
 7 ~~punished by both such fine and imprisonment~~ *be guilty of a serious misdemeanor*
 8 and, in addition, ~~he~~ *the person* may be enjoined from continuing such violation.
 9 Each day of continued violation after notice that a violation is being committed
 10 shall constitute a separate violation.

1 SEC. 373. Section four hundred fifty-five B point ninety-eight (455B.98),
 2 Code 1975, is amended to read as follows:

3 **455B.98 Penalty.** Any person violating the provisions of section 455B.97,
 4 shall be ~~guilty of a misdemeanor and,~~ upon conviction, shall be ~~subject to a fine~~
 5 ~~of not less than fifteen dollars nor more than one hundred dollars or be~~
 6 ~~imprisoned in the county jail not to exceed thirty days~~ *guilty of a simple*
 7 *misdemeanor.* The court, in lieu of or in addition to any other sentence imposed,
 8 may direct and supervise a labor of litter gathering.

1 SEC. 374. Section four hundred fifty-five B point one hundred five
 2 (455B.105), Code 1975, is amended to read as follows:

3 **455B.105 Penalty.** Any person violating the provisions of sections 455B.100
 4 to 455B.103 or the rules adopted by the commission under said sections is guilty
 5 of a *simple* misdemeanor.

1 SEC. 375. Section four hundred sixty-nine point thirteen (469.13), Code 1975,
 2 is amended to read as follows:

3 **469.13 Violations.** The construction, maintenance, or operation of a dam
 4 for the purpose specified herein without a permit first being issued, as in this
 5 chapter provided, shall constitute a *simple* misdemeanor; ~~and shall be punishable~~
 6 ~~by a fine of not less than one hundred dollars nor more than five hundred~~
 7 ~~dollars.~~

1 SEC. 376. Section four hundred sixty-nine A point seven (469A.7), Code
 2 1975, is amended to read as follows:

3 **469A.7 Penalty.** Any person, firm, association or corporation who shall
 4 violate the provisions of section 469A.1, shall be guilty of a *serious* misdemeanor
 5 ~~and upon conviction shall be punished by a fine of not less than one hundred~~
 6 ~~dollars nor more than one thousand dollars, or shall be imprisoned in the county~~
 7 ~~jail for not less than thirty days nor more than six months, or by both such fine~~
 8 ~~and imprisonment.~~ Each separate day that a violation occurs shall constitute a
 9 separate offense.

1 SEC. 377. Section four hundred seventy-four point twenty-one (474.21), Code
 2 1975, is amended to read as follows:

3 **474.21 Hindering or obstructing department.** Any person who shall willfully
 4 obstruct it ~~or its members~~ *the department or board* in the performance of their
 5 duties, or who shall refuse to give any information within ~~his~~ *the person's*
 6 possession that may be required by it ~~within the line of its duty~~ *the department or*
 7 *board for the performance of their duties,* shall be ~~fined not exceeding one~~
 8 ~~thousand dollars, in the discretion of the court~~ *guilty of a simple misdemeanor.*

1 SEC. 378. Section four hundred seventy-seven point fifteen (477.15), Code
2 1975, is amended to read as follows:

3 **477.15 Violations.** Any ~~railroad corporation, company, or person~~ operating
4 a railroad in this state and using a locomotive engine, or running a train of cars,
5 or using in this state any train, engine, freight, car way, caboose, or other car
6 contrary to the provisions of sections 477.12 to 477.14 ~~four hundred seventy-seven~~
7 ~~point thirteen (477.13) of the Code~~ shall be guilty of a *serious* misdemeanor, and
8 shall be subject to a fine of not less than five hundred nor more than one
9 thousand dollars for each and every offense; but such penalties shall not apply
10 to companies hauling cars belonging to railroads other than those of this state
11 which are engaged in interstate traffic.

1 SEC. 379. Section four hundred seventy-seven point nineteen (477.19), Code
2 1975, is amended to read as follows:

3 **477.19 Violations.** Any ~~person, railway company, terminal transfer, or~~
4 ~~other corporation or company who which~~ violates any of the provisions of
5 section 477.17 shall be deemed guilty of a *serious* misdemeanor and upon
6 conviction shall be punished by a fine of not less than fifty dollars or more than
7 five hundred dollars for any such violation, and each day that every such engine
8 is operated shall constitute a separate and distinct violation of said section.

1 SEC. 380. Section four hundred seventy-seven point twenty-four (477.24),
2 Code 1975, is amended to read as follows:

3 **477.24 Violations.** Any ~~person, firm, or railroad corporation~~ owning such
4 line of railway or the equipment operated thereon, ~~who which~~ shall cause or
5 permit any locomotive, power vehicle, power car, or other equipment used as the
6 equivalent thereof, to be operated without being equipped with the headlight
7 required by the provisions of section 477.22 shall be deemed guilty of a *serious*
8 misdemeanor and, upon conviction, shall be punished by a fine of not less than
9 one hundred dollars nor more than five hundred dollars for each offense.

1 SEC. 381. Section four hundred seventy-seven point twenty-eight (477.28),
2 Code 1975, is amended to read as follows:

3 **477.28 Violations.** Any common carrier as provided in section 477.26
4 violating any of the provisions of section 477.27 shall be deemed guilty of a
5 *simple* misdemeanor, and upon conviction thereof shall be fined not less than
6 one hundred dollars nor more than five hundred dollars for each offense.

1 SEC. 382. Section four hundred seventy-seven point forty (477.40), Code
2 1975, is amended to read as follows:

3 **477.40 Violations.** Any railroad ~~company~~ corporation which after receiving
4 said notice fails to comply, within the time fixed, with the provisions of section
5 477.37, shall be guilty of a *simple* misdemeanor and upon conviction shall be
6 fined not exceeding one hundred dollars for each offense and the inspector shall
7 file information in such a case.

1 SEC. 383. Section four hundred seventy-seven point fifty-four (477.54), Code
2 1975, is amended to read as follows:

3 **477.54 Violations.** Any failure to comply with the provisions of section
4 477.53 shall be deemed a *simple* misdemeanor and shall be punished accordingly.

1 SEC. 384. Section four hundred seventy-seven point sixty-two (477.62), Code
2 1975, is amended to read as follows:

3 **477.62 Penalty.** Any railroad corporation found guilty of violating the
4 provisions of section 477.61 shall be fined not less than twenty-five dollars nor
5 more than one hundred dollars for each violation guilty of a *simple* misdemeanor.

1 SEC. 385. Section four hundred seventy-seven point sixty-three (477.63),
2 Code 1975, is amended to read as follows:

3 **477.63 Screen exhaust fire controls.** No locomotive or other rolling stock
 4 shall be operated unless it is equipped with proper deflector and screen exhaust
 5 fire controls and uses adequate devices to prevent the escape of blowing or
 6 burning materials or substances and is maintained in good working order to
 7 protect against the start and spread of fires along the right of way. A violation of
 8 this section shall be a *simple* misdemeanor ~~punishable by a fine of not more than~~
 9 ~~one hundred dollars or thirty days in jail.~~ The railroad corporation, and any
 10 officers, agent, lessee or independent contractor found guilty of a violation of
 11 this section shall be ~~punishable by a fine of not more than one hundred dollars~~
 12 ~~or thirty days in jail~~ *guilty of a simple misdemeanor.*

1 SEC. 386. Section four hundred seventy-eight point ten (478.10), Code 1975,
 2 is amended to read as follows:

3 **478.10 Failure to fence—general penalty.** If the *railroad* corporation ;
 4 officer thereof or lessee owning or engaged in the operation of any railroad in
 5 the state refuses or neglects to comply with any provision of this chapter relating
 6 to the fencing of the tracts*, such *railroad* corporation, officer, or lessee shall be
 7 guilty of a *simple* misdemeanor ; and upon conviction fined in a sum not
 8 exceeding five hundred dollars for each offense, and every thirty days'
 9 continuance of such refusal or neglect shall constitute a separate and distinct
 10 offense.

1 SEC. 387. Section four hundred seventy-eight point twenty (478.20), Code
 2 1975, is amended to read as follows:

3 **478.20 Violations.** Any officer or employee of any railway company
 4 corporation violating any of the provisions of section 478.19 shall be ~~punished by~~
 5 ~~a fine not exceeding one hundred dollars for each offense~~ *guilty of a simple*
 6 *misdemeanor.*

1 SEC. 388. Section four hundred seventy-nine point twenty-nine (479.29),
 2 Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975
 3 Session, chapter one hundred seventy (170), section twenty-seven (27) is
 4 amended to read as follows:

5 **479.29 Penalty for discrimination.** Any such corporation guilty of extortion,
 6 or of making any unjust discrimination as to freight rates, or the rates for the use
 7 and transportation of railway cars, or in receiving, handling, or delivering
 8 freights, shall; ~~upon conviction thereof, be fined in any sum not less than one~~
 9 ~~thousand dollars nor more than five thousand dollars for the first offense, and~~
 10 ~~for each subsequent offense not less than five thousand nor more than ten~~
 11 ~~thousand dollars such fine to be imposed in a criminal prosecution by~~
 12 ~~indictment be guilty of an aggravated misdemeanor;~~ or shall be subject to the
 13 liability prescribed in section 479.30, to be recovered as therein provided.

1 SEC. 389. Section four hundred seventy-nine point thirty (479.30), Code
 2 1975, is amended to read as follows:

3 **479.30 Civil forfeiture.** Any such railway corporation ~~guilty of extortion, or~~
 4 ~~of making any unjust discrimination as to passenger or freight rates, or the rates~~
 5 ~~for the use and transportation of railway cars, or in receiving, handling, or~~
 6 ~~delivering freights, shall forfeit and pay to the state not less than one thousand~~
 7 ~~nor more than five thousand dollars for the first offense, and not less than five~~
 8 ~~thousand nor more than ten thousand dollars for each subsequent offense, to be~~
 9 ~~recovered in a civil action in the name of the state; and the release from liability~~
 10 ~~or penalty provided for in this chapter shall not apply to a criminal prosecution~~
 11 ~~under section 479.29, or to a civil action under this section be guilty of a~~
 12 ~~fraudulent practice.~~

1 SEC. 390. Section four hundred seventy-nine point one hundred eight
 2 (479.108), Code 1975, is amended to read as follows:

*According to enrolled Act

3 **479.108 Violation—penalty.** Any common carrier operating in this state
 4 violating any of the provisions of sections 479.103 to 479.107 by neglecting or
 5 refusing to weigh cars or to furnish certificates of weights as therein provided
 6 shall be guilty of a *simple* misdemeanor and shall be, upon conviction thereof,
 7 fined in the sum of not more than one hundred twenty-five dollars for each and
 8 every violation.

1 SEC. 391. Section four hundred eighty-eight point six (488.6), Code 1975, is
 2 amended to read as follows:

3 **488.6 Delay—willful error—revealing contents.** Any person employed in
 4 transmitting messages by telegraph or telephone must do so with fidelity and
 5 without unreasonable delay, and if anyone willfully fails thus to transmit them,
 6 or intentionally transmits a message erroneously, or makes known the contents
 7 of any message sent or received to any person except ~~him~~ *the person* to whom it
 8 is addressed, or ~~his~~ *such person's* agent or attorney, or willfully and wrongfully
 9 takes or receives any telegraph or telephone message, ~~he~~ *the person* is guilty of a
 10 *simple* misdemeanor.

1 SEC. 392. Section four hundred eighty-nine point twenty-four (489.24), Code
 2 1975, is amended to read as follows:

3 **489.24 Violations.** Any person, company, or corporation constructing or
 4 undertaking to construct or maintain any electric transmission line, without first
 5 procuring a franchise for such purpose in accordance with the provisions of this
 6 chapter, shall be fined in the sum of not less than one hundred dollars nor more
 7 than one thousand dollars *guilty of a serious misdemeanor*; and for violating any
 8 of the other provisions of this chapter relating to electric transmission lines or
 9 disobeying any order or rule made by the state commerce commission in
 10 relation thereto, shall be fined not exceeding one hundred dollars *guilty of a*
 11 *simple misdemeanor*.

1 SEC. 393. Section four hundred ninety-one point forty (491.40), Code 1975, is
 2 amended to read as follows:

3 **491.40 Fraud—penalty for.** Intentional fraud in failing to comply
 4 substantially with the articles of incorporation, or in deceiving the public or
 5 individuals in relation to their means or their liabilities, shall be a ~~misdemeanor~~,
 6 and shall subject those guilty thereof to fine and imprisonment, or both, at the
 7 discretion of the court *fraudulent practice*. Any person who has sustained injury
 8 from such fraud may also recover damages therefor against those guilty of
 9 participating in such fraud.

1 SEC. 394. Section four hundred ninety-one point forty-three (491.43), Code
 2 1975, is amended to read as follows:

3 **491.43 Keeping false accounts.** The intentional keeping of false books or
 4 accounts shall be a ~~misdemeanor~~ *fraudulent practice* on the part of any officer,
 5 agent, or employee of the corporation guilty thereof, or of anyone whose duty it
 6 is to see that such books or accounts are correctly kept.

1 SEC. 395. Section four hundred ninety-one point sixty-eight (491.68), Code
 2 1975, is amended to read as follows:

3 **491.68 False statements or pretenses.** Every director, officer, or agent of
 4 any corporation or joint-stock association, who knowingly concurs in making,
 5 publishing, or posting, either generally or privately to the stockholders or other
 6 persons, any written report, exhibit, or statement of its affairs or pecuniary
 7 condition, or book or notice containing any material statement which is false, or
 8 any untrue or willfully or fraudulently exaggerated report, prospectus, account,
 9 statement of operations, values, business, profits, expenditures, or prospects, or
 10 any other paper or document intended to produce or give, or having a tendency
 11 to produce or give, the shares of stock in such corporation a greater value or a
 12 less apparent or market value than they really possess, is guilty of a ~~felony~~, and

13 upon conviction thereof shall be punished by imprisonment in the penitentiary
 14 not to exceed one year, or by imprisonment in the county jail not to exceed six
 15 months or a fine not exceeding five hundred dollars *fraudulent practice*.

1 SEC. 396. Section four hundred ninety-two point three (492.3), Code 1975, is
 2 amended to read as follows:

3 **492.3 Penalties.** Any person violating the provisions of sections 492.1 and
 4 492.2, or knowingly making a false statement on such certificate, shall be fined
 5 not less than one hundred dollars nor more than five hundred dollars, and shall
 6 stand committed to the county jail until such fine and costs are paid *guilty of a*
 7 *fraudulent practice*.

1 SEC. 397. Section four hundred ninety-two point twelve (492.12), Code 1975,
 2 is amended to read as follows:

3 **492.12 Violations.** Any officer, agent or representative of a corporation
 4 who violates any of the provisions of sections 492.5 to 492.8 shall, upon
 5 conviction, be fined not less than two hundred dollars nor more than ten
 6 hundred dollars, and be imprisoned in the county jail for not less than thirty
 7 days nor more than six months *be guilty of a simple misdemeanor*.

1 SEC. 398. Section four hundred ninety-four point thirteen (494.13), Code
 2 1975, is amended to read as follows:

3 **494.13 Violations by officers.** Any agent, officer, or employee who shall
 4 knowingly act or transact such business for such corporation, when it has no
 5 valid permit as provided herein, shall be guilty of a *simple* misdemeanor, and for
 6 such offense shall be fined not to exceed one hundred dollars, or be imprisoned
 7 in the county jail not to exceed thirty days, or be punished by both such fine
 8 and imprisonment, and pay all costs of prosecution.

1 SEC. 399. Section four hundred ninety-six A point one hundred thirty-one
 2 (496A.131), Code 1975, is amended to read as follows:

3 **496A.131 Penalties imposed upon officers and directors.** Each officer and
 4 director of a corporation, domestic or foreign, who willfully fails or refuses
 5 within the time prescribed by this chapter to answer truthfully and fully
 6 reasonable and proper interrogatories propounded to ~~him~~ *the officer or director*
 7 by the secretary of state in accordance with the provisions of this chapter, or
 8 who signs any articles, statement, report, application or other document filed
 9 with the secretary of state which is known to such officer or director to be false
 10 in any material respect, shall be deemed to be guilty of a *misdemeanor*, and
 11 upon conviction thereof may be fined in any amount not exceeding five hundred
 12 dollars *fraudulent practice*.

1 SEC. 400. Section four hundred ninety-six A point one hundred forty-five
 2 (496A.145), unnumbered paragraph three (3), Code 1975, is amended to read as
 3 follows:

4 Any person convicted of a violation of any of the provisions of this section
 5 shall be punished by imprisonment in the county jail not less than six months or
 6 more than one year and, in the discretion of the court, by a fine not exceeding
 7 ten hundred dollars *guilty of a serious misdemeanor*.

1 SEC. 401. Section five hundred one point six (501.6), Code 1975, is amended
 2 to read as follows:

3 **501.6 Unauthorized companies—penalty.** Any member or representative of
 4 any association who shall attempt to issue or sell any stock as contemplated by
 5 this chapter or to transact any business whatsoever in the name of or on behalf
 6 of such association, not authorized to do business within this state, or which has
 7 failed or refused to comply with the provisions of this chapter, or has violated
 8 any of its provisions shall be deemed guilty of a *serious* misdemeanor and on
 9 conviction thereof shall be punished by imprisonment in the county jail not to
 10 exceed one year, or by a fine of not less than one hundred nor more than ten

11 ~~hundred dollars or by both such fine and imprisonment in the discretion of the~~
12 ~~court.~~

1 SEC. 402. Section five hundred two point twenty-six (502.26), Code 1975, is
2 amended to read as follows:

3 **502.26 False statements, entries, and representations.** Any person, firm,
4 association, company, or corporation subject to the provisions of this chapter,
5 that shall subscribe or cause to be made any false statement or false entry in any
6 book required to be kept or relating to any business to be transacted in this state
7 pursuant to the provisions of this chapter, or make or subscribe to any false
8 statement, exhibit or paper filed with the commissioner of insurance, or shall
9 make to the commissioner of insurance, ~~his the commissioner's~~ superintendent,
10 agent, or representative any false or fraudulent statement concerning the
11 proposed plan of business to be transacted, or the nature, value or character of
12 securities to be sold in this state, or shall make to said commissioner of
13 insurance, ~~his the commissioner's~~ superintendent, agent or representative any
14 false statement as to the financial condition of such person, firm, association,
15 company, or corporation shall be deemed guilty of a felony, and upon
16 conviction shall be fined in the sum of not more than five thousand dollars, or
17 imprisoned not to exceed five years in the penitentiary or reformatory, or by
18 both such fine and imprisonment in the discretion of the court *fraudulent practice.*

1 SEC. 403. Section five hundred two point twenty-seven (502.27), Code 1975,
2 is amended to read as follows:

3 **502.27 General violations.** Any person, firm, association, company, or
4 corporation subject to the provisions of this chapter that shall sell or negotiate
5 for the sale of any securities within this state without complying with the
6 provisions of this chapter, or that continues to sell, offer for sale, or negotiates
7 for the sale of securities in this state after his *or her* registration has been
8 revoked or canceled by the commissioner of insurance, or that shall otherwise
9 neglect or refuse to comply with any of the provisions of this chapter, shall be
10 guilty of a *serious* misdemeanor and upon conviction thereof shall be punished
11 by a fine not to exceed one thousand dollars or by imprisonment in the county
12 jail not to exceed six months or by both such fine and imprisonment in the
13 discretion of the court, and if it shall be found that any such person is guilty of
14 such a violation with the intent to defraud ~~he the person~~ shall be guilty of a class
15 "D" felony and upon conviction thereof shall be fined not to exceed five
16 thousand dollars or be imprisoned not to exceed five years in the penitentiary or
17 reformatory or by both such fine and imprisonment in the discretion of the
18 court.

1 SEC. 404. Section five hundred two point twenty-eight (502.28), Code 1975, is
2 amended to read as follows:

3 **502.28 False representations.** Any person, firm, association, company, or
4 corporation, or any agent or representative thereof, whether subject to the
5 provisions of this chapter or otherwise, that sells, offers for sale, or negotiates for
6 the sale of any securities within this state, and knowingly makes any false
7 representations or statements as to the nature, character, or value of such
8 security, or the amount of the earning power of such security whether in the
9 nature of interest, dividends, or otherwise, or knowingly makes any other false
10 or fraudulent representation to any person for the purpose of inducing said
11 person to purchase said security, or conceals any material fact in the
12 advertisement or prospectus of such security for the purpose of defrauding the
13 purchaser, shall be deemed guilty of a felony and upon conviction thereof shall
14 be punished by a fine of not less than five hundred dollars nor more than five
15 thousand dollars or by imprisonment in the penitentiary or reformatory for not
16 more than five years or by both such fine and imprisonment *fraudulent practice.*

1 SEC. 405. Section five hundred two point twenty-nine (502.29), Code 1975, is
2 amended to read as follows:

3 **502.29 Promotion by state officials and employees.** No state official or
4 employee of the state shall use his *or her* name in his *or her* official capacity in
5 connection with the endorsement or recommendation of the organization or the
6 promotion of any company or in the disposal of the public of its securities, nor
7 shall anyone use the stationery of the state or of any official thereof in
8 connection with any such transaction. Whoever violates the aforesaid provision
9 shall, upon conviction by any court of competent jurisdiction, be deemed guilty
10 of a *serious* misdemeanor ~~and fined in any sum not to exceed five hundred~~
11 ~~dollars or be punished by confinement in a county jail for not more than ninety~~
12 ~~days or by both such fine and imprisonment.~~

1 SEC. 406. Section five hundred two point thirty (502.30), Code 1975, is
2 amended to read as follows:

3 **502.30 Secret agents—failure to disclose interest.** Any individual, not
4 licensed as a dealer or salesman, who, with intent to secure financial gain for
5 himself *or herself*, advises and procures or assists in procuring any person to
6 purchase any securities contemplated by this chapter and who receives for such
7 service any commission or reward, without disclosing to the purchaser the fact
8 of his *or her* interest shall, in addition to any other penalty, be guilty of a *simple*
9 misdemeanor.

1 SEC. 407. Section five hundred three point thirteen (503.13), Code 1975, is
2 amended to read as follows:

3 **503.13 Misdemeanor.** Any member, salesman, agent, or representative of
4 any association, who shall attempt to issue any membership as contemplated by
5 this chapter, or to transact any business whatsoever, in the name of or on behalf
6 of such association not authorized to do business in this state, or which has
7 failed or refused to comply with the provisions of this chapter, or has violated
8 any of its provisions, shall be deemed guilty of a *an aggravated* misdemeanor;
9 ~~and on conviction thereof shall be punished by imprisonment in the penitentiary~~
10 ~~not to exceed five years, or fined not less than one thousand dollars nor more~~
11 ~~than five thousand dollars, or by both such fine and imprisonment.~~

1 SEC. 408. Section five hundred four point thirteen (504.13), Code 1975, is
2 amended to read as follows:

3 **504.13 Penalty.** A violation of section 504.12 by a corporation shall be
4 ~~punished by a fine of not more than one thousand dollars a fraudulent practice.~~
5 A violation of section 504.12 by an individual conducting an academic course or
6 by an officer or managing head of a corporation shall be ~~punished by~~
7 ~~imprisonment in the penitentiary or men's or women's reformatory not more~~
8 ~~than seven years; or by fine not exceeding five hundred dollars or by~~
9 ~~imprisonment in the county jail not exceeding one year, or by both such fine~~
10 ~~and imprisonment a fraudulent practice.~~

1 SEC. 409. Section five hundred four A point eighty-seven (504A.87),
2 unnumbered paragraph two (2), Code 1975, is amended to read as follows:

3 Each corporation, domestic or foreign, that fails or refuses to answer
4 truthfully and fully within the time prescribed by this chapter reasonable and
5 proper interrogatories propounded by the secretary of state in accordance with
6 the provisions of this chapter, shall be deemed to be guilty of a *simple*
7 misdemeanor ~~and upon conviction thereof may be fined in an amount not~~
8 ~~exceeding five hundred dollars.~~

1 SEC. 410. Section five hundred four A point eighty-eight (504A.88), Code
2 1975, is amended to read as follows:

3 **504A.88 Penalties imposed upon officers and directors.** Each director and
4 officer of a corporation, domestic or foreign, who willfully fails or refuses within

5 the time prescribed by this chapter to answer truthfully and fully reasonable and
 6 proper interrogatories propounded to ~~him~~ *the director or officer* by the secretary
 7 of state in accordance with the provisions of this chapter, or who signs any
 8 articles, statement, report, application or other document filed with the secretary
 9 of state which is known to such officer or director to be false in any material
 10 respect, shall be deemed to be guilty of a *simple* misdemeanor, and upon
 11 conviction thereof may be fined in any amount not exceeding five hundred
 12 dollars.

1 SEC. 411. Section five hundred six point seven (506.7), Code 1975, is
 2 amended to read as follows:

3 **506.7 Penalty.** Any person who violates any of the provisions of the
 4 preceding sections of this chapter, or who violates any order of the
 5 commissioner of insurance made by authority thereof, shall be guilty of a *simple*
 6 misdemeanor, and upon conviction thereof shall be punished by fine not to
 7 exceed one thousand dollars, and by imprisonment in the county jail not to
 8 exceed six months.

1 SEC. 412. Section five hundred seven point sixteen (507.16), Code 1975, is
 2 amended to read as follows:

3 **507.16 Unlawful solicitation of business.** Any officer, manager, agent, or
 4 representative of any insurance company contemplated by this chapter, who,
 5 with knowledge that its certificate of authority has been suspended or revoked,
 6 or that it is insolvent, or is doing an unlawful or unauthorized business, solicits
 7 insurance for said company, or receives applications therefor, or does any other
 8 act or thing toward receiving or procuring any new business for said company,
 9 shall be deemed guilty of a *serious* misdemeanor and shall be subject to the
 10 penalties provided in sections 511.16 and 511.17, and the provisions of said
 11 sections are hereby extended to all companies contemplated by this chapter.

1 SEC. 413. Section five hundred seven A point ten (507A.10), Code 1975, is
 2 amended to read as follows:

3 **507A.10 Penalties.** Any unauthorized foreign or alien insurer who does any
 4 unauthorized act of an insurance business as set forth in this chapter shall be
 5 fined not more than five thousand dollars. In addition to any other penalty
 6 provided for in this chapter or otherwise provided by law, any person or insurer
 7 violating this chapter shall forfeit to the state the sum of five hundred dollars for
 8 each offense and an additional sum of five hundred dollars for each month
 9 during which any such person or insurer continues such violation *guilty of a*
 10 *fraudulent practice.*

1 SEC. 414. Section five hundred eight point twenty-seven (508.27), Code 1975,
 2 is amended to read as follows:

3 **508.27 Violations.** Any company violating any of the provisions of section
 4 508.25 shall, upon conviction thereof, be fined in a sum not less than one
 5 hundred nor more than one thousand dollars for each such offense *guilty of a*
 6 *simple misdemeanor*, and the court may also revoke its authority to do business
 7 within this state.

1 SEC. 415. Section five hundred nine point eighteen (509.18), Code 1975, is
 2 amended to read as follows:

3 **509.18 Prohibited deposit in financial institution.** A company or its agent
 4 licensed to sell a policy of credit life or credit accident and health insurance or
 5 certificate under a policy of group credit life or credit accident and health
 6 insurance shall not deposit or offer to deposit funds in a financial institution of
 7 this state in exchange for the privilege of selling such insurance to or on behalf
 8 of the financial institution. Any person violating the provisions of this section
 9 shall be guilty of a *simple* misdemeanor.

1 SEC. 416. Section five hundred eleven point sixteen (511.16), Code 1975, is
2 amended to read as follows:

3 **511.16 Illegal business.** Any officer, manager, or agent of any life insurance
4 company or association who, with knowledge that it is doing business in an
5 unlawful manner or is insolvent, solicits insurance with said company or
6 association, or receives applications therefor, or does any other act or thing
7 towards procuring or receiving any new business for such company or
8 association, shall be guilty of a *an aggravated* misdemeanor, ~~and for every such~~
9 ~~act, on conviction thereof, shall be adjudged to pay a fine of not less than one~~
10 ~~hundred nor more than one thousand dollars, or be imprisoned in the county jail~~
11 ~~not exceeding one year, or be punished by both such fine and imprisonment.~~

1 SEC. 417. Section five hundred eleven point eighteen (511.18), Code 1975, is
2 amended to read as follows:

3 **511.18 Fraud in procuring insurance.** Any agent, physician, or other person
4 who shall knowingly, by means of concealment of facts or false statements,
5 procure or assist in procuring from any life insurance organization any policy or
6 certificate of insurance, shall be ~~punished by a fine of not to exceed one~~
7 ~~thousand dollars or by imprisonment in the county jail not to exceed one year,~~
8 ~~or by both, in the discretion of the court guilty of a fraudulent practice.~~

1 SEC. 418. Section five hundred twelve point thirty-nine (512.39), Code 1975,
2 is amended to read as follows:

3 **512.39 Violations.** Any officer, agent, or person acting for any such
4 association or subordinate body thereof within this state, while such association
5 shall be so enjoined or prohibited from doing business pursuant to this chapter,
6 shall be deemed guilty of a *serious* misdemeanor; ~~and, on conviction thereof,~~
7 ~~shall be punished by a fine of not less than twenty-five dollars, nor more than~~
8 ~~two hundred dollars, or by imprisonment in the county jail not less than thirty~~
9 ~~days nor more than one year, or by both such fine and imprisonment, in the~~
10 ~~discretion of the court.~~

1 SEC. 419. Section five hundred twelve point forty (512.40), Code 1975, is
2 amended to read as follows:

3 **512.40 Illegal business—agents.** Any person who shall act within this state
4 as an officer, agent, or otherwise for any such association which has failed,
5 neglected, or refused to comply with, or which has violated any of the provisions
6 of this chapter, or shall have failed or neglected to procure from the
7 commissioner of insurance proper certificate of authority to transact business as
8 provided for by this chapter, shall be ~~subject to the penalty provided in section~~
9 ~~512.39 for the guilty of a serious~~ misdemeanor ~~therein specified.~~

1 SEC. 420. Section five hundred twelve point forty-one (512.41), Code 1975, is
2 amended to read as follows:

3 **512.41 False representations.** Any officer, agent, or member of such
4 association, who shall obtain any money or property belonging thereto by any
5 false or fraudulent representation, shall be ~~fined not more than five hundred~~
6 ~~dollars and costs, and stand committed until such fine and costs are paid, or~~
7 ~~may be imprisoned in the county jail not more than six months guilty of a~~
8 ~~fraudulent practice.~~

1 SEC. 421. Section five hundred twelve point eighty (512.80), Code 1975, is
2 amended to read as follows:

3 **512.80 Violations.** Any officer, director, or manager of any association
4 violating or consenting to the violation of any of the provisions of sections
5 512.73 to 512.78 shall be ~~punished by a fine of not less than ten hundred dollars,~~
6 ~~or by imprisonment in the county jail not less than one year, or by both such~~
7 ~~fine and imprisonment in the discretion of the court guilty of a serious~~
8 ~~misdemeanor.~~

1 SEC. 422. Section five hundred twelve point one hundred three (512.103),
2 Code 1975, is amended to read as follows:

3 **512.103 Illegal business.** Any officer, manager, agent, or representative of
4 any association who with knowledge that its certificate of authority has been
5 suspended or revoked, or that it is doing an illegal, unauthorized, or fraudulent
6 business solicits insurance for said association, or receives applications therefor,
7 or does any other act or thing toward receiving or procuring any new business
8 for said association, shall be deemed guilty of a *an aggravated* misdemeanor and
9 ~~for every such act, on conviction thereof, shall pay a fine of not less than one~~
10 ~~hundred nor more than ten hundred dollars, or be imprisoned in the county jail~~
11 ~~not more than one year, or be punished by both such fine and imprisonment.~~

1 SEC. 423. Section five hundred twelve A point eight (512A.8), Code 1975, is
2 amended to read as follows:

3 **512A.8 Penalties.** Except as otherwise provided by law, it shall be unlawful
4 for any person or corporation to operate a benevolent association in this state
5 except as provided for in this chapter. Any person violating the provisions of this
6 chapter shall be ~~subject to a fine not exceeding one thousand dollars or~~
7 ~~imprisonment in the county jail not exceeding thirty days, or both such fine and~~
8 ~~imprisonment guilty of a serious misdemeanor.~~

1 SEC. 424. Section five hundred fourteen B point twenty-nine (514B.29), Code
2 1975, is amended to read as follows:

3 **514B.29 Penalties—indictable misdemeanor Penalty.** Where no other penalty is
4 provided for in this chapter, any person who violates any of the provisions of
5 this chapter shall be guilty of a *simple* misdemeanor and ~~upon conviction shall~~
6 ~~be punished by a fine not to exceed one hundred dollars or by imprisonment for~~
7 ~~a period not to exceed thirty days or be punished by both such fine and~~
8 ~~imprisonment.~~

1 SEC. 425. Section five hundred fifteen point sixty (515.60), Code 1975, is
2 amended to read as follows:

3 **515.60 Penalty.** Any employee, representative, or agent of an insurance
4 company violating any of the provisions of sections 515.52 to 515.59 shall be
5 guilty of a *simple* misdemeanor, and ~~upon conviction shall be liable to~~
6 ~~imprisonment for a term of not to exceed thirty days or for a fine not to exceed~~
7 ~~one hundred dollars or for both such fine and imprisonment.~~

1 SEC. 426. Section five hundred fifteen point one hundred twenty (515.120),
2 Code 1975, is amended to read as follows:

3 **515.120 Violations.** Any officer, manager, or agent of any insurance
4 company or association who, with knowledge that it is doing business in an
5 unlawful manner, or is insolvent, solicits insurance with said company or
6 association, or receives applications therefor, or does any other act or thing
7 towards procuring or receiving any new business for such company or
8 association, shall be guilty of a ~~misdemeanor, and for every such act, on~~
9 ~~conviction thereof, shall be adjudged to pay a fine of not less than one hundred~~
10 ~~nor more than one thousand dollars, or be imprisoned in the county jail not~~
11 ~~exceeding one year, or be punished by both such fine and imprisonment~~
12 ~~fraudulent practice.~~

1 SEC. 427. Section five hundred fifteen point one hundred twenty-one
2 (515.121), Code 1975, is amended to read as follows:

3 **515.121 Officers punished.** Any president, secretary, or other officer of any
4 company organized under the laws of this state, or any officer or person doing
5 or attempting to do business in this state for any insurance company organized
6 either within or without this state, failing to comply with any of the requirements
7 of this chapter, or violating any of the provisions thereof, shall be guilty of a
8 *simple* misdemeanor; and upon conviction thereof shall be fined in a sum not

9 exceeding one thousand dollars, and be imprisoned in the county jail for a
10 period not less than thirty days nor more than six months.

1 SEC. 428. Section five hundred fifteen point one hundred thirty-two
2 (515.132), Code 1975, is amended to read as follows:

3 **515.132 Violations.** Any such company, officer, agent, or employee
4 violating the above provision shall be guilty of a *simple* misdemeanor, and on
5 conviction thereof shall pay a penalty of not less than one hundred dollars nor
6 more than five hundred dollars for each offense, to be recovered in the name of
7 the state for the use of the permanent school fund.

1 SEC. 429. Section five hundred fifteen point one hundred forty (515.140),
2 Code 1975, is amended to read as follows:

3 **515.140 Violations—status of policy.** Any insurance company, its officers or
4 agents, or either of them, violating any of the provisions of section 515.138, by
5 issuing, delivering, or offering to issue or deliver any policy of fire insurance on
6 property in this state other or different from the standard form, herein provided
7 for, shall be guilty of a *simple* misdemeanor, and upon complaint made by the
8 commissioner of insurance, or by any citizen of this state, shall, upon conviction
9 thereof, be punished by a fine of not less than fifty dollars nor more than one
10 hundred dollars for the first offense, and not less than one hundred dollars nor
11 more than two hundred dollars for each subsequent offense; but any policy so
12 issued or delivered shall, nevertheless, be binding upon the company issuing or
13 delivering the same, and such company shall, until the payment of such fine, be
14 disqualified from doing any insurance business in this state; but any policy so
15 issued or delivered shall, nevertheless, be binding upon the company issuing or
16 delivering the same.

1 SEC. 430. Section five hundred fifteen point one hundred forty-five (515.145),
2 Code 1975, is amended to read as follows:

3 **515.145 Violations.** Any violation of section 515.142 shall be punished by a
4 fine of not exceeding five hundred dollars constitute a *simple* misdemeanor.

1 SEC. 431. Section five hundred eighteen A point forty-one (518A.41), Code
2 1975, is amended to read as follows:

3 **518A.41 Agents to be licensed.** No person or corporation shall solicit any
4 application for insurance for any association in this state without having
5 procured from the commissioner of insurance a license authorizing him to act as
6 agent. Violation of this provision shall be punished by a fine not exceeding
7 twenty-five dollars per day constitute a *serious* misdemeanor.

1 SEC. 432. Section five hundred twenty point fourteen (520.14), Code 1975, is
2 amended to read as follows:

3 **520.14 Violations—exceptions.** Any attorney who shall exchange any
4 contracts of insurance of the kind and character specified in this chapter, or any
5 attorney or representative of such attorney, who shall solicit or negotiate any
6 applications for the same without the attorney having first complied with the
7 foregoing provisions, shall be deemed guilty of a *simple* misdemeanor and, upon
8 conviction, shall be subject to a fine of not less than one hundred dollars nor
9 more than five hundred dollars. For the purpose of organization and upon
10 issuance of permit by the commissioner of insurance, powers of attorney and
11 applications for such contracts may be solicited without compliance with the
12 provisions of this chapter, but no attorney, agent, or other person shall make any
13 such contracts of indemnity until all of the provisions of this chapter shall have
14 been complied with.

1 SEC. 433. Section five hundred twenty-one point fifteen (521.15), Code 1975,
2 is amended to read as follows:

3 **521.15 Violations.** Any officer, director or stockholder of any company or
 4 companies, as defined in section 521.1, violating or consenting to the violation of
 5 any of the provisions of sections 521.2 to 521.13 shall be ~~punished by a fine of~~
 6 ~~not less than one thousand dollars, or by imprisonment in the county jail for not~~
 7 ~~less than one year, or by both such fine and imprisonment in the discretion of~~
 8 ~~the court guilty of a serious misdemeanor.~~

1 SEC. 434. Section five hundred twenty-one A point ten (521A.10), Code
 2 1975, is amended to read as follows:

3 **521A.10 Criminal proceedings.** Whenever it appears to the commissioner
 4 that any insurer or any director, officer, employee or agent thereof has
 5 committed a willful violation of this chapter, the commissioner may cause
 6 criminal proceedings to be instituted by the district court for the county in
 7 which the principal office of the insurer is located or if such insurer has no such
 8 office in the state, then by the district court of Polk county against such insurer
 9 or the responsible director, officer, employee or agent thereof. Any insurer which
 10 willfully violates this chapter ~~may be fined not more than one hundred dollars~~
 11 ~~commits a serious misdemeanor.~~ Any individual who willfully violates this chapter
 12 ~~may be fined not more than one thousand dollars or, if such willful violation~~
 13 ~~involves the deliberate perpetration of a fraud upon the commissioner,~~
 14 ~~imprisoned not more than two years or both commits a serious misdemeanor.~~

1 SEC. 435. Section five hundred twenty-two point five (522.5), Code 1975, is
 2 amended to read as follows:

3 **522.5 Violations.** Any person acting as agent or otherwise representing any
 4 insurance company or association, in violation of the provisions of section 522.1,
 5 shall be ~~liable to a fine of twenty-five dollars for each day he shall so act guilty~~
 6 ~~of a serious misdemeanor.~~

1 SEC. 436. Section five hundred twenty-three point two (523.2), Code 1975, is
 2 amended to read as follows:

3 **523.2 Conditions.** The commissioner of insurance shall promulgate such
 4 rules with respect to the solicitation and voting of proxies as will in ~~his the~~
 5 ~~commissioner's~~ opinion best protect the interests of all stockholders or
 6 policyholders from whom they are solicited. Any violation of any rule
 7 promulgated hereunder shall be deemed a *simple* misdemeanor ~~and punishable~~
 8 ~~accordingly.~~

1 SEC. 437. Section five hundred twenty-three A point four (523A.4), Code
 2 1975, is amended to read as follows: **523A.4 Penalty.** Any person, firm or
 3 corporation, or any agent or representative thereof, who shall violate any of the
 4 provisions of sections 523A.1 and 523A.2, or who shall aid and abet in such
 5 violation, shall be deemed guilty of a *an aggravated* misdemeanor.

1 SEC. 438. Section five hundred twenty-four point one thousand six hundred
 2 one (524.1601), subsection one (1), Code 1975, is amended to read as follows:

3 1. A director, officer or employee of a state bank who willfully violates any of
 4 the provisions of subsection 4 of section 524.612, section 524.613, subsection 2 of
 5 section 524.706, insofar as such subsection incorporates subsection 4 of section
 6 524.612, or section 524.710, shall be guilty of a *serious* misdemeanor ~~and, upon~~
 7 ~~conviction thereof, shall be subject to imprisonment in the county jail for a~~
 8 ~~period not exceeding one year or a fine not exceeding one thousand dollars, or~~
 9 ~~both,~~ plus, in the following circumstances, an additional fine or fines equal to:

1 SEC. 439. Section five hundred twenty-four point one thousand six hundred
 2 one (524.1601), subsections two (2), three (3), and four (4), Code 1975, are
 3 amended to read as follows:

4 2. A director or officer who willfully makes or receives a loan in violation of
 5 subsection 1 of section 524.612, or subsection 1 of section 524.706, shall be guilty
 6 of a *serious* misdemeanor ~~and, upon conviction thereof, shall be subject to~~

7 imprisonment in the county jail for a period not exceeding one year or a fine not
 8 exceeding one thousand dollars, or both, plus an additional fine equal to that
 9 amount of the loan in excess of the limitation imposed by such subsections, and
 10 shall be forever disqualified from acting as a director or officer of any state
 11 bank. For the purpose of this subsection, amounts which are treated as
 12 obligations of an officer or director pursuant to subsection 5 of section 524.612,
 13 shall be considered in determining whether the loan or extension of credit is in
 14 violation of subsection 1 of section 524.612 and subsection 1 of section 524.706.

15 3. A director, officer or employee of a state bank who willfully makes or
 16 receives a loan or extension of credit of funds held by the state bank as
 17 fiduciary, in violation of subsection 4 of section 524.1002, shall be guilty of a
 18 *serious* misdemeanor and, upon conviction thereof shall be subject to
 19 imprisonment in the county jail for a period not exceeding one year or a fine not
 20 exceeding one thousand dollars, or both, plus a further fine equal to the amount
 21 of the loan or extension of credit made in violation of subsection 4 of section
 22 524.1002, and shall be forever disqualified from acting as a director, officer or
 23 employee of any state bank.

24 4. A director, officer or employee of a state bank who willfully violates, or
 25 participates in the violation of, section 524.814, or section 524.819, shall be guilty
 26 of a *serious* misdemeanor and, upon conviction thereof, shall be subject to
 27 imprisonment in the county jail for a period not exceeding one year or a fine not
 28 exceeding one thousand dollars, or both.

1 SEC. 440. Section five hundred twenty-four point one thousand six hundred
 2 three (524.1603), subsection one (1), Code 1975, is amended to read as follows:

3 1. Any person who willfully engages in the business of receiving money for
 4 deposit or transacts the business generally done by banks, or who willfully
 5 establishes a place of business for such purposes, in violation of subsection 1 of
 6 section 524.107, shall be guilty of a *serious* misdemeanor and, upon conviction
 7 thereof, shall be subject to:

8 a. In the case of an individual, imprisonment in the county jail for a period
 9 not exceeding one year, or a fine not exceeding one thousand dollars, or both.

10 —b. In the case of any other person, to a fine not exceeding five thousand
 11 dollars.

1 SEC. 441. Section five hundred twenty-four point one thousand six hundred
 2 four (524.1604), subsections one (1) and three (3), Code 1975, are amended to
 3 read as follows:

4 1. Any person whose duty it is to make statements or file reports as may be
 5 required by this chapter, and who willfully neglects or refuses to perform such
 6 duty, shall be guilty of a *simple* misdemeanor and, upon conviction thereof, shall
 7 be subject to imprisonment in the county jail for a period not exceeding one
 8 year or a fine not exceeding one thousand dollars.

9 3. Any officer or employee who violates section 524.709 shall be guilty of a
 10 *simple* misdemeanor and shall, upon conviction thereof, be subject to
 11 imprisonment in the county jail for a period not to exceed one year or a fine not
 12 exceeding one thousand dollars, or both.

1 SEC. 442. Section five hundred twenty-four point one thousand six hundred
 2 five (524.1605), Code 1975, is amended to read as follows:

3 **524.1605 False statements, reports and fraudulent acts.**

4 1. Any director, officer or employee of a state bank who shall knowingly
 5 subscribe or make any false statements or false entries in the books, records, or
 6 memoranda of a state bank, or knowingly subscribe or exhibit false papers with
 7 intent to deceive any person authorized to examine its condition, or shall
 8 knowingly subscribe or make false reports, or shall knowingly divert the funds of
 9 the state bank to other purposes than those authorized by law, or who commits
 10 any other act with intent to defraud the state bank or any other person shall,

11 upon conviction thereof, be subject to imprisonment in the penitentiary for a
 12 period not exceeding five years or a fine not exceeding ten thousand dollars, or
 13 both be guilty of a class "C" felony, and shall be forever disqualified from acting
 14 as a director, officer or employee of any state bank.

15 2. Any officer or employee of a state bank who, with intent to defraud the
 16 state bank or any other person, certifies any check when there are not sufficient
 17 funds on hand available to the credit of the drawer of said check to pay the
 18 same, or who issues any certificate of deposit when funds have not been
 19 deposited equal to the amount of such certificate, or who, with intent to defraud
 20 the state bank or any other person, draws any draft or bill of exchange, makes
 21 any acceptance, or issues, puts forth or assigns any note, debenture, bond or
 22 other obligation or instrument, or participates in, or receives directly or
 23 indirectly any money, property or other benefit from any transaction, loan,
 24 contract or other act of a state bank shall, ~~upon conviction thereof, be subject to~~
 25 ~~imprisonment in the penitentiary for a period not exceeding five years, or a fine~~
 26 ~~not exceeding ten thousand dollars, or both, or be subject to imprisonment in~~
 27 ~~the county jail for a period not exceeding one year, or a fine not exceeding one~~
 28 ~~thousand dollars, or both be guilty of a class "C" felony, and shall, in either event~~
 29 be forever disqualified from acting as an officer or employee of any state bank.

1 SEC. 443. Section five hundred twenty-four point one thousand six hundred
 2 six (524.1606), Code 1975, is amended to read as follows:

3 **524.1606 Fraudulent advertising or notice.** A state bank shall not publish,
 4 disseminate or distribute any advertising or notice containing any false,
 5 misleading or deceptive statements concerning the rates, terms or conditions on
 6 which loans are made or deposits are received, any charge which the state bank
 7 is authorized to impose pursuant to this chapter, or the financial condition of the
 8 state bank. Any officer or employee of a state bank who willfully violates the
 9 provisions of this section shall be guilty of a misdemeanor and, ~~upon conviction~~
 10 ~~thereof, shall be subject to imprisonment in the county jail for a period not~~
 11 ~~exceeding one year, or a fine not exceeding one thousand dollars, or both~~
 12 ~~fraudulent practice.~~

1 SEC. 444. Section five hundred twenty-four point one thousand six hundred
 2 seven (524.1607), Code 1975, is amended to read as follows:

3 **524.1607 False statement for credit.** Any person who knowingly makes or
 4 causes to be made, directly or indirectly, any false statement in writing, or who
 5 procures, knowing that a false statement in writing has been made concerning
 6 the financial condition or means or ability to pay of such person, or any other
 7 person in which such person is interested or for whom such person is acting,
 8 with the intent that such statement shall be relied upon by a bank for the
 9 purpose of procuring the delivery of property, the payment of cash or the receipt
 10 of credit in any form, for the benefit of such person or of any other person in
 11 which such person is interested or for whom such person is acting, shall be guilty
 12 of a misdemeanor and, ~~upon conviction thereof, shall be subject to~~
 13 ~~imprisonment in the county jail for a period not exceeding one year or a fine not~~
 14 ~~exceeding one thousand dollars, or both fraudulent practice.~~

1 SEC. 445. Section five hundred twenty-four point one thousand six hundred
 2 eight (524.1608), Code 1975, is amended to read as follows:

3 **524.1608 Penalty for accepting deposits while insolvent.** If a state bank shall
 4 accept any deposit or renew any certificate of deposit in violation of subsection
 5 5 of section 524.805, any officer or employee knowing of such insolvency who
 6 willfully receives, accepts or renews or is accessory to or otherwise knowingly
 7 permits such acceptance shall, ~~upon conviction thereof, be subject to~~
 8 ~~imprisonment in the penitentiary for a period not exceeding ten years or a fine~~
 9 ~~not exceeding ten thousand dollars, or both, or subject to imprisonment in the~~
 10 ~~county jail for a period not exceeding one year or a fine not exceeding one~~

11 ~~thousand dollars, or both, be guilty of a fraudulent practice~~ and shall, in either
 12 event be forever disqualified from acting as an officer or employee of any state
 13 bank.

1 SEC. 446. Section five hundred twenty-four point one thousand six hundred
 2 nine (524.1609), Code 1975, is amended to read as follows:

3 **524.1609 False statements concerning state banks.** Whoever maliciously or
 4 with intent to deceive makes, publishes, utters, repeats, or circulates any false
 5 statement concerning any state bank which imputes, or tends to impute,
 6 insolvency, unsound financial condition or financial embarrassment, or which
 7 may tend to cause or provoke, or aid in causing or provoking, a general
 8 withdrawal of deposits from such state bank, or which may otherwise injure or
 9 tend to injure the business or good will of such state bank, shall be guilty of a
 10 ~~misdemeanor and, upon conviction thereof, shall be subject to imprisonment in~~
 11 ~~the county jail for a period not exceeding one year or a fine not exceeding one~~
 12 ~~thousand dollars, or both simple misdemeanor.~~

1 SEC. 447. Section five hundred twenty-four point one thousand six hundred
 2 ten (524.1610), Code 1975, is amended to read as follows:

3 **524.1610 Violation of prohibition against receiving a commission for**
 4 **organizing a state bank.** Any person violating the provisions of section 524.311
 5 shall be guilty of a ~~simple~~ misdemeanor ~~and shall upon conviction thereof be~~
 6 ~~subject to imprisonment in the county jail for a period not exceeding one year or~~
 7 ~~a fine not exceeding one thousand dollars, or both, plus an additional fine equal~~
 8 ~~to twice the amount of such commission or bonus.~~

1 SEC. 448. Section five hundred twenty-four point one thousand six hundred
 2 eleven (524.1611), Code 1975, is amended to read as follows:

3 **524.1611 Offenses involving employees of department of banking.**
 4 1. Any person violating the provisions of subsection 1 of section 524.211 shall
 5 be guilty of a ~~misdemeanor and shall, upon conviction thereof, be subject to~~
 6 ~~imprisonment in the county jail for a period not exceeding one year or a fine not~~
 7 ~~exceeding one thousand dollars, or both fraudulent practice,~~ and shall be subject
 8 to a further fine of a sum equal to the amount of the value of the property given
 9 or received or the money so loaned or borrowed. The deputy superintendent, an
 10 assistant or examiner convicted of a violation of such subsection shall be
 11 immediately discharged from employment and shall be forever disqualified from
 12 holding any position in the department of banking.
 13 2. Any examiner violating the provision of section 524.212 shall be guilty of a
 14 ~~serious~~ misdemeanor ~~and, upon conviction thereof, shall be subject to~~
 15 ~~imprisonment in the county jail for a period not exceeding one year or a fine not~~
 16 ~~exceeding one thousand dollars, or both.~~ Any examiner convicted of a violation
 17 of section 524.212 shall be immediately discharged from employment and shall
 18 be forever disqualified from holding any position in the department of banking.

1 SEC. 449. Section five hundred twenty-four point one thousand eight
 2 hundred seven (524.1807), Code 1975, is amended to read as follows:

3 **524.1807 Penalties.** Any bank holding company which willfully violates
 4 any provision of sections 524.1801 to 524.1806 shall, upon conviction, be fined
 5 not less than one hundred dollars nor more than one thousand dollars for each
 6 day during which the violation continues. Any individual who willfully
 7 participates in a violation of any provisions of sections 524.1801 to 524.1806
 8 shall be guilty of a ~~serious~~ misdemeanor ~~and, upon conviction thereof, shall be~~
 9 ~~subject to imprisonment in the county jail for a period not exceeding one year or~~
 10 ~~a fine not exceeding one thousand dollars, or both.~~

1 SEC. 450. Section five hundred thirty-three point three (533.3), unnumbered
 2 paragraph two (2), Code 1975, is amended to read as follows:

3 Any person, firm, corporation, copartnership, or association, upon conviction
 4 of the violation of the provisions of this section shall be ~~fin~~ed ~~not more than five~~
 5 ~~hundred dollars or imprisoned not more than one year or both~~ *guilty of a serious*
 6 *misdemeanor*; and may be enjoined from such continued use of said words,
 7 advertising or other representation.

1 SEC. 451. Section five hundred thirty-three point thirty-one (533.31), Code
 2 1975, is amended to read as follows:

3 **533.31 Penalty for falsification.** Any director, officer, agent, employee, or
 4 clerk of any credit union who shall knowingly subscribe or make any false
 5 statements or false entries in the books thereof, or knowingly subscribe or
 6 exhibit false papers with intent to deceive any person authorized to examine its
 7 condition, or shall knowingly subscribe and make false reports, or shall
 8 knowingly divert the funds of the credit union to other objects than those
 9 authorized by law, shall be ~~punished by imprisonment in the penitentiary not~~
 10 ~~more than five years, or in the county jail not more than one year, or by fine of~~
 11 ~~not more than one thousand dollars or by both such fine and imprisonment~~
 12 *guilty of a fraudulent practice* and be forever after barred from holding any office
 13 created by this chapter.

1 SEC. 452. Section five hundred thirty-three A point thirteen (533A.13), Code
 2 1975, is amended to read as follows:

3 **533A.13 License mandatory to business.** It shall be unlawful for an
 4 individual, partnership, unincorporated association, agency or corporation to
 5 engage in the business of debt management without first obtaining a license as
 6 required by this chapter. Any individual, partnership, unincorporated
 7 association, agency, corporation or any other group of individuals, however
 8 organized, or any owner, partner, member, officer, director, employee, agent or
 9 representative thereof who shall willfully or knowingly engage in the business of
 10 debt management without the license required by this chapter, shall be guilty of
 11 a *serious* misdemeanor and upon conviction thereof shall be ~~fin~~ed ~~not more than~~
 12 ~~one thousand dollars for each violation or imprisoned in the county jail for not~~
 13 ~~more than six months, or by both such fine and imprisonment.~~

1 SEC. 453. Section five hundred thirty-three B point five (533B.5), Code 1975,
 2 is amended to read as follows:

3 **533B.5 Penalty.** Any person violating any provision of this chapter shall be
 4 guilty of a *serious* misdemeanor and shall be ~~fin~~ed ~~not more than one thousand~~
 5 ~~dollars.~~ Each transaction in violation of this chapter and each day that a
 6 violation continues shall be a separate offense.

1 SEC. 454. Section five hundred thirty-four point thirteen (534.13), Code 1975,
 2 is amended to read as follows:

3 **534.13 Defamation of institutions prohibited—malicious circulation of reports.**
 4 Whoever maliciously or with intent to deceive makes, publishes, utters, repeats,
 5 or circulates any false report concerning any building and loan or savings and
 6 loan association which imputes or tends to impute, insolvency or unsound
 7 financial condition or financial embarrassment, or which may tend to cause or
 8 provoke or aid in causing or provoking a general withdrawal of funds from such
 9 association, or which may otherwise injure or tend to injure the business or good
 10 will of such building and loan or savings and loan association, shall be guilty of
 11 a *felony* and shall be ~~fin~~ed ~~not more than five thousand dollars or be imprisoned~~
 12 ~~for not more than five years in the penitentiary or be punished by both such fine~~
 13 ~~and imprisonment~~ *serious misdemeanor*.

1 SEC. 455. Section five hundred thirty-four point fifty-seven (534.57), Code
 2 1975, is amended to read as follows:

3 **534.57 Sale of stock if unauthorized foreign company.** It shall be unlawful
 4 for an agent, solicitor or other person to sell stock or solicit share accounts or

5 solicit persons to subscribe for same in any association named in section 534.50
 6 which has not been authorized to do business in this state, and any person
 7 convicted of so doing shall be ~~punished by a fine of not less than fifty nor more~~
 8 ~~than two hundred dollars and shall be committed to the county jail until the fine~~
 9 ~~and costs are paid~~ *guilty of a serious misdemeanor.*

1 SEC. 456. Section five hundred thirty-four point sixty-four (534.64), Code
 2 1975, is amended to read as follows:

3 **534.64 Criminal offenses.** If any officer, director, or agent of any building
 4 and loan or savings and loan association shall knowingly and willfully swear
 5 falsely to any statement in regard to any matter in this chapter required to be
 6 made under oath, he *or she* shall be guilty of perjury. If any director of any such
 7 association shall vote to declare a dividend greater than has been earned; or if
 8 any officer or director or any agent or employee of any such association shall
 9 issue, utter, or offer to utter, any warrant, check, order, or promise to pay of
 10 such association, or shall sign, transfer, cancel, or surrender any note, bond,
 11 draft, mortgage, or other evidence of indebtedness belonging to such association,
 12 or shall demand, collect, or receive any money from any member or other
 13 person in the name of such association without being authorized to do so by the
 14 board of directors in pursuance of its lawful power, *he or she shall be guilty of a*
 15 *fraudulent practice*; or if any such officer, director, agent, or employee shall
 16 embezzle or convert to his *or her* own use, or shall use or pledge for his *or her*
 17 own benefit or purpose, any moneys, securities, credits, or other property
 18 belonging to the association, *he or she shall be guilty of theft*; or if *he or she* shall
 19 knowingly do or attempt to do business for such association that has not
 20 procured and does not hold the certificate of authority therefor as in this chapter
 21 provided, *he or she shall be guilty of a serious misdemeanor*; or if *he or she* shall
 22 knowingly make or cause to be made any false entries in the books of the
 23 association, or shall, with the intent to deceive any person making an
 24 examination in this chapter required to be made, exhibit to the person making
 25 the examination any false entry, paper, or statement, *the person shall be guilty of*
 26 *a fraudulent practice*; or if *he or she* shall knowingly do or solicit business for any
 27 building and loan or savings and loan association which has not procured the
 28 required certificate therefor, he *or she* shall be ~~fin~~ *ined in any sum not exceeding*
 29 ~~ten thousand dollars, or imprisoned in the penitentiary not exceeding ten years,~~
 30 ~~or punished by both such fine and imprisonment~~ *guilty of a serious misdemeanor.*

1 SEC. 457. Section five hundred thirty-four point sixty-six (534.66), subsection
 2 twelve (12), Code 1975, is amended to read as follows:

3 12. Criminal offenses. If any officer or agent of any such building and loan
 4 association, or any person conducting the business thereof, shall knowingly and
 5 willfully swear falsely to any statement in regard to any matter in this chapter
 6 required to be made under oath, he *or she* shall be guilty of perjury and
 7 punished accordingly. And if any officer, agent or employee of any such
 8 association, or any person transacting the business thereof, shall issue, utter, or
 9 offer to utter, any warrant, check, order, or promise to pay of such association,
 10 or shall sign, transfer, cancel, or surrender any note, bond, draft, mortgage, or
 11 other evidence of indebtedness belonging to such association, or shall demand,
 12 collect, or receive any money from any member or other person in the name of
 13 such association without being authorized so to do, *he or she shall be guilty of a*
 14 *fraudulent practice*; or if any such officer, agent, or employee of such association,
 15 or any person transacting the business thereof, shall embezzle, convert to his *or*
 16 *her* own use, or shall use or pledge for his *or her* own benefit or purpose, any
 17 moneys, securities, credits, or other property belonging to the association, ~~or~~ *he*
 18 *or she shall be guilty of theft*; or if *the person* shall knowingly solicit, transact, or
 19 attempt to transact any business for any such association which has not
 20 procured and does not hold the certificate of authority from the auditor of state
 21 to transact business in this state as provided herein, *he or she shall be guilty of a*

22 *serious misdemeanor*; or if he or she shall knowingly make, or cause to be made,
 23 any false entries in the books of the association, or shall, with intent to deceive
 24 any person making an examination of such association, as herein provided,
 25 exhibit to the person making the examination any false entry, paper, or
 26 statement, ~~he the person shall be fined in a sum not exceeding ten thousand~~
 27 ~~dollars or imprisoned in the penitentiary not exceeding ten years or punished by~~
 28 ~~both such fine and imprisonment guilty of a fraudulent practice.~~

1 SEC. 458. Section five hundred thirty-five point six (535.6), Code 1975, is
 2 amended to read as follows:

3 **535.6 Interest in excess of two percent per month.** Every person or persons,
 4 company, corporation, or firm, and every agent of any person, persons,
 5 company, corporation, or firm, who shall take or receive, or agree to take or
 6 receive, directly or indirectly, by means of commissions or brokerage charges, or
 7 otherwise, for the forbearance or use of money in the sum or amount of more
 8 than five hundred dollars a rate greater than two percent per month, shall be
 9 deemed guilty of a *serious misdemeanor*; and, ~~on conviction thereof, shall be~~
 10 ~~punished by a fine of not less than twenty-five dollars, nor more than five~~
 11 ~~hundred dollars, or by imprisonment in the county jail for a period of not less~~
 12 ~~than thirty days nor more than ninety days.~~ Nothing herein contained shall be
 13 construed as authorizing a higher rate of interest than is now provided by law.
 14 Provided, however, this section shall not apply to lawful loans under chapter
 15 536.

1 SEC. 459. Section five hundred thirty-six point nineteen (536.19), Code 1975,
 2 is amended to read as follows:

3 **536.19 Violations.** Any person, copartnership, association, or corporation
 4 and the several members, officers, directors, agents, and employees thereof, who
 5 shall violate or participate in the violation of any of the provisions of sections
 6 536.1, 536.12, 536.13 or 536.14, which are not also violations of article 5, part 3,
 7 of the Iowa consumer credit code, shall be guilty of a *serious misdemeanor*; and
 8 ~~upon conviction thereof, shall be punishable by a fine of not more than five~~
 9 ~~hundred dollars or by imprisonment of not more than six months, or by both~~
 10 ~~such fine and imprisonment, in the discretion of the court.~~ Violations of the
 11 Iowa consumer credit code shall be subject to the penalties provided therein.

1 SEC. 460. Section five hundred thirty-six A point twenty-seven (536A.27),
 2 Code 1975, is amended to read as follows:

3 **536A.27 Penalty.** If any officer, director or agent of any corporation
 4 engaged in the business of operating an industrial loan company shall violate
 5 any of the provisions of this chapter which are not also violations of the Iowa
 6 consumer credit code; or if any person individually or as a partner, or officer,
 7 director or agent of any corporation shall engage in the business of operating an
 8 industrial loan company without obtaining the license required by section
 9 536A.3, when that person is not required by section 537.2301 to have a license,
 10 he or she shall be guilty of a *serious misdemeanor* and ~~upon conviction thereof~~
 11 ~~shall be punishable by a fine of not more than five hundred dollars or by~~
 12 ~~imprisonment in the county jail for not more than six months, or by both such~~
 13 ~~fine and imprisonment.~~ Violation of the Iowa consumer credit code shall be
 14 subject to the penalties provided therein.

1 SEC. 461. Section five hundred thirty-seven point five thousand three
 2 hundred one (537.5301), subsections one (1) and two (2), Code 1975, are
 3 amended to read as follows:

4 1. A person who willfully and knowingly makes charges in excess of those
 5 permitted by the provisions of article 2, part 4, applying to supervised loans, is
 6 guilty of a *serious misdemeanor* and ~~upon conviction may be sentenced to pay a~~
 7 ~~fine not exceeding one thousand dollars, or to imprisonment not exceeding one~~
 8 ~~year, or both.~~

9 2. A person who, in violation of the provisions of this Act applying to
10 authority to make supervised loans under section 537.2301, willfully and
11 knowingly engages without a license in the business of making supervised loans,
12 or of taking assignments of and undertaking direct collection of payments from
13 and enforcement of rights against consumers arising from supervised loans, is
14 guilty of a *serious* misdemeanor and upon conviction may be sentenced to pay a
15 fine not exceeding one thousand dollars, or to imprisonment not exceeding one
16 year, or both.

1 SEC. 462. Section five hundred thirty-seven point five thousand three
2 hundred two (537.5302), unnumbered paragraph one (1), Code 1975, is amended
3 to read as follows:

4 A person is guilty of a *serious* misdemeanor and upon conviction may be
5 sentenced to pay a fine not exceeding five thousand dollars, or to imprisonment
6 not exceeding one year, or both, if he the person willfully and knowingly does
7 any of the following:

1 SEC. 463. Section five hundred forty-two point eleven (542.11), Code 1975, is
2 amended to read as follows:

3 **542.11 Penalties—misdemeanor.** Any person who engages in business as a
4 grain dealer without obtaining a license or any person in violation of any other
5 provision of this chapter, or any grain dealer who refuses to permit inspection of
6 his or her premises, books, accounts or records as provided in this chapter, shall
7 be guilty of a *simple* misdemeanor and, upon conviction, be punished by a fine
8 of not less than fifty dollars nor more than five hundred dollars, or by
9 imprisonment in the county jail for not more than six months, or by both such
10 fine and imprisonment for each offense. Each day that any violation continues
11 shall constitute a separate offense. Any person violating the provisions of this
12 chapter may be restrained by an injunction.

1 SEC. 464. Section five hundred forty-three point thirty-six (543.36), Code
2 1975, is amended to read as follows:

3 **543.36 Penalties—misdemeanor.** Every person who violates or fails to
4 comply with any of the provisions of this chapter or to comply with any lawfully
5 authorized order, direction, demand, or rule or regulation of the commission
6 shall be guilty of a *simple* misdemeanor and upon conviction shall be punished
7 by a fine not exceeding one hundred dollars or by imprisonment in the county
8 jail for a period of not to exceed thirty days or by both such fine and
9 imprisonment.

1 SEC. 465. Section five hundred forty-six A point nine (546A.9), Code 1975, is
2 amended to read as follows:

3 **546A.9 Penalties.** Any person who shall offer new merchandise for sale at
4 public auction without first securing a license as herein provided, or who shall
5 offer for sale new merchandise different from that shown by, or in excess of the
6 amount and value of, the inventories filed with the application for license, shall
7 be guilty of a *serious* misdemeanor and may be punished by a fine not to exceed
8 three hundred dollars or by imprisonment in the county jail not to exceed ninety
9 days.

1 SEC. 466. Section five hundred forty-seven point four (547.4), Code 1975, is
2 amended to read as follows:

3 **547.4 Penalty.** Any person violating the provisions of this chapter shall,
4 upon conviction, be punishable by a fine of not less than twenty-five dollars nor
5 more than one hundred dollars, or by imprisonment in the county jail for a term
6 not exceeding thirty days guilty of a *simple* misdemeanor.

1 SEC. 467. Section five hundred fifty-one point four (551.4), Code 1975, is
2 amended to read as follows:

3 **551.4 Penalty.** Any person, firm, company, association, or corporation
 4 violating any of the provisions of sections 551.1 and 551.2, and any officer,
 5 agent, or receiver of any firm, company, association, or corporation, or any
 6 member of the same, or any individual, ~~found guilty of a violation thereof,~~
 7 *violating any of such provisions* shall be ~~fin~~ed not less than five hundred dollars
 8 nor more than five thousand dollars, or be imprisoned in the county jail not to
 9 exceed one year, or suffer both penalties *guilty of a serious misdemeanor.*

1 SEC. 468. Section five hundred fifty-one A point three (551A.3), subsection
 2 one (1), Code 1975, is amended to read as follows:

3 1. It shall be unlawful for any wholesaler or retailer to offer to sell, or sell, at
 4 wholesale or retail, cigarettes at less than cost to such wholesaler or retailer, as
 5 the case may be, as defined in this chapter. Any wholesaler or retailer who
 6 violates the provisions of this section shall be guilty of a *simple* misdemeanor
 7 and be punishable by fine of not less than one hundred dollars, nor more than
 8 five hundred dollars.

1 SEC. 469. Section five hundred fifty-two point two (552.2), Code 1975, is
 2 amended to read as follows:

3 **552.2 Unlawful acts.** It shall be a public offense for any corporation,
 4 association, copartnership, person or persons, or agent to conduct, keep,
 5 maintain or cause to be conducted, kept or maintained, within this state, any
 6 bucket shop. Any corporation, person or persons, or agent whether acting
 7 individually or as a member, or as an officer, agent, or employee of any
 8 corporation, association, or copartnership, who shall conduct, keep, maintain, or
 9 assist in the conducting, keeping or maintaining of any bucket shop within this
 10 state shall, upon conviction thereof, be fined in a sum not to exceed one
 11 thousand dollars or be imprisoned in the penitentiary not exceeding two years
 12 *guilty of a fraudulent practice.*

1 SEC. 470. Section five hundred fifty-three point three (553.3), Code 1975, is
 2 amended to read as follows:

3 **553.3 Penalty.** Any corporation, company, firm, or association violating
 4 any of the provisions of sections 553.1 and 553.2 shall be ~~fin~~ed not less than five
 5 hundred nor more than five thousand dollars *guilty of an aggravated misdemeanor,*
 6 and any president, manager, director, officer, agent, or receiver of any
 7 corporation, company, firm, or association, or any member of any corporation,
 8 company, firm, or association, or any individual, found guilty of a violation
 9 thereof, shall be ~~fin~~ed not less than five hundred nor more than five thousand
 10 dollars, or be imprisoned in the county jail not to exceed one year, or both
 11 *punished accordingly.*

1 SEC. 471. Section five hundred fifty-three point thirteen (553.13), Code 1975,
 2 is amended to read as follows:

3 **553.13 Violation—penalty.** Any person, partnership, company, association,
 4 or corporation subject to the provisions of sections 553.10 to 553.12, inclusive, or
 5 any person, trust, combination, pool, or association, or any director, officer,
 6 lessee, receiver, trustee, employee, clerk, agent, or any person acting for or
 7 employed by them, who shall violate any of the provisions of section 553.10, or
 8 who shall aid and abet in such violation, shall be deemed guilty of a *an*
 9 *aggravated* misdemeanor; and shall upon conviction thereof be fined any sum
 10 not less than five hundred dollars and not exceeding two thousand dollars or
 11 imprisoned in the county jail for a period not exceeding six months, or both, at
 12 the discretion of the court.

1 SEC. 472. Section five hundred fifty-three point seventeen (553.17), Code
 2 1975, is amended to read as follows:

3 **553.17 Violation.** Any person who engages in a gift enterprise such as is
 4 defined in section 553.16 or who advertises the same in any manner or who in

5 furtherance of such scheme, as an inducement to purchasers, issues in
 6 connection with the sale of any merchandise or other property any such ticket or
 7 stamp purporting to be redeemable in some indefinite article not described
 8 thereon, only when presented with a collection of other stamps or tickets of like
 9 kind by some other party to such scheme, and which unless presented in the
 10 manner aforesaid is not redeemable at all, shall each and all be guilty of a *simple*
 11 misdemeanor.

1 SEC. 473. Section five hundred fifty-three point twenty-one (553.21), Code
 2 1975, is amended to read as follows:

3 **553.21 Violation—penalty.** Any person, partnership, company, association,
 4 or corporation subject to the provisions of sections 553.19 and 553.20, or any
 5 person, trust, combination, pool, or association, or any director, officer, lessee,
 6 receiver, trustee, employee, clerk, agent, or any person acting for or employed by
 7 them or either of them, who shall violate any of the provisions of section 553.19,
 8 or who shall aid and abet in such violation, shall be deemed guilty of ~~a~~ *an*
 9 *aggravated* misdemeanor; ~~and shall upon conviction thereof be fined any sum~~
 10 ~~not less than five hundred dollars and not exceeding two thousand dollars, or~~
 11 ~~imprisoned in the county jail for a period not exceeding six months, or both, at~~
 12 ~~the discretion of the court.~~

1 SEC. 474. Section five hundred fifty-six point twenty-five (556.25), Code
 2 1975, is amended to read as follows:

3 **556.25 Penalties.**

4 1. Any person who willfully fails to render any report or perform other duties
 5 required under this chapter, shall be ~~punished by a fine of twenty-five dollars for~~
 6 ~~each day such report is withheld, but not more than five hundred dollars guilty~~
 7 ~~of a simple misdemeanor.~~

8 2. Any person who willfully refuses to pay or deliver abandoned property to
 9 the treasurer of state as required under this chapter shall be ~~punished by a fine~~
 10 ~~of not less than five hundred dollars nor more than one thousand dollars, or~~
 11 ~~imprisonment for not more than six months, or both, in the discretion of the~~
 12 ~~court guilty of a serious misdemeanor.~~

1 SEC. 475. Section five hundred fifty-eight point forty (558.40), Code 1975, is
 2 amended to read as follows:

3 **558.40 Liability of officer.** Any officer, who knowingly misstates a material
 4 fact in either of the certificates mentioned in this chapter, shall be liable for all
 5 damages caused thereby, and shall be guilty of a *serious* misdemeanor; ~~and fined~~
 6 ~~any sum not exceeding the value of the property conveyed or otherwise affected~~
 7 ~~by the instrument on which such certificate is endorsed.~~

1 SEC. 476. Section five hundred sixty-six A point nine (566A.9), Code 1975, is
 2 amended to read as follows:

3 **566A.9 Penalty.** Any person, firm or corporation violating any of the
 4 provisions of this chapter, shall; ~~upon conviction, be punishable by a fine of not~~
 5 ~~less than twenty-five dollars nor more than one hundred dollars guilty of a simple~~
 6 ~~misdemeanor.~~

1 SEC. 477. Section five hundred seventy point nine (570.9), Code 1975, is
 2 amended to read as follows:

3 **570.9 Sale of crops held by landlord's lien.** If any tenant of farm lands, with
 4 intent to defraud, shall sell, conceal, or in any manner dispose of any of the
 5 grain, or other annual products thereof upon which there is a landlord's lien for
 6 unpaid rent, without the written consent of the landlord, ~~he~~ *the tenant* shall be
 7 guilty of ~~larceny and punished accordingly theft.~~

1 SEC. 478. Section five hundred eighty point three (580.3), Code 1975, is
 2 amended to read as follows:

3 **580.3 Sale or removal prohibited—penalty.** It shall be unlawful to sell,
4 exchange, or remove permanently from the county any animal subject to the lien
5 herein provided for, without the written consent of the holder of such lien, and
6 any person violating this provision, shall, ~~on conviction be punished by a fine of~~
7 ~~not less than twenty-five dollars nor more than fifty dollars guilty of a simple~~
8 ~~misdemeanor.~~

1 SEC. 479. Section five hundred ninety-five point nine (595.9), Code 1975, as
2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
3 two hundred forty-four (244), section three (3), is amended to read as follows:

4 **595.9 Violations.** If a marriage is solemnized without procuring a license,
5 the parties married, and all persons aiding them, are guilty of a *simple*
6 ~~misdemeanor and shall be punished by a fine not exceeding one hundred~~
7 ~~dollars, or by imprisonment in the county jail not exceeding thirty days.~~

1 SEC. 480. Section five hundred ninety-six point six (596.6), Code 1975, is
2 amended to read as follows:

3 **596.6 Penalty.** Any clerk of the district court who shall unlawfully issue a
4 license to marry to any person who fails to present and file the certificate as
5 required in this chapter, and any person or persons who shall disclose or falsify
6 any matter relating or pertaining to the examination of or certificate about any
7 applicant for license to marry or clinical and laboratory tests taken by any party
8 to a proposed marriage, except as may be required by law, and any person who
9 shall obtain a license to marry contrary to the provisions of this chapter, shall be
10 guilty of a *simple* misdemeanor ~~and upon conviction thereof shall be punished~~
11 ~~by a fine not to exceed one hundred dollars or by imprisonment in the county~~
12 ~~jail not to exceed thirty days.~~

1 SEC. 481. Section five hundred ninety-eight point twenty-three (598.23),
2 unnumbered paragraph three (3), Code 1975, is amended to read as follows:

3 Any employer who dismisses an employee due to the entry of an assignment
4 order commits a ~~public offense and upon conviction shall be fined not more~~
5 ~~than one hundred dollars simple misdemeanor.~~

1 SEC. 482. Section five hundred ninety-eight point twenty-six (598.26), Code
2 1975, is amended to read as follows:

3 **598.26 Record—impounding—violation indictable.** The record and evidence
4 in all cases where a marriage dissolution is sought shall be closed to all but the
5 court and its officers, and access thereto shall be refused until a decree of
6 dissolution has been entered. If the action is dismissed judgment for costs shall
7 be entered in the judgment docket and lien index. The clerk shall maintain a
8 separate docket for dissolution of marriage actions. No officer or other person
9 shall permit a copy of any of the testimony, or pleading, or the substance
10 thereof, to be made available to any person other than a party or attorney to the
11 action. Nothing in this section shall be construed to prohibit publication of the
12 original notice as provided by the rules of civil procedure. Violation of the
13 provisions of this section shall be a ~~public offense, punishable by a fine of not~~
14 ~~more than one hundred dollars, or imprisonment in the county jail not more~~
15 ~~than thirty days, or by both such fine and imprisonment serious misdemeanor.~~

1 SEC. 483. Section five hundred ninety-eight point twenty-seven (598.27),
2 Code 1975, is amended to read as follows:

3 **598.27 Remarriage.** In every case in which a marriage dissolution is
4 decreed, neither party shall marry again within a year from the date of the filing
5 of said decree unless permission to do so is granted by the court. Nothing herein
6 contained shall prevent the persons whose marriage has been dissolved from
7 remarrying each other. Any person marrying contrary to the provisions of this
8 section shall be deemed guilty of a *simple* misdemeanor ~~and upon conviction~~
9 ~~shall be punished accordingly.~~

1 SEC. 484. Section six hundred point ten (600.10), Code 1975, is amended to
2 read as follows:

3 **600.10 Disclosure—penal provisions.** Every person, excepting adopting
4 parents or adopted child, who discloses any information contained in any
5 adoption papers or proceedings except as may be authorized by order of court
6 and every person who violates any of the provisions of this chapter or who
7 intentionally shall make any false statements with reference to the matters
8 contained herein, shall be guilty of a *simple* misdemeanor ~~and upon conviction~~
9 ~~shall be punished accordingly.~~

1 SEC. 485. Section six hundred one D point seven (601D.7), Code 1975, is
2 amended to read as follows:

3 **601D.7 Penalty for denying rights.** Any person, firm, or corporation, or the
4 agent of any person, firm, or corporation, who denies or interferes with the
5 rights of any person under this chapter shall be guilty of a *simple* misdemeanor
6 ~~and upon conviction shall be punished by a fine of not more than two hundred~~
7 ~~dollars.~~

1 SEC. 486. Section six hundred one E point five (601E.5), Code 1975, is
2 amended to read as follows:

3 **601E.5 Penalty.** Any person who is not qualified as a handicapped or
4 paraplegic person and uses a distress flag as provided in this chapter or for any
5 other purpose is guilty of a *simple* misdemeanor ~~and punishable by a fine of not~~
6 ~~more than one hundred dollars or thirty days in jail.~~

1 SEC. 487. Section six hundred one G point twenty-two (601G.22), Code 1975,
2 is amended to read as follows:

3 **601G.22 Penalties.** A person who willfully obstructs or hinders the lawful
4 actions of the citizens' aide or ~~his~~ *the citizens' aide's* staff, or who willfully
5 misleads or attempts to mislead the citizens' aide in his *or her* inquires,* shall be
6 ~~subject to a fine of not more than one thousand dollars guilty of a simple~~
7 ~~misdemeanor.~~

1 SEC. 488. Section six hundred two point sixty (602.60), unnumbered
2 paragraph one (1), Code 1975, is amended to read as follows:

3 Judicial magistrates shall have jurisdiction of ~~nonindictable~~ *simple*
4 misdemeanors, including traffic and ordinance violations, preliminary hearings,
5 search warrant proceedings, and small claims. They shall also have jurisdiction
6 to exercise the powers specified in sections ~~748.2, 644.2 and 644.12~~ *and the power*
7 *to hear complaints, or preliminary informations, issue warrants, order arrests, make*
8 *commitments and take bail.* They shall have power to act any place within the
9 district as directed, and venue shall be the same as in other district court
10 proceedings. In addition, judicial magistrates appointed pursuant to section
11 602.51 shall have jurisdiction of indictable misdemeanors, the jurisdiction
12 provided for in section 231.3 when designated a judge of the juvenile court, and
13 jurisdiction in civil actions for money judgments where the amount in
14 controversy does not exceed three thousand dollars and while exercising that
15 jurisdiction, judicial magistrates shall employ district judges' practice and
16 procedure.

1 SEC. 489. Section six hundred two point sixty-two (602.62), Code 1975, is
2 amended to read as follows:

3 **602.62 Procedure.** The criminal procedure before judicial magistrates shall
4 be as provided in ~~chapters 751, 754 to 763, 765, 766, and 768~~ *chapter one (1),*
5 *divisions four (IV), six (VI), eight (VIII), eleven (XI) of this Act, rules two (2) and*
6 *thirty-two (32) through forty-six (46), rules of criminal procedure, and chapter seven*
7 *hundred fifty-nine (759) of the Code.* The civil procedure before judicial
8 magistrates shall be as provided in chapters 631 and 648.

*According to enrolled Act

1 SEC. 490. Section six hundred seven point two (607.2), subsection two (2),
2 Code 1975, is amended to read as follows:

3 2. Practicing attorneys; ~~physicians, licensed embalmers, registered nurses,~~
4 ~~chiropractors, osteopaths, veterinarians, registered pharmacists, dentists, and~~
5 ~~clergymen, including Christian Science practitioners and readers.~~

1 SEC. 491. Section six hundred seven point two (607.2), Code 1975, is
2 amended by striking subsections three (3), four (4), five (5), and six (6).

1 SEC. 492. Section six hundred seven point four (607.4), Code 1975, is
2 amended to read as follows:

3 **607.4 False excuse—prohibited requests.** Any person who knowingly makes
4 any false affidavit, statement, or claim, for the purpose of relieving himself or
5 another from serving as a juror, or any person who requests the judges of
6 election to return ~~his~~ *the person's* name as such juror, shall be ~~punished by a fine~~
7 ~~not exceeding one hundred dollars, or by imprisonment in the county jail not~~
8 ~~more than thirty days, or the court may punish such person as for contempt~~
9 ~~guilty of a fraudulent practice.~~

1 SEC. 493. Section six hundred nine point twenty-six (609.26), Code 1975, is
2 amended to read as follows:

3 **609.26 Maximum service permitted.** ~~No~~ *Except as provided in rule three (3),*
4 *subsection three (3), paragraph a of the rules of criminal procedure, no person on*
5 *the list of grand jurors shall be eligible to serve as a grand juror except for one*
6 *calendar year of the biennial period for which the list is made.*

1 SEC. 494. Section six hundred ten point twenty-one (610.21), Code 1975, is
2 amended to read as follows:

3 **610.21 Unlawful retention of money.** An attorney who receives the money
4 or property of his *or her* client in the course of his *or her* professional business,
5 and refuses to pay or deliver it in a reasonable time, after demand, is guilty of a
6 ~~misdemeanor~~ *theft and punished accordingly.*

1 SEC. 495. Section six hundred ten point forty-nine (610.49), unnumbered
2 paragraph two (2), Code 1975, is amended to read as follows:

3 A member of the board who willfully communicates or seeks to communicate
4 such information, and any person who willfully requests, obtains, or seeks to
5 obtain such information, is guilty of a ~~public offense which is punishable by a~~
6 ~~fine not exceeding one hundred dollars or by imprisonment in the county jail for~~
7 ~~not more than thirty days~~ *simple misdemeanor.*

1 SEC. 496. Section six hundred seventeen point two (617.2), unnumbered
2 paragraph one (1), Code 1975, is amended to read as follows:

3 If a notice is not filed or returned by the sheriff to the person from whom it
4 was received, or if the return thereon is defective, the officer making the same
5 ~~may be fined by the court not exceeding ten dollars shall be guilty of a simple~~
6 ~~misdemeanor,~~ and he *or she* shall be liable to an action for damages by any
7 person aggrieved thereby. The court may, before or after judgment is entered,
8 permit an amendment according to the truth of the case.

1 SEC. 497. Section six hundred eighteen point two (618.2), Code 1975, is
2 amended to read as follows:

3 **618.2 Violation.** Any public official who violates the provisions of section
4 618.1 or who willfully fails to make publication as now required of ~~him~~ *the public*
5 *official* by law of any notice, report of proceedings or other matter whatsoever,
6 shall be guilty of a *simple* misdemeanor ~~and upon conviction thereof shall be~~
7 ~~punished by a fine of not more than one hundred dollars or by imprisonment in~~
8 ~~the county jail for not more than thirty days.~~

1 SEC. 498. Section six hundred twenty-two A point three (622A.3), subsection
2 two (2), unnumbered paragraph two (2), Code 1975, is amended to read as
3 follows:

4 In civil cases, every court shall tax the cost of an interpreter the same as other
5 court costs. In criminal cases, where the defendant is indigent, the interpreter
6 shall be considered as a defendant's witness under ~~chapter 784~~ *rule fourteen (14)*,
7 *rules of criminal procedure* for the purpose of receiving fees, except that
8 subpoenas shall not be required. If the proceeding is before an administrative
9 agency, that agency shall provide such interpreter but may require that a party
10 to the proceeding pay the expense thereof.

1 SEC. 499. Section six hundred twenty-four point fourteen (624.14), Code
2 1975, is amended by striking the section and inserting in lieu thereof the
3 following:

4 **624.14 Juror as witness—grounds to set aside verdict.** If a juror has personal
5 knowledge respecting a fact in controversy in a cause, ~~he~~ *the juror* must declare
6 the same in open court during the trial, and if, during the retirement of the jury,
7 a juror declares any fact which could be evidence in the cause, as of ~~his~~ *the*
8 *juror's* own knowledge, the jury must return into court, and the juror must be
9 sworn as a witness and examined in the presence of the parties, if ~~his~~ *the juror's*
10 evidence be admissible; and in support of a motion to set aside a verdict, proof
11 of such declaration may be made by any juror.

1 SEC. 500. Section six hundred twenty-seven point seventeen (627.17), Code
2 1975, is amended to read as follows:

3 **627.17 Sending claims out of state.** Whoever, whether as principal, agent, or
4 attorney, with intent to deprive a resident in good faith of the state of the benefit
5 of the exemption laws thereof, sends a claim against such resident and belonging
6 to a resident, to another state for action, or causes action to be brought on such
7 claim in another state, or assigns or transfers such claim to a nonresident of the
8 state, with intent that action thereon be brought in the courts of another state,
9 the action in either case being one which might have been brought in this state,
10 and the property or debt sought to be reached by such action being such as
11 might, but for the exemptions laws of this state, have been reached by action in
12 the courts of this state, shall be guilty of a *simple* misdemeanor; ~~and punished by~~
13 ~~a fine of not less than ten nor more than fifty dollars.~~

1 SEC. 501. Section six hundred fifty-seven point three (657.3), Code 1975, is
2 amended to read as follows:

3 **657.3 Penalty—abatement.** Whoever is convicted of erecting, causing, or
4 continuing a public or common nuisance as provided in this chapter, or at
5 common law when the same has not been modified or repealed by statute, where
6 no other punishment therefor is specially provided, shall be ~~fined not exceeding~~
7 ~~one thousand dollars, or be imprisoned in the county jail not exceeding one~~
8 ~~year, guilty of an aggravated misdemeanor~~ and the court, ~~with or without such~~
9 ~~fine,~~ may order such nuisance abated, and issue a warrant as hereinafter
10 provided.

1 SEC. 502. Section six hundred sixty point eleven (660.11), Code 1975, is
2 amended to read as follows:

3 **660.11 Penalty for refusing to obey order.** Any person who without good
4 reason refuses to obey an order of the court, as herein provided, shall be guilty
5 of contempt, and ~~fined in any sum not exceeding five thousand dollars, and~~
6 ~~imprisoned in the county jail until he complies therewith shall be punished~~
7 ~~accordingly,~~ and shall be further liable for the damages resulting to any person
8 on account of his disobedience.

1 SEC. 503. Section six hundred sixty-three point twenty (663.20), Code 1975, is
2 amended to read as follows:

3 **663.20 Penalty for eluding writ.** If the defendant attempts to elude the
 4 service of the writ, or to avoid the effect thereof by transferring the plaintiff to
 5 another, or by concealing ~~him the plaintiff, he the defendant~~ shall, ~~on conviction,~~
 6 ~~be imprisoned in the penitentiary or county jail not more than one year, and~~
 7 ~~fined not exceeding one thousand dollars be guilty of a serious misdemeanor,~~ and
 8 any person knowingly aiding or abetting in any such act shall be subject to like
 9 punishment.

1 SEC. 504. Section six hundred sixty-six point six (666.6), unnumbered
 2 paragraph two (2), Code 1975, is amended to read as follows:

3 Such report must be full, true, and complete with reference to the matters
 4 therein contained, and of all things required by this section to be reported, and
 5 be under oath, and any officer failing to make such report shall be guilty of a
 6 *simple* misdemeanor.

1 SEC. 505. Section seven hundred thirteen B point six (713B.6), Code 1975, is
 2 amended to read as follows:

3 **713B.6 Penalty.** Any seller who violates the provisions of this chapter shall
 4 be guilty of a *simple* misdemeanor.

1 SEC. 506. Section seven hundred twenty-six point four (726.4), Code 1975, is
 2 amended to read as follows:

3 **726.4 Wagers—forfeiture.** Property, whether real or personal, offered as a
 4 stake, or any moneys, property, or other thing of value staked, paid, bet,
 5 wagered, laid, or deposited in connection with or as a part of any game of
 6 chance, lottery, gambling scheme or device, gift enterprise, or other trade scheme
 7 unlawful under the laws of this state shall be forfeited to the state and said
 8 personal property may be seized and disposed of under ~~chapter 751~~ *division nine*
 9 *(IX) of chapter two (2) of this Act.*

1 SEC. 507. Section seven hundred forty point eighteen (740.18), Code 1975, is
 2 amended to read as follows:

3 **740.18 Penalty.** Any person who violates any provision of sections 740.13
 4 to 740.17, inclusive, shall be guilty of a *serious* misdemeanor ~~and shall be~~
 5 ~~punished accordingly.~~

1 SEC. 508. Section seven hundred forty-nine B point seven (749B.7),
 2 subsections one (1) and two (2), Code 1975, are amended to read as follows:

3 1. Any person who willfully requests, obtains, or seeks to obtain criminal
 4 history data under false pretenses, or who willfully communicates or seeks to
 5 communicate criminal history data to any agency or person except in
 6 accordance with this chapter, or any person connected with any research
 7 program authorized pursuant to this chapter who willfully falsifies criminal
 8 history data or any records relating thereto, shall, upon conviction, for each such
 9 offense be ~~punished by a fine of not more than one thousand dollars or by~~
 10 ~~imprisonment in the state penitentiary for not more than two years, or by both~~
 11 ~~fine and imprisonment guilty of an aggravated misdemeanor.~~ Any person who
 12 knowingly, but without criminal purposes, communicates or seeks to
 13 communicate criminal history data except in accordance with this chapter shall
 14 ~~for each such offense be fined not more than one hundred dollars or be~~
 15 ~~imprisoned not more than ten days be guilty of a simple misdemeanor.~~

16 2. Any person who willfully requests, obtains, or seeks to obtain intelligence
 17 data under false pretenses, or who willfully communicates or seeks to
 18 communicate intelligence data to any agency or person except in accordance
 19 with this chapter, shall for each such offense be ~~punished by a fine of not more~~
 20 ~~than five thousand dollars or by imprisonment in the state penitentiary for not~~
 21 ~~more than three years, or by both fine and imprisonment guilty of a class "D"~~
 22 ~~felony.~~ Any person who knowingly, but without criminal purposes,
 23 communicates or seeks to communicate intelligence data except in accordance

24 with this chapter shall for each such offense be ~~fin~~ed not more than five hundred
25 dollars or be imprisoned not more than six months, or both guilty of a serious
26 misdemeanor.

1 SEC. 509. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
2 ninety-nine (99), section twenty-three (23), is amended to read as follows:

3 Sec. 23. Chapter seven hundred twenty-six (726), Code 1975, is amended by
4 adding the following new section:

5 NEW SECTION. **Penalty.** A person who commits an offense declared in this
6 chapter or chapter ninety-nine B (99B) of the Code to be a misdemeanor shall
7 be subject to imprisonment in the county jail for a period not exceeding one
8 year, or to a fine not exceeding one thousand dollars, or to both fine and
9 imprisonment guilty of a serious misdemeanor.

1 SEC. 510. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
2 ninety-nine (99), section twenty-four (24), is amended to read as follows:

3 Sec. 24. Chapter seven hundred twenty-six (726), Code 1975, is amended by
4 adding the following new sections:

5 NEW SECTION. **Protection money prohibited.** Any officer or employee of
6 this state, or of a county, city, or judicial district who asks for, receives or
7 collects any money or other consideration for and with the understanding that
8 the officer or employee will aid, exempt, or otherwise protect another person
9 from detection, arrest or conviction of any violation of this chapter or chapter
10 ninety-nine B (99B) of the Code commits a felony punishable by a fine not to
11 exceed five thousand dollars or by imprisonment for a term not to exceed two
12 years, or by both fine and imprisonment an aggravated misdemeanor.

13 NEW SECTION. **Collection service prohibited.** Any person who knowingly
14 offers, gives or sells his or her services for use in collecting or enforcing any debt
15 arising from gambling, whether or not lawful gambling, commits a felony,
16 punishable by a fine not to exceed five thousand dollars or by imprisonment for
17 a term not to exceed two years, or by both fine and imprisonment an aggravated
18 misdemeanor.

1 SEC. 511. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
2 one hundred (100), section one (1), unnumbered paragraph three (3), is amended
3 to read as follows:

4 Any person violating the provisions of this Act is guilty of a simple
5 misdemeanor and shall, upon conviction, be subject to a fine not to exceed one
6 hundred dollars or by imprisonment in the county jail for not more than thirty
7 days, or be subject to both such fine and imprisonment.

1 SEC. 512. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
2 one hundred thirteen (113), section four (4), is amended to read as follows:

3 Sec. 4. Chapter one hundred ten B (110B), Code 1975, is amended by adding
4 the following new section:

5 NEW SECTION. **Penalty.** Any person violating any of the provisions of this
6 chapter shall be guilty of a serious misdemeanor and, upon conviction, shall be
7 fined not less than ten dollars nor more than one hundred dollars or imprisoned
8 in the county jail for not more than thirty days.

1 SEC. 513. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
2 one hundred thirty-two (132), section six (6), is amended to read as follows:

3 Sec. 6. NEW SECTION. **Offenses and penalties.**

4 1. A person who is convicted of violating section two (2) of this Act may be
5 sentenced to a fine not to exceed one hundred dollars, or to imprisonment in the
6 county jail for a period not to exceed thirty days, or both the fine and
7 imprisonment is guilty of a simple misdemeanor.

8 2. A person who makes or utters a transportation certificate with knowledge
9 that some or all of the information contained in the certificate is false, or a

10 person who alters, forges, or counterfeits a transportation certificate, or the
 11 receipt prescribed in section four (4) of this Act, ~~commits a public offense and~~
 12 ~~upon conviction may be sentenced to a term in the state penitentiary not to~~
 13 ~~exceed ten years, to a fine not to exceed five thousand dollars, or to both the~~
 14 ~~fine and imprisonment is guilty of a class C felony.~~

1 SEC. 514. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 2 one hundred forty-four (144), section ten (10), unnumbered paragraph one (1), is
 3 amended to read as follows:

4 A person who establishes, conducts, manages, or operates a center without a
 5 license shall be guilty of a *serious* misdemeanor. Each day of continuing
 6 violation after conviction, or notice from the department by certified mail of the
 7 violation, shall be considered a separate offense.

1 SEC. 515. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 2 two hundred fifty (250), section two (2), subsection four (4), is amended to read
 3 as follows:

4 4. A person who violates the provisions of this section is guilty of a *serious*
 5 misdemeanor.

1 SEC. 516. Section seven hundred fifty-three point thirteen (753.13), Code
 2 1975, and the division title immediately preceding that section are amended to
 3 read as follows:

4 **TRAFFIC SCHEDULED VIOLATIONS**

5 **753.13 Uniform citation and complaint.**

6 1. The commissioner of public safety *and the state conservation director, acting*
 7 *jointly*, shall adopt a uniform, combined ~~traffic~~ citation and complaint, which
 8 shall be used for charging all traffic violations in Iowa under state law or
 9 municipal ordinance, unless the defendant is charged by information or unless
 10 section 321.236, subsection 1, is applicable, *and which shall be used for charging*
 11 *all other violations of state law which are designated by section seven hundred fifty-*
 12 *three point fifteen (753.15) of the Code to be scheduled violations.* Each citation and
 13 complaint shall be serially numbered and shall be in ~~quadruplicate~~ *quintuplicate*,
 14 and the officer shall deliver the original and a copy to the court where the
 15 defendant is to appear, ~~a copy~~ *two copies* to the defendant, and a copy to the law
 16 enforcement agency of the officer. The court shall forward the copy of the
 17 citation and complaint in accordance with section 321.207, *when applicable.* The
 18 citation and complaint shall contain, among other things, spaces for the parties'
 19 names and for the information required by ~~section~~ *sections* 321.485, subsection 2
 20 *of the Code and five hundred two (502) of chapter two (2) of this Act*; a place where
 21 the defendant may sign the promise to appear referred to in ~~section~~ *sections*
 22 *321.486 and five hundred three (503) of chapter two (2) of this Act*; a list of the
 23 ~~minimum~~ *scheduled* fines prescribed by section 753.15, either separately or by
 24 groups; a brief explanation of sections 753.16 and 753.17; and a space where the
 25 defendant may sign an admission of the violation when such section 753.16 is
 26 applicable. Every citation and complaint shall require the defendant to appear
 27 before a court at a specified time and place. Notwithstanding section 321.485,
 28 subsection 2, the officer may arrest the defendant although a citation and
 29 complaint is used to charge the violation, if authorized by section ~~755.4~~ *four*
 30 *hundred seven (407) of chapter two (2) of this Act.*

31 2. Supplies of the uniform ~~traffic~~ citation and complaint for municipal
 32 corporations and county agencies shall be paid for out of the court expense fund
 33 of the county. Supplies of the uniform ~~traffic~~ citation and complaint for all other
 34 agencies shall be paid for out of the budget of the agency concerned.

35 3. The uniform citation and complaint shall contain a place for the
 36 verification of the officer issuing the citation. The complaint may be verified
 37 before the chief officer of the law enforcement agency or his designee, and the
 38 chief officer of each law enforcement agency of the state is authorized to

39 designate specific individuals to administer oaths and certify verifications.
 40 Nothing in this section shall be deemed to invalidate forms of uniform citation
 41 and complaint in existence prior to ~~July~~ January 1, 1974 1978, and existing forms
 42 may be used until supplies are exhausted.

43 4. *The commissioner of public safety and the state conservation director, acting*
 44 *jointly, shall design and publish a compendium of scheduled violations and scheduled*
 45 *finest and costs, containing other information which they deem appropriate, and shall*
 46 *distribute copies to all courts and law enforcement officers and agencies of the state*
 47 *upon request. The cost of the publication shall be paid out of the budget of the*
 48 *department of public safety and out of the budget of the conservation commission,*
 49 *each budget being liable for half of those costs. Copies shall be made available to*
 50 *individuals upon request and a charge may be collected which does not exceed the*
 51 *cost of printing.*

1 SEC. 517. Section seven hundred fifty-three point fourteen (753.14), Code
 2 1975, is amended to read as follows:

3 **753.14 Traffic and scheduled violations offices—fine collection boxes.**

4 1. Offices. Each district court clerk's office shall constitute a traffic *and*
 5 *scheduled* violations office of the district court. Additional ~~traffic violations~~
 6 offices may be established at other locations, as needed, if authorized by the
 7 chief judge of the district.

8 2. Collection boxes. The chief judge of the district may permit the
 9 maintenance of locked collection boxes to be used at weigh stations. Such boxes
 10 shall be used solely for the deposit of fines and costs received upon written
 11 admissions of *those* scheduled violations ~~respecting weight and other nonmoving~~
 12 ~~scheduled~~ violations applicable to commercial carriers. The collection boxes
 13 shall remain locked at all times and shall be opened only by the clerk of the
 14 district court or his designee. The chief judge of the district may prescribe
 15 procedures for the system and may discontinue its use if necessary.

1 SEC. 518. Section seven hundred fifty-three point fifteen (753.15), Code 1975,
 2 as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 3 sixty-seven (67), section fifty-six (56), is amended by striking the section and
 4 inserting in lieu thereof the following:

5 **753.15 Scheduled violations.**

6 1. Except as otherwise indicated, violations of sections of the Code specified
 7 in this section shall be scheduled violations, and the scheduled fine for each of
 8 those violations shall be as provided in this section, whether the violation is of
 9 state law or of county or city ordinance.

10 2. Traffic violations.

11 a. For parking violations under sections three hundred twenty-one point two
 12 hundred thirty-six (321.236), three hundred twenty-one point two hundred thirty-
 13 nine (321.239), three hundred twenty-one point three hundred fifty-eight
 14 (321.358), three hundred twenty-one point three hundred sixty (321.360), and
 15 three hundred twenty-one point three hundred sixty-one (321.361) of the Code,
 16 the scheduled fine is five dollars: However, violations charged by a city upon
 17 simple notice of a fine instead of a uniform citation and complaint as permitted
 18 by paragraph a of subsection one (1) of section three hundred twenty-one point
 19 two hundred thirty-six (321.236) of the Code are not scheduled violations, and
 20 this section shall not apply to any offense charged in that manner. For a parking
 21 violation under sections one hundred eleven point thirty-eight (111.38) or three
 22 hundred twenty-one point three hundred sixty-two (321.362) of the Code the
 23 scheduled fine is ten dollars.

24 b. For registration violations under sections three hundred twenty-one point
 25 seventeen (321.17), three hundred twenty-one point thirty-two (321.32), three
 26 hundred twenty-one point thirty-four (321.34), three hundred twenty-one point
 27 thirty-seven (321.37), three hundred twenty-one point thirty-eight (321.38), three
 28 hundred twenty-one point forty-one (321.41), three hundred twenty-one point

29 ninety-eight (321.98) and three hundred twenty-one point one hundred ninety
30 (321.190) of the Code, the scheduled fine is five dollars. For violations of section
31 three hundred twenty-one point one hundred ninety (321.190) of the Code, the
32 case shall be dismissed without imposition of fine or costs if a license valid at
33 the time of the issuance of the citation is presented by the defendant to the
34 magistrate or scheduled violations office.

35 c. For improperly used or nonused, or defective or improper equipment, other
36 than brakes, driving lights and brakelights, under sections three hundred twenty-
37 one point three hundred seventeen (321.317), three hundred twenty-one point
38 three hundred eighty-seven (321.387), three hundred twenty-one point three
39 hundred eighty-eight (321.388), three hundred twenty-one point three hundred
40 eighty-nine (321.389), three hundred twenty-one point three hundred ninety
41 (321.390), three hundred twenty-one point three hundred ninety-one (321.391),
42 three hundred twenty-one point three hundred ninety-two (321.392), three
43 hundred twenty-one point three hundred ninety-nine (321.399), three hundred
44 twenty-one point four hundred twenty-two (321.422), three hundred twenty-one
45 point four hundred thirty-two (321.432), three hundred twenty-one point four
46 hundred thirty-five (321.435), three hundred twenty-one point four hundred
47 thirty-six (321.436), three hundred twenty-one point four hundred thirty-seven
48 (321.437), three hundred twenty-one point four hundred thirty-eight (321.438),
49 three hundred twenty-one point four hundred thirty-nine (321.439), three
50 hundred twenty-one point four hundred forty (321.440), three hundred twenty-
51 one point four hundred forty-one (321.441), three hundred twenty-one point four
52 hundred forty-two (321.442), three hundred twenty-one point four hundred
53 forty-four (321.444), three hundred twenty-one point four hundred forty-five
54 (321.445), and three hundred twenty-one point four hundred forty-seven
55 (321.447) of the Code, the scheduled fine is ten dollars.

56 d. For improperly used or nonused or defective or improper equipment under
57 sections three hundred twenty-one point three hundred eighty-three (321.383),
58 three hundred twenty-one point three hundred eighty-four (321.384), three
59 hundred twenty-one point three hundred eighty-five (321.385), three hundred
60 twenty-one point three hundred eighty-six (321.386), three hundred twenty-one
61 point three hundred ninety-eight (321.398), three hundred twenty-one point four
62 hundred (321.400), three hundred twenty-one point four hundred two (321.402),
63 three hundred twenty-one point four hundred three (321.403), three hundred
64 twenty-one point four hundred four (321.404), three hundred twenty-one point
65 four hundred nine (321.409), three hundred twenty-one point four hundred
66 nineteen (321.419), three hundred twenty-one point four hundred twenty
67 (321.420), three hundred twenty-one point four hundred twenty-three (321.423),
68 three hundred twenty-one point four hundred thirty (321.430), three hundred
69 twenty-one point four hundred thirty-three (321.433), three hundred twenty-one
70 point four hundred forty-eight (321.448), three hundred twenty-one point four
71 hundred forty-nine (321.449), and three hundred twenty-one point four hundred
72 fifty (321.450) of the Code the scheduled fine is twenty dollars.

73 e. For violations of a restricted license under sections three hundred twenty-
74 one point one hundred eighty (321.180), three hundred twenty-one point one
75 hundred ninety-three (321.193), and three hundred twenty-one point one
76 hundred ninety-four (321.194) of the Code the scheduled fine is twenty dollars.

77 f. For excessive speed violations when not more than ten miles per hour in
78 excess of the limit under sections one hundred eleven point thirty-six (111.36),
79 three hundred twenty-one point two hundred thirty-six (321.236), subsections
80 five (5) and eleven (11), three hundred twenty-one point two hundred eighty-five
81 (321.285), three hundred twenty-one point two hundred eighty-six (321.286), and
82 three hundred twenty-one point two hundred eighty-seven (321.287) of the Code,
83 the scheduled fine is ten dollars.

84 Excessive speed in conjunction with a violation of section three hundred
85 twenty-one point two hundred seventy-eight (321.278) of the Code is not a
86 scheduled violation, whatever the amount of excess speed.

87 For excessive speed violations when in excess of ten but not more than twenty
88 miles per hour in excess of the limit under those sections, the scheduled fine is
89 thirty dollars. Excessive speed more than twenty miles per hour in excess of the
90 limit is not a scheduled violation.

91 Excessive speed in whatever amount by a school bus is not a scheduled
92 violation under any section listed in a subparagraph of this paragraph f.

93 g. For operating, passing, turning and standing violations under sections three
94 hundred twenty-one point two hundred twenty-five (321.225), three hundred
95 twenty-one point two hundred thirty-six (321.236), subsections three (3), four (4),
96 nine (9) and twelve (12), three hundred twenty-one point two hundred seventy-
97 five (321.275), three hundred twenty-one point two hundred ninety-five
98 (321.295), three hundred twenty-one point two hundred ninety-seven (321.297),
99 three hundred twenty-one point two hundred ninety-nine (321.299), three
100 hundred twenty-one point three hundred three (321.303), three hundred twenty-
101 one point three hundred four (321.304), subsections one (1) and two (2), three
102 hundred twenty-one point three hundred five (321.305), three hundred twenty-
103 one point three hundred six (321.306), three hundred twenty-one point three
104 hundred eleven (321.311), three hundred twenty-one point three hundred twelve
105 (321.312), three hundred twenty-one point three hundred fourteen (321.314),
106 three hundred twenty-one point three hundred fifteen (321.315), three hundred
107 twenty-one point three hundred sixteen (321.316), three hundred twenty-one
108 point three hundred eighteen (321.318), three hundred twenty-one point three
109 hundred twenty-three (321.323), three hundred twenty-one point three hundred
110 thirty-five (321.335), three hundred twenty-one point three hundred thirty-six
111 (321.336), three hundred twenty-one point three hundred thirty-seven (321.337),
112 three hundred twenty-one point three hundred thirty-eight (321.338), three
113 hundred twenty-one point three hundred forty (321.340), three hundred twenty-
114 one point three hundred forty-four (321.344), three hundred twenty-one point
115 three hundred fifty-three (321.353), three hundred twenty-one point three
116 hundred fifty-four (321.354), three hundred twenty-one point three hundred
117 sixty-three (321.363), three hundred twenty-one point three hundred sixty-four
118 (321.364), three hundred twenty-one point three hundred sixty-five (321.365),
119 three hundred twenty-one point three hundred sixty-six (321.366), three hundred
120 twenty-one point three hundred sixty-eight (321.368), three hundred twenty-one
121 point three hundred eighty-two (321.382), and three hundred twenty-one point
122 three hundred ninety-five (321.395) of the Code, the scheduled fine is fifteen
123 dollars.

124 h. For violations involving failures to yield or to observe pedestrians and other
125 vehicles under sections three hundred twenty-one point two hundred fifty-seven
126 (321.257), subsections one (1) and four (4), three hundred twenty-one point two
127 hundred eighty-eight (321.288), three hundred twenty-one point two hundred
128 ninety-eight (321.298), three hundred twenty-one point three hundred (321.300),
129 three hundred twenty-one point three hundred seven (321.307), three hundred
130 twenty-one point three hundred eight (321.308), three hundred twenty-one point
131 three hundred thirteen (321.313), three hundred twenty-one point three hundred
132 nineteen (321.319), three hundred twenty-one point three hundred twenty
133 (321.320), three hundred twenty-one point three hundred twenty-one (321.321),
134 three hundred twenty-one point three hundred twenty-nine (321.329), three
135 hundred twenty-one point three hundred thirty-three (321.333), three hundred
136 twenty-one point three hundred thirty-nine (321.339), and three hundred twenty-
137 one point three hundred sixty-seven (321.367) of the Code, the scheduled fine is
138 twenty dollars.

139 i. For violations by pedestrians and bicyclists under sections three hundred
140 twenty-one point two hundred thirty-six (321.236), subsection ten (10), three
141 hundred twenty-one point three hundred twenty-five (321.325), three hundred
142 twenty-one point three hundred twenty-six (321.326), three hundred twenty-one
143 point three hundred twenty-eight (321.328), three hundred twenty-one point
144 three hundred thirty-one (321.331), three hundred twenty-one point three
145 hundred thirty-two (321.332), three hundred twenty-one point three hundred
146 ninety-seven (321.397), and three hundred twenty-one point four hundred thirty-
147 four (321.434) of the Code, the scheduled fine is ten dollars.

148 j. For violations by operators of school buses and emergency vehicles, and for
149 violations by other motor vehicle operators when in vicinity, under sections three
150 hundred twenty-one point two hundred thirty-one (321.231), three hundred
151 twenty-one point three hundred twenty-four (321.324), three hundred twenty-one
152 point three hundred seventy-two (321.372), and three hundred twenty-one point
153 three hundred seventy-seven (321.377) of the Code, the scheduled fine is twenty-
154 five dollars: However, excessive speed by a school bus in excess of ten miles
155 over the limit is not a scheduled violation.

156 k. For violations of traffic signs and signals, and for failure to obey an officer
157 under sections three hundred twenty-one point two hundred twenty-nine
158 (321.229), three hundred twenty-one point two hundred thirty-six (321.236),
159 subsections two (2), and six (6), three hundred twenty-one point two hundred
160 fifty-seven (321.257), subsections two (2) and three (3), three hundred twenty-
161 one point two hundred fifty-eight (321.258), three hundred twenty-one point two
162 hundred ninety-four (321.294), three hundred twenty-one point three hundred
163 four (321.304), subsection three (3), three hundred twenty-one point three
164 hundred twenty-two (321.322), three hundred twenty-one point three hundred
165 forty-one (321.341), three hundred twenty-one point three hundred forty-two
166 (321.342), three hundred twenty-one point three hundred forty-three (321.343),
167 and three hundred twenty-one point three hundred forty-five (321.345) of the
168 Code, the scheduled fine is twenty dollars.

169 l. For height, weight and load violations and towed vehicle violations under
170 sections three hundred twenty-one point three hundred nine (321.309), three
171 hundred twenty-one point three hundred ten (321.310), three hundred twenty-
172 one point three hundred eighty-one (321.381), three hundred twenty-one point
173 three hundred ninety-four (321.394), three hundred twenty-one point four
174 hundred thirty-seven (321.437), three hundred twenty-one point four hundred
175 fifty-five (321.455), three hundred twenty-one point four hundred fifty-six
176 (321.456), three hundred twenty-one point four hundred fifty-seven (321.457),
177 three hundred twenty-one point four hundred fifty-eight (321.458), three
178 hundred twenty-one point four hundred sixty-one (321.461), three hundred
179 twenty-one point four hundred sixty-two (321.462), and three hundred twenty-
180 one point four hundred seventy-four (321.474) of the Code, the scheduled fine is
181 twenty-five dollars. For weight violations under sections three hundred twenty-
182 one point four hundred fifty-nine (321.459) and three hundred twenty-one point
183 four hundred sixty-six (321.466) of the Code the scheduled fine is twenty dollars
184 for each two thousand pounds or fraction thereof of overweight.

185 m. For violation of display of identification required by section three hundred
186 twenty-six point twenty-two (326.22) of the Code and violation of trip permits as
187 prescribed by section three hundred twenty-six point twenty-three (326.23) of the
188 Code, the scheduled fine is twenty dollars.

189 n. For violation of intrastate hauling on foreign registration under sections
190 three hundred twenty-one point fifty-four (321.54) and three hundred twenty-
191 one point fifty-five (321.55) of the Code; use of registration under section three
192 hundred twenty-one point ninety-nine (321.99) of the Code; and display of
193 registration or plates under section three hundred twenty-one point ninety-eight
194 (321.98) of the Code, the scheduled fine is twenty dollars.

195 o. For violations of sections three hundred twenty-four point fourteen
196 (324.14), three hundred twenty-four point fifty-two (324.52) or three hundred
197 twenty-four point seventy-four (324.74), subsections two (2) and six (6), of the
198 Code, the scheduled fine is ten dollars.

199 p. Violations of the schedule of axle and tandem axle and gross or group of
200 axle weight violations in section three hundred twenty-one point four hundred
201 sixty-three (321.463) of the Code shall be scheduled violations subject to the
202 provisions, procedures and exceptions contained in sections seven hundred fifty-
203 three point thirteen (753.13) to seven hundred fifty-three point eighteen (753.18)
204 of the Code, irrespective of the amount of the fine under that schedule.
205 Violations of the schedule of weight violations shall be chargeable, where the
206 fine charged does not exceed one hundred dollars, only by uniform citation and
207 complaint. Violations of the schedule of weight violations, where the fine
208 charged exceeds one hundred dollars: (1) Shall, when the violation is admitted
209 and section seven hundred fifty-three point sixteen (753.16) of the Code applies,
210 be chargeable upon uniform citation and complaint, indictment, or county
211 attorney's information, (2) but otherwise, shall be chargeable only upon
212 indictment or county attorney's information. In all cases of charges under the
213 schedule of weight violations, the charge shall specify the amount of fine
214 charged under the schedule. Where a defendant is convicted and the fine under
215 the foregoing schedule of weight violations exceeds one hundred dollars, the
216 conviction shall be of an indictable offense although section seven hundred fifty-
217 three point sixteen (753.16) of the Code is employed and whether the violation is
218 charged upon uniform citation and complaint, indictment, or county attorney's
219 information.

220 3. Violations of navigation laws.

221 a. For violations of registration, inspection, identification and record
222 provisions under sections one hundred six point four (106.4), one hundred six
223 point five (106.5), one hundred six point ten (106.10), one hundred six point
224 thirty-five (106.35), and one hundred six point thirty-seven (106.37) of the Code,
225 the scheduled fine is five dollars.

226 b. For unused or improper or defective lights and warning devices under
227 sections one hundred six point nine (106.9), subsections two (2), four (4), five (5),
228 nine (9), ten (10) and thirteen (13), and one hundred six point eleven (106.11) of
229 the Code, the scheduled fine is ten dollars.

230 c. For unused or improper or defective equipment under section one hundred
231 six point nine (106.9), subsections six (6), seven (7) and eight (8), the scheduled
232 fine is twenty dollars.

233 d. For operating violations under sections one hundred six point twelve
234 (106.12), one hundred six point twenty-six (106.26), one hundred six point thirty-
235 one (106.31), whether of state law or local ordinance, and one hundred six point
236 thirty-three (106.33) of the Code, the scheduled fine is twenty dollars: However,
237 violation of section one hundred six point twelve (106.12), subsection two (2) of
238 the Code, is not a scheduled violation.

239 e. For operating violations under sections one hundred six point fifteen
240 (106.15), subsection one (1), one hundred six point twenty-four (106.24) and one
241 hundred six point thirty-four (106.34) of the Code, the scheduled fine is twenty-
242 five dollars.

243 f. For violations of use, location and storage of vessels, devices and structures
244 under sections one hundred six point twenty-seven (106.27), one hundred six
245 point twenty-eight (106.28), and one hundred six point thirty-two (106.32) of the
246 Code, the scheduled fine is fifteen dollars.

247 g. For violations of all subdivision ordinances under section one hundred six
248 point seventeen (106.17), subsection two (2) of the Code, except those relating to
249 matters subject to regulation by authority of subsection five (5) of section one
250 hundred six point thirty-one (106.31) of the Code, the scheduled fine is ten
251 dollars, whether or not a different scheduled fine is prescribed elsewhere in this

252 subsection.

253 4. Snowmobile violations.

254 a. For registration and identification violations under sections three hundred
255 twenty-one G point three (321G.3) and three hundred twenty-one G point five
256 (321G.5) of the Code, the scheduled fine is five dollars.

257 b. For operating violations under sections three hundred twenty-one G point
258 nine (321G.9), subsections one (1), two (2), three (3), four (4), five (5), and seven
259 (7), three hundred twenty-one G point eleven (321G.11), and three hundred
260 twenty-one G point thirteen (321G.13), subsections four (4) and nine (9) of the
261 Code, the scheduled fine is twenty dollars.

262 c. For improper or defective equipment under section three hundred twenty-
263 one G point twelve (321G.12) of the Code, the scheduled fine is ten dollars.

264 d. For violations of section three hundred twenty-one G point nineteen
265 (321G.19) of the Code, the scheduled fine is fifteen dollars.

266 5. Fish and game law violations.

267 a. For violations of section one hundred ten point one (110.1) of the Code, the
268 scheduled fine is ten dollars: However, engaging without a license in any activity
269 the license fee for which is greater than ten dollars is not a scheduled violation.

270 b. For violations of sections one hundred nine point fifty-four (109.54), one
271 hundred nine point eighty (109.80), unnumbered paragraph one (1), one hundred
272 nine point eighty-two (109.82), one hundred nine point ninety-one (109.91), one
273 hundred nine point one hundred twenty-two (109.122), one hundred ten point
274 twelve (110.12), of the Code, and Acts of the Sixty-sixth General Assembly, 1975
275 Session, chapter one hundred seven (107), section one (1), the scheduled fine is
276 twenty dollars.

277 6. Violations relating to the use and misuse of parks and preserves.

278 a. For violations under sections one hundred eleven point thirty-nine (111.39),
279 one hundred eleven point forty-five (111.45) and one hundred eleven point fifty
280 (111.50) of the Code, the scheduled fine is ten dollars.

281 b. For violations under sections one hundred eleven point forty (111.40), one
282 hundred eleven point forty-three (111.43), one hundred eleven point forty-six
283 (111.46) and one hundred eleven point forty-nine (111.49) of the Code, the
284 scheduled fine is fifteen dollars.

285 7. Description of violations. The descriptions of offenses used in this section
286 are for convenience only and shall not be construed to define any offense or to
287 include or exclude any offense other than those specifically included or excluded
288 by reference to the Code. A reference to a section or subsection of the Code
289 without further limitation includes every offense defined by that section or
290 subsection.

1 SEC. 519. Section seven hundred fifty-three point sixteen (753.16),
2 subsections one (1) and two (2), and subsection three (3), paragraph a, Code
3 1975, are amended to read as follows:

4 1. In cases of scheduled violations, the defendant, before the time specified in
5 the citation and complaint for appearance before the court, may sign the
6 admission of violation on the citation and complaint and deliver or mail the
7 citation and complaint, together with the minimum fine for the violation, plus
8 five dollars cost, to a ~~traffic~~ *scheduled* violations office in the county. The office
9 shall, if the offense is a moving violation *under chapter three hundred twenty-one*
10 *(321) of the Code*, forward a copy of the citation and complaint and admission to
11 the ~~commissioner of public safety~~ *department of transportation* as required by
12 section 321.207. Thereupon the defendant shall not be required to appear before
13 the court. The admission shall constitute a conviction.

14 2. A defendant charged with a scheduled violation by information may obtain
15 two copies of the information from the court and, before the time he is required
16 to appear before the court, deliver or mail such copies, together with his *or her*
17 admission, fine, and five dollars cost, to the ~~traffic~~ *scheduled* violations office in

18 the county. The procedure, fine and costs shall be the same as when the charge
19 is by citation and complaint, with the admission and the number of the
20 defendant's operator's or chauffeur's license placed upon the information, *when*
21 *the violation involves the use of a motor vehicle.*

22 a. If the defendant wishes to admit the violation, the officer may release the
23 defendant upon observing him mail the citation and complaint, admission, and
24 minimum fine, together with five dollars costs, to a ~~traffic~~ *scheduled* violations
25 office in the county, in an envelope furnished by the officer. The officer may
26 allow the defendant to mail a check in the proper amount in lieu of cash. If the
27 check is not paid by the drawee for any reason, the defendant may be held in
28 contempt of court. The officer shall advise the defendant of the penalty for
29 nonpayment of the check.

1 SEC. 520. Section seven hundred fifty-three point sixteen (753.16), Code
2 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION . The five dollars in costs imposed by this section shall be
4 the total costs collectible from any defendant upon either an admission of a
5 violation without hearing, or upon a hearing pursuant to subsection four (4) of
6 this section. Fees shall not be imposed upon or collected from any defendant for
7 the purposes specified in subsections nine (9), ten (10) or twenty (20) of section
8 six hundred six point fifteen (606.15) of the Code.

1 SEC. 521. Section seven hundred fifty-three point seventeen (753.17), Code
2 1975, is amended to read as follows:

3 **753.17 Required court appearance.** Section 753.16 shall not apply to a
4 scheduled violation *in any of the following circumstances:*

5 1. When the violation charged involved *or resulted in* an accident or injury to
6 *person or property.*

7 2. When *the violation involved the use of a motor vehicle and* the officer believed
8 the defendant did not have in force a valid operator's or chauffeur's license or
9 permit.

10 3. When ~~the officer believed~~ the violation ~~was hazardous or aggravated~~
11 ~~created an immediate threat to the safety of other persons or property~~ because of
12 highway conditions, visibility, traffic, repetition, or other circumstances.

13 In such cases, the defendant shall appear before the court and regular
14 procedure shall apply. If an information is used the officer shall endorse
15 thereon, "Court appearance required." If a citation and complaint is used, the
16 officer shall strike out the space in which the defendant may admit the violation
17 before a ~~traffic~~ *scheduled* violations office and shall endorse thereon "Court
18 appearance required". ~~A and~~ the defendant shall appear before the court ~~for any~~
19 ~~nonscheduled violation~~ either in person or by attorney.

1 SEC. 522. Section seven hundred fifty-three point eighteen (753.18), Code
2 1975, is amended to read as follows:

3 **753.18 Other penalties.** If the defendant is convicted of a scheduled
4 violation, the penalty shall be the scheduled fine, without suspension of the fine
5 prescribed in section 753.15 together with costs assessed and distributed as
6 prescribed by section 602.63, unless it appears from the evidence that the
7 violation was of the type set forth in section 753.17, ~~subsection subsections one~~
8 ~~(1) or 3,~~ in which event the ~~punishment shall be increased accordingly within the~~
9 ~~limits of law~~ *scheduled fine shall not apply and the penalty shall be increased within*
10 *the limits provided by law for the offense.*

11 *Upon the conviction of a defendant of a violation specified in sections seven*
12 *hundred fifty-three point fifteen (753.15) or seven hundred fifty-three point seventeen*
13 *(753.17) of the Code, fees shall not be imposed or collected for the purposes specified*
14 *in subsections nine (9), ten (10), or twenty (20) of section six hundred six point*
15 *fifteen (606.15) of the Code.*

1 SEC. 523. Section seven hundred fifty-three point nineteen (753.19), Code
2 1975, is amended to read as follows:

3 **753.19 Disposition of traffic fines and costs.** Fines, forfeiture of bail, fees,
4 and costs collected for all traffic violations, whether or not scheduled, and for all
5 other scheduled violations shall be remitted in accordance with section 602.55.

1 SEC. 524. Section seven hundred fifty-three point twenty (753.20), Code
2 1975, is amended to read as follows:

3 **753.20 Venue.**

4 1. Traffic violations, whether or not scheduled, and all other scheduled violations
5 may be tried before the nearest magistrate in the judicial district in which the
6 offense is committed.

7 2. Upon written consent of the defendant and the officer who apprehended
8 him issuing the citation, traffic violations, whether or not scheduled, and any other
9 scheduled violations, other than those for which a court appearance is required
10 under section seven hundred fifty-three point seventeen (753.17) of the Code, may be
11 prosecuted in any county in the state irrespective of where committed, and in
12 such event the documents in the case shall be sent to the court or traffic and
13 scheduled violations office designated by the defendant and the officer.

1 SEC. 525. Sections one hundred point thirty-seven (100.37), two hundred
2 forty-five point fourteen (245.14), two hundred forty-six point nine (246.9), two
3 hundred forty-six point ten (246.10), two hundred forty-six point twenty-three
4 (246.23), two hundred forty-six point forty-four (246.44), two hundred forty-
5 seven point one (247.1), two hundred forty-seven point two (247.2), two hundred
6 forty-seven point three (247.3), two hundred forty-seven point four (247.4), two
7 hundred forty-seven point five (247.5), two hundred forty-seven point six (247.6),
8 two hundred forty-seven point seven (247.7), two hundred forty-seven point
9 eight (247.8), two hundred forty-seven point nine (247.9), two hundred forty-
10 seven point ten (247.10), two hundred forty-seven point eleven (247.11), two
11 hundred forty-seven point twelve (247.12), two hundred forty-seven point
12 thirteen (247.13), two hundred forty-seven point fourteen (247.14), two hundred
13 forty-seven point fifteen (247.15), two hundred forty-seven point sixteen (247.16),
14 two hundred forty-seven point seventeen (247.17), two hundred forty-seven point
15 eighteen (247.18), two hundred forty-seven point nineteen (247.19), two hundred
16 forty-seven point twenty-four (247.24), two hundred forty-seven point twenty-
17 five (247.25), two hundred forty-seven point twenty-six (247.26), two hundred
18 forty-seven point twenty-seven (247.27), two hundred forty-seven point twenty-
19 eight (247.28), two hundred forty-seven point thirty-three (247.33), two hundred
20 forty-seven A point six (247A.6), two hundred fifty-two point nineteen (252.19),
21 two hundred eighty-seven point four (287.4), two hundred ninety-nine point
22 twelve (299.12), three hundred twenty-one point seventy-six (321.76), three
23 hundred twenty-one point seventy-seven (321.77), three hundred twenty-one
24 point eighty (321.80), three hundred twenty-one point eighty-two (321.82), three
25 hundred twenty-one point eighty-three (321.83), three hundred thirty-four point
26 four (334.4), three hundred thirty-eight point ten (338.10), three hundred forty-
27 three point six (343.6), three hundred fifty-six point thirty-six (356.36), four
28 hundred forty-one point fifty-three (441.53), four hundred fifty-four point
29 twenty-seven (454.27), four hundred seventy-four point forty-one (474.41), four
30 hundred seventy-seven point fifty-eight (477.58), four hundred seventy-seven
31 point fifty-nine (477.59), four hundred seventy-seven point sixty (477.60), four
32 hundred seventy-nine point nineteen (479.19), four hundred seventy-nine point
33 one hundred nine (479.109), four hundred seventy-nine point one hundred ten
34 (479.110), four hundred seventy-nine point one hundred eleven (479.111), four
35 hundred seventy-nine point one hundred twelve (479.112), four hundred seventy-
36 nine point one hundred thirteen (479.113), four hundred seventy-nine point one
37 hundred fourteen (479.114), four hundred seventy-nine point one hundred
38 fifteen (479.115), five hundred eleven point nineteen (511.19), five hundred fifty-

39 two point three (552.3), six hundred two point fifteen (602.15), seven hundred
 40 thirteen point one (713.1), seven hundred thirteen point two (713.2), seven
 41 hundred thirteen point three (713.3), seven hundred thirteen point four (713.4),
 42 seven hundred thirteen point five (713.5), seven hundred thirteen point six
 43 (713.6), seven hundred thirteen point seven (713.7), seven hundred thirteen point
 44 eight (713.8), seven hundred thirteen point nine (713.9), seven hundred thirteen
 45 point ten (713.10), seven hundred thirteen point eleven (713.11), seven hundred
 46 thirteen point twelve (713.12), seven hundred thirteen point thirteen (713.13),
 47 seven hundred thirteen point fourteen (713.14), seven hundred thirteen point
 48 fifteen (713.15), seven hundred thirteen point sixteen (713.16), seven hundred
 49 thirteen point twenty-two (713.22), seven hundred thirteen point twenty-three
 50 (713.23), seven hundred thirteen point twenty-six (713.26), seven hundred
 51 thirteen point twenty-seven (713.27), seven hundred thirteen point twenty-eight
 52 (713.28), seven hundred thirteen point twenty-nine (713.29), seven hundred
 53 thirteen point thirty (713.30), seven hundred thirteen point thirty-one (713.31),
 54 seven hundred thirteen point thirty-two (713.32), seven hundred thirteen point
 55 thirty-three (713.33), seven hundred thirteen point thirty-four (713.34), seven
 56 hundred thirteen point thirty-five (713.35), seven hundred thirteen point thirty-
 57 six (713.36), seven hundred thirteen point thirty-seven (713.37), seven hundred
 58 thirteen point thirty-eight (713.38), seven hundred thirteen point thirty-nine
 59 (713.39), seven hundred thirteen point forty (713.40), seven hundred thirteen
 60 point forty-one (713.41), seven hundred thirteen point forty-two (713.42), seven
 61 hundred thirteen point forty-three (713.43), seven hundred forty point one
 62 (740.1), seven hundred forty point two (740.2), seven hundred forty point three
 63 (740.3), seven hundred forty point four (740.4), seven hundred forty point five
 64 (740.5), seven hundred forty point six (740.6), seven hundred forty point seven
 65 (740.7), seven hundred forty point eight (740.8), seven hundred forty point nine
 66 (740.9), seven hundred forty point ten (740.10), seven hundred forty point eleven
 67 (740.11), seven hundred forty point twelve (740.12), seven hundred forty point
 68 nineteen (740.19), seven hundred forty point twenty (740.20), seven hundred
 69 fifty-three point one (753.1), seven hundred fifty-three point two (753.2), seven
 70 hundred fifty-three point three (753.3), seven hundred fifty-three point four
 71 (753.4), seven hundred fifty-three point five (753.5), seven hundred fifty-three
 72 point six (753.6), seven hundred fifty-three point seven (753.7), seven hundred
 73 fifty-three point eight (753.8), and seven hundred fifty-three point nine (753.9),
 74 Code 1975, are repealed.

1 SEC. 526. Chapters thirty-eight (38), one hundred twenty-one (121), two
 2 hundred sixteen (216), two hundred twenty-five A (225A), six hundred forty-five
 3 (645), six hundred eighty-seven (687), six hundred eighty-eight (688), six hundred
 4 eighty-nine (689), six hundred ninety (690), six hundred ninety-one (691), six
 5 hundred ninety-two (692), six hundred ninety-three (693), six hundred ninety-
 6 four (694), six hundred ninety-five (695), six hundred ninety-six (696), six
 7 hundred ninety-seven (697), six hundred ninety-eight (698), six hundred ninety-
 8 nine (699), seven hundred (700), seven hundred one (701), seven hundred two
 9 (702), seven hundred three (703), seven hundred four (704), seven hundred five
 10 (705), seven hundred six (706), seven hundred seven (707), seven hundred eight
 11 (708), seven hundred nine (709), seven hundred ten (710), seven hundred eleven
 12 (711), seven hundred twelve (712), seven hundred fourteen (714), seven hundred
 13 fifteen (715), seven hundred sixteen (716), seven hundred seventeen (717), seven
 14 hundred eighteen (718), seven hundred nineteen (719), seven hundred twenty
 15 (720), seven hundred twenty-one (721), seven hundred twenty-two (722), seven
 16 hundred twenty-three (723), seven hundred twenty-four (724), seven hundred
 17 twenty-five (725), seven hundred twenty-seven (727), seven hundred twenty-eight
 18 (728), seven hundred twenty-nine (729), seven hundred thirty-one (731), seven
 19 hundred thirty-one A (731A), seven hundred thirty-two (732), seven hundred
 20 thirty-four (734), seven hundred thirty-seven (737), seven hundred thirty-eight

21 (738), seven hundred thirty-nine (739), seven hundred forty-one (741), seven
 22 hundred forty-two (742), seven hundred forty-three (743), seven hundred forty-
 23 four (744), seven hundred forty-five (745), seven hundred forty-six (746), seven
 24 hundred forty-seven (747), seven hundred forty-eight (748), seven hundred fifty-
 25 one (751), seven hundred fifty-two (752), seven hundred fifty-four (754), seven
 26 hundred fifty-five (755), seven hundred fifty-six (756), seven hundred fifty-seven
 27 (757), seven hundred fifty-eight (758), seven hundred sixty (760), seven hundred
 28 sixty-one (761), seven hundred sixty-two (762), seven hundred sixty-three (763),
 29 seven hundred sixty-four (764), seven hundred sixty-five (765), seven hundred
 30 sixty-six (766), seven hundred sixty-seven (767), seven hundred sixty-eight (768),
 31 seven hundred sixty-nine (769), seven hundred seventy (770), seven hundred
 32 seventy-one (771), seven hundred seventy-two (772), seven hundred seventy-
 33 three (773), seven hundred seventy-four (774), seven hundred seventy-five (775),
 34 seven hundred seventy-six (776), seven hundred seventy-seven (777), seven
 35 hundred seventy-eight (778), seven hundred seventy-nine (779), seven hundred
 36 eighty (780), seven hundred eighty-one (781), seven hundred eighty-two (782),
 37 seven hundred eighty-three (783), seven hundred eighty-four (784), seven
 38 hundred eighty-five (785), seven hundred eighty-six (786), seven hundred eighty-
 39 seven (787), seven hundred eighty-eight (788), seven hundred eighty-nine (789),
 40 seven hundred eighty-nine A (789A), seven hundred ninety (790), seven hundred
 41 ninety-one (791), seven hundred ninety-three (793), seven hundred ninety-four
 42 (794), and seven hundred ninety-five (795), Code 1975, are repealed.

1 SEC. 527. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 2 one hundred eighty-three (183), is repealed. The provisions of this section shall
 3 take effect July 1, 1976.

1 SEC. 528. **Applicability to offenses committed before the effective date.**

2 1. Except as provided in subsections two (2) and three (3) of this section, this
 3 Act does not apply to offenses committed before its effective date. Prosecutions
 4 for offenses committed before the effective date are governed by the prior law,
 5 which is continued in effect for that purpose, as if this Act were not in force. For
 6 purposes of this section, an offense is committed before the effective date if any
 7 of the elements of the offense occurred before that date.

8 2. In any case pending on or commenced after the effective date of this Act,
 9 involving an offense committed before that date:

10 a. Upon the request of the defendant a defense or mitigation under this Act,
 11 whether specifically provided for herein or based upon the failure of the Act to
 12 define an applicable* offense, shall apply; and

13 b. Upon the request of the defendant and the approval of the court:

14 (1) Procedural provision of this Act shall apply insofar as they are justly
 15 applicable; and

16 (2) The court may impose a sentence or suspend imposition of a sentence
 17 under the provisions of this Act applicable to the offense and the offender.

18 3. Provisions of this Act governing the release or discharge of prisoners,
 19 probationers, and parolees shall apply to persons under sentence for offenses
 20 committed before the effective date of this Act, except that the minimum or
 21 maximum period of their detention or supervision shall in no case be increased,
 22 nor shall the provisions of this Act affect the substantive or procedural validity
 23 of any judgment of conviction entered before the effective date of this Act,
 24 regardless of the fact that appeal time has not run or that an appeal is pending.

1 SEC. 529. Except as otherwise specifically provided**, the provisions of this
 2 Act shall take effect January 1, 1978.

1 SEC. 530. The supreme court is authorized to propose changes in the rules of
 2 criminal procedure for consideration by the First Session of the Sixty-seventh

*According to enrolled Act

**See §527 hereof

3 Session of the General Assembly. This section shall be effective July 1, 1976.
4 Any rules promulgated under the authority of this section shall become effective
5 January 1, 1978.

1 SEC. 531. Notwithstanding any other provision of the Code of Iowa, this Act
2 shall, insofar as possible, be included in the Code of Iowa with the chapters,
3 divisions and sections of this Act as the chapters, divisions and sections of the
4 Code and with the descriptive word titles of the Act retained. No editorial
5 modification of this Act shall be incorporated into the Code without prior
6 approval of the director of the legislative service bureau.

Approved June 28, 1976

**SPECIAL ACTS,
JOINT RESOLUTIONS
AND
RULES OF CIVIL PROCEDURE**

SPECIAL ACTS,
JOINT RESOLUTIONS
AND
RULES OF CIVIL PROCEDURE
CHAPTER 1246

DUBUQUE SCHOOL PROPERTY EXCHANGE

S. F. 1309

AN ACT relating to the exchange of property by the Dubuque community school district to the state of Iowa for the purpose of construction of an armory and conveying land and a building to the Dubuque community school district for school use.

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

1 SECTION 1. The Dubuque community school district may convey and grant to
2 the state of Iowa, department of public defense, the following described real
3 estate, for the purpose of constructing an armory for the Iowa national guard:

4 That portion of Lot 1 in Helen E* and Mary H. Stewart's Subdivision of: "Lot
5 2 and Lot 1 of Lot 1 of the Northeast one-quarter (NE 1/4) and Lots 1 and 3 of
6 mineral Lot 360" in Section 16, Township 89 North, Range 2 East of the 5th P.M.
7 in Dubuque County, Iowa, now in the City of Dubuque, Iowa. Described as
8 follows: Beginning at the Northeast corner of said Lot 1 in Helen E. and Mary H.
9 Stewart's Subdivision: thence South a distance of 500 feet; thence West a
10 distance of 655 feet; thence North 23 degrees 53 feet East a distance of 737.44
11 feet; thence South 55 degrees 25 feet East a distance of 169 feet; thence South 70
12 degrees 10 feet East a distance of 231 feet to the point of beginning; said tract
13 containing 7.00 acres more or less.

14 The conveyance by the Dubuque community school district shall be binding
15 upon the state of Iowa.

1 SEC. 2. The executive council shall upon receiving title from the Dubuque
2 community school district for the above described premises and satisfaction that
3 approved funding for the construction of the armory to be placed upon the above
4 described premises is available, grant and convey to the Dubuque community
5 school district the following described real estate:

6 Lot 1 of Lot 2 of Lot 3 of Randalls' Subdivision in the city of Dubuque, Iowa.

Approved June 10, 1976

* According to enrolled Act

CHAPTER 1247

CAPITOL GROUNDS EXTENSION

H. F. 188

AN ACT authorizing the director of the department of general services with approval of the state executive council to proceed with the acquisition of additional land for the extension of the state capitol grounds.

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

1 SECTION 1. The director of the department of general services with the
2 approval of the executive council may purchase or may take an option to
3 purchase from a willing seller at a reasonable price any land which may be for
4 sale within the boundaries bounded by Des Moines Street on the south, Interstate
5 I-235 on the north, East Fourteenth Street on the east, and Pennsylvania Avenue
6 on the west.

7 1. The director of the department of general services may employ special
8 counsel or other persons necessary to carry out the provisions of this Act.

9 2. There is appropriated to the department of general services from the general
10 fund of the state the sum of one hundred thousand (100,000) dollars, or so much
11 thereof as may be necessary, to carry out the provisions of this Act.

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

Approved March 1, 1976

I hereby certify that the foregoing Act, House File 188, was published in the Marshalltown Times-Republican, Marshalltown, Iowa, March 5, 1976, and in the Eldora Herald-Ledger, Eldora, Iowa, March 9, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1248

AMES LEGALIZING ACT

H. F. 1245

AN ACT to legalize and validate the proceedings of the city of Ames, in Story county, in connection with goods and services received for public improvement to the administration building located in Ames, Iowa.

WHEREAS, it appears from the records of the city of Ames that during the year 1975 the city of Ames renovated and remodeled a building at the corner of Pearle street and Main street for use as additional office space for the city administration, that the city of Ames received goods and services from several vendors, suppliers, and contractors at a cost of approximately fifty-one thousand six hundred dollars, and that the renovation and remodeling is a public improvement as defined in section three hundred eighty-four point ninety-five (384.95) of the Code; and

WHEREAS, these goods and services were solicited by the city administration without advertising for sealed bids as required by section three hundred eighty-four point ninety-six (384.96) of the Code; and

WHEREAS, funds are available for the payment of these goods and services in the general fund of the city of Ames; NOW THEREFORE,

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

1 SECTION 1. All proceedings taken by the city of Ames, in Story county, Iowa,
2 in connection with and pertaining to the goods and services received for the
3 renovation and remodeling of the building at the corner of Pearle Street and
4 Main Street in that city are hereby declared to be legal and constitute a valid and
5 binding obligation of the city of Ames, Iowa.

1 SEC. 2. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in the Ames Daily Tribune, a
3 newspaper published in Ames, Iowa, and in The Nevada Evening Journal, a
4 newspaper published in Nevada, Iowa, without expense to the state.

Approved March 23, 1976

I hereby certify that the foregoing Act, House File 1245, was published in the Ames Daily Tribune, Ames, Iowa on March 26, 1976, and in The Nevada Evening Journal, Nevada, Iowa on March 29, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1249

PLEASANT HILL ELECTION LEGALIZED

S. F. 1279

AN ACT to legalize and validate the proceedings of the Polk county commissioner of elections in connection with an election in and for the city of Pleasant Hill and declaring the validity of said election and the validity of bonds issued pursuant thereto.

WHEREAS, it appears from the records of the County Commissioner of Elections of Polk County, Iowa, that at the regular municipal election held in and for the City of Pleasant Hill, on November 4, 1975, the election of city officials was voted and the following proposition, to-wit:

“Shall the City of Pleasant Hill, Iowa, issue its bonds in an amount not exceeding the amount of \$750,000.00, for the purpose of extending and improving the city water utility by constructing an elevated storage tank and related water mains?”

was approved by more than sixty percent of the votes cast for and against the measure, and in reliance on said election the City Council proposes to issue said bonds; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said election and it is deemed advisable to put such doubts and all others that might arise concerning same forever at rest; NOW THEREFORE,

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

1 SECTION 1. That all proceedings heretofore taken by the County
2 Commissioner of Elections of Polk County, Iowa, preliminary to and in
3 connection with said election held in said City of Pleasant Hill on November 4,
4 1975, said election, the election of city officers and the adoption by the voters of
5 the proposition set forth above are hereby legalized, validated and confirmed and
6 by authority of said election and this Act said City Council is authorized to issue
7 said bonds for the purposes authorized at said election. Said bonds when sold and
8 issued pursuant to law shall constitute valid and binding obligations of the City of
9 Pleasant Hill, Iowa.

1 SEC. 2. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in The Cedar Valley Daily Times, a
3 newspaper published in Vinton, Iowa, and in the Neola Gazette-Reporter and
4 Minden Shelby News, a newspaper published in Neola, Iowa.

Approved May 20, 1976

Pursuant to the authority vested in the undersigned, Secretary of State of Iowa, under the provisions of Section 3.9, Code of Iowa, 1975, there being no newspaper by the name of Neola Gazette-Reporter and Minden Shelby News, published in Neola, Iowa, I hereby designate Neola Gazette-Reporter and Minden-Shelby News, published in Neola, Iowa, to publish the foregoing Act, Senate File 1279.

MELVIN D. SYNHORST, *Secretary of State*

I hereby certify that the foregoing Act, Senate File 1279, was published in The Cedar Valley Daily Times, Vinton, Iowa on May 25, 1976, and in the Neola Gazette-Reporter and Minden-Shelby News, Neola, Iowa on May 27, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1250

YALE LEGALIZING ACT

S. F. 1291

AN ACT to legalize the incorporation of the city of Yale, Iowa.

WHEREAS, there does not appear to be any official record of the incorporation of Yale, Iowa located in Guthrie county either in the county records of Guthrie county or in the office of the secretary of state; and

WHEREAS, based upon other records of the town of Yale, Iowa including tax lists dating from 1902 and the first ordinance record dating from December 19, 1901 it appears that the town of Yale, Iowa was incorporated on November 27, 1901; and

WHEREAS, the city of Yale, Iowa has operated and functioned as a town and presently as a city and continues to operate and function as an incorporated city in the state of Iowa in the same manner as other incorporated cities of Iowa;
NOW THEREFORE,

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

1 SECTION 1. That the city of Yale, Iowa located in Guthrie county the legal
2 description of which is

3 Beginning at the SW corner SE SE 32-81-30---going northerly along the west
4 line of the SE SE to a point 904.2'-----thence Easterly to the East line of Section
5 32-81-30 and continuing on easterly to the East line of the D.M. & NW R.R.--
6 thence South along East right of way line to the South line of Section 33-81-30----
7 -thence on south along East side of R.R. right of way a distance of 2112'-----
8 thence west to the west Section line of the NE NE of Section 5-80-30-----thence
9 north along west side of NE NE to the NW corner of NE NE of Section 5-80-30
10

11 is established as an incorporated city located in Guthrie county, such
12 incorporation dating from November 27, 1901 and that all otherwise legal
13 proceedings and official actions of the city of Yale, Iowa including its
14 incorporation, are hereby legalized. Certified copies of this Act shall be
15 forwarded to the secretary of state and the board of supervisors of Guthrie
16 county and entered on the official records of this state and Guthrie County.

1 SEC.2. This Act, being deemed of immediate importance, shall take effect and
2 be in force from and after its publication in The Guthrie County Vedette, a
3 newspaper published in Panora, Iowa, and in The Bagley Gazette, a newspaper
4 published in Bagley, Iowa, without expense to the state.

Approved May 24, 1976

I hereby certify that the foregoing Act, Senate File 1291, was published in The Guthrie County Vedette, Panora, Iowa on June 17, 1976, and in The Bagley Gazette, Bagley, Iowa on June 17, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1251

ALLAMAKEE COUNTY

H. F. 1519

AN ACT to legalize the proceedings of the board of supervisors of Allamakee county in connection with contracts made for improvements to the Allamakee county home and Allamakee county court house.

WHEREAS, on January 6, 1975, the Allamakee County Grand Jury recommended to the Allamakee County Board of Supervisors that the windows in the Courtroom of the Allamakee County Courthouse in Waukon be replaced; and

WHEREAS, pursuant to said recommendation of the Allamakee County Grand Jury, the Allamakee County Board of Supervisors made a contract with Gary Berger Construction of Waukon, for replacement of said windows at a cost of \$3,527.16, said contract being entered into without complying with Iowa Code Section 332.7 and 332.8 pertaining to Contracts, Bids, Plans, and Specifications; and,

WHEREAS, in order to improve the farming efficiency, production and income of the Allamakee County Farm located at the Allamakee County Care Facility, the Allamakee County Board of Supervisors made contracts with Gary Berger Construction of Waukon for cement work and improvements to the dairy barn and loafing area at a cost of \$6,283.65; with Great Plains Supply Company of Waukon for repairs to the hog house at a cost of \$8,724.75; and with Waukon Concrete, Inc. Waukon for cement work on the hog house at a cost of \$2,654.84; all of said contracts being entered into without complying with Iowa Code Sections 332.7 and 332.8 pertaining to Contracts, Bids, Plans and Specifications;

WHEREAS, the work above contracted for has been completed and funds for the payment of the same are available in the General Fund of Allamakee County; NOW THEREFORE,

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

1 SECTION 1. All proceedings heretofore taken by the Board of Supervisors of
2 Allamakee County, Iowa in connection with and pertaining to the completion of
3 contracts with Gary Berger Construction, Waukon, Iowa; Great Plains Supply
4 Company, Waukon, Iowa; and Waukon Concrete, Inc., Waukon, Iowa, entered
5 into by said Board of Supervisors for improvements to the Allamakee County
6 Courthouse and Allamakee County Farm located at the Allamakee County Care
7 Facility, are hereby declared to be legal and constitute valid and binding
8 obligations of Allamakee County, Iowa.

1 SEC. 2. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in the Postville Herald, a newspaper
3 published in Postville, Iowa, and in the Waukon Democrat, a newspaper
4 published in Waukon, Iowa, without expense to the State.

Approved June 10, 1976

Pursuant to the authority vested in the undersigned, Secretary of State of Iowa, under the provisions of Section 3.9, Code of Iowa, 1975, there being no newspaper by the name of Waukon Democrat, published in Waukon, Iowa, I hereby designate The Waukon Democrat, published in Waukon, Iowa, to publish the foregoing Act, House File 1519.

MELVIN D. SYNHORST, *Secretary of State*

I hereby certify that the foregoing Act, House File 1519, was published in the Postville Herald, Postville, Iowa on June 16, 1976, and in The Waukon Democrat, Waukon, Iowa on June 17, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1252

BLACK HAWK COUNTY

H. F. 1574

AN ACT to legalize and validate the proceedings of the board of supervisors of the county of Black Hawk, in the state of Iowa, authorizing and providing for the issuance, sale and delivery of county care facility bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said county.

WHEREAS it appears from the records of the Board of Supervisors of the County of Black Hawk, in the State of Iowa, that at a special election held in and for said County on March 2, 1976, the proposition of issuing bonds of said County in the amount of Two Million Seven Hundred Fifty Thousand Dollars (\$2,750,000) for the purpose of reconstructing and equipping the existing County Care Facility, formerly known as the County Home, in said County was approved by more than sixty per cent (60%) of the total number of votes cast for and against said proposition, and in reliance upon said election said Board of Supervisors thereafter authorized and provided for the issuance, sale and delivery of county care facility bonds of said County to the aggregate amount of Two Million Seven Hundred Fifty Thousand Dollars (\$2,750,000) for the purpose of reconstructing and equipping said County Care Facility and made provision for the levy of taxes to pay said bonds and the interest thereon; and

WHEREAS doubts have arisen concerning the validity and legal sufficiency of said election and proceedings and provisions made for the issuance, sale and payment of said bonds, and it is deemed advisable to put such doubts and all others that might arise concerning same forever at rest; NOW, THEREFORE,

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

1 SECTION 1. That all proceedings heretofore taken by the Board of Supervisors
2 of the County of Black Hawk, in the State of Iowa, preliminary to and in
3 connection with the election on said bonds held in said County on March 2, 1976,
4 and providing for the issuance, sale and delivery of county care facility bonds of
5 said County in the aggregate principal amount of Two Million Seven Hundred
6 Fifty Thousand Dollars (\$2,750,000) pursuant to said election, and for the levy of
7 taxes sufficient to pay said bonds and interest thereon, are hereby legalized,
8 validated and confirmed and said county care facility bonds issued, sold and
9 delivered pursuant to and in accordance with said proceedings are hereby
10 declared to be legal and to constitute the valid and binding obligations of said
11 County.

1 SEC. 2. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in The Nevada Evening Journal, a
3 newspaper published in Nevada, Iowa, and in The Progress-Review, a newspaper
4 published in LaPorte City, Iowa, without expense to the state.

Approved June 4, 1976

I hereby certify that the foregoing Act, House File 1574, was published in The Nevada Evening Journal, Nevada, Iowa, on June 10, 1976, and in The Progress-Review, LaPorte City, Iowa on June 9, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1253

JASPER COUNTY LEGALIZING ACT

S. F. 1055

AN ACT to legalize and validate the proceedings of the board of supervisors of Jasper county, Iowa, in their appointment of Kenneth L. Whitehead, Jasper county attorney, as full-time Jasper county attorney from part-time status, on the 15th day of July, 1975, and raising his annual salary from \$12,500.00 to \$22,500.00 effective the 1st day of August, 1975, and declaring the validity of said actions and authorizing the issuance and payment of said annual salary of \$22,500.00 to said Jasper county attorney commencing on the 1st day of August, 1975, and declaring that said contractual appointment of Kenneth L. Whitehead as full-time Jasper county attorney and the \$22,500.00 salary commensurate with said change in status of the Jasper county attorney shall constitute a valid and binding obligation upon Jasper county, Iowa.

WHEREAS, it appears from the records of the Jasper County Board of Supervisors that on July 15, 1975, unanimous action was taken to appoint the elected Jasper County Attorney, Kenneth L. Whitehead, a full-time County Attorney from his prior part-time status and to raise his annual salary from \$12,500.00 to \$22,500.00; and

WHEREAS, it appears that on June 30, 1975, H.F. 802 was approved and became law on July 1, 1975, without publication, providing that no increase be made in certain elected county officers' salaries including the County Attorneys', as they existed on June 30, 1975, except for a maximum of \$1,500.00, if said increase or any part thereof was approved by the Board of Supervisors; and

WHEREAS, the Jasper County Board of Supervisors, on July 1, 1975, offered said full-time County Attorney position to Kenneth L. Whitehead, and said Kenneth L. Whitehead, who was a partner in the law firm of Salisbury, Fleck and Whitehead, requested one week to consider said offer due to its personal and professional implications; and

WHEREAS, the Jasper County Board of Supervisors unanimously determined that a full-time County Attorney and County legal advisor was necessary due to the amount of criminal and civil cases pending in Jasper County, especially civil lawsuits against Jasper County Officers and Jasper County itself, for which private legal counsel would have to be retained due to the part-time status of the Jasper County Attorney; and

WHEREAS, the Jasper County Attorney agreed to give up the private practice of law as of August 1, 1975, withdraw from the aforementioned law firm, and devote his full energies and abilities in the representation of Jasper County, Iowa, and has done so, provided he be paid, as of August 1, 1975, based on an annual salary of \$22,500.00, and that the County of Jasper has so paid the Jasper County Attorney based on the aforementioned contractual agreement; and

WHEREAS, said H.F. 802 was not published but became effective on July 1, 1975, and said Jasper County Board of Supervisors and Jasper County Attorney had no knowledge of the effect of this law until long after said contract was in effect; and

WHEREAS, the intent of the General Assembly in passing H.F. 802 was to return to the counties the power to set the salaries of their elected officials and the aforementioned action by the Jasper County Board of Supervisors was consistent with the law prior to the passage of H.F. 802 and an exercise of a local body realizing the needs of the political subdivision and responding to said needs; and

WHEREAS, the Jasper County Compensation Board met pursuant to H.F. 802 and as a result of said meeting and deliberations, recommended in its proposed salary schedule for fiscal year 1976-1977, that the salary of the Jasper County

Attorney be increased from \$22,500.00 to \$23,000.00, beginning July 1, 1976, and the Board of Supervisors unanimously approved said recommendations, after public hearing on December 3, 1975, by resolution on December 16, 1975; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of the acts and proceedings of such Board of Supervisors in appointing Kenneth L. Whitehead as full-time County Attorney and commensurately raising the County Attorney's salary, as of August 1, 1975, from \$12,500.00 to \$22,500.00, and authorizing the issuance of County payroll warrants from August 1, 1975, forward to pay said increased salary, and it is deemed advisable to put such doubts and all other 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 and actions heretofore taken by the Board of
2 Supervisors of Jasper County, Iowa, preliminarily to and in connection with the
3 appointment of Kenneth L. Whitehead, Jasper County Attorney, from a part-time
4 status to a full-time status as of August 1, 1975, with a salary of \$22,500.00 from
5 and after said date, by resolution adopted on the 15th day of July, 1975, are
6 hereby legalized, validated and confirmed and the aforesaid contractual
7 appointment shall constitute a valid and binding obligation of Jasper County,
8 Iowa, according to its terms, until July 1, 1976, when the salary recommended by
9 the Jasper County Compensation Board and approved by the Jasper County
10 Board of Supervisors on the 16th day of December, 1975, shall, according to the
11 provisions of the Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
12 one hundred ninety-one (191), become effective.

1 SEC. 2. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in The Newton Daily News, a
3 newspaper published in Newton, Iowa, and in the Waterloo Daily Courier, a
4 newspaper published in Waterloo, Iowa, without expense to the state.

Approved April 19, 1976

I hereby certify that the foregoing Act, Senate File 1055, was published in The Newton Daily News, Newton, Iowa on May 18, 1976, and in the Waterloo Daily Courier, Waterloo, Iowa on May 18, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1254

SAC COUNTY LEGALIZING ACT

H. F. 1299

AN ACT to legalize proceedings taken by the county board of supervisors of Sac county relating to the purchase of certain land.

WHEREAS, on February 17, 1974 the Sac county board of supervisors adopted a resolution to lease with the agreement to buy real estate for a landfill site, the hereinafter described property for a yearly lease price of two thousand four hundred dollars per year with the option price to be ninety-six thousand dollars and authorized and directed the chairman of the board of supervisors to enter into a lease with the agreement to buy real estate:

The East Half of the Northeast Quarter (E 1/2 NE 1/4) and the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section Twenty-five (25), Township Eighty-eight (88) North, Range Thirty-seven (37), West of the Fifth P.M., in Sac County, Iowa.

WHEREAS, a lease with the agreement to buy real estate was entered into and executed by the property owners and by the chairman of the board of supervisors of Sac county, Iowa and the property owners gave notice to the Sac county board of supervisors to exercise the option to purchase and the land was purchased for a landfill site for the price of ninety-six thousand dollars payable on installments over a ten-year period.

WHEREAS, the purchase price of the land exceeded fifty thousand dollars and the purchase was not submitted to the voters of the county, nor did the board provide notice and hold a public hearing on the project as required by section three hundred forty-five point one (345.1) of the Code of Iowa, 1973, and doubts have arisen concerning the legal sufficiency of the Sac county board of supervisors in compliance with the provisions of section three hundred forty-five point one (345.1) of the Code of Iowa, 1973; 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. All acts and proceedings taken by Sac county board of supervisors
- 2 in connection with purchasing the following described land for a landfill site are
- 3 hereby legalized, validated and confirmed;
- 4 The East Half of the Northeast Quarter (E 1/2 NE 1/4) and the Northwest
- 5 Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section Twenty-five (25),
- 6 Township Eighty-eight (88) North, Range Thirty-seven (37) West of the Fifth
- 7 P.M., in Sac County, Iowa.

Approved May 13, 1976

CHAPTER 1255

GRINNELL-NEWBURG SCHOOL LEGALIZING ACT

S. F. 1143

AN ACT to legalize proceedings taken by the board of directors of the Grinnell-Newburg community school district relating to the sale of certain property.

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

*

WHEREAS, at its regular meeting of July 14, 1971, the board of directors of the Grinnell-Newburg community school district adopted a resolution directing the board secretary to advertise for public sale the following described property:

Part of Lot one (1) of the Subdivision of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section Twenty-four (24), Township Eighty-one (81) North, Range Seventeen (17) West of the 5th P.M., Jasper County, Iowa, as shown in Plat Book C page 6 in the office of the Recorder of Jasper County, Iowa, described as: beginning at the Northwest corner of said Lot one (1), run thence East Seventy-six (E 76) Feet, thence South to the Northerly right-of-way line of the M & St. L Railroad right-of-way, thence Northwesterly along said right-of-way to the West line of said Lot one (1), thence North to the point of beginning; and

WHEREAS, the board secretary caused a public notice to bidders to be printed and published in the Grinnell Herald-Register, being a newspaper of general circulation published within the school district, on August 12, 1971, August 19, 1971, and August 26, 1971, that the board of directors would receive sealed bids for the sale of the above described property due on five o'clock p.m. on September 1, 1971; and

WHEREAS, at its regular meeting of September 8, 1971, the board of directors opened and reviewed the five bids received on the above described property and further allowed each bidder to increase the amount of his bid as provided in the notice for sealed bids and the property above described was sold to the highest bidder; and

WHEREAS, the board of directors complied with all of the provisions of section two hundred ninety-seven point twenty-two (297.22), Code 1971, except that the board failed to have the property appraised by three disinterested freeholders residing in the school district and appointed by the county superintendent of schools of the county in which the property is located; and

WHEREAS, some doubt has arisen as to the validity of the proceedings of the school district and such doubt may raise an issue concerning the merchantability of the title to the property and that 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 taken by the board of directors of the
- 2 Grinnell-Newburg community school district pertaining to the sale of the above
- 3 described property where the board of directors failed to have the property
- 4 appraised by three disinterested freeholders appointed by the county
- 5 superintendent of schools of the county in which the property is located are
- 6 validated, legalized, and confirmed and shall constitute a valid, legal, and binding
- 7 sale of the above described property by the school district.

*According to enrolled Act

CHAPTER 1256

SAYDEL SCHOOL LEGALIZING ACT

S. F. 1269

AN ACT to legalize and validate an election upon the proposition to authorize the board of directors of the Saydel consolidated school district to sell and convey, or lease, or otherwise dispose of certain real estate.

WHEREAS, at the special school election of September 9, 1975, the board of directors of the Saydel Consolidated School District presented the proposition on the question to sell and convey, or lease, or otherwise dispose of real estate, based upon the following proposition:

"Shall the Saydel Consolidated School District, by its Board of Directors, sell and convey, or lease, or otherwise dispose of the following-described real estate:

"The East 66 feet of the West 755.5 feet of Lot Twelve (12) of the Official Plat of the North 3/4, Section 22, Township 79 North, Range 24, West of the 5th P.M., Polk County, Iowa (commonly known as Saylor Center School Property).

"The East 422 feet of Lot 12 in the Official Plat of North Three Quarters (N 3/4) of Section 22, Township 79 North, Range 24 West 5th P.M., Iowa (commonly known as Saylor Center School Property).

"Lot Thirteen (13) of the Official Plat of the North Three-fourths (N 3/4) of Section 22, Township 79, North, Range 24, West of the 5th P.M., Iowa Subject to legally established highways (commonly known as Saylor Center School Property).

"Lot Fourteen (14) of Official Plat of North Three Quarters (N 3/4) of Section 22, Township 79 North, Range 24, West of the 5th P.M., Iowa (commonly known as Saylor Center School Property).

"Lot Sixteen (16) in Saylorville Replat, an Official Plat, Polk County, Iowa (commonly known as Saylorville School Property).

"For such consideration and upon such terms as may in the judgment of said Board of Directors be for the best interests of said School District and apply the proceeds of said sale or lease to the Schoolhouse Fund of said District."; and

WHEREAS, the voters at said election approved the foregoing proposition; and

WHEREAS, when the school district obtained appraisals in preparation for selling, conveying, leasing, or otherwise disposing of the aforescribed real estate, the appraisers discovered that there is an additional lot as part of the Saylor Center School Property which had not been listed as part of the proposition, such lot being 40 feet off the South side of Lots 11 and 47 of the Official Plat of the North 3/4 of Section 22, Township 79, Range 24, also commencing at the Northeast corner of said Lot 11 and running thence South 98.8 feet, thence West 440.89 feet, thence North 98.8 ft. to the North line of said Lot 11, thence East 440.89 ft. to Place of beginning; and

WHEREAS, the secretary of the school district has before the election, and since the election, searched the records of the school district, and can find no deed, abstract, or other record in the records of the school district which would have given her information that this additional legal description should have been included as part of the description of the Saylor Center School Property, but it appears that the 40 feet off the South side of Lots 11 and 47 of the Official Plat of the North 3/4 of Section 22, Township 79, Range 24, also commencing at the Northeast corner of said Lot 11 and running thence South 98.8 ft., thence West 440.89 feet, thence North 98.8 ft. to the North line of said Lot 11, thence East 440.89 ft. to Place of beginning, is part of the property owned by the Saydel Consolidated School District as Saylor Center School Property; and

WHEREAS, the proposition clearly seeks approval to sell the Saylor Center School Property, and the intent of the District was stated to be and is to sell the entire Saylor Center School Property as an entire parcel; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of the property described to be sold, conveyed, or leased, or otherwise disposed of in the foregoing proposition, and it is deemed advisable to put such doubts and all others that might arise concerning the same forever at rest, NOW THEREFORE,

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

1 SECTION 1. All proceedings heretofore taken by the board of directors of the
2 Saydel Consolidated School District in the County of Polk, State of Iowa, and of
3 the electors in connection with the proposition to sell and convey, or lease, or
4 otherwise dispose of the following-described real property: 40 feet off the South
5 side of Lots 11 and 47 of the Official Plat of the North 3/4 of Section 22,
6 Township 79, Range 24, also commencing at the Northeast corner of said Lot 11
7 and running thence South 98.8 ft., thence West 440.89 feet, thence North 98.8 ft.
8 to the North line of said Lot 11, thence East 440.89 ft. to Place of beginning
9 (commonly known as Saylor Center School Property.)

10 "The East 66 feet of the West 755.5 feet of Lot Twelve (12) of the Official Plat
11 of the North 3/4, Section 22, Township 79 North, Range 24, West of the 5th
12 P.M., Polk County, Iowa (commonly known as Saylor Center School Property).

13 "The East 422 feet of Lot 12 in the Official Plat of North Three Quarters (N
14 3/4) of Section 22, Township 79 North, Range 24 West 5th P.M., Iowa
15 (commonly known as Saylor Center School Property).

16 "Lot Thirteen (13) of the Official Plat of the North Three-fourths (N 3/4) of
17 Section 22, Township 79, North, Range 24, West of the 5th P.M., Iowa Subject to
18 legally established highways (commonly known as Saylor Center School
19 Property).

20 "Lot Fourteen (14) of Official Plat of North Three Quarters (N 3/4) of Section
21 22, Township 79 North, Range 24, West of the 5th P.M., Iowa (commonly known
22 as Saylor Center School Property.)

23 "Lot Sixteen (16) in Saylorville Replat, an Official Plat, Polk County, Iowa
24 (commonly known as Saylorville School Property).

25 and the election to authorize such sale, conveyance, lease, or other
26 disposition by the Board of Directors of said District, are hereby legalized,
27 validated and confirmed, and the proceedings of said Board of Directors
28 relating thereto are hereby declared to be legal and valid, and the Board of
29 Directors of said School District is authorized to sell, convey, lease, or
30 otherwise dispose of the property described in this section for such
31 consideration and upon such terms as in the judgment of said Board of
32 directors be for the best interest of said school district and apply the
33 proceeds of said sale or lease to the schoolhouse fund of said district.

Approved May 28, 1976

CHAPTER 1257

AREA I VOCATIONAL SCHOOL

H. F. 1547

AN ACT to legalize and validate the proceedings of the board of directors of the merged area one vocational school in the counties of Allamakee, Bremer, Buchanan, Chickasaw, Clayton, Delaware, Dubuque, Fayette, Howard, Jackson, Jones, Mitchell, Winneshiek, state of Iowa, and the Dubuque county commissioner of elections in connection with an election authorizing the levy of a tax and declaring the validity of said election and the validity of taxes levied pursuant thereto.

WHEREAS, it appears from the records of the Merged Area One Vocational School that at a special election held coincident with the regular school election in and for said Merged Area on September 10, 1974, the following proposition to-wit:

“Shall the Board of Directors of Merged Area (Education) 1 (One) Vocational School, in the Counties of Allamakee, Bremer, Buchanan, Chickasaw, Clayton, Delaware, Dubuque, Fayette, Howard, Jackson, Jones, Mitchell, Winneshiek, State of Iowa, be authorized to levy a tax of not exceeding three-fourths of one mill on the dollar in any one year for a period of five consecutive fiscal years, commencing with the levy for the year 1976, payable in fiscal year ending June 30, 1977, for the purchase of grounds, construction of buildings, payment of debts contracted for the construction of buildings, purchase of buildings and equipment for buildings, the acquisition of libraries, and for the purpose of maintaining, remodeling, improving, or expanding the area vocational school of the merged area?”

was approved by more than fifty percent of the votes cast for and against the measure, and in reliance on said election the Board of Directors proposed to levy and collect said tax in each year as authorized; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said election and it is deemed advisable to put such doubts and all others that might arise concerning same forever at rest; NOW THEREFORE,

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

1 SECTION 1. That all proceedings heretofore taken by the Board of Directors of
2 the Merged Area One Vocational School and the County Commissioner of
3 Elections of Dubuque County, Iowa, preliminary to and in connection with said
4 election held in said Merged Area District on September 10, 1974, said election
5 and the adoption by the voters of the proposition set forth above are hereby
6 legalized, validated and confirmed and by authority of said election and this Act
7 said Board of Directors are authorized to levy said tax of not to exceed three-
8 fourths (3/4ths) of one (1) mill (20.25 cents per one thousand dollars of assessed
9 value) on all taxable property within said Merged Area for the purposes
10 authorized at said election, said authorization to be effective for a period of five
11 years commencing with the levy for the taxes payable in the fiscal year ending
12 June 30, 1977.

1 SEC. 2. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in the Decorah Public Opinion, a

- 3 newspaper published in Decorah, Iowa, and in The Clayton County Register, a
 4 newspaper published in Elkader, Iowa, without expense to the state.

Approved June 10, 1976

Pursuant to the authority vested in the undersigned, Secretary of State of the State of Iowa, under the provisions of Section 3.9, Code of Iowa, 1975, there being no newspaper by the name of the Decorah Public Opinion, published in Decorah, Iowa, I hereby designate The Decorah Public Opinion published in Decorah, Iowa, to publish the foregoing Act, House File No. 1547.

MELVIN D. SYNHORST, *Secretary of State*

I hereby certify that the foregoing Act, House File 1547, was published in The Decorah Public Opinion, Decorah, Iowa on June 29, 1976, and in The Clayton County Register, Elkader, Iowa on June 30, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1258

NORTH SCOTT SCHOOL

H. F. 1567

AN ACT legalizing the proceedings for the sale of land by the North Scott community school district.

WHEREAS, on the 27th day of February, 1968, at its regular meeting, North Scott Community School District adopted a Resolution to sell certain real estate hereinafter described, to Gerald H. Winckler for the sum of \$2,000.00 and authorized and directed the President and Secretary to execute a Quit Claim Deed conveying the following described real estate, to-wit:

Lots 3, 4, 5, 6 and 7 and the West 54 feet of Lot 8, Block No. 6, Resurvey of the Original Town of Dixon and the West 182 feet of the vacated alley between Muscatine and Ogden Streets in the Town of Dixon, Scott County, Iowa.

WHEREAS, question has been raised as to whether said school district published the notice of intention to sell as required by statute and question has been raised as to the sufficiency of the proceedings had by said North Scott Community School District in connection with said sale and in order to confirm said sale it is deemed advisable and necessary to put such questions 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 the North Scott
 2 Community School District in connection with the sale of the hereinafter
 3 described land to Gerald H. Winckler are hereby legalized, validated and
 4 confirmed.

5 Lots 3, 4, 5, 6 and 7 and the West 54 feet of Lot 8, Block No. 6, Resurvey of
 6 the Original Town of Dixon and the West 182 feet of the vacated alley between
 7 Muscatine and Ogden Streets in the Town of Dixon, Scott County, Iowa.

1 SEC. 2. This Act, being deemed of immediate importance, shall take effect
 2 and be in force from and after its publication in The North Scott Press, a

- 3 newspaper published in Eldridge, Iowa, and in The Dyersville Commercial, a
4 newspaper published in Dyersville, Iowa.

Approved June 10, 1976

Pursuant to the authority vested in the undersigned, Secretary of State of Iowa, under the provisions of Section 3.9, Code of Iowa, 1975, there being no newspaper by the name of The Dyersville Commercial, published in Dyersville, Iowa, I hereby designate Dyersville Commercial, published in Dyersville, Iowa, to publish the foregoing Act, House File 1567.

MELVIN D. SYNHORST, *Secretary of State*

I hereby certify that the foregoing Act, House File 1567, was published in The North Scott Press, Eldridge, Iowa on June 17, 1976, and in the Dyersville Commercial, Dyersville, Iowa on June 17, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1259

DES MOINES AREA COMMUNITY COLLEGE

H. F. 1442

AN ACT to legalize and validate the proceedings of the board of directors of the Des Moines area community college (merged area XI) in the counties of Adair, Audubon, Boone, Carroll, Clarke, Crawford, Dallas, Greene, Guthrie, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Polk, Poweshiek, Shelby, Story and Warren, state of Iowa, and the Polk county commissioner of elections in connection with an election authorizing the levy of a tax and declaring the validity of said election and the validity of taxes levied pursuant thereto.

WHEREAS, It appears from the records of the Des Moines Area Community College (Merged Area XI) that at a special election held coincident with the regular school election in and for said Merged Area on September 9, 1975, the following proposition, to-wit:

"Shall the Board of Directors of the Des Moines Area Community College (Merged Area XI), in the Counties of Adair, Audubon, Boone, Carroll, Clarke, Crawford, Dallas, Greene, Guthrie, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Polk, Poweshiek, Shelby, Story and Warren, State of Iowa, cause to continue to be levied a tax not to exceed twenty and one-fourth (20 1/4) cents per thousand dollars of assessed value in any one (1) year for a period of five (5) consecutive fiscal years beginning with the 1976 tax levy payable in the fiscal year ending June 30, 1978, for any one or more of the following purposes: for the purchase of grounds; construction of buildings; payment of debts contracted for the construction of buildings, purchase of buildings and equipment for buildings and the acquisition of libraries; and for the purpose of maintaining, remodeling, improving, or expanding the Des Moines Area Community College of the merged area; or for such other purposes as authorized by law, as provided in Chapter 280A, Section 22 of the Code of Iowa?"

was approved by more than fifty percent of the votes cast for and against the measure, and in reliance on said election the Board of Directors proposes to levy and collect said tax in each year as authorized; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said election and it is deemed advisable to put such doubts and all others that might arise concerning same forever at rest; NOW THEREFORE,

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

1 SECTION 1. That all proceedings heretofore taken by the Board of Directors of
2 the Des Moines Area Community College (Merged Area XI), and the County
3 Commissioner of Elections of Polk County, Iowa, preliminary to and in
4 connection with said election held in said Merged Area District on September 9,
5 1975, said election and the adoption by the voters of the proposition set forth
6 above are hereby legalized, validated and confirmed and by authority of said
7 election and this Act said Board of Directors are authorized to levy said tax of
8 not to exceed twenty and one-fourth (20 1/4) cents per thousand dollars of
9 assessed value on all taxable property within said Merged Area for the purposes
10 authorized at said election, said authorization to be effective for a period of five
11 years commencing with the levy for the taxes payable in the fiscal year ending
12 June 30, 1978.

1 SEC. 2. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in the Pella Chronicle, a newspaper
3 published in Pella, Iowa, and in the Patriot-Chronicle, a newspaper published in
4 What Cheer, Iowa.

Approved June 10, 1976

I hereby certify that the foregoing Act, House File 1442, was published in the Pella Chronicle, Pella, Iowa on June 16, 1976, and in the Patriot-Chronicle, What Cheer, Iowa on June 17, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1260

UNDERWOOD SCHOOL

H. F. 1575

AN ACT to legalize and validate the proceedings of the board of directors of the Underwood Community School District, in the county of Pottawattamie, state of Iowa, authorizing and providing for the issuance, sale and delivery of school building bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said school district.

WHEREAS it appears from the records of the Board of Directors of the Underwood Community School District, in the County of Pottawattamie, State of Iowa, that at a special school election held in and for said School District on January 20, 1976, the proposition of issuing bonds of said School District in the amount of One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000) for the purpose of building and furnishing a new senior high school building in and for said School District was approved by more than sixty per cent (60%) of the total number of votes cast for and against said proposition, and in reliance upon said election said Board of Directors thereafter authorized and provided for the issuance, sale and delivery of school building bonds of said School District to the aggregate amount of One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000) for the purpose of paying the cost of building and furnishing said new senior high school building and made provision for the levy of taxes to pay said bonds and the interest thereon; and

WHEREAS doubts have arisen concerning the validity and legal sufficiency of said election and proceedings and provisions made for the issuance, sale and payment of said bonds, and it is deemed advisable to put such doubts and all others that might arise concerning same forever at rest; NOW, THEREFORE,

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

1 SECTION 1. That all proceedings heretofore taken by the Board of Directors of
2 the Underwood Community School District, in the County of Pottawattamie,
3 State of Iowa, preliminary to and in connection with the election on said bonds
4 held in said School District on January 20, 1976, and providing for the issuance,
5 sale and delivery of school building bonds of said School District in the aggregate
6 principal amount of One Million Seven Hundred Fifty Thousand Dollars
7 (\$1,750,000) pursuant to said election, and for the levy of taxes sufficient to pay
8 said bonds and interest thereon, are hereby legalized, validated and confirmed
9 and said school building bonds issued, sold and delivered pursuant to and in
10 accordance with said proceedings are hereby declared to be legal and to
11 constitute the valid and binding obligations of said School District.

1 SEC. 2. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in the Neola Gazette-Reporter and
3 Minden-Shelby News, a newspaper published in Neola, Iowa, and in The Toledo
4 Chronicle, a newspaper published in Toledo, Iowa, without expense to the state.

Approved June 7, 1976

I hereby certify that the foregoing Act, House File 1575, was published in the Neola Gazette-Reporter and Minden-Shelby News, Neola, Iowa on June 10, 1976, and in The Toledo Chronicle, Toledo, Iowa on June 9, 1976.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1261

RETIREMENT FOR PEACE OFFICERS

S. J. R. 1008

A JOINT RESOLUTION to establish an interim study committee to study the feasibility of establishing a separate retirement system for peace officers and correction officers and to make an appropriation

WHEREAS, two or more retirement systems have been established for police from smaller cities, police from larger cities over eight thousand, sheriffs, deputy sheriffs, county conservation officers, enforcement personnel of the department of public safety, conservation officers, and correction officers; and

WHEREAS, benefit and contribution rates provided under the retirement systems in chapters ninety-seven A (97A), ninety-seven B (97B), and four hundred eleven (411) of the Code are not comparable, NOW THEREFORE,

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

1 SECTION 1. The legislative council is authorized to create an interim study
2 committee as provided by law consisting of members from both political parties
3 and both houses of the general assembly to undertake a comprehensive and
4 detailed study of the pension needs of peace officers and corrections officers in
5 this state and the feasibility of establishing a combination retirement system or a
6 separate retirement system for certain peace officers and corrections officers. In
7 addition the study committee shall examine the feasibility and economics that can
8 result from establishing a joint investment policy for funds available from one or
9 more public retirement systems. These recommendations, accompanied by draft
10 legislation to implement them, if appropriate, shall be reported to the legislative
11 council and to the 1977 Session of the Sixty-seventh General Assembly.

1 SEC. 2. There is appropriated from the general fund of the state to the
2 legislative council for the fiscal year beginning July 1, 1976 and ending June 30,
3 1977, the sum of six thousand five hundred (6,500) dollars to be used for actuarial

4 studies deemed necessary by the study committee in determining its
5 recommendations.

Approved May 28, 1976

CHAPTER 1262

STATE INSURANCE POOL STUDY

S. J. R. 1009

A JOINT RESOLUTION to provide for an interim study of the feasibility of creating a state insurance pool for the purpose of underwriting certain fire, casualty and liability risks, and to provide for an appropriation.

WHEREAS, the general assembly finds that governmental subdivisions of this state cannot readily obtain general insurance coverage; and

WHEREAS, the general assembly finds that the costs of such coverage when available in some instances has increased in excess of two hundred percent over a period of one year; and

WHEREAS, the general assembly finds that because of the withdrawal from the market of one insurance company the general liability coverage of sixty-seven Iowa communities has been canceled this year; and

WHEREAS, the general assembly finds that the continued availability of professional liability insurance coverage for persons in the health care delivery field is not assured; and

WHEREAS, the general assembly finds that liability insurance coverage for manufacturers of products and other types of errors and omissions insurance are becoming increasingly difficult, if not impossible to obtain; and

WHEREAS, the general assembly finds that the unavailability of any of those types of insurance coverage would have grave economic and social implications in respect to the health and welfare of the people of this state, 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 ten-member study
2 committee which shall include members of the appropriate standing committees
3 of the senate and house of representatives representing both political parties,
4 which committee shall conduct during the 1976-77 legislative interim a
5 comprehensive study of the feasibility of creating a state insurance pool to
6 provide general insurance coverage for governmental subdivisions of this state.
7 The study committee also shall consider the feasibility of consolidating into that
8 state insurance pool the underwriting of liability coverage for persons in the
9 health care delivery field and for persons engaged in the manufacture and
10 distribution of products. The committee shall consider the feasibility of
11 consolidating other types of errors and omissions insurance into the pool and
12 shall study the underlying reasons for the restricted insurance markets as outlined
13 above and shall recommend solutions to ease the market difficulties if possible.

14 The study committee shall study alternatives including but not limited to
15 reinsurance pools, revision of the Iowa tort claims act, changes in liability law
16 and tort reform.

17 The study committee shall retain, if necessary, consultants and assistants to
 18 accomplish the study. Nonlegislative consultants and assistants may be
 19 reimbursed for reasonable expenses and may receive a per diem for each day in
 20 actual attendance with the committee upon approval of the legislative council.

21 The study committee shall prepare and submit a report to the legislative
 22 council and to the general assembly at the conclusion of the interim, which shall
 23 be accompanied by legislative bill drafts designed to carry out any
 24 recommendations of the committee.

1 SEC. 2. There is appropriated to the legislative council for the use of the study
 2 committee created by this Act during the fiscal year beginning July 1, 1976 and
 3 ending June 30, 1977, the sum of twenty-five thousand (25,000) dollars, or so
 4 much thereof as is necessary, to accomplish the purposes of this Act.

Approved June 20, 1976

CHAPTER 1263

HOME RULE FOR COUNTIES

S. J. R. 1006

A JOINT RESOLUTION proposing an amendment to the Constitution of the state of Iowa to provide home rule for counties and joint county-municipal corporation governments.

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

1 SECTION 1. The following amendment to the Constitution of the State of Iowa
 2 is hereby proposed: Article three (III), legislative department, Constitution of the
 3 State of Iowa is hereby amended by adding the following new section:

4 NEW SECTION. Counties or joint county-municipal corporation governments
 5 are granted home rule power and authority, not inconsistent with the laws of the
 6 general assembly, to determine their local affairs and government, except that
 7 they shall not have power to levy any tax unless expressly authorized by the
 8 general assembly. The general assembly may provide for the creation and
 9 dissolution of joint county-municipal corporation governments. The general
 10 assembly may provide for the establishment of charters in county or joint county-
 11 municipal corporation governments.

12 If the power or authority of a county conflicts with the power and authority of
 13 a municipal corporation, the power and authority exercised by a municipal
 14 corporation shall prevail within its jurisdiction.

15 The proposition or rule of law that a county or joint county-municipal
 16 corporation government possesses and can exercise only those powers granted in
 17 express words is not a part of the law of this state.

1 SEC. 2. The foregoing proposed amendment to the Constitution of the State of
 2 Iowa is hereby referred to the general assembly to be chosen at the next general
 3 election for members of the general assembly and the secretary of state is directed
 4 to cause the same to be published for three consecutive months previous to the
 5 date of said election as provided by law.

CHAPTER 1264

RULES OF CIVIL PROCEDURE

S. F. 1340

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 the Senate
2 Journal, January 30, 1976, page 192, Rule sixty-nine (69), paragraph a to read as
3 follows:
4 (a) Claims for Relief. A pleading which sets forth a claim for relief, whether an
5 original claim, counterclaim, crossclaim or third party claim, shall contain ~~(1) a~~
6 ~~short and plain statement of any matter needed to justify venue or jurisdiction,~~
7 ~~(2) (1) a short and plain statement of the claim showing that the pleader is~~
8 ~~entitled to relief, and (3) (2) a demand for judgment for the relief to which he~~
9 ~~deems himself entitled. Relief in the alternative or of several different types may~~
10 be demanded.

Approved June 23, 1976

CHAPTER 1265

RULES OF CIVIL PROCEDURE

IN THE MATTER OF
THE
RULES OF CIVIL PROCEDURE

}

REPORT OF THE
SUPREME COURT

To the 1976 Regular Session of the Sixty-sixth General Assembly of the State of Iowa:

Pursuant to section 684.18 and 684.19, Code 1975, the Supreme Court of Iowa has prescribed and hereby reports to the General Assembly changes in the existing Rules of Civil Procedure as follows:

Rule 33. Cross-petitions.

That Rule 33 be stricken and the following substituted:

"33. **Cross-claim against co-party.** A pleading may state as a cross-claim any claim by one party against a co-party arising out of the transaction or occurrence that is the subject matter either of the original action or a counter-claim therein or relating to any property that is the subject matter of the original action. Such cross-claim may include a claim that the party against whom it is asserted is or may be liable to the cross-claimant for all or part of a claim asserted in the action against the cross-claimant."

Rule 65. General appearance.

That Rule 65 be stricken and the following substituted:

"65. **Appearances.** An attorney making an appearance shall, either by filing written appearance or by signature to the first pleading or motion filed by the attorney, clearly indicate the attorney or attorneys in charge of the case and shall not sign in the name of the firm only."

Rule 66. Special appearance.

That Rule 66 be stricken and the following substituted:

"66. **Special appearance.** A defendant may appear specially for the sole purpose of attacking the jurisdiction of the court, but only before taking any part in a hearing or trial of the case, personally or by attorney, or filing a motion, written appearance, or pleading. The special appearance shall be in writing, filed with the clerk and shall state the grounds thereof. If the special appearance is erroneously overruled, defendant may plead to the merits or proceed to trial without waiving such error."

Rule 69. Pleadings defined.

That Rule 69 be stricken and the following substituted:

"69. **General rules of pleading.**

(a) **Claims for Relief.** A pleading which sets forth a claim for relief, whether an original claim, counterclaim, cross-claim or third party claim, shall contain (1) a short and plain statement of any matter needed to justify venue or jurisdiction, (2) a short and plain statement of the claim showing that the pleader is entitled to relief, and (3) a demand for judgment for the relief to which he deems himself entitled. Relief in the alternative or of several different types may be demanded.

(b) **Pleading to be Concise and Direct; Consistency.** (1) Each averment of a pleading shall be simple, concise, and direct. No technical forms of pleadings or motions are required. (2) A party may set forth two or more statements of a claim or defense alternately or hypothetically, either in one count or defense

or in separate counts or defenses. When two or more statements are made in the alternative and one of them if made independently would be sufficient, the pleading is not made insufficient by the insufficiency of one or more of the alternative statements. A party may also state as many separate claims or defenses as he has regardless of consistency and whether based on legal or equitable grounds. 'Pleadings' as used in these rules do not include motions."

Rule 70. Petition.

That Rule 70 be stricken and the following substituted:

"70. **Petition.** The petition shall state whether it is at law or in equity."

Rule 74. Cross-petition – judgment.

That Rule 74 be stricken and the following substituted:

"74. **Cross-claim, cross-petition – judgment.** Any cross-claim under Rule 33 or cross-petition under Rule 34, and the answer and reply to it, shall be governed by these rules. Where judgment in the original case can be entered without prejudice to the rights in issue under a cross-petition, cross-claim or counterclaim, it shall not be delayed thereby."

Rule 79. Numbered divisions and paragraphs.

That Rule 79 be stricken and the following substituted:

"79. **Paragraphs; separate statements.** All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances; and a paragraph may be referred to by number in all succeeding pleadings. Each claim founded upon a separate transaction or occurrence and each defense other than denials shall be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matters set forth."

Rule 85(a). Motions.

That Rule 85(a) be stricken and the following substituted:

"85(a). **Motions.** Motions attacking a pleading must be served before responding to a pleading or, if no responsive pleading is required by these rules, upon motion made by a party within 20 days after the service of the pleading on such party."

Rule 85(b). Pleading.

That Rule 85(b) be stricken and the following substituted:

"85(b). **Pleading.** Answer to a petition must be served on or before the appearance date prescribed in accordance with Rule 53. A party served with a pleading stating a cross-claim against the party shall serve an answer thereto within 20 days after the service of the pleading upon the party. The plaintiff shall serve a reply to a counterclaim in the answer within 20 days after service of the answer, or if a reply is ordered by the court, within 20 days after service of the order, unless the order otherwise directs."

Rule 85(c). Reply.

That Rule 85(c) be stricken and the following substituted:

"85(c). **Time after filing motions.** The service of a motion permitted under these rules alters these periods of time as follows, unless a different time is fixed by order of the court:

- (1) If the court denies the motion or postpones its disposition until the trial on the merits, the responsive pleading shall be served within ten days after notice of the court's action;

- (2) If the court grants a motion for a more specific statement, the responsive pleading shall be served within ten days after the service of the more specific statement; provided, however, unless the parties stipulate in writing otherwise, the filing of a motion for additional time shall delay the responsive pleading for a period of ten days after the service of the motion unless within such time the court orders otherwise."

Rule 85(d). *Answer or reply to amendments.*

That Rule 85(d) be stricken and the following substituted:

"85(d). *Response to amendments.* A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within ten days after service of the amended pleading, whichever period may be the longer, unless the court otherwise orders."

Rule 88. **Amendments.**

That Rule 88 be stricken and the following substituted:

"88. **Amendments.** A party may amend a pleading once as a matter of course at any time before a responsive pleading is served or, if the pleading is one to which no responsive pleading is required and the action has not been placed upon the trial calendar, the party may so amend it at any time within 20 days after it is served. Otherwise, a party may amend a pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires."

Rule 89. **Making and construing amendments.**

That the second sentence of Rule 89 be stricken and the following substituted:

"Whenever the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading, the amendment relates back to the date of the original pleading. An amendment changing the party against whom a claim is asserted relates back if the foregoing provision is satisfied and, within the period provided by law for commencing the action against him, the party to be brought in by amendment (1) has received such notice of the institution of the action that he will not be prejudiced in maintaining his defense on the merits, and (2) knew or should have known that, but for a mistake concerning the identity of the proper party, the action would have been brought against him."

Rule 90. **Supplemental pleading.**

That Rule 90 be stricken and the following substituted:

"90. **Supplemental pleadings.** By leave of court, upon reasonable notice and upon such terms as are just, or by written consent of the adverse party, a party may serve and file a supplemental pleading setting forth transactions or occurrences or events which have happened since the date of the pleading sought to be supplemented. Leave may be granted even though the original pleading is defective in its statement of a claim for relief or defense. No responsive pleading to the supplemental pleading is required unless the court, upon its own motion or the motion of a party, so orders, specifying the time therefor."

Rule 124.1. **Stipulations regarding discovery procedure.**

That the phrase "may be made only with the approval of the court" be stricken from the last portion of Rule 124.1 and the following substituted:

"must be filed with the court and may be superseded by court order, in

which event the time shall be extended to 20 days after notice of the court's action".

Rule 126. Interrogatories to parties.

That the second paragraph of Rule 126 (a) be stricken.

Rule 336. How taken.

That the following words be stricken from Rule 336(c):

"; but no delay in so doing shall affect the validity of the appeal if the copy is filed before the abstract on such appeal is filed under rule 340(a)".

Rule 381. Forms.

That the following Rule 381 be adopted:

"381. **Forms.** The forms contained in the Appendix of Forms following this rule are for use and are sufficient under the Iowa Rules of Civil Procedure, excluding the rules appearing in division XVI. The Supreme Court shall have the power to prescribe forms for use under the rules appearing in division XVI."

APPENDIX OF FORMS

1. FORM OF ORIGINAL NOTICE FOR PERSONAL SERVICE.

IN THE IOWA DISTRICT COURT FOR COUNTY

Plaintiff(s), No.
vs. (Insert "LAW"
or "EQUITY".)
Defendant(s). ORIGINAL NOTICE

TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified that there is now on file in the office of the clerk of the above court, a petition in the above-entitled action, a copy of which petition is attached hereto. The plaintiff's attorney is, whose address is, Iowa

You are further notified that unless you appear thereto and defend in the Iowa District Court for County, at the county courthouse in, Iowa, within 20 days after the service of this original notice upon you, judgment by default will be rendered against you for the relief demanded in the petition.

(SEAL)
CLERK OF THE ABOVE COURT
.....County Courthouse
....., Iowa

NOTE:

Persons named as defendants are told to "appear thereto and defend." These words are not always understood. The required appearance may be made either by the defendant or by defendant's attorney. IT IS NECESSARY TO SERVE AND FILE A SPECIAL APPEARANCE, MOTION OR PLEADING TO PREVENT A DEFAULT (RULE 87). The attorney who is expected to appear for the defendant should be promptly advised by defendant of the service of this notice.

2. FORM OF ORIGINAL NOTICE AGAINST A NONRESIDENT MOTOR VEHICLE OWNER OR OPERATOR UNDER §321.500, THE CODE.

IN THE IOWA DISTRICT COURT FOR COUNTY

Plaintiff(s), No.
vs. (Insert "LAW" or "EQUITY.")
Defendant(s). ORIGINAL NOTICE

TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified that there is now on file in the office of the clerk of the above court, a petition in the above-entitled action, a copy of which petition is attached hereto. The plaintiff's attorney is, whose address is, Iowa

You are further notified that unless you appear thereto and defend in the Iowa District Court for County, at the courthouse in, Iowa, before noon of the sixtieth day following the filing of this notice with the director of transportation of this state, default will be entered and judgment rendered against you by the court.

(SEAL)

.....
CLERK OF THE ABOVE COURT
.....County Courthouse
....., Iowa

NOTE:

Persons named as defendants are told to "appear thereto and defend." These words are not always understood. The required appearance may be made either by the defendant or by defendant's attorney. IT IS NECESSARY TO SERVE AND FILE A SPECIAL APPEARANCE, MOTION OR PLEADING TO PREVENT A DEFAULT (RULE 87). The attorney who is expected to appear for the defendant should be promptly advised by defendant of the service of this notice.

3. FORM OF ORIGINAL NOTICE AGAINST FOREIGN CORPORATION OR NONRESIDENT UNDER §617.3, THE CODE.

IN THE IOWA DISTRICT COURT FOR COUNTY

Plaintiff(s), No.
vs. (Insert "LAW" or "EQUITY".)
Defendant(s), ORIGINAL NOTICE

TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified that there is now on file in the office of the clerk of the above court, a petition in the above-entitled action, a copy of which petition is attached hereto.

The plaintiff's attorney is, whose address is, Iowa

You are further notified that unless you appear thereto and defend in the Iowa District Court for County, at the Courthouse in, Iowa, within 60 days following the filing of

this notice with the secretary of state of the state of Iowa, default will be entered and judgment rendered against you by the court.

(SEAL)

.....
CLERK OF THE ABOVE COURT
.....County Courthouse
....., Iowa

NOTE:

Persons named as defendants are told to "appear thereto and defend." These words are not always understood. The required appearance may be made either by the defendant or by defendant's attorney. IT IS NECESSARY TO SERVE AND FILE A SPECIAL APPEARANCE, MOTION OR PLEADING TO PREVENT A DEFAULT (RULE 87). The attorney who is expected to appear for the defendant should be promptly advised by defendant of the service of this notice.

4. FORM OF ORIGINAL NOTICE FOR PUBLICATION.

IN THE IOWA DISTRICT COURT FOR COUNTY

Plaintiff(s), No.

vs.

(Insert "LAW"
or "EQUITY".)

Defendant(s).

ORIGINAL NOTICE

TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified that there is now on file in the office of the clerk of the above court, a petition in the above-entitled action, which petition prays(1) The plaintiff's attorney is, whose address is, Iowa

You are further notified that unless you appear thereto and defend in the Iowa District Court for County, at the courthouse in, Iowa, on or before the (2) day of, 19....., judgment by default will be rendered against you for the relief demanded in the petition.

(SEAL)

.....
CLERK OF THE ABOVE COURT
.....County Courthouse
....., Iowa

NOTE:

Persons named as defendants are told to "appear thereto and defend." These words are not always understood. The required appearance may be made either by the defendant or by defendant's attorney. IT IS NECESSARY TO SERVE AND FILE A SPECIAL APPEARANCE, MOTION OR PLEADING TO PREVENT A DEFAULT (RULE 87). The attorney who is expected to appear for the defendant should be promptly advised by defendant of the service of this notice.

(1)Here make a general statement of the cause or causes of action and the relief demanded, and, if for money, the amount thereof (Rule 50).

(2)Date inserted here must not be less than 20 days after the day of the last publication of the original notice (Rule 53).]

5. DIRECTIONS FOR SERVICE OF ORIGINAL NOTICE

COMPLETE ONE OF THESE DIRECTIONS FOR EACH INDIVIDUAL, COMPANY, CORPORATION, ETC. TO BE SERVED.

DIRECTIONS FOR SERVICE OF ORIGINAL NOTICE

TO: Sheriff County OR, TO:
..... Court House
....., Iowa

Serve:

At:

ON COMPLETION OF SERVICE NOTIFY:

Special Instructions or Information Relating to Service:

NAME AND SIGNATURE OF ATTORNEY

OR OTHER ORIGINATOR:

BY:

DATE: TELEPHONE NO.

DEPOSIT FOR COST OF SERVICE

Deposit Waived

Deposit for \$..... required and receipt thereof acknowledged.

.....
Clerk of Court

Respectfully submitted,
THE SUPREME COURT OF IOWA
/s/ C. EDWIN MOORE
Chief Justice

Des Moines, Iowa
January 30, 1976

ACKNOWLEDGEMENT

I, Steven C. Cross, Secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the thirtieth day of January, 1976 of the foregoing report of the Supreme Court of Iowa pertaining to Rules of Civil Procedure.

/s/ STEVEN C. CROSS
Secretary of the Senate
1976 Regular Session of the
Sixty-Sixth General Assembly
of the State of Iowa.

ACKNOWLEDGEMENT

I, David L. Wray, Chief Clerk of the House of Representatives of the State of Iowa, hereby acknowledge delivery to me on this thirtieth day of January, 1976 of the foregoing report of the Supreme Court of Iowa pertaining to Rules of Civil Procedure.

/s/ DAVID L. WRAY
 Chief Clerk of the
 House of Representatives
 1976 Regular Session of the
 Sixty-Sixth General Assembly
 of the State of Iowa.

CERTIFICATE

I, Arthur A. Neu, do hereby certify that I am the President of the Senate of the 1976 Regular Session of the Sixty-sixth General Assembly of the State of Iowa; and I, Steven C. Cross, do hereby certify that I am the Secretary of the Senate of the 1976 Regular Session of the Sixty-sixth General Assembly of the State of Iowa, and we do hereby jointly certify that as such President and Secretary that on the thirtieth day of January, 1976, the Supreme Court of the State of Iowa reported to said Senate, and filed with it, the attached and foregoing modifications, amendments, revisions and additions to the Rules of Civil Procedure, heretofore reported by said Supreme Court to the Fiftieth General Assembly of the State of Iowa;

THAT the date of making said report to the 1976 Regular Session of the Sixty-sixth General Assembly was within the twenty days subsequent to the convening of the 1976 Regular Session of the Sixty-sixth General Assembly;

THAT no other report pertaining to the Rules of Civil Procedure was made or filed by said Supreme Court with said Senate;

THAT there was enacted at such regular session of the Sixty-sixth General Assembly an Act known as Senate File 1340 wherein an amendment to new rule 69, paragraph a, was enacted;

THAT no other or different changes, modifications, amendments, revisions or additions to the Rules of Civil Procedure were made or enacted at such 1976 Regular Session of said Sixty-sixth General Assembly.

Signed this twenty-ninth day of May, 1976, being the last legislative day of the 1976 Regular Session of the Sixty-sixth General Assembly.

/s/ ARTHUR A. NEU
 President of the Senate

/s/ STEVEN C. CROSS
 Secretary of the Senate
 1976 Regular Session of the
 Sixty-sixth General Assembly
 of the State of Iowa

CERTIFICATE

I, Dale M. Cochran, do hereby certify that I am the Speaker of the House of Representatives of the 1976 Regular Session of the Sixty-sixth General Assembly of the State of Iowa; and I, David L. Wray, do hereby certify that I am the Chief Clerk of the House of Representatives of the 1976 Regular Session of the Sixty-sixth General Assembly of the State of Iowa, and we do hereby jointly certify that as such Speaker and Chief Clerk that on the thirtieth

day of January, 1976, the Supreme Court of the State of Iowa reported to said House of Representatives, and filed with it, the attached and foregoing modifications, amendments, revisions and additions to the Rules of Civil Procedure, heretofore reported by said Supreme Court to the Fiftieth General Assembly of the State of Iowa;

THAT the date of making said report to the 1976 Regular Session of the Sixty-sixth General Assembly was within the twenty days subsequent to the convening of the 1976 Regular Session of the Sixty-sixth General Assembly;

THAT no other report pertaining to the Rules of Civil Procedure was made or filed by said Supreme Court with said House of Representatives;

THAT there was enacted at such regular session of the Sixty-sixth General Assembly an Act known as Senate File 1340 wherein an amendment to new rule 69, paragraph "a", was enacted.

THAT no other or different changes, modifications, amendments, revisions or additions to the Rules of Civil Procedure were made or enacted at such 1976 Regular Session of said Sixty-sixth General Assembly.

Signed this twenty-ninth day of May, 1976, being the last legislative day of the 1976 Regular Session of the Sixty-sixth General Assembly.

/s/ DALE M. COCHRAN
Speaker of the House

/s/ DAVID L. WRAY
Chief Clerk of the
House of Representatives
1976 Regular Session of the
Sixty-sixth General Assembly
of the State of Iowa

RESOLUTIONS

SENATE CONCURRENT RESOLUTIONS

- SCR 6 Joint rules of the Senate and House, Sixty-sixth General Assembly, regular session. 1975 session—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]; 1976 session, S.J. 28, 438, 952, 973.
- SCR 8 Rev. Martin Luther King, Jr., memory honored. 1975 session—Introduced, S.J. 54, 130, 217; 1976 session—Adopted, S.J. 72, 80, 81; Adopted, H.J. 43, 44.
- SCR 9 Northwest, Iowa designation as a disaster area, provide aid. 1975 session, Introduced, S.J. 73, 74, 130; 1976 session—Withdrawn, S.J. 75.
- [Priorities on the following determined by Legislative Council, SCR 121]
- SCR 101 Sidney, Iowa designation as “Rodeo Capital of Iowa.” Introduced, S.J. 33, 34, 77, 439.
- SCR 102 Compensation of chaplains, officers and employees. Introduced, S.J. 183-191; HCR 104 substituted, S.J. 487.
- SCR 103 State and local transportation, need for detailed study of all modes, study committee created. Introduced, S.J. 233, 234, 249, 550.
- SCR 104 “Week of Prayer” and special mass, appreciation expressed. Introduced, S.J. 432, 433, 452, 550. [See HR 105]
- SCR 105 Request Congress to prohibit the conditioning of funds upon conforming state legislation. Introduced, S.J. 775, 776, 806, 1153.
- SCR 106 Designation of Iowa Wrestling Week, March 22-28, honoring ISU Cyclones and SUI wrestling teams as national champions. Introduced, S.J. 907, 1154. [See HCR 118 changed to HR 111]
- SCR 107 Iowa Bicentennial Festival observance, joint convention, Tuesday, April 6, 1976. Introduced, S.J. 1023, 1080, 1659. [See HCR 120]
- SCR 108 Rodman Laboratories, urge U.S. Dept. of Defense reconsider moving from Rock Island Arsenal. Introduced, S.J. 1174, 1175, 1200, 1659.
- SCR 109 Public employees collective bargaining Act, committee to study. Introduced, S.J. 1646, 1659.
- SCR 110 Liability insurance for governmental subdivisions, study committee created. Introduced, S.J. 1682. [HCR 119]
- SCR 111 Coal research project, committee to study and review operations and accomplishments and need for additional funds. Introduced, S.J. 1683. [See HCR 138]
- SCR 112 New State Office Building be named Lamborn-Nolin. Introduced, S.J. 1702, 1703; Ruled out of order, S.J. 1712.
- SCR 113 Claims action of joint claims committee approved by Senate and House. Adopted, S.J. 1934-1940, 1965; Adopted, H.J. 2762-2768, 2863, 2881, 2884.
- SCR 114 Life support technology, use and termination, committee to study. Introduced, S.J. 2150. [See HCR 146]
- SCR 115 Public employees, transfer to other public employment, interim study committee created. Introduced, S.J. 2254, 2255, 2311.
- SCR 116 Energy conservation, interim study committee created. Introduced, S.J. 2342, 2343. [See HCR 157]
- SCR 117 Grain grading procedures, interim study committee created. Introduced, S.J. 2429, 2430.
- SCR 118 Electric power and natural gas rate structures and consumption levels and costs, committee to study. Introduced, S.J. 2430, 2431.
- SCR 119 Mental health services, study committee appointed. Introduced, S.J. 2447, 2448.
- SCR 120 Final adjournment, 1976 Regular Session, Sixty-sixth General Assembly, Saturday, May 29, 1976. Adopted, S.J. 2448, 2533; Adopted, H.J. 3396, 3397.
- SCR 121 Legislative Council to determine priorities of study committees not approved. Adopted, S.J. 2448, 2449, 2529, 2530; Adopted, H.J. 3395, 3396.
- SCR 122 Unemployment compensation trust funding alternatives, study committee created. Introduced, S.J. 2482, 2483.

HOUSE CONCURRENT RESOLUTIONS

- HCR 26 Bridges, inspection and replacement, Congress urged to appropriate funds. 1975 session—Adopted, H.J. 697, 755, 756, 824; Introduced, S.J. 795, 796, 821, 1334; 1976 session—Adopted, S.J. 93, 159, 216, 217.
- HCR 38 Proposed Highway 520, U.S. Congress urged to continue adequate funding of “priority primary” highway programs. 1975 session—Adopted, H.J. 1191, 1250, 1346, 1404; Introduced, S.J. 1154, 1155, 1163, 1180, 1200. [See HCR 16, SCR 11]; 1976 session, Adopted, S.J. 29, 638, 947, 1029.
- [Priorities on the following determined by Legislative Council, SCR 121, page 808]
- HCR 101 Governor Ray’s State of the State and budget message. Adopted, H.J. 3; Adopted, S.J. 26.
- HCR 102 Reports from state departments and agencies, reduction in number of copies printed. Adopted, H.J. 54, 55, 84; Introduced, S.J. 113, 132.
- HCR 103 Proposed Highway I-149, Iowa county, DOT requested to suspend construction preparations until legislature approves. Adopted, H.J. 83, 121-123, 149; Introduced, S.J. 157, 158, 174, 439, 508, 509.
- HCR 104 Compensation of chaplains, officers and employees. Adopted, H.J. 194-201, 222-228, 240-244, 296, 328, 335-338, 354, 513, 514, 595, 659-662, 732; Adopted, S.J. 383-390, 434, 487-497, 499-501, 603, 604. [Substituted for SCR 102]
- HCR 105 Employment of the elderly, handicapped, women and students, flexible hourly basis, all state agencies. Introduced, H.J. 239, 240. [See HCR 116 and HCR 143]
- HCR 106 Lincoln’s birthday observance, joint convention, Thursday, February 12, 1976, 1:00 p.m. Adopted, H.J. 288, 346; Adopted, S.J. 353.
- HCR 107 Free trade in agriculture market, urge President and Congress to allow. Introduced, H.J. 333, 334.
- HCR 108 Recognition of February as Black History Month. Adopted, H.J. 334, 335, 391, 392. Introduced, S.J. 464, 504, 638.
- HCR 109 Invasion of privacy, monitoring and wiretapping, interim study committee created. Introduced, H.J. 572, 573.
- HCR 110 Continuation of compensation for David L. Wray, Steven Cross and David Charles at prior rate and ending with passage of HCR 104. Introduced, H.J. 657, 658.
- HCR 111 Recognition of March 8, 1976 as International Women’s Day. Introduced, H.J. 806.
- HCR 112 Congress urged to decide on revenue-sharing proposals to enable state and local governments to budget funds. Introduced, H.J. 956.
- HCR 113 H.R. 9182, antitrust laws, opposition by Iowa legislature to passage. Introduced, H.J. 1059.
- HCR 114 Radiation safety, continuation of study during interim. Introduced, H.J. 1101, 1102.
- HCR 115 Civil rights commission, conflicts between commissioners and staff members. Introduced, H.J. 1102.
- HCR 116 Employment of the elderly, handicapped, women and students, flexible hourly basis, all state agencies. Introduced, H.J. 1149, 1150, 2552. [See HCR 105 and HCR 143]
- HCR 117 Federal soil conservation funds, President and Congress urged to resist withholding or reducing. Adopted, H.J. 1150, 1311, 1476.
- HCR 118 [Changed to HR 111] Iowa Wrestling Week, March 22-28, ISU Cyclones and SUI wrestling teams honored as national champions. Adopted, H.J. 1151, 1307. [See SCR 106]
- HCR 119 Liability insurance for governmental subdivisions, study committee created. Introduced, H.J. 1251. [See SCR 110]
- HCR 120 Iowa Bicentennial Festival observance, joint convention, Tuesday, April 6, 1976. Adopted, H.J. 1406, 1524, 1525; Adopted, S.J. 1119, 1151. [See SCR 107]
- HCR 121 City of Burlington, application for 202 funds from U.S. department of housing and urban development, General Assembly urges approval. Introduced, H.J. 1406.
- HCR 122 Family farms, federal estate tax laws, General Assembly insists on immediate Congressional action for salvation. Introduced, H.J. 1441.
- HCR 123 Electrical energy needs, commerce commission commended for policy of investigating capital expenditures prior to utility construction. Introduced, H.J. 1541.

RESOLUTIONS—Continued

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- HCR 124 Hazardous materials regulation, interim committee to study. Introduced, H.J. 1542.
- HCR 125 State penal facilities, task force to conduct interim study. Introduced, H.J. 1588, 1589.
- HCR 126 Higher education facilities commission urged to send award letters upon completion of legislative action on Senate File 1261. Introduced, H.J. 1761.
- HCR 127 Annexation procedure, cities, study committee created. Introduced, H.J. 1820.
- HCR 128 Good Friday, adjournment Thursday, April 15, 1976, reconvene Monday, April 19, 1976. Adopted, H.J. 1860, 1897; Introduced, S.J. 1293, 1312, 1660.
- HCR 129 Property tax plight of low-income and elderly persons residing in public or private nonprofit housing, committee to study. Introduced, H.J. 1937, 1938, 2208, 2225.
- HCR 130 Urge Congress amend U.S. Constitution requiring that the total of all federal appropriations for any fiscal year may not exceed the total of all federal revenues for previous fiscal year. Introduced, H.J. 1996, 1997, 2079, 2080, 2180.
- HCR 131 Local government task force to consider study of the valuation of taxable property on an average of fair and reasonable exchange value of property established for four years preceding date of assessment. Introduced, H.J. 1997, 1998.
- HCR 132 Income tax law, recommend Congress amend to increase from \$10 to \$25 the amount of payment of interest required to be reported. Adopted, H.J. 1998, 1999, 2048, 2291; Introduced, S.J. 1675, 1676, 1704.
- HCR 133 Motor gasoline consumption, Congress urged to encourage automobile manufacturers and general public to voluntarily reduce consumption. Introduced, H.J. 2171, 2172.
- HCR 134 Motor transportation terminals, committee to study exempting trucks, truck tractors and trailers from state use tax. Introduced, H.J. 2191.
- HCR 135 Detoxification centers, committee to study unpaid obligations. Introduced, H.J. 2322.
- HCR 136 Pretrial release, interim study committee on adult penal and correctional systems to consider alternative types. Introduced, H.J. 2389.
- HCR 137 New state office building be named Hoover State Office Building, winning essay selected. Introduced, H.J. 2390.
- HCR 138 Coal research project, committee to study and review the operations and accomplishments and need for additional funds. Introduced, H.J. 2522. [See SCR 111]
- HCR 139 Recovered funds, attorney general's office, allocate excess funds to health department. Adopted, H.J. 2523, 2524, 2781; Adopted, S.J. 2010, 2011, 2055, 2096, 2109.
- HCR 140 Federal fund replacement and allocation policy, study committee established to review. Introduced, H.J. 2583.
- HCR 141 Sentencing, incarceration, probation or parole of convicted felons, study committee established. Introduced, H.J. 2584.
- HCR 142 Vocational and career education programs, public instruction department and House and Senate committees on education to study. Introduced, H.J. 2701.
- HCR 143 Employment of the elderly, handicapped, women and students, flexible hourly basis, study committee created. Introduced, H.J. 2741, 2742. [See HCR 105 and HCR 116]
- HCR 144 Bonds issued by school corporations, study committee created to determine alternative methods for financing bond retirement. Introduced, H.J. 2742.
- HCR 145 Area Education Agencies, committee created to study programs and funding structure. Introduced, H.J. 2880, 2881.
- HCR 146 Life support technology, use and termination, committee to study. Introduced, H.J. 2941. [See SCR 114]
- HCR 147 State women's reformatory, interim committee to study need and rehabilitation program. Introduced, H.J. 2973, 2989.
- HCR 148 TRACIS program, committee created to study development and operation. Introduced, H.J. 2974.
- HCR 149 Missouri river, Iowa-Nebraska boundary dispute, committee created to determine appropriate course of action. Introduced, H.J. 3060.
- HCR 150 Motor vehicle laws and Uniform Vehicle Code, study committee created. Introduced, H.J. 3121, 3122.
- HCR 151 Fences, partition controversies, study committee created. Introduced, H.J. 3122.
- HCR 152 Higher education costs, legislative council to establish committee to study. Introduced, H.J. 3171, 3172.

RESOLUTIONS—Continued

- HCR 153 Inheritance and estate tax laws, study committee created to review. Introduced, H.J. 3238.
- HCR 154 Student financial aid programs, single pooled concept, interim study committee appointed. Introduced, H.J. 3238, 3239.
- HCR 155 Corporate income tax law, committee to study. Introduced, H.J. 3288.
- HCR 156 Radio station, WOI, appreciation extended for excellent coverage of legislative session. Adopted, H.J. 3361, 3383; Introduced, S.J. 2532, 2533.
- HCR 157 Energy conservation, committee to study methods. Introduced, H.J. 3361, 3362. [See SCR 116]
- HCR 158 Livestock diseases, study committee created. Introduced, H.J. 3362, 3363.
- HCR 159 Transportation system, importance to state's economy, study committee appointed. Introduced, H.J. 3363, 3364.
- HCR 160 Adjournment, final procedure, Saturday, May 29, 1976, at 12:01 a.m. Introduced, H.J. 3364.
- HCR 161 Computer system for General Assembly and executive branch, legislative council to study requirements and implementation. Introduced, H.J. 3364, 3365.
- HCR 162 Governmental bureaucracy, joint interim committee to study "sunset" concept. Introduced, H.J. 3397.

SENATE RESOLUTIONS

- SR 101 Senate code of ethics, as adopted for the 1975 regular session of the Sixty-sixth General Assembly, be adopted for the 1976 regular session. Adopted, S.J. 101, 125, 126.
- SR 102 Lobbyists, amend rules which Senate Resolution 101 adopted. Introduced, S.J. 1114-1116.

HOUSE RESOLUTIONS

- HR 101 Electric typewriters, purchase or lease for House secretaries. Adopted, H.J. 44, 53.
- HR 102 Expression of personal sympathy to Representative and Mrs. John Connors and members of the family in the loss of their son, Michael. Adopted, H.J. 68, 69.
- HR 103 Emmetsburg, congratulations in commemoration of its sixteenth year of observance of St. Patrick's Day. Adopted, H.J. 278, 314, 437.
- HR 104 Federal budget cuts, House opposition, urge Iowa Congressional delegation to oppose. Introduced, H.J. 374, 513, 573.
- HR 105 "Week of Prayer" and special mass, appreciation expressed by General Assembly. Introduced, H.J. 391. [See SCR 104]
- HR 106 City of Dubuque, congratulations to citizens for preservation of Orpheum theater. Adopted, H.J. 806, 1312, 1476.
- HR 107 House pages, appreciation expressed for performance during first session. Adopted, H.J. 1023, 1103.
- HR 108 Computerized systems at legislators desks; chief clerk authorized to investigate alternative methods of processing amendments. Introduced, H.J. 1023, 1024.
- HR 109 Livermore, congratulations on Fourth Annual Little Britches Rodeo Days. Adopted, H.J. 1059, 1151, 1381.
- HR 110 Lake View-Auburn Hawkettes high school basketball team, congratulations upon winning championship. Adopted, H.J. 1170, 1171, 1239, 1448.
- HR 111 Iowa Wrestling Week, March 22-28, honoring ISU Cyclones and SUI wrestling teams, national champions. Adopted, H.J. 1307. [See HCR 118; SCR 106 changed to HR 111]
- HR 112 Regina high school basketball team, Iowa City, congratulations upon winning boys high school Class A championship. Introduced, H.J. 1482.
- HR 113 Citizens of Audubon county, congratulations upon holding the first Audubon county beef lift. Adopted, H.J. 1553, 1634.
- HR 114 Expression of personal sympathy to Representative Carroll Perkins, Mrs. Eileen M. Perkins and members of the family in the loss of Representative Perkins' father, Mr. Elver C. Perkins of Jefferson. Adopted, H.J. 1683, 1729.

RESOLUTIONS—Continued

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- HR 115 Humboldt Federated Women's Club, congratulations on its seventy-fifth anniversary. Introduced, H.J. 1761, 1762.
- HR 116 Air conditioning, House and Senate, installation of modulating valves to control temperature. Introduced, H.J. 1879, 1880.
- HR 117 Rockwell City, congratulations in commemoration of the centennial anniversary of its incorporation. Adopted, H.J. 1926, 1990, 2207.
- HR 118 Council Bluffs community school district, Model Congress sponsored, best wishes from House membership for ninth grade students' participation. Introduced, H.J. 2032.
- HR 119 Woody Herman, congratulations on his fortieth year as band leader and entertainer. Adopted, H.J. 2068, 2165, 2172.
- HR 120 Alton, Illinois Locks and Dam 26, appeal to Iowa's Congressional delegation to secure early recognition. Introduced, H.J. 2974, 2975; Tabled, H.J. 3128.
- HR 121 Expression of personal sympathy to Representative Keith Baker, his father, Mr. Barty Baker, and members of the Baker family, upon the passing of Representative Baker's mother, Mrs. Clara D. Baker of Linn Grove. Adopted, H.J. 3079, 3080.
- HR 122 Computer system to provide budget information and monitor budgets, legislative council to determine need. Introduced, H.J. 3122, 3123.
- HR 123 Clarence Pickard, Indianola, best wishes for a safe and victorious journey in Bikecentennial. Adopted, H.J. 3148, 3149, 3267.
- HR 124 Expression of sympathy to General Joseph G. May and members of his family in the passing of his wife, Mrs. Allyene May. Adopted, H.J. 3156.
- HR 125 Energy consumption, Sixty-seventh General Assembly to develop and implement energy conservation plan for state. Introduced, H.J. 3365.

TABLES

**TABLE OF SENATE AND HOUSE FILES
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194	1222	1050	1051	1210	1072	1291	1250
205	1151	1055	1253	1221	1058	1300	1161
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476	1114	1111	1208	1261	1146	1333	1039
487	1102	1119	1236	1263	1125	1335	1032
488	1081	1122	1181	1265	1162	1336	1061
503	1220	1124	1044	1267	1055	1337	1010
507	1052	1126	1158	1269	1256	1338	1188
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736	1172	1129	1070	1460	1133	1571	1034
739	1166	1141	1013	1462	1238	1574	1252
744	1170	1142	1021	1464	1117	1575	1260
749	1195	1162	1157	1465	1234	1576	1197
774	1112	1165	1232	1470	1206	1577	1028
787	1127	1200	1198	1472	1144	1579	1049
795	1153	1216	1065	1477	1204	1581	1150
798	1111	1217	1018	1478	1214	1582	1149
807	1226	1218	1036	1480	1164	1583	1001
812	1143	1226	1218	1483	1210	1584	1176
829	1212	1245	1248	1490	1126	1588	1014
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TABLES

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