

State of Iowa
1977

ACTS AND JOINT RESOLUTIONS

PASSED AT THE

1977 REGULAR SESSION

OF THE

Sixty-seventh 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 1977 Regular Session of the Sixty-seventh General Assembly of the State of Iowa.

Wayne A. Faupel
Phyllis Barry

June 1977.

Section 622.59 of the 1977 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 1977 Regular Session of the Sixty-seventh 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.

In order to expedite the publication of the Session Laws, the editors have resorted to a simple process of offset of the enrolled bills. While this process, perhaps, does not enhance the appearance of the book, it does, however, have the dual advantages of speed and accuracy.

Acts approved by the governor on or after July 1, 1977 are effective August 15, 1977, unless otherwise provided in the Act; See Code § 3.7.

Italics indicate new material added to existing statutes; strike-through letters indicate deleted material.

CONTENTS

State Roster	v	
Statement of the Condition of the Treasury	xxiii	
Appropriations		} See Appropriate Colored Dividers
General Laws		
Criminal Code		
Special and Legalizing Acts		
Joint Resolutions		
Rules of Civil Procedure		
Rules of Appellate Procedure		
Tables and Index	End of Volume	

STATE OFFICERS

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, judicial magistrates and members of the General Assembly, the State of Iowa, prepared and furnished by the Honorable Melvin D. Synhorst, Secretary of State, for insertion in the published volume of 1977 Session Laws for the Sixty-seventh General Assembly in accordance with the requirements of Code section 14.10 (4), 1977 Code of Iowa.

ELECTIVE OFFICERS

Name and Office	County from which originally chosen
GOVERNOR	
ROBERT D. RAY	Polk
Wythe Willey, Executive Assistant	Story
LIEUTENANT GOVERNOR	
ARTHUR A. NEU	Carroll
SECRETARY OF STATE	
MELVIN D. SYNHORST	Polk
J. Herman Schweiker, Deputy Secretary	Polk
AUDITOR OF STATE	
LLOYD R. SMITH	Polk
Deputy Auditor (Vacancy)	
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

JUDICIAL DEPARTMENT

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

JUDICIAL DEPARTMENT

JUSTICES OF THE SUPREME COURT

(Justices listed according to seniority)

Name	Office Address	Term Ending
C. Edwin Moore, Chief Justice	Des Moines	June 30, 1981
M. L. Mason	Mason City	Dec. 31, 1982
Maurice E. Rawlings	Sioux City	Dec. 31, 1982
Clay LeGrand	Davenport	Dec. 31, 1984
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 COURT OF APPEALS

Robert G. Allbee, Chief Judge	Des Moines	Dec. 31, 1978
James H. Carter	Cedar Rapids	Dec. 31, 1978
Allen L. Donielson	Des Moines	Dec. 31, 1978
Leo E. Oxberger	Des Moines	Dec. 31, 1978
Bruce M. Snell, Jr.	Ida Grove	Dec. 31, 1978

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, 1982

Election District 1B

Peter Van Metre	Waterloo	June 30, 1983
Carroll E. Engelkes	Waterloo	June 30, 1983
Roger F. Peterson	Waterloo	Dec. 31, 1980
Charles W. Antes, C. J.	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, 1982
William G. Klotzbach	Independence	Dec. 31, 1978

Election District 2A

C. H. Wild	Waverly	June 30, 1983
L. E. Plummer	Northwood	June 30, 1983
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. Habbab	Fort Dodge	Dec. 31, 1982
Milton D. Seiser	Ames	Dec. 31, 1978
David R. Hansen	Eldora	Dec. 31, 1978

Election District 3A

Richard W. Cooper	Storm Lake	June 30, 1983
Murray S. Underwood	Spencer	Dec. 31, 1980
James H. Andreasen	Algona	Dec. 31, 1982
Tom Hamilton	Hartley	Dec. 31, 1978
Charles H. Barlow	Emmetsburg	Dec. 31, 1978

JUDICIAL DEPARTMENT—Continued

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

Election District 3B

Lawrence W. McCormick	Sioux City	June 30, 1983
James P. Kelley, C.J.	LeMars	Dec. 31, 1982
Donald M. Pendleton	Sioux City	Dec. 31, 1978
George F. Davis	Sioux City	Dec. 31, 1982
David J. Blair	Sioux City	Dec. 31, 1978

Election District 4

Leroy H. Johnson	Red Oak	June 30, 1983
Harold L. Martin	Hamburg	Dec. 31, 1980
Paul H. Sulhoff, C.J.	Council Bluffs	Dec. 31, 1982
Ernest F. Hanson	Audubon	Dec. 31, 1982
Jerry L. Larson	Harlan	Dec. 31, 1982
Leo F. Connolly	Council Bluffs	Dec. 31, 1978

Election District 5A

Don L. Tidrick	Des Moines	June 30, 1983
Gibson C. Holliday, C.J.	Des Moines	June 30, 1983
Maurice C. Herrick	Indianola	Dec. 31, 1978
John N. Hughes, Jr.	Des Moines	Dec. 31, 1978
Harry Perkins, Jr.	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, 1982
Van Wifvat	Perry	Dec. 31, 1978
Anthony M. Critelli	Des Moines	Dec. 31, 1980
Maynard Hayden	Indianola	Dec. 31, 1980
Ray Hanrahan	Des Moines	Dec. 31, 1978
Luther T. Glanton	Des Moines	Dec. 31, 1978
Theodore H. Miller	West Des Moines	Dec. 31, 1978
Ray C. Fenton	Des Moines	Dec. 31, 1978
Richard A. Strickler	Des Moines	Dec. 31, 1978

Election District 5B

A. V. Hass	Chariton	Dec. 31, 1978
Thomas S. Bown	Corydon	Dec. 31, 1978
James E. Hughes	Lenox	Dec. 31, 1978

Election District 6

William R. Eads	Cedar Rapids	Dec. 31, 1982
Harold D. Vietor, C.J.	Cedar Rapids	Dec. 31, 1978
Ansel J. Chapman	Iowa City	Dec. 31, 1982
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
A. Frederick Honsell, Jr.	Cedar Rapids	Dec. 31, 1980
Robert E. Ford	Cedar Rapids	Dec. 31, 1978
Harold Swailes	Belle Plaine	Dec. 31, 1978

Election District 7

Nathan Grant, C.J.	Davenport	June 30, 1983
Lowell D. Phelps	Davenport	Dec. 31, 1982
Robert K. Stohr	Muscatine	Dec. 31, 1978
James R. Havercamp	Davenport	Dec. 31, 1980
Allan Keck	Maquoketa	Dec. 31, 1978
Max R. Werling	Tipton	Dec. 31, 1980
Charles H. Pelton	Clinton	Dec. 31, 1982
Lawrence D. Carstensen	Clinton	Dec. 31, 1982
Margaret Stevenson Briles	Davenport	Dec. 31, 1978

Election District 8A

L. R. Carson	Oskaloosa	June 30, 1983
Charles N. Pettit, C.J.	Bloomfield	June 30, 1983
Arthur A. McGiverin	Ottumwa	Dec. 31, 1978
Ira Morrison	Washington	Dec. 31, 1978
Michael Enich	Grinnell	Dec. 31, 1980
Phillip R. Collett	Ottumwa	Dec. 31, 1978

Election District 8B

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

JUDICIAL DEPARTMENT—Continued

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

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
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
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 DEPARTMENT—Continued

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

IOWA JUDICIAL MAGISTRATES

(Full-Time)

Leslie L. Boomhower, Mason City	Vincent M. Hanrahan, Des Moines
Joel J. Kamp, Fort Madison	Rodney D. Vellinga, Sioux City
Francis E. Tierney, Fort Dodge	Max H. Ruschmeyer, Ottumwa
Arlen J. Van Zee, Clinton	Joseph Thornton, Iowa City
Alan L. Pearson, Dubuque	Glenn C. Sedgwick, Ames
Albert C. Omer, Newton	Eric Knoernschild, Cedar Falls
Dan R. McTaggart, Council Bluffs	Matt McEniry, Des Moines

SUBSTITUTE FULL-TIME MAGISTRATES

DICKINSON	WARREN
Cameron B. Arnold, Spirit Lake	John P. Crouch, Indianola
DES MOINES	MAHASKA
Thomas R. Brown, Burlington	Charles A. Stream, Oskaloosa
LINN	WOODBURY
Brent G. Harstad, Cedar Rapids	William E. Adams, Sioux City
POLK	STORY
Ben E. Kubby, Des Moines	Gordon Young, Ames
Louis A. Anania, Des Moines	

JUDICIAL MAGISTRATES

(Part-time)

<i>Adair</i>	<i>Benton</i>
John E. Wietzke, Greenfield	Wendell T. Edwards, Vinton
<i>Adams</i>	David E. Weichman, Newhall
Joe Jones, Corning	<i>Black Hawk</i>
<i>Allamakee</i>	Sally B. McLendon, Waterloo
Alan J. Drolet, Waukon	Howard Nicholson, Waterloo
<i>Appanoose</i>	Gordon C. Richards, Waterloo
James E. Brunt, Centerville	John B. Schneider, Cedar Falls
Warren H. McQuary, Centerville	Forrest J. Shaulis, Cedar Falls
<i>Audubon</i>	<i>Boone</i>
Joseph M. Sklenar, Audubon	Stanley R. Simpson, Ogden R. Clair Sparks, Boone

JUDICIAL DEPARTMENT—Continued

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

Bremer

James L. Brandau, Waverly
 Raymond L. Fredrick,
 Waverly

Buchanan

V. G. McSweeney,
 Independence
 John E. Meyer,
 Independence

Buena Vista

James W. Gailey, Newell
 James A. Schall, Storm
 Lake

Butler

Annette Smith, Allison
 Richard W. Vickers, Greene

Calhoun

Robert E. Taylor, Rockwell
 City

Carroll

Raymond O. Snook,
 Glidden
 Ronald F. Eich, Carroll

Cass

John E. Budd, Atlantic
 Richard O. Habermann,
 Atlantic

Cedar

Robert Stenander, Tipton
 Roger D. Freese, Clarence

Cerro Gordo

Kenneth W. Carey, Mason
 City
 John R. Cherry, Clear
 Lake
 Thor Jensen, Mason City

Cherokee

Woodrow Terry, Cherokee
 Thomas Warrender,
 Cherokee

Chickasaw

Kathleen R. Seamans,
 Fredericksburg
 James M. Demro, Nashua

Clarke

Charles D. Edwards,
 Osceola
 Edith L. Kearney, Osceola

Clay

Clare C. Wheeler, Spencer
 Philip L. Hurst, Spencer

Clayton

Benedict J. O'Meara,
 Elkader
 Rosemary L. Tuecke,
 Guttenberg

Clinton

Frank Hall, Low Moor
 James Richmond, DeWitt

Crawford

Joseph L. Boddicker,
 Denison
 Arlo J. Schoenfeld, Charter
 Oak

Dallas

Henry A. Hollis, Perry
 Shirley L. Horan, Adel

Davis

Martin H. Walton,
 Bloomfield

Decatur

Howard E. Strand, Lamoni

Delaware

Hope Toomer, Delhi
 Norma Ann Campbell,
 Manchester

Dubuque

Gayelle Blum, Dubuque
 Elmer Ressler, Epworth

Emmet

Marilyn Loebach,
 Estherville
 Harmon Veldey, Estherville

Fayette

Richard L. Stofer, Oelwein
 John W. D. Hofmeyer,
 Fayette

Floyd

Robert B. Gilliland,
 Charles City
 Robert J. Waller, Rockford

Franklin

Harold A. Jahnke,
 Hampton

Fremont

Edgar Arnold, Shenandoah

Greene

B. Jack Hauptert, Jefferson

JUDICIAL DEPARTMENT—Continued

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

Grundy

Charles I. Goodman,
Grundy Center
E. Duane Greany, Grundy
Center

Guthrie

Elaine Messinger, Menlo
Pearl F. Smith, Panora

Hamilton

Edna Rodenborn, Webster
City
G. D. Warland, Webster
City

Hancock

Marie E. Jackson, Kanawha

Hardin

Elizabeth E. Johnston,
Iowa Falls
Craig O. Froning, Eldora

Harrison

Donald Drustrup, Missouri
Valley
Edward W. Houston,
Dunlap

Henry

Roger S. Galer, Mt.
Pleasant
Robert L. Hansen, New
London

Howard

James W. Ritchie, Cresco

Humboldt

Steven K. Sandblom,
Humboldt

Ida

Dr. K. W. Gray, Galva
Daniel D. Williamson, Ida
Grove

Iowa

Thomas M. Buchanan,
Williamsburg
Jane McHarg, Victor

Jackson

Ronald J. Besch, Bellevue
Graham Moyer, Maquoketa

Jasper

Thomas W. Mott, Newton

Jefferson

Wallace Hackett, Fairfield
Ida M. Horn, Fairfield

Johnson

Linda Dole, Iowa City
Emmit J. George, Jr., Iowa
City
Theodore L. Kron, Iowa
City
Leon Spies, Iowa City

Jones

Larry J. Conmey, Anamosa
C. J. Matthiessen,
Monticello

Keokuk

Dan F. Morrison,
Sigourney

Kossuth

William J. Finn, Algona
Mark S. Soldat, Algona

Lee

Leon A. Conrad, Fort
Madison
Colleen S. LeMaster,
Keokuk
John Pepple, Keokuk

Linn

James Bennett, Cedar
Rapids
Guy Booth, Mt. Vernon

Louisa

Neal R. Kemp, Wapello

Lucas

James B. Mefferd, Chariton

Lyon

Lewis P. Baker, Rock
Rapids

Madison

June Patton, Winterset

Marion

James K. Marvel, Pella
Norman R. Hays,
Knoxville

Marshall

Susan S. Klaessy,
Marshalltown

Mills

Esther Engle, Glenwood
John C. Watson, Glenwood

Mitchell

Eugene A. Groe, Osage

JUDICIAL DEPARTMENT—Continued

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

Monona

Harold Loomis, Onawa
 Michael McGrane,
 Mapleton

Monroe

Helen O'Brien, Albia

Montgomery

Jerry P. Barnes, Red Oak
 Betty Wenstrand, Red Oak

Muscatine

David R. LaFontaine,
 Muscatine
 Edmund Barry, West
 Liberty

O'Brien

Lyndon Greimann, Sheldon

Osceola

Karl Huenemann, Sibley

Page

Darrell L. Knittle,
 Shenandoah

Palo Alto

Joseph L. Hanson,
 Emmetsburg

Plymouth

Francis Tritz, Remsen
 E. R. Scholer, LeMars

Pocahontas

Donald M. Winkler,
 Laurens

Polk

William P. Mahedy, Des
 Moines

Pottawattamie

C. R. Hannan, Council
 Bluffs
 Donald F. Heath, Council
 Bluffs
 Erik Olsen, Avoca
 Oliver O. Over, Jr., Council
 Bluffs
 Edith Sargent, Carson
 Norma Van Beck, Avoca

Poweshiek

Nicholas M. Norden,
 Montezuma
 Elsie Minner, Montezuma

Ringgold

J. N. Chicken, Mount Ayr

Sac

David E. Fitzgerald, Sac
 City
 Truman Reida, Lake View

Scott

Paul A. Beckman,
 Davenport
 George A. Goebel,
 Davenport
 Alan R. Havercamp,
 Davenport
 James L. Ottesen,
 Davenport
 Norman M. Peterson,
 Davenport

Shelby

Lorna M. Tinsley, Harlan

Sioux

Harlan W. Hummel,
 Hawarden
 Richard L. Smith,
 Hawarden

Tama

George Stein, Toledo
 John Felts, Traer

Taylor

Jack R. Campbell,
 Blockton

Union

L. R. Emerson, Creston

Van Buren

James W. McGrath,
 Keosauqua

Wapello

Fred L. Nydle, Ottumwa
 Kenneth W. Luke,
 Ottumwa

Washington

Thomas J. Potter, Wellman
 M. Jane Zielstorf,
 Washington

Wayne

Jerry W. Street, Lineville

Webster

Francis H. Allen, Fort
 Dodge
 Dan T. McGrevey, Fort
 Dodge
 Kurt Wilke, Fort Dodge

Winnebago

Richard A. Potter, Buffalo
 Center

JUDICIAL DEPARTMENT—Continued

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

Winneshiek

W. C. Schrubbe, Decorah
Robert Hitesman, Calmar

Woodbury

Lois M. Hobbs, Sloan
Delbert D. Rowse,
Correctionville

Worth

Craig G. Ensign,
Northwood

Wright

William A. Long, Eagle
Grove
Robert Malloy, Goldfield

GENERAL ASSEMBLY

MEMBERS OF THE SENATE—SIXTY-SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Ashcraft, Forrest F.	Davenport	54	Assistant Chief of Police	41—Scott	None
Bergman, Irvin L.	Harris	65	Farmer, Businessman	2—Osceola, Clay, Dickinson, Emmet, Lyon, O'Brien, Palo Alto, Sioux	62, 63, 64, 65, 66
Bisenius, Stephen W.	Cascade	29	Realtor	11—Dubuque, Delaware, Jackson, Jones	None
Briles, James E.	Corning	50	Auctioneer, Real Estate	48—Adams, Adair, Cass, Guthrie, Montgomery, Page, Ringgold, Taylor, Union	56, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66
Burroughs, Cliff	Greene	59	Securities Salesman	19—Butler, Black Hawk, Bremer, Floyd, Franklin, Grundy, Marshall, Tama	65 (2nd), 66
Calhoon, James	Sioux City	28	Meat Cutter	26—Woodbury, Monona	None
Carr, Robert M.	Dubuque	39	Securities	10—Dubuque	65, 66
Coleman, C. Joseph	Clare	53	Farmer, Businessman	23—Webster, Humboldt	57, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66
Craft, Rolf V.	Decorah	39	Teacher, Farmer	8—Winneshiek, Bremer, Chickasaw, Fayette, Howard	None
Culver, Louis P.	Dunlap	68	Farmer	27—Harrison, Crawford, Monona, Pottawattamie, Shelby	66
Curtis, Warren E.	Cherokee	62	Certified Public Accountant	3—Cherokee, Buena Vista, Clay, O'Brien, Palo Alto, Plymouth, Pocahontas	64, 65, 66
DeKoster, Lucas J.	Hull	58	Lawyer	1—Sioux, Lyon, Plymouth	61, 62, 63, 64, 65, 66

MEMBERS OF THE SENATE—SIXTY-SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Drake, Richard F.	Muscatine	49	Farmer	38—Muscatine, Johnson, Louisa, Scott	63, 64, 65, 66
Doderer, Minnette	Iowa City	53	Legislator	37—Johnson	60X, 61, 62, 63, 64, 65, 66
Gallagher, James V.	Jesup	43	Telephone Company	16—Black Hawk, Benton, Buchanan, Linn, Tama	61, 62, 65, 66
Glenn, Gene W.	Ottumwa	48	Lawyer	45—Wapello, Appanoose, Davis, Mahaska, Monroe	61, 62, 63, 64, 65, 66
Hansen, Willard R. (Bill)	Cedar Falls	45	General Insurance, Real Estate	18—Black Hawk	63, 64, 65, 66
Hill, Eugene M.	Newton	63	Farmer	35—Jasper, Mahaska, Marion, Polk, Poweshiek, Warren	58, 59, 60, 60X, 61, 62, 63, 64, 65, 66
Hill, Philip B.	Des Moines	45	Lawyer	33—Polk	64, 65, 66
Hulse, Merlin D.	Clarence	53	Farmer	12—Cedar, Clinton, Jackson, Johnson, Jones, Scott	None
Hultman, Calvin O.	Red Oak	35	Businessman	49—Montgomery, Fremont, Mills, Page, Pottawattamie	65, 66
Hutchins, C. W. (Bill)	Guthrie Center	45	Self-employed Businessman	28—Guthrie, Audubon, Carroll, Cass, Crawford, Greene, Shelby	65, 66
Junkins, Lowell L.	Montrose	32	Ambulance Service Owner/Operator; Home Construction and Real Estate Developer	43—Lee, Des Moines, Henry	65, 66
Kelly, E. Kevin	Sioux City	33	Attorney	25—Woodbury, Cherokee, Plymouth	64, 65, 66
Kinley, George R.	Des Moines	39	Owner and Operator Driving Range and Miniature Golf	34—Polk, Warren	64, 65, 66

MEMBERS OF THE SENATE—SIXTY-SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Merritt, Milo	Osage	61	Real Estate Salesman	7—Mitchell, Cerro Gordo, Chickasaw, Floyd, Howard	66
Miller, Alvin V.	Ventura	55	Retail Merchant, Insurance Agency, Farmer	6—Cerro Gordo, Worth	65, 66
Miller, Charles P.	Burlington	58	Doctor of Chiropractic	42—Des Moines, Henry, Louisa	60, 60X, 61, 62, 63, 64, 65, 66
Miller, Elizabeth R.	Marshalltown	71	Homemaker, Legislator	20—Marshall, Grundy, Hardin, Jasper, Story	63, 64, 65, 66
Murray, John S.	Ames	37	Attorney	21—Story, Boone, Polk	65, 66
Nolting, Fred W.	Waterloo	44	Meat Cutter	17—Black Hawk	63, 66
Nystrom, John N.	Boone	43	Auto Dealer	22—Boone, Greene, Hamilton, Story, Webster	64, 65, 66
Orr, Joan	Grinnell	53	Legislator	36—Poweshiek, Benton, Iowa, Johnson, Keokuk, Tama	63 (2nd), 65, 66
Palmer, William D.	Des Moines	41	President Insurance Agency	32—Polk	61, 62, 63, 64, 65, 66
Priebe, Berl E.	Algona	58	Farmer, Businessman	4—Kossuth, Emmet, Hancock, Humboldt, Palo Alto, Pocahontas, Winnebago	63, 64, 65, 66
Ramsey, Richard R.	Osceola	36	Attorney	47—Clarke, Appanoose, Decatur, Lucas, Madison, Monroe, Ringgold, Union, Wayne	65, 66
Readinger, David M.	Des Moines	40	Sales	30—Polk	65, 66
Redmond, James M.	Cedar Rapids	34	Attorney-at-Law	13—Linn, Johnson	66

MEMBERS OF THE SENATE—SIXTY-SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Robinson, Cloyd	Cedar Rapids	38	Production Line Operator	14—Linn, Benton	64, 65, 66
Rodgers, Norman G.	Adel	49	Farmer, Businessman	29—Dallas, Adair, Clarke, Guthrie, Madison, Warren	63, 64, 65, 66
Rush, Bob	Cedar Rapids	32	Lawyer	15—Linn	None
Schwengels, Forrest V.	Fairfield	61	Real Estate	44—Jefferson, Henry, Keokuk, Lee, Van Buren, Wapello, Washington	65, 66
Scott, John R.	Pocahontas	32	Farmer	24—Pocahontas, Buena Vista, Calhoun, Carroll, Cherokee, Crawford, Greene, Ida, Sac	None
Shaff, Roger J.	Camanche	66	Farmer	39—Clinton, Scott	62, 63, 64, 65, 66
Shaw, Elizabeth	Davenport	53	Lawyer, Housewife	40—Scott	62, 63, 64, 65, 66
Slater, Tom	Council Bluffs	31	Planner, Designer, Public Relations Consultant	50—Pottawattamie	None
Taylor, Ray	Steamboat Rock	53	Farming, Retailing	5—Hardin, Cerro Gordo, Franklin, Hancock, Wright	65, 66
Tieden, Dale L.	Elkader	54	Farmer	9—Clayton, Allamakee, Delaware, Dubuque, Fayette, Winneshiek	61, 62, 63, 64, 65, 66
Van Gilst, Bass	Oskaloosa	65	Farmer	46—Mahaska, Keokuk, Lucas, Marion, Monroe, Poweshiek, Warren	61, 62, 63, 64, 65, 66
Willits, Earl M. Cross, Steven C.	Des Moines	30	Attorney Secretary	31—Polk	64, 65, 66

MEMBERS OF THE HOUSE—SIXTY-SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Anderson, Robert T.	Newton	30	Teacher	69th—Jasper, Marion, Polk, Warren,	66
Avenson, Donald D.	Oelwein	31	Office Manager	15th—Bremer, Chickasaw, Fayette, Howard, Winneshiek	65, 66
Baker, Keith	Linn Grove	46	Farmer	6th—Buena Vista, Cherokee, Clay, O'Brien, Palo Alto, Pocahontas	66
Bennett, Wayne	Galva	48	Farmer	48th—Buena Vista, Carroll, Cherokee, Crawford, Ida, Sac	65, 66
Bina, Robert F.	Davenport	35	Artist	80th—Scott	66
Binneboese, Donald	Hinton	52	Farmer	49th—Cherokee, Plymouth, Woodbury	66
Brandt, Diane	Cedar Falls	37	Legislator	35th—Black Hawk	66
Branstad, Terry E.	Lake Mills	29	Lawyer	8th—Emmet, Hancock, Kossuth, Winnebago	65, 66
Brockett, Glenn F.	Marshalltown	65	Retired	39th—Marshall	65, 66
Brunow, John B.	Centerville	26	Sales Manager	93rd—Appanoose, Clarke, Lucas, Monroe, Wayne	65, 66
Byerly, Richard L.	Ankeny	37	College Administrator	61st—Polk	65, 66
Chiodo, Ned F.	Des Moines	34	Golf Professional	67th—Polk	None
Clark, Betty Jean	Rockwell	56	Homemaker	11th—Cerro Gordo	None
Clark, John H.	Keokuk	29	Insurance Agent	86th—Lee, Henry	64, 65, 66
Cochran, Dale M.	Eagle Grove	47	Farmer, Businessman	45th—Webster, Humboldt	61, 62, 63, 64, 65, 66
Conlon, Walter	Muscatine	29	Attorney	76th—Muscatine, Scott	None
Connors, John H.	Des Moines	52	Captain—Fire Department	64th—Polk	65, 66
Crabb, Frank	Denison	72	Retired Business Executive	53rd—Crawford, Harrison, Monona	63, 65, 66
Crawford, Reid W.	Ames	24	Legislator	42nd—Boone, Polk, Story	65, 66
Cusack, Gregory D.	Davenport	32	Community Organizer	81st—Scott	65, 66
Daggett, Horace	Kent	44	Farmer	96th—Adams, Montgomery, Page, Ringgold, Taylor	65, 66
Danker, Arlyn E.	Minden	46	Farmer	54th—Harrison, Pottawattamie, Shelby	65, 66

MEMBERS OF THE HOUSE—SIXTY-SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Davitt, Philip A.	St. Charles	45	Farmer	58th—Adair, Clarke, Dallas, Madison, Warren	None
Den Herder, Elmer H.	Sioux Center	67	Farmer	1st—Lyon, Sioux	57, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66
Dieleman, Wm. W. (Bill)	Pella	44	Insurance Underwriter	70th—Jasper, Mahaska, Marion, Poweshiek	66
Doyle, Donald V.	Sioux City	50	Lawyer	51st—Woodbury	57, 58, 61, 63, 64, 65, 66
Dunton, Keith H.	Thornburg	60	Farmer, Businessman	88th—Keokuk, Washington	58, 59, 60, 60X, 61, 62, 63, 64, 65, 66
Dyrland, Terry	Elkader	32	Teacher	18th—Clayton, Delaware, Dubuque, Fayette	66
Egenes, Sonja	Story City	45	Housewife, Legislator	43rd—Boone, Hamilton, Story, Webster	64, 65, 66
Evans, Cooper	Grundy Center	51	Farmer	38th—Black Hawk, Butler, Frank- lin, Grundy, Marshall, Tama	66
Fitzgerald, Jerome	Fort Dodge	34	Small Businessman	46th—Webster	65, 66
Garrison, Albert L.	Waterloo	49	Law & Business Consultant	34th—Black Hawk	None
Gentleman, Julia B.	Des Moines	44	Housewife	65th—Polk	66
Gettings, Don*	Ottumwa	54	Machine Repairman	90th—Appanoose, Davis, Wapello	None
Gilloon, Thomas J.	Epworth	26	Salesperson	21st—Dubuque, Jackson	66
Gilson, Ernest W.	Bayard	46	Teacher, Coach	56th—Audubon, Carroll, Cass Crawford, Greene, Guthrie, Shelby	None
Griffee, William B.	Nashua	39	Consultant	14th—Chickasaw, Floyd, Howard, Mitchell	65, 66
Halvorson, Roger A.	Monona	41	Insurance, Real Estate	17th—Allamakee, Clayton, Winneshiek	66

MEMBERS OF THE HOUSE—SIXTY-SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Hansen, Ingwer L.	Hartley	63	Retired	3rd—Clay, Dickinson, Lyon, O'Brien, Osceola, Sioux	65, 66
Harbor, William H.	Henderson	56	Grain Elevator Owner-Operator	97th—Fremont, Mills, Montgomery, Page	62, 63, 64
Hargrave, William J., Jr.	Iowa City	45	Self-Employed	74th—Johnson	65, 66
Harper, Mattief	West Grove	51	Homemaker, Businesswoman	90th—Appanoose, Davis, Wapello	65, 66
Harvey, LaVern R.	Bettendorf	31	Contractor	79th—Scott	65, 66
Higgins, Thomas J.	Davenport	30	Communication Consultant	82nd—Scott	65, 66
Hines, Neal	Nevada	25	Legislator	41st—Story	66
Hinkhouse, Herbert C.	West Branch	58	Farmer	24th—Cedar, Clinton, Johnson, Scott	66
Hoffman, Betty A.	Muscatine	55	Former Businesswoman	75th—Johnson, Louisa, Muscatine	None
Horn, Wally E.	Cedar Rapids	41	Teacher	28th—Linn	65, 66
Howell, Rollin K.	Rockford	46	Farmer	13th—Cerro Gordo, Floyd, Mitchell	65, 66
Hullinger, Arlo	Leon	54	Farmer	94th—Clarke, Decatur, Madison, Ringgold, Union, Wayne	61, 62, 66
Husak, Emil J.	Toledo	45	Farmer	71st—Benton, Iowa, Poweshiek, Tama	64, 65, 66
Jesse, Norman G.	Des Moines	38	Attorney	62nd—Polk	63, 64, 65, 66
Jochum, Thomas J.	Dubuque	24	Plant Worker	19th—Dubuque	66
Junker, Willis E.	Sioux City	50	Investor	50th—Woodbury	65, 66
Koogler, Fred L., Sr.	Oskaloosa	49	Legislator	91st—Keokuk, Lucas, Mahaska, Marion, Monroe, Poweshiek	66
Krause, Robert A.	Fenton	25	Agri-politician	7th—Hancock, Humboldt, Kossuth, Palo Alto, Pocahontas	65, 66
Krewson, Lyle R.	Urbandale	33	Self-employed	59th—Polk	None
Lageschulte, Ray	Waverly	53	Farmer	37th—Black Hawk, Bremer, Butler, Floyd	66
Lindeen, Arnold R.	Swedesburg	65	Legislator	83rd—Des Moines, Henry, Louisa	66

MEMBERS OF THE HOUSE—SIXTY-SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Lipsky, Joan	Cedar Rapids	56	Legislator	26th—Linn	62, 63, 64, 65, 66
Lonergan, Joyce	Boone	41	Housewife	44th—Boone, Greene	66
Menke, Lester D.	Calumet	56	Farmer, Insurance	5th—Buena Vista, Cherokee, Clay, O'Brien, Plymouth	65, 66
Middleswart, James I.	Indianola	63	Food Producer	92nd—Lucas, Marion, Warren	62, 63, 64, 65, 66
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
Miller, Kenneth D.	Independence	49	Owner—Mobile Home Ct.	32nd—Black Hawk, Buchanan	65, 66
Miller, Opal	Rockwell City	60	Farm Owner, Homemaker	47th—Calhoun, Carroll, Greene, Pocahontas, Sac	66
Monroe, W. R. (Bill), Jr.	Burlington	37	Pharmacist	84th—Des Moines	64, 65, 66
Newhard, Scott D.	Anamosa	24	Retail Clothing	23rd—Cedar, Clinton, Jackson, Jones	65, 66
Nielsen, Carl V.	Altoona	43	Lawyer	63rd—Polk	65, 66
Norland, Lowell E.	Kensett	44	Farmer	12th—Cerro Gordo, Worth	65, 66
O'Halloran, Mary	Cedar Falls	32	Teacher	36th—Black Hawk	65, 66
Oxley, M. B.	Marion	54	Farmer	30th—Linn	61
Patchett, John E.	North Liberty	26	Legislator	25th—Johnson, Linn	65, 66
Pavich, Emil S.	Council Bluffs	44	Cereal Company Employee	99th—Pottawattamie	66
Pellet, Wendell C.	Atlantic	58	Farmer	95th—Adair, Adams, Cass, Guthrie, Union	64, 65, 66
Pelton, John	Clinton	30	Attorney	77th—Clinton	None
Perkins, Carroll	Jefferson	49	Agriculture	55th—Audubon, Carroll, Crawford, Greene, Guthrie	66
Poncy, Charles N.	Ottumwa	53	Maintenance Engineer	89th—Mahaska, Monroe, Wapello	62, 63, 65, 66
Rinas, B. Joseph	Marion	28	Machinist	29th—Linn	65, 66
Scheelhaase, Lyle	Moville	44	Farmer	52nd—Monona, Woodbury	66
Schnekloth, Hugo	Eldridge	53	Farmer	78th—Clinton, Scott	None
Schroeder, Laverne W.	McClelland	42	Farmer	98th—Mills, Pottawattamie	62, 63, 64, 65, 66
Shimanek, Nancy J.	Monticello	29	Lawyer	22nd—Delaware, Dubuque, Jackson, Jones	None

MEMBERS OF THE HOUSE—SIXTY-SEVENTH GENERAL ASSEMBLY—1977 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Small, Arthur A. Jr.	Iowa City	41	Businessman	73rd—Johnson	64, 65, 66
Smalley, Douglas R.	Des Moines	30	Attorney	60th—Polk	None
Spear, Clay	Burlington	59	Retired, Substitute Teacher	85th—Des Moines, Lee	66
Spencer, Don W.	Ruthven	53	Farmer	4th—Clay, Dickinson, Emmet, Palo Alto	66
Stephens, Lyle R.	LeMars	65	Farmer	2d—Plymouth, Sioux	65
Stromer, Delwyn	Garner	45	Farmer	9th—Cerro Gordo, Franklin, Hancock, Wright	62, 63, 64, 65, 66
Svoboda, Linda A.	Amana	32	Journalist	72nd—Benton, Iowa, Johnson, Keokuk, Poweshiek	66
Tauke, Thomas J.	Dubuque	25	Attorney	20th—Dubuque	66
Thompson, Patricia	West Des Moines	49	Bank (Part Time)	66th—Polk	None
Tofte, Semor C.	Decorah	64	Farm Equipment Repair Specialist	16th—Fayette, Howard, Winneshiek	65, 66
Varley, Andrew	Stuart	41	Farmer	57th—Adair, Dallas, Guthrie	62, 63, 64, 65, 66
Walter, Craig D.	Council Bluffs	26	Self-Employed	100th—Pottawattamie	66
Welden, Richard W.	Iowa Falls	67	Retired Contractor	10th—Franklin, Hardin, Wright	62, 63, 64, 65, 66
Wells, James D.	Cedar Rapids	47	Factory Worker	27th—Benton, Linn	63, 64, 65, 66
West, James C.	State Center	43	Furniture Retailer	40th—Grundy, Hardin, Jasper, Marshall, Story	65, 66
Woods, Jack E.	Des Moines	39	Self-Employed	68th—Polk, Warren	65, 66
Wulff, Henry C.	Waterloo	32	Real Estate Salesman	33rd—Black Hawk	65, 66
Wyckoff, Russell L.	Vinton	50	Farmer	31st—Benton, Black Hawk, Buchanan, Linn, Tama	64, 65, 66
David L. Wray	Chief Clerk				

*Elected in special election May 17, 1977

†Deceased April 22, 1977

CONDITION OF STATE TREASURY

Receipts, Disbursements and Balances in the Several Funds
For the Fiscal Period Ending June 30, 1976

Fiscal Year Ending June 30, 1976

	Balance July 1, 1975	Total Receipts and Transfers	Total Available	Total Warrants Redeemed Treasurer's Checks Issued and Transfers	Balance June 30, 1976
General Revenue	\$ 339,557,310	\$1,025,991,796	\$1,365,549,106	\$1,028,697,501	\$ 289,648,792
Transfers				47,202,813	
Trust Funds	134,398,422	271,307,293	405,705,715	281,069,182	41,830,903
Transfers				82,805,630	
Special Funds					
(Comptroller's					
Warrants)	732,425,556	1,231,034,931	2,093,168,930	1,172,044,428	921,124,502
Transfers		129,708,443			
Special Funds					
(Treasurer's Checks)	2,767,200	405,700	3,172,900	1,469,400	1,703,500
TOTALS	\$1,209,148,488	\$2,658,448,163	\$3,867,596,651	\$2,613,288,954	\$1,254,307,697
Balance July 1, 1975					\$1,209,148,488
Receipts and Transfers					2,658,448,163
Total					\$3,867,596,651
Disbursements and Transfers					2,613,288,954
Balance June 30, 1976					\$1,254,307,697

**APPROPRIATIONS
AND
GENERAL LAWS**

LAWS
OF THE
1977 Regular Session
OF THE
Sixty-seventh General Assembly
OF THE
STATE OF IOWA

PASSED AT DES MOINES, THE CAPITAL OF THE STATE, BEGUN ON THE
TENTH DAY OF JANUARY, AND ENDED ON THE THIRTEENTH
DAY OF JUNE, A. D. 1977, IN THE ONE HUNDRED THIRTY-
FIRST YEAR OF THE STATE.

APPROPRIATIONS

AND

GENERAL LAWS

CHAPTER 1
CODE EDITOR

S. F. 409

AN ACT appropriating funds to the office of the code editor.

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

Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1977 and ending June 30, 1978 to the Code editor the following amount, or so much thereof as is necessary:

CODE EDITOR

For salaries, support, maintenance and miscellaneous purposes\$ 65,000

Approved June 29, 1977

CHAPTER 2
OFFICIALS SALARY RANGES

S. F. 267

AN ACT establishing salary ranges for designated nonelected officials and setting salaries for members of the judicial branch and the public employment relations board.

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

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

The governor in establishing salaries as provided in section two (2) of this Act shall take into consideration other employee benefits which may be provided for an individual including but not limited to housing.

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

Sec. 2. The following annual salary ranges shall be in effect for the fiscal year beginning July 1, 1977 and ending June 30, 1978 for the positions specified and for each fiscal year after the fiscal year ending June 30, 1978 the salary range shall be the same as the range specified for the fiscal

year beginning July 1, 1977 unless otherwise specified by the general assembly. The governor shall specify the salary to be paid to the person indicated at a rate within the salary ranges indicated from funds appropriated by the general assembly for such purposes:

	Range for <u>1977-78</u>
1. COMMISSION ON AGING. Salary of executive director	\$14,000 to \$20,000
2. IOWA STATE ARTS COUNCIL. Salary of the director	\$17,000 to \$23,000
3. DEPARTMENT OF BANKING. Salary of the superintendent of banking	\$20,000 to \$30,200
4. IOWA BEER AND LIQUOR CONTROL DEPARTMENT. Salary of the director	\$18,000 to \$29,000
5. COMMISSION FOR THE BLIND. Salary of the director	\$18,000 to \$29,000
6. IOWA CIVIL RIGHTS COM- MISSION. Salary of the executive secre- tary	\$18,000 to \$24,800
7. IOWA STATE COMMERCE COM- MISSION. a. Salary of the chairman of the Iowa state commerce com- mission	\$22,500 to \$30,100
b. Salary of the members of the Iowa state commerce commis- sion	\$22,500 to \$29,100
c. Salary of the executive secretary	\$14,000 to \$18,700
8. OFFICE OF STATE COMP- TROLLER. Salary of the state comptroller	\$25,000 to \$34,500
9. STATE CONSERVATION COM- MISSION. Salary of the director	\$18,000 to \$29,000
10. IOWA CRIME COMMISSION.	

Salary of the executive director	\$17,800 to \$23,000
11. IOWA DEVELOPMENT COM- MISSION.	
Salary of the director	\$23,400 to \$30,200
12. DRUG ABUSE AUTHORITY.	
Salary of the director	\$16,000 to \$22,400
13. EDUCATIONAL RADIO AND TELEVISION FACILITY BOARD.	
Salary of the director	\$20,000 to \$29,000
14. COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED.	
Salary of the executive secre- tary	\$14,000 to \$20,000
15. IOWA DEPARTMENT OF JOB SERVICE.	
Salary of the director	\$26,000 to \$32,600
16. ENERGY POLICY COUNCIL.	
Salary of the director	\$18,000 to \$26,600
17. DEPARTMENT OF ENVIRON- MENTAL QUALITY.	
Salary of the executive director	\$20,000 to \$29,000
18. STATE FAIR BOARD.	
Salary of the secretary	\$16,200 to \$20,600
19. DEPARTMENT OF GENERAL SERVICES.	
Salary of the director	\$23,400 to \$29,000
20. OFFICE OF STATE GEOLOGIST.	
Salary of the state geologist	\$22,000 to \$30,600
21. STATE DEPARTMENT OF HEALTH.	
Salary of the commissioner of health	\$23,400 to \$30,200
22. HIGHER EDUCATION FA- CILITIES COMMISSION.	
Salary of the executive director	\$18,500 to \$21,200
23. STATE HISTORICAL DE- PARTMENT.	
a. Salary of the director of historical society	\$16,000 to \$26,300

b. Salary of the director of museum and archives	\$16,000 to \$21,000
c. Salary of the director of historical preservation	\$16,000 to \$21,000
24. OFFICE OF THE INDUSTRIAL COMMISSIONER. Salary of the industrial com- missioner	\$18,000 to \$26,600
25. INSURANCE DEPARTMENT OF IOWA. Salary of the commissioner of insurance	\$23,400 to \$29,800
26. BUREAU OF LABOR. Salary of the labor commissioner	\$18,900 to \$26,600
27. IOWA LAW ENFORCEMENT ACADEMY. Salary of the director	\$18,000 to \$26,000
28. STATE LIBRARY COMMISSION. Salary of the state librarian	\$17,000 to \$22,400
29. IOWA MERIT EMPLOYMENT COMMISSION. Salary of the director	\$23,400 to \$27,300
30. IOWA NATURAL RESOURCES COUNCIL. Salary of the director	\$17,000 to \$22,900
31. PAROLE BOARD. Salary of each member	\$ 9,000 to \$11,200
32. OFFICE FOR PLANNING AND PROGRAMMING. Salary of the director	\$23,400 to \$27,800
33. DEPARTMENT OF PUBLIC DEFENSE. Salary of the director of civil defense	\$15,500 to \$20,900
34. DEPARTMENT OF PUBLIC INSTRUCTION. Salary of the superintendent of public instruction	\$28,000 to \$35,200
35. DEPARTMENT OF PUBLIC SAFETY.	

Salary of the commissioner of public safety	\$23,400 to \$30,300
36. REAL ESTATE COMMISSION.	
Salary of the director	\$15,000 to \$18,700
37. BOARD OF REGENTS.	
Salary of executive secretary	\$23,400 to \$33,600
38. DEPARTMENT OF REVENUE.	
Salary of the director of revenue	\$22,000 to \$32,700
39. DEPARTMENT OF SOCIAL SERVICES.	
Salary of the commissioner of social services	\$24,000 to \$37,400
40. DEPARTMENT OF SOIL CON- SERVATION.	
Salary of the director	\$18,200 to \$26,600
41. DEPARTMENT OF TRANS- PORTATION.	
a. Salary of the director of transportation	\$28,750 to \$42,000
b. Salary of each member of the transportation regulation board	\$17,800 to \$25,400
c. Salary of each member of the transportation commis- sion	\$ 9,000 to \$10,600

Sec. 3. Notwithstanding any laws of this state, the provisions of sections one (1) and two (2) of this Act shall govern for the fiscal year 1977-1978 and for each fiscal year after the fiscal year ending June 30, 1978 unless otherwise specified by the general assembly. The salary rates established by the governor under sections one (1) and two (2) of this Act for the persons indicated shall be the total salary paid to the persons for whom established. Any salary rates or adjustments to salaries provided for by any other Act of the Sixty-seventh General Assembly meeting in the year 1977 shall not apply to the positions specified in sections one (1) and two (2) of this Act, however funds appropriated for salaries, salary increases or adjustments to salaries by this or any other Act of the general assembly may be expended to fund salaries established pursuant to sections

one (1) and two (2) of this Act if funds appropriated to the agencies represented by or employing the persons holding the positions specified in sections one (1) and two (2) of this Act are insufficient to pay salaries provided for in sections one (1) and two (2) of this Act.

Sec. 4. The governor shall report to the legislative council the salary rates established pursuant to the provisions of sections one (1) and two (2) of this Act.

Sec. 5. The salary rates established in this section shall be in effect for the fiscal year beginning July 1, 1977 and ending June 30, 1978 and for each fiscal year after the fiscal year ending June 30, 1978 the rate shall be the same as the rate established by this section for the fiscal year beginning July 1, 1977 unless otherwise specified by the general assembly. Persons receiving the salary rates established by this section shall not receive any salary adjustments by any Act of the Sixty-seventh General Assembly meeting in the year 1977 and if this Act conflicts with any other provisions of law, this Act shall govern for the fiscal year beginning July 1, 1977 and ending June 30, 1978 and for each fiscal year after the fiscal year ending June 30, 1978 unless otherwise specified by the general assembly. Salaries provided for in this section shall be paid from funds appropriated to the agency which the person represents or for which the person is employed, however if the funds of the agency which have been appropriated for salaries are insufficient to pay the salaries fixed by this section because of increases in such salaries, funds may be allocated from funds appropriated by the general assembly for salary adjustment purposes. In addition, if federal funds are available for any position provided for in this section, such federal funds may be expended if the combined federal and state funds do not exceed the rates provided for in this section.

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

1. Code editor.....\$21,000
2. Court administrator.....\$25,935
3. Clerk of the supreme court.....\$22,058
4. Each legal assistant to the supreme court.....\$13,786

5. Chairperson of the public employment relations board.....\$29,757

6. Two members of the public employment relations board, each.....\$27,573

Sec. 6. All federal grants to and the federal receipts of the agencies affected by the provisions of this Act which are received and may be expended for purposes of this Act, are appropriated for such purposes and as set forth in such federal grants or receipts.

Approved June 30, 1977

CHAPTER 3

STATE OFFICERS' SALARIES

S. F. 213

AN ACT increasing salaries of the governor, secretary of agriculture, attorney general, auditor of state, secretary of state, and treasurer of state and increasing the salaries and expenses of the lieutenant governor, judicial officers, and members of the general assembly, providing a retirement option for members of the general assembly and providing effective dates.

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

Section 1. The salary rates specified in this section shall be in effect from the effective date of this section until otherwise provided by the general assembly. Salaries provided for in this section shall be paid from funds appropriated to the department or agency specified in this section or pursuant to any Act of the general assembly appropriating funds for the payment of salaries specified in this section.

The following annual salary rates shall be paid to the person holding the position indicated from funds appropriated by the general assembly for such purposes:

1. DEPARTMENT OF AGRICULTURE

Salary for the secretary of agriculture \$ 30,000

2. OFFICE OF THE ATTORNEY

GENERAL

Salary of the attorney general \$ 40,000

3. OFFICE OF THE AUDITOR

OF STATE

Salary of the auditor of state \$ 30,000

4. OFFICE OF THE GOVERNOR

Salary of the governor \$ 55,000

5. OFFICE OF THE SECRETARY

OF STATE

Salary of the secretary of state \$ 30,000

6. OFFICE OF THE TREASURER

OF STATE

Salary of the treasurer of state \$ 30,000

This section is effective for the fiscal year commencing July 1, 1977.

Sec. 2. The salary rates established in this section shall be in effect for the fiscal year beginning July 1, 1977 and for each fiscal year thereafter the rate shall be the same as the rate established by this section unless otherwise specified by the general assembly. Persons receiving the salary rates established by this section shall not receive any salary adjustments pursuant to an Act of the general assembly and if this Act conflicts with any other provisions of law, this Act shall govern unless otherwise specified by the general assembly. Salaries provided for in this section shall be paid from funds appropriated to the agency which the person represents or for which the person is employed, however if the funds of the agency which have been appropriated for salaries are insufficient to pay the salaries fixed by this section because of increases in such salaries, funds may be allocated from funds appropriated by the general assembly for salary adjustment purposes. In addition, if federal funds are available for any position provided for in this section, such federal funds may be expended if the combined federal and state funds do not exceed the rates provided for in this section.

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

1. Chief justice of the supreme court \$ 50,000

2. Each justice of the supreme court \$ 45,000

3. Chief justice of the appellate court \$ 43,500

4. Each justice of the appellate court	\$ 42,500
5. Each chief judge of a judicial district	\$ 42,000
6. Each district court judge except the chief judge of a judicial district	\$ 40,000
7. Each district associate judge	\$ 33,000
8. Each full-time judicial magistrate	\$ 33,000
9. Each part-time judicial magistrate	\$ 8,750

Sec. 3. Section two point ten (2.10), subsections one (1), two (2), three (3), and five (5), Code 1977, are amended to read as follows:

1. Every member of the general assembly except the speaker of the house and majority and minority floor leaders of the senate and house shall receive an annual salary of eight twelve thousand dollars for each year while serving as a member of the general assembly. The majority and minority floor leaders of the senate and house shall receive an annual salary of nine fourteen thousand ~~five-hundred~~ dollars for each year while serving in such capacity. In addition, each such member shall receive the sum of twenty thirty dollars per day for expenses of office, except travel, for each day the general assembly is in session commencing with the first day of a legislative session and ending with the day of final adjournment of each legislative session as indicated by the journals of the house and senate, except that in the event the length of the first regular session of the general assembly exceeds one hundred twenty calendar days and the second regular session exceeds one hundred calendar days, such payments shall be made only for one hundred twenty calendar days for the first session and one hundred calendar days for the second session. However, members from Polk county shall receive ten fifteen dollars per day. Travel expenses shall be paid at the rate established by section 79.9 for actual travel in going to and returning from the seat of government by the nearest traveled route for not more than one time per week during a legislative session. However, any increase from time to time in the mileage rate established by section 79.9 shall not become effective for members of the general assembly

until the convening of the next general assembly following the session in which the increase is adopted; and this provision shall prevail over any inconsistent provision of any present or future statute.

2. The lieutenant governor shall receive an annual salary of ~~twelve~~ eighteen thousand dollars. Personal expense and travel allowances shall be the same for the lieutenant governor as for a senator. The lieutenant governor while performing administrative duties of the office of lieutenant governor when the general assembly is not in session or serving as the president of the senate during special sessions of the general assembly shall receive sixty dollars per diem and reimbursement for expenses incurred in performing such duties. The salary, per diem, and expenses of the lieutenant governor provided for under this subsection, including office and staff expenses, shall be paid from funds appropriated to the office of the lieutenant governor by the general assembly.

3. The speaker of the house shall receive an annual salary of ~~twelve~~ eighteen thousand dollars for each year while serving as the speaker of the house. Expense and travel allowances shall be the same for the speaker of the house as provided for other members of the general assembly.

5. The state comptroller shall pay the travel and expenses of the members of the general assembly and the lieutenant governor semimonthly commencing with the first pay period after the names of such persons are officially certified. The salaries of the members of the general assembly and lieutenant governor shall be paid ~~in-twelve-equal-installments after-each-pay-period-of-the-first-six-months-of-each-calendar year.~~ pursuant to any of the following alternative methods:

a. During each month of the year at the same time state employees are paid.

b. During each pay period during the first six months of each calendar year.

c. During the first six months of each calendar year by allocating two-thirds of the annual salary to each pay period during such time period and one-third of the annual salary to each pay period during the second six months of a calendar year. Each member of the general assembly and the lieutenant governor shall file with the state comptroller a statement as to the method the member selects for receiving payment of salary. The presiding officers of the two houses of the general assembly shall jointly certify to the state comptroller

the names of the members, officers, and employees of their respective houses and the salaries and mileage to which each is entitled. Travel and expense allowances shall be paid upon the submission of vouchers to the state comptroller indicating a claim for the same. Such vouchers shall be submitted no more frequently than once each month.

Sec. 4. Section ninety-seven B point forty-one (97B.41), subsection one (1), paragraph a, Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Wages for a member of the general assembly means the total compensation received by a member of the general assembly, whether paid in the form of per diem or annual salary, exclusive of expense and travel allowances paid to a member of the general assembly. Wages includes per diem payments paid to members of the general assembly during interim periods between sessions of the general assembly.

Sec. 5. Sections three (3) and four (4) of this Act are effective January 8, 1979.

Approved June 30, 1977

CHAPTER 4

ACADEMY OF SCIENCE, ARTS, CAPITOL PLANNING, HISTORICAL DEPARTMENT,
LIBRARY, PLANNING AND PROGRAMMING, MERIT, LABOR BUREAU,
GENERAL SERVICES AND TERRACE HILL

H. F. 367

AN ACT making appropriations to various state departments.

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

Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1977 and ending June 30, 1978 to the following named agencies, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	1977-1978
	<u>Fiscal Year</u>
1. IOWA ACADEMY OF SCIENCE	
For support of publications	\$ 4,500
2. IOWA STATE ARTS COUNCIL	
a. For salaries, support, maintenance and miscellaneous purposes including funds to match federal grants	\$ 211,000
b. For the purpose of extending the council's arts and older Americans program to county care facilities which agree to establish programs in the arts for residents of such facilities. Program activities shall include, but are not limited to, painting, music, theatre, dance, sculpture, architecture, or allied arts and crafts. The Iowa state arts council shall assist the administrators of county care facilities in establishing arts activities in cooperation with the faculty or students of departments directly related to one of the creative arts of public or private colleges or universities in this state, and professional artists residing within this state. A grant to a county care facility under this paragraph shall not exceed one thousand (1,000) dollars	\$ 10,000
3. CAPITOL PLANNING COMMISSION	
For per diem of forty dollars per day and expenses of the members in carrying out their duties under chapter eighteen A (18A) of the Code	\$ 3,500
4. IOWA STATE HISTORICAL DEPARTMENT	

a. For the division of the state historical society for salaries, support, maintenance and miscellaneous purposes	\$	366,800
b. For the division of historic preservation for salaries, support, maintenance and miscellaneous purposes	\$	127,424
c. For the division of historic museum and archives for salaries, support, maintenance and miscellaneous purposes	\$	348,423
d. For the state historical board for per diem and expenses	\$	18,000
5. IOWA LIBRARY DEPARTMENT		
a. For the law library division for salaries, support, maintenance and miscellaneous purposes	\$	181,796
b. For the medical library division for salaries, support, maintenance and miscellaneous purposes	\$	98,809
c. For the state library for salaries, support, maintenance and miscellaneous purposes	\$	309,667
d. For the regional library system for state aid	\$	716,000

The general assembly anticipates that federal funds will be available to the regional library system in an amount approximating two hundred sixteen thousand (216,000) dollars.

* According to enrolled Act

However, if such federal funds do not become available, it is the intent of the general assembly that it will appropriate an amount of funds to replace those funds anticipated that do not become available during the fiscal year beginning July 1, 1977.

6. OFFICE FOR PLANNING AND PROGRAMMING

For salaries, support, maintenance and miscellaneous purposes \$ 703,532

7. IOWA MERIT EMPLOYMENT DEPARTMENT

For the general office for salaries, support, maintenance and miscellaneous purposes \$ 911,618

8. BUREAU OF LABOR

For salaries, support, maintenance and miscellaneous purposes \$ 915,691

9. DEPARTMENT OF GENERAL SERVICES

OFFICE OF THE DIRECTOR

For salaries, support, maintenance and miscellaneous services \$ 115,643

10. GENERAL ADMINISTRATION

For salaries, support, maintenance and miscellaneous purposes \$ 303,053

11. UTILITY COSTS

a. For payment of utility costs \$ 908,576

b. It is a condition of the general assembly in appropriating funds under this subsection that no refunds shall be made under section eight point thirty-nine (8.39) of the Code for payment of utility costs and that the department of general services shall report to the general assembly January 9, 1978 on the kilowatt hours and heating fuel

consumption utilized by the capitol complex during the period beginning January 1, 1974 and ending December 31, 1977.

c. It is the intent of the general assembly that the department of general services shall report to the general assembly January 9, 1978 on the development and implementation of a comprehensive energy conservation program for the state capitol complex.

12. BUILDINGS AND GROUNDS

For salaries, support, maintenance and miscellaneous purposes \$ 2,144,731

13. PRINTING DIVISION

For salaries, support, maintenance and miscellaneous purposes \$ 105,036

14. COMMUNICATIONS DIVISION

For salaries, support, maintenance and miscellaneous purposes \$ 205,637

15. RECORDS MANAGEMENT

a. For salaries, support, maintenance and miscellaneous purposes \$ 197,271

b. For microfilming equipment \$ 78,800

16. TERRACE HILL

For salaries, support, and miscellaneous purposes required to maintain Terrace Hill. It is a condition of this appropriation that Terrace Hill be open to the public for not less than twenty hours per week* beginning July 1, 1977 \$ 83,677

* See amendment by ch34, §2

17. DEPARTMENT OF GENERAL SERVICES

a. From the centralized printing permanent revolving fund established by section eighteen point fifty-seven (18.57) of the Code for salaries, support, maintenance and miscellaneous purposes \$ 473,166

b. The remainder of the centralized printing permanent revolving fund is appropriated for the expense incurred in supplying paper stock, offset printing, copy preparation, binding, distribution costs, original payment of printing and binding claims and contingencies arising during the fiscal year beginning July 1, 1977 which are legally payable from this fund.

c. From the general service revolving fund established by section eighteen point nine (18.9) of the Code for salaries, support, maintenance and miscellaneous purposes \$ 318,810

d. The remainder of the general service revolving fund is appropriated for the payment of expenses incurred through purchases by various state departments and for contingencies arising during the fiscal year beginning July 1, 1977 which are legally payable from this fund.

e. From the vehicle dispatcher revolving fund established by section eighteen point one hundred nineteen (18.119) of

the Code for salaries, support,
 maintenance and miscellaneous
 purposes \$ 281,751

f. The remainder of the ve-
 hicle dispatcher revolving fund
 is appropriated for the purchase
 of gasoline, oil, tires, repairs
 and all other maintenance expenses
 incurred in the operation of state-
 owned motor vehicles and for contin-
 gencies arising during the fiscal
 year beginning July 1, 1977 which
 are legally payable from this fund.

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

Approved April 22, 1977

CHAPTER 5
 ACCOUNTANCY BOARD

S. F. 266

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

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

Section 1. There is appropriated from the general fund
 of the state for the fiscal year beginning July 1, 1977 and
 ending June 30, 1978 to the following board the following
 amount, or so much thereof as may be necessary, to be used
 for the following purposes:

	1977-1978
	<u>Fiscal Year</u>
BOARD OF ACCOUNTANCY	
For salaries, support, mainte-	
nance and miscellaneous purposes	\$ 127,809

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

Approved April 21, 1977

CHAPTER 6
AD HOC COMMITTEES

S. F. 371

AN ACT extending the use of funds appropriated for expenses of members of the ad hoc committees, councils, and task forces appointed by the governor.

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

Section 1. Notwithstanding the provisions of section eight point thirty-three (8.33) of the Code, unobligated or unencumbered funds appropriated by chapter one thousand sixty-one (1061), section one (1), subsection two (2), Acts of the Sixty-sixth General Assembly, 1976 Session, remaining on June 30, 1977 shall not revert to the general fund of the state on September 30, 1977 but shall be available for expenditure during the fiscal year beginning July 1, 1977 and ending June 30, 1978. Such fund remaining unobligated or unencumbered on June 30, 1978 shall revert to the general fund on September 30, 1978.

Approved June 29, 1977

CHAPTER 7
AGING AND ALCOHOL AND DRUG ABUSE DEPARTMENTS

S. F. 302

AN ACT appropriating funds to certain state agencies administering service programs including the commission on aging and the department of alcoholism and drug abuse.

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

Section 1. There is appropriated from the general fund of the state to the following agencies for the fiscal year commencing July 1, 1977 and ending June 30, 1978, the following amounts or so much thereof as may be necessary to be used for the purposes designated:

	<u>1977-1978</u> <u>Fiscal Year</u>
1. COMMISSION ON AGING	
a. For salaries, support, maintenance and miscellaneous purposes.....	\$ 143,871
b. For the administration of area agencies on aging provided that existing area agencies on aging do not merge with one another.....	\$ 96,000
c. For the senior citizen employment program.....	\$ 100,000
d. For the development and maintenance of senior centers.....	\$ 100,000
2. DEPARTMENT OF ALCOHOLISM AND DRUG ABUSE	
a. For salaries, support, maintenance and miscellaneous purposes.....	\$ 134,215

- b. For grants for alcoholism treatment..... \$ 900,000
- c. For drug abuse programs..... \$ 362,258

Sec. 2. If legislation creating a department of alcoholism and drug abuse* is not enacted by the Sixty-seventh General Assembly in 1977, funds appropriated in subsection two (2) of section one (1) of this Act shall be allocated by the state comptroller to the division of the state department of health created by the merger of the Iowa drug abuse authority and the division on alcoholism of the state department of health prescribed pursuant to section three (3) of chapter one thousand one hundred five (1105), Acts of the Sixty-sixth General Assembly, 1976 Session.

Approved June 30, 1977

*See ch 74

CHAPTER 8

ARCHITECTURAL EXAMINERS AND LANDSCAPE

S.F. 234

AN ACT making an appropriation from the general fund of the state to the boards of architectural examiners and landscape architectural examiners.

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

Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1977 and ending June 30, 1978 to the following boards the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

1977-1978
Fiscal Year

1. BOARD OF ARCHITECTURAL EXAMINERS

For salaries, support, maintenance and miscellaneous purposes \$ 29,183

2. BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS

For salary, support, maintenance and miscellaneous purposes \$ 17,700

Sec. 2. All federal grants to and the federal receipts of the agency receiving funds under this Act are appropriated for the purpose set forth in the federal grants or receipts. Approved June 29, 1977

CHAPTER 9

AUDITOR, BANKING, BEER AND LIQUOR, CAMPAIGN FINANCE, COMMERCE COMMISSION, COMPTROLLER, ENGINEERING EXAMINERS, INDUSTRIAL COMMISSIONER, INSURANCE, JOB SERVICE, OCCUPATIONAL SAFETY, P.E.R.B., REAL ESTATE, REVENUE, SECRETARY OF STATE AND TREASURER

S.F. 197

AN ACT relating to and appropriating funds to various regulatory and finance agencies and departments.

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

Section 1. There is appropriated from the general fund of the state to the following departments for the fiscal year beginning July 1, 1977, and ending June 30, 1978, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	1977-1978
	<u>Fiscal Year</u>
1. AUDITOR OF STATE	
For salaries, support, maintenance, and miscellaneous purposes	\$ 1,093,186
2. DEPARTMENT OF BANKING	
For salaries, support, maintenance, and miscellaneous purposes	\$ 2,125,364
3. IOWA BEER AND LIQUOR CONTROL DEPARTMENT	
For salaries, support, maintenance, and miscellaneous purposes	\$11,467,899

The department shall conduct a pilot program which shall provide for extending the hours of operation of liquor stores designated by the department until ten p.m. on days when such liquor stores are in operation.

4. CAMPAIGN FINANCE DISCLOSURE COMMISSION

For salaries, support, maintenance, and miscellaneous purposes \$ 85,875

5. IOWA STATE COMMERCE COMMISSION

a. General Administration

For salaries, support, maintenance, and miscellaneous purposes \$ 298,648

b. Warehouse Division

For salaries, support, maintenance, and miscellaneous purposes \$ 405,627

c. Utilities Division

For salaries, support, maintenance, and miscellaneous purposes \$ 1,684,665

6. STATE COMPTROLLER

a. General Office

For salaries, support, maintenance, and miscellaneous purposes \$ 904,989

b. Division of Data Processing

For salaries, support, maintenance, and miscellaneous purposes \$ 3,903,649

7. STATE BOARD OF ENGINEERING

EXAMINERS

For salaries, support, maintenance, and miscellaneous purposes \$ 73,330

8. INDUSTRIAL COMMISSIONER

For salaries, support, maintenance, and miscellaneous purposes \$ 447,741

9. INSURANCE DEPARTMENT OF

IOWA

For salaries, support, maintenance,
and miscellaneous purposes \$ 1,434,551

10. IOWA DEPARTMENT OF JOB

SERVICE

For salaries, support, maintenance,
and miscellaneous purposes for the
administration of chapter ninety-
seven (97) and chapter ninety-seven
C (97C) and section two hundred ninety-
four point fifteen (294.15) of the
Code \$ 112,608

11. OCCUPATIONAL SAFETY AND

HEALTH REVIEW COMMISSION

For salaries, support, maintenance,
and miscellaneous purposes \$ 37,000

12. PUBLIC EMPLOYMENT RELATIONS

BOARD

For salaries, support, maintenance,
and miscellaneous purposes \$ 508,500

13. IOWA REAL ESTATE COMMISSION

For salaries, support, maintenance,
and miscellaneous purposes \$ 197,657

14. DEPARTMENT OF REVENUE

For salaries, support, maintenance,
and miscellaneous purposes \$ 9,189,991

15. SECRETARY OF STATE

For salaries, support, maintenance,
and miscellaneous purposes \$ 583,957

16. TREASURER OF STATE

For salaries, support, maintenance,
and miscellaneous purposes \$ 312,204

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

Approved June 30, 1977

CHAPTER 10
BEER AND LIQUOR CONTROL CAPITAL IMPROVEMENTS

S. F. 198

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:

Section 1. There is appropriated from the general fund of the state for the fiscal period beginning July 1, 1977 to the Iowa beer and liquor control department the following amounts or so much thereof as is necessary, to be used for the purposes designated:

1. For the establishment of two new stores \$ 25,100
2. For the remodeling and conversion of twelve existing counter type stores to self-service stores \$100,000

Sec. 2. Unencumbered or unobligated moneys remaining on June thirtieth following completion of the projects for which the funds are appropriated from funds appropriated by this Act, shall revert to the general fund of the state on the following September thirtieth.

Approved April 25, 1977

CHAPTER 11
BRAILLE, DEAF SCHOOLS AND REGENTS BOARD

S. F. 301

AN ACT making appropriations to the Iowa braille and sight-saving school and state school for the deaf and to replace the loss of federal funds for designated programs by appropriating funds to the state board of regents.

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

Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1977 and ending June 30, 1978 to the following named agencies, the following amounts or so much thereof as is necessary, to be used for the purposes designated:

1977-1978
Fiscal Year

1. IOWA BRAILLE AND SIGHT-SAVING
SCHOOL

For salaries, support, maintenance,
equipment, and miscellaneous purposes \$1,512,000

2. STATE SCHOOL FOR THE DEAF

For salaries, support, maintenance,
equipment, and miscellaneous purposes \$2,825,000

Sec. 2. There is appropriated to the state board of regents for the fiscal year beginning July 1, 1977 and ending June 30, 1978, the sum of one million three hundred thousand (1,300,000) dollars, or so much thereof as is necessary, to replace losses of federal funds by the colleges of dentistry, medicine, veterinary medicine, pharmacy, and nursing. The state board of regents shall allocate necessary funds appropriated by this section to the appropriate institution in order to supplement existing appropriations for the loss of federal funds. It is intended that the appropriation made by this section is to supplement existing funds appropriated which are related to educational and capitation grants and such funds are not to be used for solely sponsored research grants to the institutions.

Approved June 29, 1977

CHAPTER 12

CIVIL RIGHTS COMMISSION AND HEALTH DEPARTMENT

H. F. 414

AN ACT making appropriations to the Iowa civil rights commission and the state department of health.

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

Section 1. There is appropriated from the general fund of the state to the Iowa civil rights commission for the fiscal year beginning July 1, 1977 and ending June 30, 1978 the sum of three hundred twenty-nine thousand nine hundred seventy-eight (329,978) dollars, or so much thereof as is necessary, to be used for salaries, support, maintenance, and miscellaneous purposes.

It is the intent of the general assembly that the Iowa state civil rights commission shall not employ a deputy

director but shall employ a full-time permanent hearing officer to expedite action in regard to the cases presently filed and pending before the commission.

Sec. 2. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1977 and ending June 30, 1978 to the state department of health and its divisions, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1977-1978
Fiscal Year

STATE DEPARTMENT OF HEALTH

1. COMMISSIONER'S OFFICE

For salaries, support, maintenance, and miscellaneous purposes..... \$ 81,396

2. HEALTH FACILITIES SERVICES

For salaries, support, maintenance, and miscellaneous purposes..... \$ 524,718

3. DISEASE PREVENTION

For salaries, support, maintenance, and miscellaneous purposes..... \$ 546,016

4. RECORDS AND STATISTICAL DIVISION

For salaries, support, maintenance, and miscellaneous purposes..... \$ 364,411

5. LICENSING AND CERTIFICATION DIVISION

For salaries, support, maintenance, and miscellaneous purposes..... \$ 315,977

6. PERSONAL AND FAMILY HEALTH SERVICES

For salaries, support, maintenance, and miscellaneous purposes..... \$ 393,097

7. COMMUNITY HEALTH SERVICES

a. For salaries, support, maintenance, and miscellaneous purposes..... \$ 755,340

b. For well-elderly clinics.....	\$ 150,000
8. EXTERNAL AFFAIRS DIVISION	
For salaries, support, main- tenance, and miscellaneous pur- poses.....	\$ 52,418
9. MANAGEMENT AND BUDGET DIVISION	
For salaries, support, main- tenance, and miscellaneous pur- poses.....	\$ 288,516
10. PLANNING DIVISION	
For salaries, support, main- tenance, and miscellaneous pur- poses.....	\$ 49,927

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

Approved April 15, 1977

CHAPTER 13
ADVISORY COMMISSION ON CORRECTIONS

H. F. 558

AN ACT to make a supplementary appropriation to the temporary advisory commission on corrections relief for per diem and expenses of commission members.

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

Section 1. There is appropriated from the general fund of the state to the legislative service bureau for the fiscal year ending June 30, 1977 the sum of two thousand five hundred (2,500) dollars, or so much thereof as may be necessary, to be used for per diem and expenses of members of the advisory commission on corrections relief pursuant to chapter one thousand forty-three (1043), section six (6), Acts of the Sixty-sixth General Assembly, 1976 Session. The funds appropriated by this Act may be used to pay per diem earned and to reimburse expenses incurred by members of the advisory commission in the discharge of their duties before the

effective date of this Act, and not previously paid or reimbursed, as well as to pay per diem earned and to reimburse expenses incurred by the members on or after such date.

Sec. 2. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Quad-City Times, a newspaper published in Davenport, Iowa, and in The Sioux City Journal, a newspaper published in Sioux City, Iowa.

Approved June 29, 1977

I hereby certify that the foregoing Act, House File 558, was published in the Quad-City Times, Davenport, Iowa on July 6, 1977, and in The Sioux City Journal, Sioux City, Iowa on July 9, 1977.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 14

EDUCATIONAL RADIO AND TELEVISION

H. F. 615

AN ACT appropriating funds to the educational radio and television facility board for the establishment of a local microwave loop and extending the date for reversion of certain funds appropriated to the educational radio and television facility board.

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

Section 1. There is appropriated from the general fund of the state to the educational radio and television facility board for the fiscal year beginning July 1, 1977 and ending June 30, 1978 the sum of ninety thousand (90,000) dollars, or so much thereof as is necessary, for the establishment of a local microwave loop.

Sec. 2. Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one thousand thirty-one (1031), section five (5), is amended to read as follows:

SEC. 5. Unencumbered funds appropriated by subsections one (1) and two (2) of section one (1) of this Act shall revert to the general fund of the state on June 30, 1976 and unencumbered funds appropriated by subsections three (3) and four (4) of section one (1) of this Act shall revert to the general fund of the state on June 30, ~~1977~~ 1978. In all other respects not provided for in this Act, the provisions of the Acts of the Sixty-fourth General Assembly, 1972 Session,

chapter one thousand fifteen (1015), shall govern for funds appropriated by this Act.

Approved June 30, 1977

CHAPTER 15

GOVERNOR, LIEUTENANT GOVERNOR, EXECUTIVE COUNCIL, GOVERNMENTS COUNCIL, CONFERENCE OF LEGISLATURES, UNIFORM LAWS, FISCAL BUREAU, SERVICE BUREAU, PIONEER LAWMAKERS AND CITIZENS AIDE

S. F. 163

An ACT making appropriations to various executive and legislative departments and other councils and commissions.

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

Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1977 and ending June 30, 1978 to the following named agencies, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	1977-1978
	<u>Fiscal Year</u>
1. GOVERNOR	
a. For salaries, support, maintenance and miscellaneous purposes	\$ 409,237
b. For governor's expense connected with office	\$ 5,000
2. LIEUTENANT GOVERNOR	
For the lieutenant governor's compensation and expenses as provided in subsection two (2) of section two point ten (2.10) of the Code including service as a member of the legislative council and for per diem and expenses incurred while performing duties of the lieutenant governor when the general assembly is not in session, including travel, postage and staff assistance	\$ 65,234

3. EXECUTIVE COUNCIL

For salaries, support, maintenance and miscellaneous purposes \$ 40,760

4. COUNCIL OF STATE GOVERNMENTS

For the support of the membership assessment \$ 27,130

5. NATIONAL CONFERENCE OF STATE

LEGISLATURES

For support of membership assessment \$ 24,450

6. COMMISSION ON UNIFORM STATE

LAWS

For support of the commission and expenses of members \$ 8,240

7. LEGISLATIVE FISCAL BUREAU

a. For salaries, support, maintenance and miscellaneous purposes \$ 261,247

b. For payment of the judicial retirement actuarial study \$ 2,500

8. LEGISLATIVE SERVICE BUREAU

a. For salaries, support, maintenance and miscellaneous purposes \$ 559,993

b. For the Iowa Code update \$ 15,000

9. PIONEER LAWMAKERS \$ 75

10. OFFICE OF CITIZENS AIDE

For salaries, support, maintenance and miscellaneous purposes \$ 157,324

Approved June 29, 1977

CHAPTER 16
SOLAR ENERGY UNIT

S. F. 155

AN ACT appropriating funds to the department of general services for a demonstration solar energy unit.

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

Section 1. There is appropriated from the general fund of the state to the department of general services the following amount, or so much thereof as may be necessary, to be used for the purpose designated:

DEPARTMENT OF
GENERAL SERVICES

For planning, preparation, and construction of a demonstration solar energy unit which will convert solar energy to steam for the use of the heating and cooling of the statehouse complex \$ 200,000

Sec. 2. All unencumbered or unobligated balances of appropriations made by this Act shall on September 30, 1981 revert to the state treasury and to the credit of the general fund.

Sec. 3. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Ankeny Press-Citizen, a newspaper published in Ankeny, Iowa, and in The Cedar Valley Daily Times, a newspaper published in Vinton, Iowa.

Approved May 18, 1977

I hereby certify that the foregoing Act, Senate File 155, was published in the Ankeny Press-Citizen, Ankeny, Iowa on May 26, 1977, and in The Cedar Valley Daily Times, Vinton, Iowa on May 24, 1977.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 17
COAL RESEARCH

H. F. 573

AN ACT appropriating funds to Iowa State University of science and technology for coal research and to the energy policy council for energy research and development.

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

Section 1. There is appropriated from the general fund of the state to Iowa state university of science and technology for the fiscal period beginning July 1, 1977 and ending June 30, 1978, the sum of five hundred thousand (500,000) dollars, or so much thereof as may be necessary, to be used by the energy and mineral resources research institute to conduct a coal research project within the state.

Sec. 2. It is the intent of the general assembly to provide for continued coal research within this state. The coal research project authorized under this Act shall include coal beneficiation research to be conducted at the Iowa state university preparation plant using coal purchased by the university as part of its usual energy requirement with funds provided for that purpose, the design and installation of fine coal recovery equipment at the plant, a study of the suitability of Iowa coal for use in the cement industry, and an agricultural productivity study of a reclaimed mine site.

Sec. 3. Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one thousand sixty-five (1065), section four (4), is amended to read as follows:

SEC. 4. Any unencumbered funds appropriated by this Act remaining on June 30, ~~1977~~ 1979, shall revert to the general fund on September 30, ~~1977~~ 1979.

Sec. 4. Federal funds received during fiscal year 1976-1977 by the energy policy council as reimbursement for general operating expenses incurred during the fiscal year 1975-1976 are appropriated to the energy policy council for the purpose of funding energy research and development projects. Such funds unencumbered on June 30, 1978 shall revert to the general fund on September 30, 1978.

Sec. 5. Funds appropriated by section one (1) of this Act shall be used solely for research as specified in section two (2) of this Act and shall not be used for related academic activities or studies.

Sec. 6. The energy and mineral resources research institute shall report on the progress of the coal research project to the budget natural resources subcommittees of both houses of the general assembly not later than January 15, 1978. The report shall include a description of the progress of the project, the results and perceived benefits of the research described in section two (2) of this Act, a summary of project expenditures, including anticipated expenditures and any proposals for continued coal research.

Sec. 7. Iowa state university of science and technology or the governor and the state comptroller may accept federal grants for the state to be used in connection with funds appropriated by this Act. All federal grants to and the federal receipts of Iowa state university of science and technology to carry out the purposes of this Act are appropriated for the purpose set forth in the federal grants or receipts.

Approved June 29, 1977

CHAPTER 18

JUDICIAL DEPARTMENT

S. F. 162

AN ACT making an appropriation to the judicial department.

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

Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1977 and ending June 30, 1978 to the following named judicial department agencies, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1977-1978

Fiscal Year

1. COURTS

For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates, and staff, support, maintenance, equipment 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 such salaries and an additional contribution of one hundred ninety-five thousand seven hundred (195,700) dollars \$ 6,981,639

2. BOARDS APPOINTED BY THE SUPREME COURT

For salaries, support, maintenance and miscellaneous purposes of the board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission \$ 37,370

3. ADMINISTRATION

For salaries, support, maintenance, equipment and miscellaneous purposes of the court administrator, and clerk of the supreme court including expenses and costs of judicial conferences, seminars, or training sessions as provided in sections six hundred five point two (605.2) and six hundred eighty-four point twenty (684.20) of the Code \$ 400,274

Sec. 2. Section six hundred five point two (605.2), Code 1977, is amended to read as follows:

605.2 EXPENSES. Where a judge of the district court, court of appeals or supreme court is required, in the discharge of ~~his~~ official duties, to leave the county of ~~his~~ the judge's residence or leave the city of ~~his~~ the judge's residence to perform such duties, ~~he~~ the judge shall be paid such actual and necessary expenses for living quarters and living expenses not to exceed the sum of ~~twenty~~ twenty-two dollars per day and transportation expenses as shall be incurred. Expenses for judges of the court of appeals are limited as provided in section 684.45.

Sec. 3. Notwithstanding section six hundred two point eighteen (602.18) of the Code, the number of district judges shall not be increased by more than three in order that the

number of district judges shall not exceed ninety-two during the period commencing with the effective date of this section and ending at such time as the general assembly shall otherwise specify.

Sec. 4. Notwithstanding section eight point thirty-three (8.33) of the Code, unencumbered or unobligated funds appropriated by subsection nine (9) of section one (1) of the Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one thousand two (1002) for use of the appellate court judges remaining on June 30, 1977 shall not revert to the general fund of the state but shall carry forward for use during fiscal year 1977-1978 and shall revert in the same manner as if appropriated for such fiscal year.

Furniture purchased with funds appropriated by this section shall be purchased from Iowa State Industries if furniture is available or can be supplied within a reasonable time.

Sec. 5. The legislative council shall cause an interim study on section six hundred two point eighteen (602.18) of the Code to be carried out by a subcommittee of the standing house and senate judiciary committees.

Approved June 29, 1977

CHAPTER 19
DEPARTMENT OF JUSTICE

S. F. 185

AN ACT making appropriations to the department of justice.

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

Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1977 and ending June 30, 1978 to the following named department, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1977-1978
Fiscal Year

DEPARTMENT OF JUSTICE

1. For the office of attorney general for salaries, support, maintenance and mis-

cellaneous purposes	\$ 1,067,978
2. For the criminal di- vision for the following pro- grams:	
a. Area prosecutors pro- gram	\$ 273,000
b. Special prosecutors program	\$ 140,382
c. Criminal appeals	\$ 190,297
3. Prosecuting attorney training program	
For salaries, support, maintenance and miscellaneous purposes	\$ 13,774
4. Prosecuting intern program.....	\$ 35,000

Funds appropriated by this sub-
section may be used to match
federal funds. Counties parti-
cipating in the prosecuting in-
tern program shall provide funds
that total the amount appropri-
ated by this subsection.

Approved June 29, 1977

CHAPTER 20
MUNICIPAL ASSISTANCE AND COUNTY ASSISTANCE

S. F. 342

AN ACT making appropriations to the municipal assistance fund and county government assistance fund.

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

Section 1. There is appropriated from the general fund of the state to the county government assistance fund, established in section three hundred thirty-four A point one (334A.1) of the Code, for the fiscal year beginning July 1, 1977 and ending June 30, 1978, the sum of four million (4,000,000) dollars, or so much thereof as may be necessary, to be used for state assistance to counties, with distribution in accordance with section three hundred thirty-four A point two (334A.2) of the Code.

Sec. 2. There is appropriated from the general fund of

the state to the municipal assistance fund, established in section four hundred five point one (405.1) of the Code, for the fiscal year beginning July 1, 1977 and ending June 30, 1978, the sum of twelve million (12,000,000) dollars, or so much thereof as may be necessary, to be used for state assistance to municipalities, with distribution in accordance with section four hundred five point one (405.1) of the Code.

Approved May 18, 1977

CHAPTER 21

TRANSFER OF FUNDS FROM THE MILITARY SERVICE TAX CREDIT

S. F. 340

AN ACT appropriating funds from the military service tax credit fund to the general fund.

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

Section 1. Notwithstanding the provision in four hundred twenty-six A point ten (426A.10) of the Code, there is appropriated from the military service tax credit fund for the fiscal year beginning July 1, 1977 and ending June 30, 1978 for deposit in the general fund of the state the sum of nine million (9,000,000) dollars.

Approved May 18, 1977

CHAPTER 22

MONEYS AND CREDITS REPLACEMENT FUND

S. F. 341

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

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

Section 1. There is appropriated from the general fund of the state to the moneys and credits replacement fund established in section four hundred twenty-two point seventy-eight (422.78) of the Code for the fiscal year beginning July 1, 1977 and ending June 30, 1978, the sum of two million five hundred thousand

(2,500,000) dollars, or so much thereof as may be necessary, to be used for payments to counties as provided in section four hundred twenty-two point seventy-eight (422.78) of the Code.

Approved May 18, 1977

CHAPTER 23
MITCHELLVILLE AND INDEPENDENCE SEWERS

S. F. 364

AN ACT making an appropriation to the department of social services to provide the state's share of improving the city of Mitchellville's water system and improving the city of Independence's sewer system.

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

Section 1. There is appropriated from the general fund of the state to the department of social services for the fiscal year beginning July 1, 1977 and ending June 30, 1978, the sum of fifty-seven thousand (57,000) dollars, or so much thereof as is necessary, to be used to pay the state's share of costs for improving the city of Mitchellville's water system.

Sec. 2. There is appropriated from the general fund of the state to the department of social services for the fiscal year beginning July 1, 1977 and ending June 30, 1978 the sum of one hundred fifty thousand (150,000) dollars, or so much as is necessary, to be used to pay the state's share of costs for improving the city of Independence's sewer system.

Approved June 3, 1977

CHAPTER 24

MEDICAL, NURSE, PHARMACY EXAMINERS, HOUSING FINANCE, MENTAL HEALTH,
PAROLE, STATUS OF WOMEN, SPANISH PEOPLE, HANDICAPPED AND
SPANISH WAR VETERANS

S. F. 233

AN ACT making appropriations to miscellaneous state agencies including the board of medical examiners, board of nurse nurse examiners, board of pharmacy examiners, Iowa housing finance authority, Iowa mental health authority, board of parole, commission on the status of women, Spanish-speaking peoples commission, committee on the employment of the handicapped, and the Spanish-American war veterans, and providing for the issuance of multi-year licenses by certain examining boards.

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

Section 1. There is appropriated from the general fund of the state to the following agencies for the fiscal year beginning July 1, 1977 and ending June 30, 1978 the following amounts, or so much thereof as is necessary to be used for the purposes designated:

	1977-1978 <u>Fiscal Year</u>
1. BOARD OF MEDICAL EXAMINERS For salaries, support, maintenance and miscellaneous purposes	\$104,138
2. BOARD OF NURSE EXAMINERS For salaries, support, maintenance and miscellaneous purposes	\$267,695
3. BOARD OF PHARMACY EXAMINERS For salaries, support, maintenance and miscellaneous purposes	\$206,335
4. IOWA HOUSING FINANCE AUTHORITY For salaries, support, maintenance and miscellaneous purposes	\$100,000
5. IOWA MENTAL HEALTH AUTHORITY For salaries, support, maintenance and miscellaneous purposes	\$108,659

6. BOARD OF PAROLE

For salaries, support, maintenance
and miscellaneous purposes \$213,190

7. COMMISSION ON THE STATUS OF
WOMEN

For salaries, support, maintenance
and miscellaneous purposes \$ 59,338

8. SPANISH-SPEAKING PEOPLES
COMMISSION

For salaries, support, maintenance
and miscellaneous purposes \$ 37,560

9. COMMITTEE ON THE EMPLOYMENT
OF THE HANDICAPPED

For salaries, support, maintenance
and miscellaneous purposes \$102,869

10. SPANISH-AMERICAN WAR VETERANS

For salaries, support, maintenance
and miscellaneous purposes \$ 3,490

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

Approved June 29, 1977

CHAPTER 25
NATURAL RESOURCES

S. F. 161

AN ACT making appropriations to state agencies and their divisions
which have responsibilities related to natural resource manage-
ment and research.

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

Section 1. There is appropriated from the general fund
of the state and the funds indicated to the state conservation
commission and its divisions for the fiscal year beginning
July 1, 1977 and ending June 30, 1978 the following amounts,
or so much thereof as may be necessary, to be used for the
following purposes:

1977-1978
Fiscal Year

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 for not more than one hundred sixty-nine permanent full-time positions of the division, and for maintenance of state parks, waters, and forests, prison labor programs and including not more than one million fifty-two thousand eight hundred ninety-five (1,052,895) 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 \$ 3,984,578

2. DIVISION OF FISH AND GAME

From the state fish and game protection fund for salaries, support, maintenance, equipment and miscellaneous purposes for not more than two hundred twenty-nine permanent full-time positions, including not more than one million fifty-two thousand eight hundred ninety-five (1,052,895) 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 \$ 6,933,230

3. STATE ADVISORY BOARD FOR PRESERVES

From the general fund of the state for salaries, support, and

maintenance of not more than one permanent full-time position and for equipment and miscellaneous purposes for carrying out the duties of the board \$ 26,778

4. LAND SURVEYS

From the general fund of the state for land surveys to establish and identify the boundaries of state-owned land \$ 45,000

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 \$ 43,254

6. GREEN THUMB PROGRAM

From the general fund for deposit in the green thumb fund for the employment of persons under the green thumb program established pursuant to chapter six hundred one H (601H) of the Code \$ 125,000

Sec. 2. There is appropriated from the marine fuel tax fund for the fiscal year beginning July 1, 1977 and ending June 30, 1978 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, 1981.

Sec. 3.

1. 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.

Such funds shall be used for salaries and support of not more than one hundred five permanent full-time positions.

2. a. Funds remaining in the fish and game protection fund which are not specifically appropriated by section one (1) of this Act are appropriated and may be used for capital projects and contingencies arising during the fiscal year beginning July 1, 1977.

b. A contingency shall not include any purpose or project which was presented to the general assembly by way of a bill or a proposed bill and which failed to be enacted into law. For the purpose of this subsection, a necessity of additional operating funds may be construed as a contingency.

Before any of the funds authorized to be expended by this subsection shall be allocated for contingencies, it shall be determined by the executive council that a contingency exists and that the contingency was not existent while the general assembly was in session and that the proposed allocation shall be for the best interests of the state.

If a contingency arises or could reasonably be foreseen during the time the general assembly is in session, expenditures for the contingency must be authorized by the general assembly.

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.

4. The state conservation commission shall establish a priority list of watersheds above state-owned lakes and areas within those watersheds which are of highest importance based on soil loss to be used for the allocation of funds set aside in subsection six (6) of section four (4) of this Act for permanent soil conservation practices on watersheds above state-owned lakes.

Sec. 4. There is appropriated from the general fund of the state to the department of soil conservation for the fiscal year beginning July 1, 1977 and ending June 30, 1978, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1977-1978
Fiscal Year

1. GENERAL OFFICE

For salaries, support, and maintenance of not more than seventeen permanent full-time positions and for miscellaneous purposes \$ 364,892

2. SOIL CONSERVATION COMMITTEE

To carry on soil conservation work in soil conservation districts organized under the soil conservation district laws of the state; for aid to soil conservation districts for district commissioner's expenses, stationery, postage and other purposes as may be authorized by the state soil conservation committee to be allocated on a need basis \$ 145,000

3. For personnel, technicians and clerical staff and their necessary expenses, equipment, and materials to be assigned to the soil conservation districts by the state soil conservation committee on a need basis \$ 1,430,870

4. For participation in and conjunction with the federal government or any of its agencies in joint operations of watershed planning and development within this state \$ 60,000

5. For use and expenditures in participation and conjunction with the soil conservation service, United States department of agriculture, and state agencies in joint operations in conducting soil surveys on lands within this state \$ 282,000

6. For cost sharing to provide state funding of not to exceed fifty percent of the approved cost of permanent soil conservation practices instituted under chapter four hundred sixty-seven A (467A) of the Code with priority given to projects on owner-operated and family-operated farms except that not more than five percent of the amount appropriated in this subsection may be used for cost sharing to abate complaints filed under sections four hundred sixty-seven A point forty-seven (467A.47) and four hundred sixty-seven A point forty-eight (467A.48) of the Code and not less than five percent of the amount appropriated by this subsection shall be used for cost-sharing not to exceed fifty percent of the approved cost of permanent soil conservation practices under chapter four hundred sixty-seven A (467A) of the Code on watersheds above publicly owned lakes to be allocated in accordance with the priority list established by the state conservation commission as required in subsection four (4) of section three (3) of this Act\$ 4,230,000

Unencumbered or unobligated funds appropriated by this subsection remaining on June 30, 1981 shall revert to the general fund on September 30, 1981.

7. For support of conservancy district planning \$ 26,000

Sec. 5. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1977 and ending June 30, 1978 to the following named agencies, the following amounts, or so much thereof as is necessary, to be used for the water resources study:

1977-1978
Fiscal Year

1. IOWA NATURAL RESOURCES
COUNCIL

For salaries and support of
not more than two permanent full-
time positions \$ 38,970

2. DEPARTMENT OF SOIL CON-
SERVATION

For salaries and support of
not more than one permanent full-
time position \$ 22,198

3. STATE CONSERVATION COM-
MISSION

For salaries and support of
not more than one permanent full-
time position \$ 20,587

4. GEOLOGICAL SURVEY

For salaries and support of
not more than five permanent full-
time positions \$ 110,310

Sec. 6. There is appropriated from the general fund of
the state for the fiscal year beginning July 1, 1977 and
ending June 30, 1978, to the following named agencies, the
following amounts, or so much thereof as is necessary, to
be used for the purposes designated:

1977-1978
Fiscal Year

1. DEPARTMENT OF ENVIRON-
MENTAL QUALITY--GENERAL OFFICE

a. For salaries, support and
maintenance of not more than one
hundred sixty-four permanent full-
time positions and for miscella-
neous purposes including thirteen
full-time positions which are fed-
erally-funded and which will be
discontinued if federal funds are
terminated \$ 1,842,187

b. For payments to the govern-
ing bodies responsible for publicly-
owned sewage treatment facilities
which are eligible for seventy-five
percent grants under the federal

Water Pollution Act amendments of 1972, eighty-six (86) Stat. eight hundred sixteen (816), in an amount equal to five percent of the amount approved as the eligible cost of the project by the Iowa water pollution control commission \$ 2,000,000

2. GEOLOGICAL SURVEY--GENERAL

OFFICE

For salaries, support and maintenance of not more than twenty-seven permanent full-time positions and for miscellaneous purposes \$ 870,980

3. IOWA NATURAL RESOURCES

COUNCIL--GENERAL OFFICE

For salaries, support and maintenance of not more than twenty-seven permanent full-time positions and for miscellaneous purposes \$ 450,977

Notwithstanding the provisions of section four hundred fifty-five A point seventeen (455A.17) of the Code, the Iowa natural resources council may perform its statutory duties relating to uses and developments of water sources of the state without meeting the provisions of a comprehensive statewide plan for the control, utilization, and protection of the water resources of the state until such time as the plan is prepared and completed.

4. MISSISSIPPI RIVER PARKWAY

COMMISSION

For support, maintenance and miscellaneous purposes \$ 6,000

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

Approved June 3, 1977

CHAPTER 26

PUBLIC DEFENSE AND TRANSPORTATION DEPARTMENTS

S. F. 370

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

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

Section 1. There is appropriated from the general fund of the state for the fiscal period beginning July 1, 1977, to the department of public defense for the purposes indicated, the following amounts, or so much thereof as are necessary:

1. For repair, replacement, alteration, equipment, and rehabilitation of national guard armory facilities throughout the state, including the maintenance and repair of equipment required for use of such facilities \$ 75,000

2. For repair, replacement, alteration, equipment, and rehabilitation of buildings, grounds, roads and facilities located within the Camp Dodge military reservation \$ 25,000

3. Unobligated or unencumbered funds remaining on June 30, 1981, from funds appropriated by this section shall revert to the general fund on September 30, 1981.

Sec. 2. There is appropriated from the primary road fund for the fiscal period beginning July 1, 1977 to the department of transportation the following amounts or so much thereof as may be necessary to be used in the manner indicated:

1. Land and improvements for field operation facilities \$ 1,500,000

2. Unencumbered or unobligated funds remaining from appropriations made by this section on June 30, 1981 shall revert to the fund from which appropriated on September 30, 1981.

Approved June 3, 1977

CHAPTER 27
BOARD OF REGENTS

S. F. 299

AN ACT making appropriation to the state board of regents for allocation to reimburse the institutions of higher education under control of the board for deficiencies in operating funds.

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

Section 1. There is appropriated from the general fund of the state for the fiscal period beginning July 1, 1977, and ending June 30, 1978, the following amount or so much thereof as is necessary to be used for the purposes designated.

1977-78

Fiscal Year

STATE BOARD OF REGENTS

<p>For allocation by the state board of regents to the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa in such amounts as may be necessary to reimburse such institutions for deficiencies in their operating funds resulting from the pledging of tuitions, student fees and charges and institutional income including additional deficiencies incurred as a result of financing the cost of providing further academic and administrative buildings and facilities and utility services at such institutions.....</p>	<p>\$3,180,000</p>
---	--------------------

Approved June 30, 1977

CHAPTER 28

REVENUE DEPARTMENT, JOB SERVICE, CITY FINANCE COMMITTEE AND COMPREHENSIVE CONFERENCE

S. F. 235

AN ACT appropriating funds from the motor vehicle fuel tax fund to the department of revenue, from the Iowa public employees' retirement system to the Iowa department of job service for administration of the Iowa public employees' retirement system, and making an appropriation from the general fund of the state for the city finance committee and Iowa comprehensive conference.

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

Section 1. There is appropriated from the motor vehicle fuel tax fund to the department of revenue for the fiscal year beginning July 1, 1977 and ending June 30, 1978, the sum of one million two hundred ninety-eight thousand four hundred forty-seven (1,298,447) dollars, or so much thereof as may be necessary, for salaries, support, maintenance and miscellaneous purposes for administration and enforcement of the provisions of chapter three hundred twenty-four (324) of the Code and the motor vehicle use tax program.

Sec. 2. There is appropriated from the Iowa public employees' retirement system fund for the fiscal year beginning July 1, 1977 and ending June 30, 1978 for the Iowa department of job service the sum of one million two hundred eleven thousand nine hundred twenty-five (1,211,925) dollars, or so much thereof as necessary, for salaries, support, maintenance and miscellaneous purposes to pay the costs of the administration of the Iowa public employees' retirement system.

Sec. 3. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1977 and ending June 30, 1978 to the state comptroller the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

- 1. For city finance committee \$ 12,000
- 2. For Iowa comprehensive conference \$ 20,000

Approved April 21, 1977

CHAPTER 29
MEDICAL ASSISTANCE APPROPRIATION

H. F. 128

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:

Section 1. There is appropriated from the general fund of the state to the department of social services for the fiscal period beginning with the effective date of this Act and ending June 30, 1977, the sum of eight million (8,000,000) dollars, or so much thereof as is necessary, which shall be used only to supplement existing appropriations for the medical assistance program maintained under chapter two hundred forty-nine A (249A) of the Code.

Sec. 2. Any unencumbered or unexpended funds not used for the purpose specified in section one (1) of this Act and remaining on June 30, 1977, shall revert to the general fund of the state. Notwithstanding section eight point thirty-nine (8.39) of the Code, funds appropriated by this Act shall not be subject to transfer or expenditure and used for any purpose other than the purpose specified in section one (1) of this Act.

Sec. 3. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa City Press-Citizen, a newspaper published in Iowa City, Iowa, and in The Bancroft Register, a newspaper published in Bancroft, Iowa.

Approved March 14, 1977

I hereby certify that the foregoing Act, House File 128, was published in the Iowa City Press-Citizen, Iowa City, Iowa on March 18, 1977, and in The Bancroft Register, Bancroft, Iowa on March 16, 1977.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 30
WATCHMAKERS APPROPRIATION

S. F. 262

AN ACT making an appropriation to the board of watchmaking examiners.

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

Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1977 and ending June 30, 1978 to the following board the following amount, or so much thereof as may be necessary, to be used for the following purposes:

	1977-1978
	<u>Fiscal Year</u>
BOARD OF WATCHMAKING EXAMINERS	
For salary, support, maintenance and miscellaneous purposes.....	\$ 6,751

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

Approved April 21, 1977

CHAPTER 31
BLIND, COMMISSION FOR, EDUCATIONAL RADIO AND T.V., HIGHER EDUCATION; PUBLIC INSTRUCTION; AND REGENTS BOARD

S. F. 214

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:

Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1977 and ending June 30, 1978, except as otherwise provided for in this section, the following sums, or so much thereof as may be necessary, to be used by the following agencies for the purposes designated:

	1977-1978 <u>Fiscal Year</u>
1. IOWA COMMISSION FOR THE BLIND	
For salaries, support, maintenance and miscellaneous purposes.....	\$ 724,900
2. BONUS BOARD	
a. For the war orphans educational aid fund created by section thirty-five point eight (35.8) of the Code.....	\$ 40,000
b. For salaries, support, maintenance and miscellaneous purposes of the bonus board.....	\$ 83,800
3. DEPARTMENT OF GENERAL SERVICES--EDUCATIONAL RADIO AND TELEVISION FACILITY	
For salaries, support, maintenance and miscellaneous purposes.....	\$ 3,792,500

Sec. 2. There is appropriated from the general fund of the state to the higher education facilities commission for the fiscal year beginning July 1, 1977 and ending June 30, 1978, the following sums or so much thereof as may be necessary, to be used for the funding of the following programs for the purposes designated:

	1977-1978 <u>Fiscal Year</u>
1. HIGHER EDUCATION FACILITIES COMMISSION	
For salaries, support, maintenance and miscellaneous purposes.....	\$ 204,200
2. TUITION GRANT PROGRAM	
To supplement the appropriation provided in subsection one (1) of section two hundred sixty-one point twenty-five (261.25) of the Code for tuition grants to full-time resident students attending accredited private institutions of higher education in Iowa under sections two hundred sixty-one point nine (261.9) to two hundred sixty-one point	

sixteen (261.16) of the Code..... \$ 500,000

Sec. 3.

1. There is appropriated from the general fund of the state for the fiscal year commencing July 1, 1977 and ending June 30, 1978 to the higher education facilities commission the sum of sixty thousand (60,000) dollars, or so much thereof as may be necessary, to be used for the purposes provided in sections two hundred sixty-one point twenty-six (261.26) and two hundred sixty-one point twenty-seven (261.27) of the Code. From the funds appropriated by this section thirty thousand (30,000) dollars shall be allocated to the class which commenced its first academic year in 1976 and thirty thousand (30,000) dollars shall be allocated for the class which commenced its academic year in 1977.

2. In addition to the requirements of sections two hundred sixty-one point twenty-six (261.26) and two hundred sixty-one point twenty-seven (261.27) of the Code, the availability of funds appropriated by this section shall be subject to the following conditions:

a. One-half of the funds shall not be released until delivery of the June 30, 1976 financial audits conducted by an independent third party of the participating colleges of optometry to the legislative fiscal bureau.

b. The remaining one-half of the funds appropriated by subsection one (1) of this section shall not be released until the delivery of the June 30, 1977 financial audits conducted by an independent third party of the participating colleges of optometry to the legislative fiscal bureau.

Sec. 4.

1. There is appropriated from the general fund of the state to the higher education facilities commission for the fiscal year beginning July 1, 1977 and ending June 30, 1978 the sum of one million two hundred thousand (1,200,000) dollars, or so much thereof as may be necessary, to be paid to the college of osteopathic medicine and surgery for the subvention program created pursuant to sections two hundred sixty-one point eighteen (261.18) and two hundred sixty-one point nineteen (261.19) of the Code. The subvention shall be used for the admission and education of not more than thirty percent of each of the three classes of students in the college of osteopathic medicine and surgery for the fiscal year beginning July 1, 1977 and ending June 30, 1978. Funds shall only be expended for resident students and funds expended

on behalf of each class shall not exceed four hundred thousand (400,000) dollars.

2. In addition to the requirements of sections two hundred sixty-one point eighteen (261.18) and two hundred sixty-one point nineteen (261.19) of the Code, the availability of funds appropriated by this section shall be subject to the following conditions:

a. One-half of the funds shall not be released until delivery of the June 30, 1976 financial audit conducted by an independent third party of the college of osteopathic medicine and surgery to the legislative fiscal bureau.

b. The remaining one-half of the funds appropriated by subsection one (1) of this section shall not be released until the delivery of the June 30, 1977 financial audit conducted by an independent third party of the college of osteopathic medicine and surgery to the legislative fiscal bureau.

Sec. 5. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1977 and ending June 30, 1978 to the department of public instruction the following amounts, or so much thereof as may be necessary, to be used in the manner designated:

	1977-1978 <u>Fiscal Year</u>
1. GENERAL OFFICE ADMINISTRATION	
For salaries, support, maintenance and miscellaneous purposes.....	\$ 2,625,000
2. VOCATIONAL EDUCATION ADMINISTRATION	
For salaries, support, maintenance and miscellaneous purposes.....	\$ 585,500
3. VOCATIONAL EDUCATION	
For vocational education aid to secondary schools.....	\$ 3,000,000

Funds appropriated by this subsection are to be used for aid to school districts for development and the conduct of both continuing and new vocational programs, services and activities of vocational education through secondary schools in accordance with the provisions of chapter two hundred fifty-eight (258) and chapter two hundred eighty A (280A) of the Code, to purchase instructional equipment for vocational and technical courses of instruction in such schools, and to match federal reimbursement for continuing and new secondary vocational programs.

4. VOCATIONAL REHABILITATION	
For salaries, support, maintenance and miscellaneous purposes.....	\$ 2,022,000
5. MIGRANT EDUCATION	
For reimbursement to school districts and merged area schools operating education programs for migratory workers and children of migratory workers.....	\$ 50,000
6. PROFESSIONAL TEACHING PRACTICES COMMISSION	
For the use of the professional teaching practices commission to carry out the provisions of chapter two hundred seventy-two A (272A) of the Code.....	\$ 37,000
7. VOCATIONAL YOUTH ORGANIZATION FUND	
To carry out the provisions of section two hundred fifty-eight point fourteen (258.14) of the Code.....	\$ 10,000
8. SCHOOL FOOD SERVICE	
For the purpose of providing assistance to students enrolled in public school districts and nonpublic schools of the state for breakfasts, lunches and minimal equipment programs with the funds being used as state matching funds for federal programs and which shall be disbursed according to federal regulations.....	\$ 3,000,000
9. SCHOOL BUDGET REVIEW COMMITTEE.....	\$ 150,000
10. TRANSPORTATION OF NON-PUBLIC SCHOOL PUPILS	
For costs of providing transportation to each resident pupil of a public school district who attends a nonpublic school and who is entitled to transportation	

under chapter two hundred eighty-five (285) of the Code..... \$ 3,489,000

11. COMPACT FOR EDUCATION

For membership fees for Iowa as a member of the education commission of the states as provided in chapter two hundred seventy-two B (272B) of the Code..... \$ 15,750

12. MERGED AREA SCHOOLS

a. For general state financial aid to merged areas as defined in section two hundred eighty A point two (280A.2) of the Code the amount of thirty-two million seven hundred fourteen thousand one hundred (32,714,100) dollars to be allocated as follows provided that, as a condition for the appropriation to merged area nine (IX), the board of directors of merged area nine (IX) shall not incur any actual or contingent liability or undertake or accrue any indebtedness for this or any subsequent year generated by any contract with a private institution located within the merged area pursuant to section two hundred eighty A point twenty-three (280A.23), subsection one (1), or section two hundred eighty A point twenty-five (280A.25), subsection eight (8), of the Code or chapter twenty-eight E (28E) of the Code, if the contract is for a liberal arts or pre-professional training program to be of-

ferred at the the two-year college instructional level in the school year beginning July 1, 1977, and provided further that the department of public instruction and the board of directors of merged area nine (IX) shall not calculate general state financial assistance by including for reimbursement from such funds in this or any subsequent fiscal year any full-time equivalent enrollment which is generated by students who are enrolled in merged area nine (IX) as a result of such a contract:

(1)	Merged Area I.....	\$ 1,626,450
(2)	Merged Area II.....	\$ 2,192,515
(3)	Merged Area III.....	\$ 1,992,789
(4)	Merged Area IV.....	\$ 747,895
(5)	Merged Area V.....	\$ 2,556,210
(6)	Merged Area VI.....	\$ 2,238,326
(7)	Merged Area VII.....	\$ 2,135,419
(8)	Merged Area IX.....	\$ 2,466,688
(9)	Merged Area X.....	\$ 3,686,010
(10)	Merged Area XI.....	\$ 5,035,761
(11)	Merged Area XII.....	\$ 1,633,166
(12)	Merged Area XIII.....	\$ 2,229,588
(13)	Merged Area XIV.....	\$ 840,181
(14)	Merged Area XV.....	\$ 1,771,067
(15)	Merged Area XVI.....	\$ 1,562,035

b. To provide for equipment replacement and upgrading in all merged area schools on a pro-rated basis consistent with past allocations made from equipment inventory listings..... \$ 1,350,000

c. To provide funds for matching federal reimbursement for continuing and new vocational education programs in merged

area schools in accordance with the provisions of chapter two hundred fifty-eight (258) and chapter two hundred eighty A (280A) of the Code, and to purchase instructional equipment for vocational and technical courses of instruction in such schools..... \$ 8,285,900

d. FOR MERGED AREA X

For continuation of the waste water program..... \$ 134,000

e. FOR MERGED AREA XII

For operation of the radio station..... \$ 120,000

Sec. 6. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1977 and ending June 30, 1978 the following amounts, or so much thereof as may be necessary to be used for the following purposes, however, as a condition for the appropriation of these funds and notwithstanding any provision of chapter twenty (20) of the Code, the state board of regents, for purposes of implementing collective bargaining pursuant to chapter twenty (20) of the Code, shall continue to act as a "public employer" for its academic, professional and scientific, and other employees who are exempt from its merit system by chapter nineteen A (19A) of the Code and who are defined as "professional" employees by chapter twenty (20) of the Code:

1977-1978
Fiscal Year

1. OFFICE OF STATE BOARD OF REGENTS

a. 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..... \$ 267,300

b. For continuing education..... \$ 100,000

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 continue to fund the program of research at the current level in the cause, course, treatment, cure, and management of diabetes mellitus..... \$63,712,000

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..... \$16,023,000

c. Psychiatric hospital

For salaries, support, maintenance, equipment, and miscellaneous purposes and for the care, treatment and maintenance of committed and voluntary public patients..... \$ 3,331,000

d. State hygienic laboratory

For salaries, support, maintenance, equipment, and miscellaneous purposes..... \$ 1,199,000

e. Hospital school

For salaries, support, maintenance, equipment, and miscellaneous purposes..... \$ 2,355,000

f. Oakdale campus

For salaries, support, maintenance, equipment, and miscellaneous purposes beyond that amount underwritten from charges to counties, agencies, and individual patients at no less than twenty-five percent of per diem cost..... \$ 1,363,000

3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

a. General university

For salaries, support, maintenance, equipment, and miscellaneous purposes..... \$52,514,000

b. Agricultural experiment station

For salaries, support, maintenance, equipment, and miscellaneous purposes..... \$ 6,074,000

c. Cooperative extension service in agriculture and home economics

For salaries, support, maintenance, and miscellaneous purposes..... \$ 5,489,000

4. UNIVERSITY OF NORTHERN IOWA

a. For salaries, support, maintenance, equipment, and miscellaneous purposes..... \$ 21,687,000

5. FAMILY PRACTICE PROGRAM

For allocation by the dean of the college of medicine, with approval of the advisory board, to qualified participants, to carry out the provisions of chapter one hundred forty-eight C (148C) of the Code..... \$ 900,000

Sec. 7. The intent of the general assembly in appropriating funds pursuant to section six (6) of this Act is to provide additional funds, if needed, during the 1978 Session of the general assembly for the purchase of fuel and electricity if the costs for fuel and electricity will exceed thirteen million nine thousand (13,009,000) dollars for 1977-78. Any funds remaining which are in excess of such estimated fuel and electricity costs during 1977-78 may be used for other purposes such as maintenance, equipment, and miscellaneous purposes.

Sec. 8. Section two hundred seventy point nine (270.9), Code 1977, is amended to read as follows:

270.9 SCHOOL FOR DEAF AND SIGHT-SAVING SCHOOL. ~~There is appropriated from the general fund of the state to the state board of regents the sum of one hundred forty-eight thousand seven hundred fifty dollars, or so much thereof as is necessary, to be distributed~~ Funds appropriated to the

school for the deaf and the Iowa braille and sight-saving school for payments to the parents or guardians of pupils in either institution shall be expended as follows:

1. Transportation reimbursement at the rate specified in section 285.1, subsection 3 to the parents or guardians of children who do not reside in the institution, but are transported to the institution on a daily basis.

2. Transportation reimbursement at the rate specified in section 285.1, subsection 3 to the parents or guardians for not more than ten trips per year from the institution to the residence of the parent or guardian and return to the institution for children who reside in the institution.

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

Sec. 10. Moneys appropriated by this Act shall not be used for capital improvements.

Sec. 11. When any laws of this state are in conflict with this Act, the provisions of this Act shall govern for the fiscal year 1977-1978.

Approved July 9, 1977

CHAPTER 32

AGRICULTURAL EXTENSION AND SOIL CONSERVATION

S. F. 414

AN ACT to appropriate funds for the purpose of providing funds to implement the provisions of House File two hundred ten (210) of the Sixty-seventh General Assembly, 1977 session.

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

Section 1. There is appropriated from the general fund of the state to the following named agencies, such funds as indicated to be used for carrying out the provisions of House File two hundred ten (210) as enacted by the Sixty-seventh General Assembly, 1977 Session, in the manner designated:

1977-1978
Fiscal Year

1. STATE AGRICULTURAL EXTENSION
SERVICE OF IOWA STATE UNIVERSITY
OF SCIENCE AND TECHNOLOGY

For use of and administration of
the temporary county land preserva-
tion policy commissions \$75,000

2. DEPARTMENT OF SOIL CONSERVATION

For use of and administration of
the temporary state land preservation
policy commission \$25,000

Approved July 11, 1975

CHAPTER 33

STATE FAIR, CONSERVATION COMMISSION, MISSOURI RIVER STUDY,
AGRICULTURE DEPARTMENT AND HOOVER BIRTHPLACE

S. F. 344

AN ACT relating to and appropriating funds for capital improve-
ments of the state fair grounds and for capital improvements
under the jurisdiction of the state conservation commission,
providing for review of a capital project, directing the open-
ing of certain roads, providing for a study of the Missouri
river, providing funds to the department of agriculture for
purchasing or converting scale trucks, providing funds to
assist with capital improvements of the Herbert Hoover birth-
place foundation, and authorizing the payment of a special
assessment.

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

Section 1. There is appropriated to the Iowa state fair
board for the fiscal year beginning July 1, 1977 and ending
June 30, 1978 the sum of two hundred eighty-five thousand
(285,000) dollars, or so much as is necessary, to be used
for major repairs and improvements of the state fairgrounds.

Sec. 2. There is appropriated from the general fund of
the state to the state conservation commission for the fis-
cal year beginning July 1, 1977 and ending June 30, 1978 the
sum of one million (1,000,000) dollars, or so much as is nec-
essary, for construction, replacement, development and
alterations to state parks and preserves, state forestry
facilities and state waters including artificial lake de-
velopment; shoreline erosion and siltation control; river,

stream and lake access; open spaces land acquisition; publications; and engineering and planning services or to supplement any prior appropriation for such purposes.

Any land purchased by the state conservation commission pursuant to the open spaces land acquisition program shall be purchased from a willing seller only.

Sec. 3. Chapter one thousand twenty-six (1026), Acts of the Sixty-fifth General Assembly, 1974 Session, section seven (7), as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty-two (62), section eleven (11), and Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one thousand two hundred five (1205), section seven (7), is amended to read as follows:

SEC. 7. Funds appropriated by this Act shall not be used for the purchase, construction, or leasing of resort lodges. Unencumbered funds remaining as of June 30, 1977 shall revert to the general fund of the state on September 30, 1977 except those funds unencumbered on June 30, 1979 and appropriated for the Brushy Creek project shall revert September 30, 1979 and funds set aside for dredging under section three (3) of this Act and funds appropriated by this Act to the Volga River dam construction project shall revert to the general fund on September 30, 1979, if unencumbered as of June 30, 1979.

Sec. 4. The state conservation commission shall, from funds appropriated in section two (2) of this Act, expend no less than one hundred thousand (100,000) dollars for the purpose of acquiring scenic or other easements, if practical, in order to preserve the beauty of the Upper Iowa River.

Sec. 5. Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one thousand twenty-six (1026), section one (1), subsection three (3), as amended by Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one thousand two hundred five (1205), section six (6), is amended to read as follows:

VOLGA RIVER. For design and construction of ~~three or more lakes~~ one lake on the Frog Hollow watershed of the Volga River. Construction shall begin within the ~~calendar~~ fiscal year 1977-1978..... \$1,500,000

Sec. 6. The Iowa state conservation commission shall review the Squaw Creek project located in Linn county for the purpose of determining if it would be of benefit to the people of the state for the state to own or control and provide funds for the project in order to complete such project. As a part

of this review, the conservation commission shall study the potential benefit to the people of the state of establishing a revolving fund for the purpose of providing assistance to local units of government in obtaining federal bureau of outdoor recreation reimbursement for capital improvement projects. The state conservation commission shall make a report, not later than January 15, 1978, to the budget natural resources subcommittees of the house and senate with regard to the feasibility and desirability of this approach. The state conservation commission shall not acquire further land for the expansion of the Lake McBride project until this report is submitted.

Sec. 7. The state conservation commission shall pay out of funds available to it the assessment of the city of Ventura, Iowa for a water line and the limitation for the payment of assessments provided for in section three hundred seven A point five (307A.5) of the Code shall not apply to this assessment.

Sec. 8. The state conservation commission shall explore the feasibility of acquiring easements, scenic or otherwise, in order to preserve scenic and natural areas of the state and shall define the role of easement acquisition in relation to the comprehensive plans of the commission. The state conservation commission shall report on these matters to the budget natural resources subcommittees of the house and senate no later than January 15, 1978.

Sec. 9. When the development of projects in which the state conservation commission has entered into agreements with other units of governments would be delayed in funding by the state conservation commission, then the commission shall give priority to such projects when allocating unobligated funds appropriated by this Act.

Sec. 10. There is appropriated to the state conservation commission from the general fund of the state the amount of fifty-nine thousand (59,000) dollars or so much thereof as necessary for the purpose of developing a program to resolve problems associated with the Missouri River. The state conservation commission shall report on the development of this program to the budget natural resources subcommittees of the house and senate not later than January 15, 1978.

Sec. 11. There is appropriated from the general fund of the state to the department of agriculture for the fiscal year beginning July 1, 1977 and ending June 30, 1978 the sum

of eighty-four thousand (84,000) dollars, or so much of that as is necessary, for the purpose of purchasing or converting scale trucks or both purchasing and converting scale trucks.

Sec. 12. There is appropriated from the general fund of the state to the Herbert Hoover birthplace foundation for the fiscal period beginning July 1, 1977 and ending June 30, 1978 the sum of twenty thousand (20,000) dollars, or so much thereof as is necessary, for the purpose of assisting with capital improvements.

Sec. 13. The state conservation commission shall open all roads which pass through the Ledges State Park from September fifteenth to November first of each year.

Approved July 13, 1977

CHAPTER 34

GENERAL SERVICES AND EXECUTIVE COUNCIL

H. F. 584

AN ACT making appropriations to the department of general services and the executive council for capital improvements.

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

Section 1. There is appropriated from the general fund of the state for the fiscal period beginning July 1, 1977 and ending June 30, 1981 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF GENERAL SERVICES--Division of Buildings and Grounds	
a. For capital improvements and repairs.....	\$ 500,000
b. For installation of storm windows in the capitol building.....	\$ 28,000
2. DEPARTMENT OF GENERAL SERVICES--Office of the Director	
For furniture and moving expense for agencies to be located in the Wallace building.....	\$ 500,000

It is the intent of the general assembly that to the extent possible, furniture, furniture components, and office dividers to be utilized in the Wallace building be purchased from Iowa state industries if the bid received from Iowa state industries does not exceed bids from other suppliers for equivalent furnishings.

3. THE EXECUTIVE COUNCIL--
Terrace Hill

a. For preparing Terrace Hill to be open to the public for at least ten hours per week plus prearranged tours commencing July 1, 1978 by providing for driveway and parking, new sidewalks to replace broken slabs and damage in sewer work, public toilets in the basement, the basement floor and underfloor plumbing, stairway to the basement, and reconstruction of the east porch, such funds to be available only if funds equal to or exceeding the amount appropriated by this subsection are contributed from sources other than the state of Iowa and are in fact in possession of the state by January 1, 1978..... \$125,000

b. If funds which are equal to or exceed the amount appropriated by paragraph a of this subsection are not contributed and not in the possession of the state by January 1, 1978 the funds appropriated by paragraph a shall revert to the general fund of the state on

January 1, 1978 notwithstanding any other provision of this section providing for the reversion of funds.

It is the intent of the general assembly that when funds are appropriated or allocated for furniture, furniture components, and office dividers to be utilized in the Hoover building, such furniture, furniture components, and office dividers be purchased from Iowa state industries.

4. EXECUTIVE COUNCIL

For the state's share of Des Moines city sewer project covered under chapter three hundred seven A point five (307A.5) of the Code for each year of the 1977-1979 bien-

nium..... \$400,000

5. All unencumbered or unobligated balances of appropriations made by this section remaining on June 30, 1981 shall on September 30, 1981 revert to the state treasury and to the credit of the general fund.

Sec. 2. House File three hundred sixty-seven (367), section one (1), subsection sixteen (16), as enacted by the Sixty-seventh General Assembly, 1977 Session, is amended to read as follows:

16. TERRACE HILL

For salaries, support, and miscellaneous purposes required to maintain Terrace Hill. ~~It is a condition of this appropriation that Terrace Hill be open to the public for not less than twenty hours per week beginning July 17, 1977.~~

..... \$69,618

Approved July 5, 1977

CHAPTER 35
BOARD OF REGENTS AND DUBUQUE AREA SCHOOL

H. F. 622

AN ACT appropriating funds for capital projects at institutions under the control of the state board of regents and merged area schools.

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

Section 1. There is appropriated from the general fund of the state to the following named agencies subject to the control of the state board of regents, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. STATE UNIVERSITY OF IOWA For the Lindquist center for measurement--phase II	\$5,500,000
2. IOWA SCHOOL FOR THE DEAF For fire safety requirements	\$ 95,000
3. UNIVERSITY OF NORTHERN IOWA For gymnasium number one perimeter renovation	\$ 250,000
4. IOWA BRAILLE AND SIGHT-SAVING SCHOOL	
a. For fire safety requirements	\$ 150,000
b. For renovation and remodeling	\$ 240,000
5. STATE BOARD OF REGENTS For accessibility of facilities to the orthopedically handicapped	\$ 935,000
6. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY For a horticulture addition and remodeling	\$2,460,000

Sec. 2. Chapter two hundred eighty A (280A), Code 1977, is amended by adding the following new section:

NEW SECTION. There is appropriated annually from the general fund of the state to the department of public instruction the sum of five hundred thousand (500,000) dollars to be used for construction projects at merged area one (I) within Dubuque county. This section is repealed effective July 1, 1980.

Sec. 3. The total estimated cost of fine arts elements included in the plans and specifications for the capital improvements authorized by this Act for the Lindquist center,

for the horticulture addition and remodeling project, and for construction projects at merged area one (I) within Dubuque county shall be not less than one-half of one percent of the total appropriation for such construction projects.

Sec. 4. As used in this Act, "fine arts" means sculpture, fountains, bas-reliefs, mosaics, frescoes, wall hangings, pictures or other enhancements to be integrated into the total environment of such construction. Fine arts does not include the structural elements or hardware and other accessories.

Sec. 5. The state board of regents and the merged area one (I) board of directors shall coordinate with the Iowa arts council all matters relating to the inclusion of works of fine arts in their respective projects authorized by this Act.

Sec. 6. Unencumbered or unobligated funds remaining on June 30, 1981 from funds appropriated by this Act shall revert to the general fund of the state on September 30, 1981.

Sec. 7. Subsection one (1) of section one (1) shall take effect as provided in section eight (8) of this Act. Subsections two (2), three (3), four (4), five (5) and six (6) of section one (1) are effective July 1, 1977.

Sec. 8. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Laurens Sun, a newspaper published in Laurens, Iowa, and in The Aurelia Sentinel, a newspaper published in Aurelia, Iowa.

Approved July 6, 1977

I hereby certify that the foregoing Act, House File 622, was published in The Laurens Sun, Laurens, Iowa on July 14, 1977, and in The Aurelia Sentinel, Aurelia, Iowa on July 13, 1977.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 36
PUBLIC HEALTH NURSING, HOMEMAKER—HOME
HEALTH AND LOW INCOME ELDERLY

H. F. 597

AN ACT to appropriate funds to the department of health for the purpose of extending public health nursing services, visiting nurse services, and homemaker-home health aide services to additional low-income elderly persons.

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

Section 1.

1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1977 and ending June 30, 1978 to the department of health one million six hundred thousand (1,600,000) dollars to be used to extend availability of public health nursing services or visiting nurse services and home health aide services to additional elderly persons in this state.

2. The department may retain not to exceed one percent of the amount appropriated by this section, to be used to pay the costs of administering this section. The remainder shall be allocated for use in the several counties of the state as follows:

a. One-fourth of the total amount to be allocated shall be divided so that an equal amount is available for use in each county in the state; and

b. Three-fourths of the total amount to be allocated shall be divided so that the share available for use in each county is proportionate to the number of elderly persons living in that county in relation to the total number of elderly persons living in the state.

3. The department shall make the money allocated for use in each county under subsection two (2) of this section available to be expended in that county as follows:

a. The local board of health having jurisdiction, after consultation with any other agencies which provide either public health nursing service, visiting nurse service, or homemaker-home health aide service in the jurisdiction, shall prepare a proposal for the use of the funds available for that jurisdiction which will provide the maximum benefits of expanded home health care to the elderly persons in the jurisdiction. After approval of the proposal by the department, the department shall enter into a contract with

the local board of health. The local board of health may subcontract with any nonprofit nurses' association, independent nonprofit agency, the department of social services or any suitable local governmental body to use the funds to expand nursing or homemaker-home health aide services.

b. It is the intent of the general assembly that local boards of health or subcontracting agencies not use any of the funds received under such contracts to replace, directly or indirectly, funds previously received either from taxes levied by the county or from other sources and used to pay all or any part of the cost of a public health nursing program, visiting nurses' services or homemaker-home health aide services maintained in that county.

4. If the department has by November 30, 1977 been unable to conclude contracts for use in any county or counties of the funds allocated under this section for use therein, the funds so allocated shall be considered an unallocated pool. The department shall prior to December 31, 1977 reallocate any funds in such an unallocated pool among those counties with respect to which the department has concluded contracts under subsection three (3) of this section. The reallocation shall be made in substantially the manner prescribed by subsection two (2) of this section, and the funds shall be available for use in the counties to which they are so reallocated during the period beginning January 1, 1978 and ending June 30, 1978.

5. Any of the funds appropriated by this section and allocated or reallocated for use in a county in this state with respect to which the department has concluded a contract under subsection three (3) of this section, shall remain available for use in that county during the fiscal year beginning July 1, 1978 and ending June 30, 1979, pursuant to all applicable requirements of this section. The balance of those funds retained by the department for administrative purposes, as authorized by subsection two (2) of this section, which remains unexpended on June 30, 1978 shall revert to the general fund of the state as provided by section eight point thirty-three (8.33) of the Code.

Sec. 2. For the purposes of this Act, an "elderly person" is one who is sixty years of age or older.

Sec. 3. The department of health shall within thirty days after the effective date of this Act promulgate rules not contrary to this Act defining eligibility for public health

nursing services and for homemaker-home health aide services paid for by funds appropriated by this Act, and imposing a sliding fee scale for those persons deemed able to pay all or a portion of the cost of such services.

Sec. 4. The department of health shall prepare a report containing a critical evaluation of the programs funded under this Act, including quantitative measures of the level of services provided, proportion of the eligible population served, and the number of elderly in health care facilities before and after the programs funded under this Act were implemented. An interim report shall be submitted to the second session of the Sixty-seventh General Assembly not later than thirty days after its convening, and a final report shall be submitted to the first session of the Sixty-eighth General Assembly not later than thirty days after its convening.

Sec. 5. The department of social services is authorized to reallocate not more than fifty-five existing vacancies to the employment category of homemaker, for the purpose of expanding homemaker services in the counties where it is provided directly by the department of social services and thereby facilitating implementation of this Act. It is the intent of the general assembly that the department of social services employ additional persons as homemakers on a less than full-time basis, as necessary to insure the widest possible availability of homemaker services in this state, so long as the total number of vacancies reallocated to homemaker positions and filled does not exceed the equivalent of fifty-five full-time positions.
Approved July 10, 1977

CHAPTER 37

SOCIAL SERVICES

H. F. 464

AN ACT relating to the administration and financing of current programs under the jurisdiction of the department of social services and to funding of capital improvement projects including capital improvement projects recommended by the advisory commission on corrections relief.

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

Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1977 and ending June 30, 1978 to the department of social services, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1977-1978
Fiscal Year

1. District Administration

For the administration of district and local offices including salaries and support \$ 10,250,000

The provisions of subsection nine (9) of section nineteen A point nine (19A.9) of the Code which restricts employment of intermittent employees to not more than a specified number of calendar days in any twelve-month period without examination, shall not apply during the period beginning on July 1, 1977 and ending June 30, 1978 for forty intermittent employees who are employed in field offices by the department of social services. It is the intent of the general assembly to authorize the continued employment during the 1977-1978 fiscal year of persons employed to assist in meeting the current high demand for income maintenance and related services and to permit the department to avoid the cost of training new employees. Any such employee of the department of social services who has been employed and classified as an intermittent employee after August 1, 1975 for twelve consecutive months or more shall be eligible to receive the same fringe benefits for fiscal year 1977-1978 as any other person employed under the provisions of chapter nineteen A (19A) of the Code.

2. State Administration

a. For salaries, support, maintenance

and miscellaneous purposes \$ 4,389,000

Included in this appropriation for state administration is twenty-five thousand (25,000) dollars for one additional prosecutor for the fraud unit.

3. Medicaid Management Information

System (MMIS)

For development and implementation of medicaid management information system.....\$ 140,000

Sec. 2. There is appropriated from the general fund of

the state for the fiscal year beginning July 1, 1977 and ending June 30, 1978 to the department of social services, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

1977-1978
Fiscal Year

FAMILY AND CHILDREN SERVICES:

For the operation of the following institutions:

1. State juvenile home at Toledo	\$ 1,275,000
2. Boys' training school at Eldora ...	\$ 3,100,000
3. Girls' training school at Mitchellville	\$ 1,000,000
4. Iowa veterans home at Marshalltown	\$ 7,520,000
5. Juvenile community based corrections	\$ 80,000

The department shall consult with the advisory commission on corrections and prepare and submit to the house and senate budget subcommittees on social services recommendations concerning the three juvenile institutions at Eldora, Mitchellville and Toledo with a long term recommendation on the care and treatment of juveniles at not more than two institutions. These recommendations shall be submitted on or before December 15, 1977. Members of the budget subcommittees on social services shall visit the three institutions during the 1977 interim.

Sec. 3. Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one thousand one hundred thirty-two (1132), section two (2), subsection six (6), paragraph a, is amended to read as follows:

a. For contracting with local public or private nonprofit organizations for community based juvenile corrections programs and juvenile interim detention facilities and shelter care facilities \$ 160,000

Notwithstanding section eight point thirty-three (8.33) of the Code, unencumbered or unobligated funds appropriated by this paragraph shall not revert to the general fund until June 30, 1978. The state youth coordinator shall submit during the 1978 Session of the general assembly to the budget committees of the house and senate a report detailing the

manner in which funds appropriated by this paragraph have been expended. In addition the report shall contain such information as will be useful in determining the value of the community based juvenile correction program.

Sec. 4. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1977 and ending June 30, 1978 to the department of social services, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

	1977-1978
	<u>Fiscal Year</u>
ADULT CORRECTIONAL SERVICES:	
1. Community based corrections	\$ 6,500,000
2. Luster Heights camp	
at McGregor	\$ 140,000
3. Iowa state penitentiary	
at Fort Madison	\$ 7,900,000
4. Men's reformatory	
at Anamosa	\$ 5,300,000
5. Women's reformatory at	
Rockwell City	\$ 735,000
6. Iowa security medical facility	
at Oakdale	\$ 2,290,000
7. Riverview release center	
at Newton	\$ 800,000
8. Medium security facility	
at Mt. Pleasant	\$ 1,524,000
9. Parole services	\$ 783,000

Sec. 5. It is the intent of the general assembly that a mental health institute shall not accept physical custody of children alleged to be children in need of assistance on the grounds stated in section two hundred thirty-two point two (232.2), subsection thirteen (13), paragraphs i and j, of the Code, on guest status or otherwise, for more than twenty days.

It is also the intent of the general assembly that children found to be children in need of assistance on the grounds stated in section two hundred thirty-two point two (232.2), subsection thirteen (13), paragraphs i and j, of the Code shall not be placed in a mental health institute on the basis of that adjudication.

The court may, however, order a commitment to a mental health institute or other appropriate secure facility for

the purposes of treatment of a mental or emotional condition only after making findings pursuant to the standards set out for involuntary commitment in chapter two hundred twenty-nine (229) of the Code.

Sec. 6. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1977 and ending June 30, 1978 to the department of social services, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

	1977-1978
	<u>Fiscal Year</u>
MENTAL HEALTH SERVICES:	
1. For the mental health institute at Cherokee	\$ 6,000,000
2. For the mental health institute at Clarinda	\$ 4,950,000
3. For the mental health institute at Independence	\$ 6,200,000
4. For the mental health institute at Mount Pleasant	\$ 4,800,000

The state mental health institutes daily per diem as determined pursuant to section two hundred thirty point twenty (230.20) of the Code shall be billed at eighty percent for the fiscal year.

Sec. 7. The department of social services with the approval of the governor and the state comptroller may transfer funds appropriated by section six (6) of this Act from any subsection of section six (6) for a purpose specified by any other subsection of section six (6).

Sec. 8. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1977 and ending June 30, 1978 to the department of social services, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

	1977-1978
	<u>Fiscal Year</u>
MENTAL RETARDATION SERVICES:	
1. For the Glenwood state hospital-school	\$ 9,800,000
2. For the Woodward state hospital-school	\$ 10,100,000

3. Hospital-school charges to counties.

a. The state hospital-schools' per-patient-per-day cost as determined pursuant to section two hundred twenty-two point

seventy-three (222.73) of the Code shall be billed at eighty percent for the fiscal year, except as otherwise provided by this subsection.

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

Sec. 9. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1977 and ending June 30, 1978 to the department of social services, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

	1977-1978
	<u>Fiscal Year</u>
SPECIAL PROGRAMS DIVISION:	
1. For aid to the blind	\$ 20,000
2. For aid to the dependent children	\$ 47,000,000
3. For aid to Indians residing on a settlement	\$ 48,000
4. For medical assistance	\$ 74,000,000
5. For contractual services-medical carrier	\$ 950,000
6. For foster care	\$ 7,800,000
7. For subsidized adoptions	\$ 240,000
8. For work and training programs	\$ 420,000
9. For adult and children services ...	\$ 1,280,000
10. For homemaker services	\$ 480,000
11. For state supplementary assistance	\$ 3,800,000
12. For state supplementary assistance for the blind	\$ 275,000
13. For the governor's youth opportunity program	\$ 750,000
14. For child support recoveries	\$ 283,000
15. Assistance to child care centers for nonprofit centers only.....	\$ 250,000

Real property shall not be purchased with funds appropriated

by this subsection.

16. State supplementation to
Title XX \$ 750,000

The funds appropriated by this subsection shall be used only for purchase of services to continue current programs.

17. Notwithstanding the provisions of section eight point thirty-three (8.33) of the Code, unencumbered or unobligated funds appropriated by Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one thousand one hundred thirty-two (1132), section five (5), subsection two (2), remaining on June 30, 1977 shall be available for expenditure during the fiscal year beginning July 1, 1977 and the unencumbered or unobligated funds remaining on June 30, 1978 shall revert to the general fund on September 30, 1978.

Sec. 10. It is the intent of the general assembly, in consideration of the Iowa state university of science and technology aid to families with dependent children study, that the schedule of living costs and the payments for persons on the aid to families with dependent children program shall be set as follows:

- | | |
|--------------------|-----------------|
| a. 2 person family | \$257 per month |
| b. 3 person family | \$318 per month |
| c. 4 person family | \$369 per month |
- d. All other family sizes shall be set at their present payment level.

Sec. 11. Unless otherwise provided in this Act, all institutional receipts of the department of social services shall be deposited in the general fund except rentals charged to employees or others for room, apartment, or house and meals, which shall be available to the institutions, and except for receipts from farm products which shall be used for necessary farm expenses and repair.

Sec. 12. Each hospital-school shall, upon receipt of any payment made under chapter two hundred forty-nine A (249A) of the Code for the care of any patient, segregate an amount equal to that portion of the payment which is required by law to be made from nonfederal funds. The money segregated shall be deposited in the medical assistance fund of the department of social services.

Sec. 13.

* 1. It is the intent of the general assembly that the activities and services provided by the department of social services at the Riverview release center at Newton shall be

phased out during the 1977-1978 fiscal year. The budget for the work release halfway houses funded through the Riverview release center shall not be reduced and shall be transferred to community based corrections for administrative purposes at such time as is appropriate. However, the physical structure and fixtures of the Riverview release center shall not be altered except for normal repair and maintenance until such time as the general assembly shall otherwise provide.

* Item veto

2. The special needs program of the aid to families with dependent children program shall be continued.

3. It is the intent of the general assembly to fully fund the addition to the aid to families with dependent children program as it applies to dependent children through the age of twenty years. If funds appropriated by this Act are insufficient to carry out this intent, it is the intent of the general assembly that a supplemental appropriation will be made by the general assembly meeting in the year 1978 to fund the program as intended.

Sec. 14. The department of social services shall encourage voluntary participation of families in paying for a portion of the care delivered to a relative/resident in an intermediate care facility. Facility administrators and appropriate department personnel, both state and county, will be advised as to the proper method of implementing family participation.

Sec. 15. It is the intent that the department of social services shall increase the maximum reimbursement for intermediate care facility services under medicaid from nineteen dollars to nineteen dollars and fifty cents and that the department shall increase the fee paid to pharmacists under medicaid from two dollars and fifteen cents to two dollars and fifty-five cents.

Sec. 16. It is the intent of the general assembly that the department of social services, by July 1, 1977, shall review every state staffing requirement contained in the conditions of participation for intermediate care facilities participating in the medicaid program that exceeds federal government requirements and that any such conditions of participation be submitted to the administrative rules review committee.

* Sec. 17. The department of health shall delay implementation of the department of health licensure rules for intermediate care facilities as published in the Iowa

Administrative Code "Health (470) chapter 58". The department, upon consultation with the health facilities advisory committee, shall review these rules which exceed the federal Title XIX guidelines for intermediate care facilities. All such modified rules approved by the department of health shall be resubmitted to the administrative rules review committee. The department of health may promulgate rules in areas not addressed by federal regulations.

*Item veto

Sec. 18. It is the intent that the department of social services shall resist the implementation of the federal government spouse income regulation which would allow spouse income under certain circumstances to be excluded from the determination of income for intermediate care facility medicaid eligibility purposes.

Sec. 19. It is the intent of the general assembly that funds appropriated for medical assistance shall not be used to pay for radiology services provided by a computerized axial tomographic scanner placed in operation in the state of Iowa subsequent to the effective date of this Act unless said computerized axial tomographic scanner has been approved by the health facilities construction review committee of the state department of health.

Sec. 20. Section two hundred twenty-two point eighty-six (222.86), Code 1977, is amended to read as follows:

222.86 PAYMENT FOR CARE FROM FUND. Whenever the amount in the account of any patient in the patients' personal deposit fund exceeds the sum of two hundred dollars, the business manager of the hospital-school or special unit may apply any amount of the excess to reimburse the county of legal settlement for liability incurred by such county for the payment of care, support, and maintenance of the patient when billed therefor by the county of legal settlement. ~~Money earned-by-a-patient-for-work-performed-in-or-for-a-hospital-school-or-special-unit-shall-not-be-subject-to-this-section-or-to-attachment.~~

Sec. 21.

1. The department of social services shall implement a pilot program in community services districts ten and two requiring mandatory second opinions on elective surgery for medicaid clients. The department shall reimburse board certified surgical specialists to give their opinion on

elective surgery prescribed by the client's own physician. If there is a difference in the opinion of the two physicians, the client shall make the final determination. In cases where the client is geographically distant from the specialist, the department shall pay transportation and child care expenses incurred in obtaining the second opinion. The department shall maintain statistical information on this program in community service districts ten and two and on similar groups in community service districts eight and eleven in order to evaluate the impact of this program on the costs of the medicaid program.

2. There is appropriated from the general fund of the state to the department of social services for the fiscal year beginning July 1, 1977 the sum of fifty thousand (50,000) dollars, or so much thereof as may be necessary, for the administration of the pilot program mandated by this section, and for the payment of evaluation costs, consultant fees and client expenses incurred in connection therewith.

Sec. 22. There is appropriated from the general fund of the state to the department of social services for the fiscal period commencing July 1, 1977 the sum of one million (1,000,000) dollars, or so much thereof as is necessary, to be used for capital improvement projects deemed necessary by the department for institutions under its jurisdiction or for maintenance of such institutions.

Sec. 23. There is appropriated from the general fund of the state to the department of social services for the fiscal period beginning July 1, 1977 the sum of four million five hundred thousand (4,500,000) dollars, such moneys to be deposited in the hospital-schools revolving fund. Unobligated or unencumbered funds appropriated by this section shall not revert to the general fund of the state until the attainment of the object or the completion of the work for which such appropriation is made.

Sec. 24. There is appropriated from the general fund of the state to the department of social services for the fiscal period beginning July 1, 1977 the sum of two million five hundred thousand (2,500,000) dollars, or so much as is necessary, for construction of a one hundred eighty bed nursing facility and for renovation of the Sheeler health care facility of the Iowa veterans home.

Sec. 25.

1. There is appropriated from the general fund of the

state to the department of social services for the fiscal period beginning July 1, 1977, the sum of one million two hundred fifty-five thousand one hundred (1,255,100) dollars, or so much thereof as is necessary, for the purpose of carrying out capital improvements at the Iowa state penitentiary at Fort Madison and the men's reformatory at Anamosa pursuant to the specific recommendations of the advisory commission on corrections relief submitted to the general assembly subsequent to April 1, 1977. Funds appropriated by this subsection may be used to match federal funds including federal funds received from the law enforcement assistance administration if such funds become available to the state. The construction of the capital improvements shall not commence prior to March 1, 1978 except as provided in section twenty-seven (27) of this Act.

* 2. Notwithstanding the provisions of chapter one thousand forty-three (1043) of the Acts of the Sixty-sixth General Assembly, 1976 Session, funds appropriated by section one (1), subsection four (4) of such chapter remaining unexpended on the effective date of this Act shall be used for the conversion of the existing minimum security dormitory located outside the walls of the Fort Madison penitentiary to a minimum security facility. The conversion shall provide for making necessary repairs and separating the upper floor of this minimum security dormitory into rooms.

* Item veto

Sec. 26. Funds appropriated by subsection one (1) of section twenty-five (25) of this Act, and federal funds which may become available, shall be used for improvements at Fort Madison and Anamosa pursuant to the report of the advisory commission on corrections relief. The improvements include but are not necessarily limited to the following:

1. FORT MADISON. To unitize cellhouses eighteen and nineteen, to make necessary repairs to cellhouse seventeen, to complete work now in progress, make further necessary repairs, and also install a horizontal partition in cellhouse twenty, and to convert the upper floor of the existing minimum security dormitory located outside the walls to a minimum security facility with separate sleeping rooms of not less than eighty square feet each. The improvements to these cellhouses shall be completed in the sequence and manner specifically recommended by the advisory commission on corrections relief in its supplemental report submitted to

the general assembly subsequent to April 1, 1977. As used in this subsection "unitize" means the subdivision of cellhouses into smaller units in order to deliver correctional services on a more individualized basis.

2. FORT MADISON. To relocate laundry equipment in building fifty-nine and upgrade the electrical system in that building, demolish building thirty-eight, upgrade priority operation and service facilities in building seventy-five and cellhouse ninety-seven, repair the heating distribution system, construct outside separation structures, and repair the electrical distribution system.

3. ANAMOSA. To unitize cellhouse one, install forty-four rooms in the north cellhouse, and create one hundred seven housing units in the old hospital. As used in this subsection "unitize" means the subdivision of a cellhouse into smaller units in order to deliver correctional services on a more individualized basis.

Sec. 27. Unobligated or unencumbered funds remaining on June 30, 1981 from funds appropriated by sections twenty-two (22), twenty-four (24) and twenty-five (25) of this Act shall revert to the general fund of the state on September 30, 1981. If federal funds do not become available to match the funds appropriated by subsection one (1) of section twenty-five (25) of this Act, the funds, except seventy-five thousand dollars, shall be used for planning the projects provided for in this Act including the employment of architects. In no event shall such funds, except the seventy-five thousand dollars provided for in this section, be used for construction or alteration of physical structures prior to March 1, 1978. The seventy-five thousand dollars excepted from the planning shall be used to complete the work in progress, make further necessary repairs, and install a horizontal partition in cellhouse twenty at Fort Madison as provided in subsection one (1) of section twenty-six (26) of this Act.

Sec. 28. Section two hundred forty-six point one (246.1), Code 1977, is amended to read as follows:

246.1 DEFINITIONS. For the purpose of this chapter "director" or "state director" shall mean the director of the division of adult corrections of the department of social services, or that director's designee.

Sec. 29. Chapter two hundred forty-six (246), Code 1977, is amended by adding the following new section:

NEW SECTION. SPECIAL TREATMENT UNIT FOR CORRECTIONS

INMATES.

1. Beginning April 1, 1978, the medium security correctional facility at Mount Pleasant shall be utilized as a secure facility for treatment of inmates of adult correctional institutions who exhibit treatable personality disorders, with or without accompanying history of drug or alcohol abuse. Such inmates may apply for and upon their application may be selected for treatment by the staff of the treatment facility at Mount Pleasant in accordance with section two hundred eighteen point ninety (218.90) of the Code.

2. The director shall coordinate with the division of mental health of the department of social services and the state psychiatric hospital at Iowa City in the creation, staffing and operation of a research and treatment program directed at the class of disorders described in subsection one (1) of this section, which program shall be operated at the medium security correctional facility at Mount Pleasant.

3. The final decision regarding admission and discharge of patients of the treatment facility operated under this section shall rest with the director. Upon discharge, the patients of the treatment facility shall be transferred or placed as determined by the director.

Sec. 30. Section two hundred twenty-three point eight (223.8), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

223.8 COSTS AND CHARGES. Chapter two hundred thirty (230), Code 1977, shall govern the determination of costs and charges for the care and treatment of mentally ill patients admitted to the Iowa security medical facility, except that charges for the care and treatment of any person transferred to the security medical facility from an adult correctional institution or from a state training school shall be paid entirely from state funds. Charges for all other patients at the security medical facility shall be billed to the respective counties at the same ratio as for patients at state hospitals for the mentally ill, under section two hundred thirty point twenty (230.20) of the Code.

Sec. 31. The department of social services shall report to the budget social services subcommittees of the committees on budget of the house and senate by February 1, 1978 the cost and description of the construction necessary to make building twenty at Mount Pleasant mental health institute an internally secure structure, including but not limited

to providing escape-proof doors and windows, air conditioning, and electronic surveillance and security equipment which will exceed the standards in the existing plans.

Sec. 32. There is hereby appropriated from the general fund of the state to the legislative council the sum of twenty thousand (20,000) dollars, or so much thereof as may be necessary, which shall be used by the joint senate-house budget subcommittees on social services to conduct a study of the requirements for and restrictions upon use of federal funds allocated to Iowa under Title twenty (XX) of the United States Social Security Act, the manner in which the state and persons representing political subdivisions of the state and other local interests and organizations have planned for and acted in use of these funds, the effect upon these efforts and subsequent decisions by the department of social services affecting the allocation and use of Title twenty (XX) funds, the effect of any joint funding of programs with both money appropriated by or allocated to the state for the medical assistance program maintained pursuant to Title nineteen (XIX) of the United States Social Security Act and Title twenty (XX) money and the necessity for the district offices of the department of social services. The subcommittees shall make the necessary arrangements for the conduct and supervision of the study, including the hiring of any necessary staff, and for formulation of recommendations based upon the findings of the study. The report of the study and the recommendations based thereon shall be submitted to the Sixty-seventh General Assembly on or before the date it convenes for its regular session in the year 1978. The secretary of the senate and the chief clerk of the house, in consultation with the legislative council, shall provide administrative services for the administration of funds appropriated by this section.

Sec. 33. All federal grants to and the federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in such federal grants or receipts except the veterans per diem payable for veterans at the veterans home shall be deposited in the general fund.

Sec. 34. Funds appropriated by sections one (1) through ten (10) of this Act shall not be used for capital improvements.

Approved July 11, 1977, except the item designated as subsection 1 of section 13, section 17 and subsection 2 of section 25 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.

Robert D. Ray
Governor

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 464, An Act relating to the administration and financing of current programs under the jurisdiction of the Department of Social Services and to funding of capital improvement projects including capital improvement projects recommended by the Advisory Commission on Corrections Relief.

House File 464 is approved July 11, 1977, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated in the Act as Subsection 1 of Section 13 which reads as follows:

"1. It is the intent of the general assembly that the activities and services provided by the department of social services at the Riverview release center at Newton shall be phased out during the 1977-1978 fiscal year. The budget for the work release halfway houses funded through the Riverview release center shall not be reduced and shall be transferred to community based corrections for administrative purposes at such time as is appropriate. However, the physical structure and fixtures of the Riverview release center shall not be altered except for normal repair and maintenance until such time as the general assembly shall otherwise provide."

I am unable to approve the item designated in the Act as Section 17 which reads as follows:

"Sec. 17. The department of health shall delay implementation of the department of health licensure rules for intermediate care facilities as published in the Iowa Administrative Code "Health (470) chapter 58". The department, upon consultation with the health facilities

The Honorable Melvin D. Synhorst
Page Two
July 11, 1977

advisory Committee, shall review these rules which exceed the federal Title XIX guidelines for intermediate care facilities. All such modified rules approved by the department of health shall be resubmitted to the administrative rules review committee. The department of health may promulgate rules in areas not addressed by federal regulations."

I am unable to approve the item designated in the Act as Subsection 2 of Section 25 which reads as follows:

"2. Notwithstanding the provisions of chapter one thousand forty-three (1043) of the Acts of the Sixty-sixth General Assembly, 1976 Session, funds appropriated by section one (1), subsection four (4) of such chapter remaining unexpended on the effective date of this Act shall be used for the conversion of the existing minimum security dormitory located outside the walls of the Fort Madison penitentiary to a minimum security facility. The conversion shall provide for making necessary repairs and separating the upper floor of this minimum security dormitory into rooms."

Section 13, Subsection 1 requires the Department of Social Services to phase out the operations of the Riverview Release Center at Newton during FY 78. The Advisory Commission on Corrections Relief recommended that the center as a prerelease facility be phased out in the belief that the traditional way station between prison and community has become less necessary with the establishment of our community corrections program.

However, subsequent to the offering of the proposal to phase out Riverview, the legislature also added a provision to Senate File 112, the community corrections bill, calling for the creation of an inmate employment program at Riverview which would be consistent with the Commission's advice on training. Through a cooperative arrangement between the Departments of Transportation and Social Services, men and women inmates will be trained by Transportation, become employees of the Department for no more than one year, and then move from there to other employment in private industry.

We favor more vocational training and job opportunities for inmates so they will be more adequately prepared to reenter society. If the inmate employment program at Newton is to be the success hoped for, it must be allowed to operate under favorable conditions. Under the phase-out provision of this bill, the Riverview administrators would be hard pressed to know whether to proceed full

The Honorable Melvin D. Synhorst
Page Three
July 11, 1977

speed ahead on the employment program or hold back in preparation for the shutdown mandated at the end of the year. We believe that this employment program should be supported and in order to do that Riverview should not be phased out at this time.

The major thrust of Riverview during FY 78 will be the inmate employment program. Three quarters of the population of the institution will be participating in the job training endeavor. A report on the initial operation of the program is to be submitted by February, 1978. If at that time the legislature decides to phase out Riverview, they will have ample time to affect the appropriation for FY 79. That action need not be forced now.

Section 17 requires the Department of Health to delay implementation of its revised health licensure rules for intermediate care facilities and in consultation with the Health Facilities Advisory Committee to determine if any exceed federal guidelines. Any rules modified under this review shall be submitted to the Administrative Rules Review Committee.

The Department of Health and the Health Facilities Advisory Committee completed a review and revision of the Department's licensure rules in December, 1976, after a two-year process. These new rules have been in operation since that time. A delay in implementation would leave the Department with no valid licensure rules for an indefinite period.

It was the consensus opinion of that group that these revised rules were efficient, workable, reasonable, and well-thought out. Mr. Larry Breeding, Executive Vice President of the Health Facilities Association of Iowa, wrote to me in December, saying:

"I do not believe I have ever seen a more hardworking, efficient, and industrious a group . . . The spirit of cooperation that existed between all facets of the committee was exemplary . . . I believe the work of this committee exemplified democracy at work (in reaching) reasonable and rational conclusions without a feeling of oppression."

Agreement still exists that the rules are exemplary and that they adequately set forth minimum requirements for intermediate care facilities. A point of contention has arisen, however, over the cost impact of the new rules. Such a cost impact statement was not included in the work of the Health Facilities Advisory Committee. There seems to be some fear that implementation of the new rules will result in costs that will strain the resources of the nursing homes.

The Honorable Melvin D. Synhorst
Page Four
July 11, 1977

At my request the Department of Health has conducted a rule-by-rule financial survey with the following summary results:

1. Requirements for construction will likely result in a net reduction in cost from the previous rules.
2. In the area of staffing requirements, particularly nursing care which has been of major concern, this survey indicates that any increase in the cost of licensed nursing care will be more than counter-balanced by a decrease in the requirement for nursing aide care, resulting in an overall decrease in the cost of minimum nursing care standards.

Section 17 does not address the pertinent issue--that of cost impact--but rather the adequacy of the rules as minimum standards. Further review of these licensure rules in terms of their fitness as minimum standards could be a costly and repetitive exercise. It also seems that the cost impact of the new rules will probably reduce the cost of minimum acceptable standards in each facility. The cost problems generated by the placement of patients requiring skilled care in intermediate care facilities is of concern also, and will be reviewed by the Department.

Nursing homes are not immune to increased costs as they provide quality care to their patients, but I do not presently see reduction of minimum care standards as one of the alternative solutions to that problem.

Further, a delay in implementation in the new rules will prevent the Department of Health from using the fining and citation powers granted last December and will allow inadequate and poor quality care, which was scheduled to be dealt with under this process, to continue for an indefinite period.

I believe it would be better not to halt the new rules but to monitor them carefully with an eye toward modification any time cost savings could be implemented without jeopardizing minimum standards of care.

For these reasons, I thereby do not approve Section 17.

Section 25, Subsection 2 requires the conversion of the outside dormitory at Fort Madison to rooms for minimum security at a cost of approximately \$235,000. This increase would come at a time when the eligible population is decreasing due to wider use of probation, community-based corrections and work release programs. Currently, more than half the population at Fort Madison is serving sentences for crimes of violence, and one-third is serving sentences of more than twenty years. Both the percentage of the population committing violent crimes and the number of acts of violence by each individual have increased significantly in the last five years.

The Honorable Melvin D. Synhorst
Page Five
July 11, 1977

As of July 9, 1977, the Warden's office reported there were 864 men being housed at Fort Madison. One hundred fifteen of these were in minimum security, with an average six-month stay. These men generally move on to discharge, parole, work release, or through some violation of rules, including escape, are sent back inside the Penitentiary. Thus, approximately 200-260 men are moved into minimum security during a year's time.

An examination of the files of the men at the Penitentiary indicates that 206 are eligible for minimum security, meeting at least the following criteria:

1. No life sentence.
2. No sentence for violent offense or exhibition of violent behavior while incarcerated.
3. No escape history within one year of review.
4. No report greater than a reprimand in the past two months.
5. No loss of good time or removal from honor roll in last six months.

These minimum standards were established in April, 1977, and are considerably more lenient than earlier criteria. A summary of file information of the 206 who could possibly be eligible indicates that 115 are already in minimum security, leaving 91, of whom another 50 are not currently being considered for the following reasons:

1. New men in orientation.
2. In protective custody.
3. Medical problems requiring daily care.
4. Mental problems.
5. Escape histories.
6. Don't want minimum security.
7. Too elderly.

This leaves 41 eligible for consideration. At current turnover rates, these men, if they are approved during review, will be placed in minimum security within six months or less.

It seems, therefore, based on the current population that minimum security candidates are being placed expeditiously and that a sufficient roster of available candidates would not be found to fill another facility and keep it filled. In addition, the escape rate from minimum security has increased since the opening of the farm dorms, thus increasing security risks.

The Honorable Melvin D. Synhorst
Page Six
July 11, 1977

Finally, the conversion of the outside dormitory to minimum security poses three other problems:

1. There will be a significant increase in staffing costs for security, counselors, and cooks for the new facility, since separate services will have to be provided.
2. The proximity of this building to the main compound increases significantly the danger of contraband passing between the inmates outside the walls and those inside.
3. Other facilities will have to be found for part of the vocational training program now housed there.

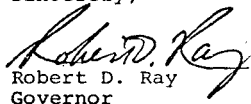
I am, therefore, unable to approve the use of this appropriation contained in Section 25, Subsection 2.

I do, however, feel that the dormitory, being a building less than 15 years old and in good condition, should be fully utilized and am directing the Department of Social Services to plan for its appropriate use considering some of the following alternatives:

1. Housing for correctional officers recruited from outside the local area.
2. Expansion of vocational programs.
3. Division of open spaces into classroom units.

For the above reasons, I hereby disapprove these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of House File 464 are hereby approved as of this date.

Sincerely,


Robert D. Ray
Governor

CHAPTER 38
LEGISLATIVE COUNCIL

H. F. 449

AN ACT relating to the legislative council, the method of appointing members to the legislative council and legislative fiscal committee, and grievances of employees subject to the policies of the legislative council.

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

Section 1. Section two point forty-one (2.41), Code 1977, is amended to read as follows:

2.41 LEGISLATIVE COUNCIL CREATED. There is hereby created a continuing legislative council of twenty members which shall be entitled the legislative council. The council shall be composed of the president pro tempore of the senate, the speaker of the house of representatives, the majority and minority floor leaders of the senate, the ~~chairman~~ chairperson of the senate committee on appropriations budget, the minority party ranking member of the senate committee on appropriations budget, five members of the senate appointed by the president of the senate, the majority and minority floor leaders of the house of representatives, the ~~chairman~~ chairperson of the house committee on appropriations budget, the minority party ranking member of the house committee on appropriations budget, and five members of the house of representatives appointed by the speaker of the house of representatives. The lieutenant governor shall be an ex officio nonvoting member of the council. Of the five members appointed by the president of the senate and speaker of the house, three from each house shall be appointed from the majority party and two from each house shall be appointed from the minority party. Members shall be appointed prior to the adjournment fourth Monday in January of the first regular session of each general assembly and shall serve for two-year terms ending upon the convening of the following general assembly or when their successors are appointed. Vacancies on the council, including vacancies which occur when a member of the council ceases to be a member of the general assembly, shall be filled by the president of the senate and the speaker of the house respectively. Insofar as possible, ~~upon appointment of members of the council during each regular session of the general assembly,~~ at least two members of the council from each house

shall be reappointed. The council shall hold regular meetings at a time and place fixed by the council and shall meet at any other time and place as the council may deem necessary.

Sec. 2. Section two point forty-two (2.42), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. To hear and act upon appeals of aggrieved employees of the legislative service bureau, legislative fiscal bureau, and the office of the citizens' aide pursuant to such rules of procedure as may be established by the council.

Sec. 3. Section two point forty-five (2.45), subsection two (2), Code 1977, is amended to read as follows:

2. The legislative fiscal committee, which shall be composed of the ~~chairmen~~ chairpersons and the ranking minority party members of the committees on ~~appropriations~~ budget of the house and senate and two members of the legislative council, one chosen by the president of the senate and one chosen by the speaker of the house of representatives. In addition, four members of the committee who are not members of the legislative council and who are members of a committee on ~~appropriations~~ budget; one member shall be appointed from each party by the president of the senate and the speaker of the house of representatives, respectively. The legislative fiscal committee shall determine policies for the legislative fiscal bureau and shall direct the administration of performance audits and visitations, subject to the approval of the legislative council.

Sec. 4. Section two point forty-seven (2.47), Code 1977, is amended to read as follows:

2.47 PROCEDURE. The ~~chairmen~~ chairpersons of the committees on ~~appropriations~~ budget shall serve as ~~cochairmen~~ cochairpersons of the legislative fiscal committee. The legislative fiscal committee shall determine its own method of procedure and shall meet as often as deemed necessary, subject to the approval of the legislative council. It shall keep a record of its proceedings which shall be open to public inspection, and it shall inform the legislative council in advance concerning the dates of meetings of the committee.

Sec. 5. Section two point forty-nine (2.49), subsection three (3), Code 1977, is amended to read as follows:

3. Furnish information and act in an advisory capacity to the committees on ~~appropriations~~ budget and committees on ways and means of the general assembly and their several

subcommittees when so requested.

Sec. 6. Section two point fifty-one (2.51), Code 1977, is amended to read as follows:

2.51 VISITATIONS. The legislative fiscal committee, with the approval of the legislative council, may direct a subcommittee, which shall be composed of the ~~chairmen~~ chairpersons and minority party ranking members of the appropriate subcommittees of the committees on ~~appropriations~~ budget of the senate and the house of representatives and the ~~chairmen~~ chairpersons of the appropriate standing committees of the general assembly, to visit the offices and facilities of any state office, department, agency, board, bureau, or commission to review programs authorized by the general assembly and the administration of the programs. When the legislative fiscal committee visits the offices and facilities of any state office, department, agency, board, bureau, or commission to review programs authorized by the general assembly and the administration of the programs, there shall be included the ~~chairmen~~ chairpersons and minority party ranking members of the appropriate subcommittees of the committees on ~~appropriations~~ budget of the senate and the house of representatives. The subcommittee and the legislative fiscal committee shall be provided with information by the legislative fiscal bureau concerning budgets, programs, and legislation authorizing programs prior to any visitation. Members of a committee shall be compensated pursuant to section 2.10, subsection 6. The subcommittee shall make reports and recommendations as required by the legislative fiscal committee.

Sec. 7. Section six hundred one G point three (601G.3), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

The citizens' aide shall employ and supervise all employees under ~~his~~ the citizens' aide's direction in such positions and at such salaries as shall be authorized by the legislative council. The legislative council shall hear and act upon appeals of aggrieved employees of the office of the citizens' aide.

Sec. 8. Notwithstanding section one (1) of this Act, the initial appointments of legislative council members shall be made not less than two weeks after the effective date of this Act.

Sec. 9. This Act, being deemed of immediate importance,

shall take effect and be in force from and after its publication in The Hawk Eye, a newspaper published in Burlington, Iowa, and in The Garner Leader & Signal & Garner Herald, a newspaper published in Garner, Iowa.

Approved May 13, 1977

I hereby certify that the foregoing Act, House File 449, was published in The Hawk Eye, Burlington, Iowa on May 23, 1977, and in The Garner Leader & Signal & Garner Herald, Garner, Iowa on May 25, 1977.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 39
PROSECUTOR INTERNSHIP PROGRAM

H. F. 280

AN ACT relating to establishing a prosecutor internship program.

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

Section 1. Section thirteen point two (13.2), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. Establish and administer, in cooperation with the law schools of Drake university and the university of Iowa, a prosecutor intern program incorporating the essential elements of the pilot program denominated "law student intern program in prosecutors' office" funded by the Iowa crime commission and participating counties. The attorney general shall consult with an advisory committee including representatives of each participating law school and the Iowa county attorneys association, inc. concerning development, administration, and critique of this program. The attorney general shall report on the program's operation annually to the general assembly and the supreme court.

Sec. 2. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Anamosa Eureka, a newspaper published in Anamosa, Iowa, and in The Forest City Summit, a newspaper published in Forest City, Iowa.

Approved May 18, 1977

I hereby certify that the foregoing Act, House File 280, was published in The Anamosa Eureka, Anamosa, Iowa on May 26, 1977, and in The Forest City Summit, Forest City, Iowa on May 26, 1977.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 40
CRIMINAL CODE PUBLISHED

S. F. 317

AN ACT amending the criminal code revision to provide for publication of an interim supplement to the Code of 1977 which shall contain the criminal code.

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

Section 1. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), section five hundred thirty-one (531), is amended to read as follows:

SEC. 531. Notwithstanding any other provision of the Code of Iowa, this Act shall, insofar as possible, be included in the Code of Iowa with the chapters, divisions and sections of this Act as the chapters, divisions and sections of the Code and with the descriptive word titles of the Act retained. ~~No editorial modification of this Act shall be incorporated into the Code without prior approval of the director of the legislative service bureau.~~ The staff of the legislative service bureau shall, subject to guidelines and policies established by the house and senate committees on judiciary or an appropriate joint subcommittee of such committees, prepare an interim supplement to the Code of 1977 which shall contain the text of the criminal code revision.

The interim supplement to the Code shall be published in substantially the style of the Code of Iowa. The provisions of chapters fourteen (14) and eighteen (18) of the Code as they relate to the Code of Iowa shall apply to the publication and distribution of the interim supplement except where inconsistent with this section. The text of the criminal code revision as published in the interim supplement shall be incorporated into the 1979 Code of Iowa.

The legislative council in cooperation with the state printer may obtain and approve bids for the publication of the interim supplement and may contract for necessary services required in the publication of the interim supplement. Expenses for the preparation and publication of the interim supplement shall be paid from funds appropriated by section fourteen point twenty-two (14.22) of the Code. The state comptroller shall pay such expenses upon the submission of proper vouchers approved by the director of the legislative

service bureau.

The code editor, state comptroller, and state printer shall cooperate to carry out the provisions of this section.

Sec. 2. Section eighteen point ninety-seven (18.97), subsection sixteen (16), Code 1977, is amended to read as follows:

16. To the clerk of the district court and each separate office of the clerk, the county attorney, the county auditor, the county recorder, county and city assessor, the county treasurer, the sheriff and each separate office of a sheriff, the public defender's office, and the administrator of each area education agency in the state and also for use in each courtroom of the district court.....1 copy.

Sec. 3. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Ottumwa Courier, a newspaper published in Ottumwa, Iowa, and in The Sioux County Index-Reporter, a newspaper published in Hull, Iowa.

Approved May 18, 1977

I hereby certify that the foregoing Act, Senate File 317, was published in the Ottumwa Courier, Ottumwa, Iowa on May 23, 1977, and in The Sioux County Index-Reporter, Hull, Iowa on May 26, 1977.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 41
COLLECTIVE BARGAINING

S. F. 393

AN ACT relating to the form of the ballot for public employee representation elections, voting requirement for such elections, and the duration of collective bargaining agreements.

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

Section 1. Section twenty point fifteen (20.15), subsections one (1) and two (2), Code 1977, are amended to read as follows:

1. Upon the filing of a petition for certification of an employee organization, the board shall submit ~~two-questions~~ a question to the public employees at an election in an appropriate bargaining unit. The ~~first~~ question on the ballot shall permit the public employees to ~~determine-whether-or-not-such-public-employees-desire-exclusive-bargaining~~

~~representation--The second question on the ballot shall list~~
vote for no bargaining representation or for any employee
organization which has petitioned for certification or which
has presented proof satisfactory to the board of support of
ten percent or more of the public employees in the appropriate
unit.

2. If a majority of the votes cast on the first question
is ~~in-the-negative~~ for no bargaining representation, the
public employees shall not be represented by an employee
organization. If a majority of the votes cast on the first
question is ~~in-the-affirmative~~ for a listed employee
organization, then the employee organization ~~receiving a~~
~~majority of the votes cast on the second question~~ shall
represent the public employees in an appropriate bargaining
unit.

Sec. 2. Section twenty point fifteen (20.15), subsections
three (3) and five (5), Code 1977, are amended to read as
follows:

3. If none of the choices on the ballot receive the vote
of a majority of the public employees ~~who could be represented~~
~~by an employee organization voting~~, the board shall conduct
a runoff election among the two choices receiving the greatest
number of votes.

5. Upon completion of a valid election in which the
majority choice of the employees ~~who could be represented~~
~~by an employee organization voting~~ is determined, the board
shall certify the results of the election and shall give
reasonable notice of the order to all employee organizations
listed on the ballot, the public employers, and the public
employees in the appropriate bargaining unit.

Sec. 3. Section twenty point fifteen (20.15), subsection
six (6), Code 1977, is amended to read as follows:

6. A petition for certification as an exclusive bargain-
ing representative shall not be considered by the board for
a period of one year from the date of the certification or
noncertification of an exclusive bargaining representative
or during the duration of a collective bargaining agreement
which shall not exceed two years. A collective bargaining
agreement with the state, its boards, commissions, departments,
and agencies shall be for two years and the effective date
of any such agreement shall be July 4 first of odd-numbered
years, provided that if an exclusive bargaining representative
is certified on a date which will prevent the negotiation

of a collective bargaining agreement prior to July first of odd-numbered years for a period of two years, the certified collective bargaining representative may negotiate a one year contract with a public employer which shall be effective from July first of the even-numbered year to July first of the succeeding odd-numbered year when new contracts shall become effective. However, if a petition for decertification is filed during the duration of a collective bargaining agreement, the board shall award an election under this section not more than one hundred eighty days nor less than one hundred fifty days prior to the expiration of the collective bargaining agreement. If an employee organization is decertified, the board may receive petitions under section 20.14, provided that no such petition and no election conducted pursuant to such petition within one year from decertification shall include as a party the decertified employee organization.
Approved July 13, 1977

CHAPTER 42

WAR SURPLUS COMMODITIES BOARD

S. F. 51

AN ACT to repeal the authority of the war surplus commodities board.

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

Section 1. Chapter twenty-one (21), Code 1977, is repealed.

Approved March 4, 1977

CHAPTER 43

TAX ASSESSMENTS AND TAX CREDITS

H. F. 332

AN ACT relating to property taxation by providing additional property tax credits for property owners by increasing the homestead tax credit and the agricultural land tax credit, providing a temporary delay in the phaseout of personal property taxes, making changes in the procedures for assessment and valuation of certain taxable property, creating a

legislative study committee to study the present tax structure, making appropriations, and making certain provisions of this Act retroactive.

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

Section 1. Chapter twenty-four (24), Code 1977, is amended by adding the following new section:

NEW SECTION. If the property tax valuations effective January 1, 1978, or January 1, 1979, are reduced or there is an unusually low growth rate in the property tax base of a political subdivision, the political subdivision may appeal to the state appeal board to request suspension of the statutory property tax levy limitations to continue to fund the present services provided. A political subdivision may also appeal to the state appeal board where the property tax base of the political subdivision has been reduced or there is an unusually low growth rate for any of the following reasons:

1. Any unusual increase in population as determined by the preceding certified federal census.
2. Natural disasters or other emergencies.
3. Unusual problems relating to major new functions required by state law.
4. Unusual staffing problems.
5. Unusual need for additional funds to permit continuance of a program which provides substantial benefit to its residents.
6. Unusual need for a new program which will provide substantial benefit to residents, if the political subdivision establishes the need and the amount of the necessary increased cost.

The state appeal board may approve or modify the request of the political subdivision for suspension of the statutory property tax levy limitations.

Upon decision of the state appeal board, the state comptroller shall make the necessary changes in the total budget of the political subdivision and certify the total budget to the governing body of the political subdivision and the appropriate county auditors.

Sec. 2. Chapter three hundred thirty-three (333), Code 1977, is amended by adding the following new section:

NEW SECTION. Each year on or before December first, the county auditor shall report to the state comptroller the valuation by class of property for each taxing district in

the county on forms prescribed by the state comptroller. The valuations reported shall be those valuations used for determining the levy rates necessary to fund the budgets of the taxing districts for the following fiscal year.

Each county auditor shall certify to the governing body of each taxing district in the county not later than January first of each year the assessed valuations of taxable property for each taxing authority within the county as reported to the state comptroller.

Sec. 3. Section four hundred twenty-five point one (425.1), subsections two (2), three (3), and four (4), Code 1977, are amended to read as follows:

2. The homestead credit fund shall be apportioned each year ~~as hereinafter provided~~ so as to give a credit against the tax on each eligible homestead in the state, ~~as defined herein; the amount of such credit to be in the same proportion that the assessed valuation of each eligible homestead in the state in an amount not to exceed nine thousand two hundred sixty dollars bears to the total assessed valuation of all eligible homesteads in the state~~ in an amount ~~not to exceed nine thousand two hundred sixty dollars~~ equal to the actual levy on the first four thousand five hundred dollars of actual value for each homestead.

3. The revenue distributable from the homestead credit fund, as provided for in subsection 1 hereof, shall be allocated every six months to the several counties of the state ~~in the same proportion that the assessed valuation of all eligible homesteads in each county in an amount not to exceed nine thousand two hundred sixty dollars for each homestead, bears to the total assessed valuation of all eligible homesteads in the state in an amount not to exceed nine thousand two hundred sixty dollars for each homestead.~~ Every six months the department of revenue shall certify and remit to the county treasurer of each county in the state the total amount of money which has been apportioned or is then apportionable to that county.

4. Annually the department of revenue shall estimate the credit not to exceed ~~six dollars and seventy-five cents per thousand dollars of assessed value to be given to each dollar of eligible homestead valuation based upon the estimated revenue that may be distributable from the homestead credit fund for the ensuing year~~ the actual levy on the first four thousand five hundred dollars of actual value of each eligible

homestead, and shall certify to the county auditor of each county such credit and the amount in dollars thereof. Each county auditor shall then enter such credit against the tax levied on each eligible homestead in each county payable during the ensuing year, designating on the tax lists such credit as being from the homestead credit fund, and credit shall then be given to the several taxing districts in which such eligible homesteads are located in an amount equal to the credits allowed on the taxes of such homesteads. The amount of said credits shall be apportioned by each county treasurer to the several taxing districts as provided by law, in the same manner as though the amount of the credit had been paid by the owners of said homesteads; provided, however, that the several taxing districts shall not be permitted to draw the funds so credited until after the semiannual allocations have been received by the county treasurer, as provided in this chapter. Each county treasurer shall show on each tax receipt the amount of credit received from the homestead credit fund.

Sec. 4. Section four hundred twenty-five point one (425.1), Code 1977, is amended by adding the following new subsections:

NEW SUBSECTION. If the homestead tax credit computed under this section is less than sixty-two dollars and fifty cents, the amount of homestead tax credit on that eligible homestead shall be sixty-two dollars and fifty cents subject to the limitation imposed in this section.

NEW SUBSECTION. The homestead tax credit allowed in this chapter shall not exceed the actual amount of taxes payable on the eligible homestead, exclusive of any special assessments levied against the homestead.

NEW SUBSECTION. Where any special charter city levies and collects its own taxes, the amount of the homestead tax credit allowed on eligible homesteads within the city shall be computed as follows:

a. In an amount equal to the tax levy by the special charter city on the first forty-five hundred dollars of actual value for each eligible homestead.

b. In an amount equal to the remainder of the consolidated levy as established by the county auditor on the first forty-five hundred dollars of actual value for each eligible homestead.

The homestead tax credit computed under this subsection shall be applicable for each homestead tax credit claimed

between January 1 and July 1 of the year in which the valuation being taxed by the city and county respectively was established.

Sec. 5. Section four hundred twenty-five point nine (425.9), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

~~In-the-event~~ If any claim for credit made hereunder has been denied by the board of supervisors, and such action is subsequently reversed on appeal, the same credit shall be allowed on the ~~assessed-valuation, not-to-exceed-nine-thousand-two-hundred-sixty-dollars-in-amount, of-the~~ homestead involved in said appeal, ~~as-was-allowed-on-other-homestead-valuations-for-the-year-or-years-in-question,~~ and the director of revenue, the county auditor, and the county treasurer ~~are-hereby authorized-and-directed-to~~ shall make such credit and ~~to~~ change their books and records accordingly.

Sec. 6. Section four hundred twenty-five point eleven (425.11), subsection one (1), Code 1977, is amended by striking paragraphs c and d.

Sec. 7. Section four hundred twenty-five point eleven (425.11), subsection one (1), paragraph e, Code 1977, is amended to read as follows:

e. It must not embrace more than one dwelling house, but where a homestead ~~outside-of-a-city~~ has more than one dwelling house situated thereon, the credit provided for in this chapter shall apply to ~~forty-acres,~~ the home and buildings used by the owner, but shall not apply to any other dwelling house and buildings appurtenant ~~thereto-situated-upon-said-forty acres.~~

Sec. 8. Chapter four hundred twenty-five (425), Code 1977, is amended by adding the following new section:

NEW SECTION. In any special charter city which levies and collects its own taxes, the city clerk shall compute that amount of credit allowed on each eligible homestead within such city as provided in section four (4) of this Act. Not later than August 1 of each year, the city clerk shall certify the amount of the homestead tax credits claimed for eligible homesteads in the city to the department of revenue. The department shall reimburse the city in the same manner and at such time as is presently provided for reimbursement of counties in section four hundred twenty-five point one (425.1) of the Code.

Sec. 9. Section four hundred twenty-six point one (426.1),

Code 1977, is amended to read as follows:

426.1 AGRICULTURAL LAND CREDIT FUND. There is hereby created as a permanent fund in the office of the treasurer of state a fund to be known as the agricultural land credit fund, and for the purpose of establishing and maintaining said fund for each fiscal year there is appropriated thereto from funds in the general fund not otherwise appropriated the sum of ~~eighteen~~ forty-two million dollars. Any balance in said fund on June 30 shall revert to the general fund.

Sec. 10. Section four hundred twenty-six point two (426.2), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

"Agricultural lands" as used in this chapter shall mean and include ~~all tracts of~~ land in tracts of ten acres or more excluding any buildings or other structures located on such land, and not laid off into lots of less than ten acres or divided by streets and alleys into parcels of less than ten acres, lying within any school corporation in this state and in good faith used for agricultural or horticultural purposes.

Sec. 11. Section four hundred twenty-six point three (426.3), Code 1977, is amended to read as follows:

426.3 WHERE CREDIT GIVEN. The agricultural land credit fund shall be apportioned each year in the manner hereinafter provided so as to give a credit against the tax on each tract of agricultural lands within the several school districts of the state in which the levy for the general school fund exceeds five dollars and forty cents per thousand dollars of assessed value; the amount of such credit on each tract of such lands shall be the amount the tax levied for the general school fund exceeds the amount of tax which would be levied on said tract of such lands were the levy for the general school fund five dollars and forty cents per thousand dollars of assessed value for the previous year, except in the case of a deficiency in the agricultural land credits fund to pay said credits in full, in which case the credit on each eligible tract of such lands in the state shall be proportionate and shall be applied as hereinafter provided. ~~The agricultural land credit as provided herein shall not be made to any taxpayer on any portion of his property upon which he may obtain a homestead credit, as provided by chapter 425.~~

Sec. 12. Section four hundred twenty-six point seven (426.7), Code 1977, is amended to read as follows:

426.7 WARRANTS DRAWN BY COMPTROLLER. After receiving from the several county auditors of the state the certifications provided for in section 426.6, and ~~en-or-before September-15-of~~ during the following fiscal year, the state comptroller shall draw warrants on the agricultural land credits fund created by this chapter, payable to the county treasurers of the several counties of the state in the total amount certified by the county auditors of the respective counties and mail said warrants to the county auditors of said counties in two equal payments on or before September fifteenth and March fifteenth of each fiscal year, provided that in the event the agricultural land credits fund is insufficient to pay in full the total of the amounts certified to the state comptroller on the first of June, ~~he~~ the state comptroller shall prorate the fund to the several county treasurers and notify the several county auditors of the pro rata percentage on or before August 4 first.

Sec. 13. Not later than May 1, 1977, the state comptroller shall recertify to the county auditors of the respective counties the pro rata percentage of reimbursement from the agricultural land credit fund which shall be distributed by the state comptroller on or before September 15, 1977.

Sec. 14. Section four hundred twenty-seven A point one (427A.1), subsections three (3) and four (4), Code 1977, are amended to read as follows:

3. Notwithstanding the definition of "attached" in subsection 2, property of a household is ~~neither not~~ "attached" ~~nor-placed-for-use-upon-the-land~~ if it is a kind of property which would ordinarily be removed when the owner of the property moves to another location. In making this determination the assessing authority shall not take into account the intent of the particular owner.

4. Notwithstanding the other provisions of this section, property described in this section, if held solely for sale, lease or rent as part of a business regularly engaged in selling, leasing or renting such property, and if the property is not yet sold, leased, rented or used by any person, shall not be assessed and taxed as real property. This subsection does not apply to any land or building.

Sec. 15. Section four hundred twenty-seven A point nine (427A.9), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

The amount of the additional personal property tax credit

shall be a fixed amount for each tax year. The amount of the additional personal property tax credit shall be increased for the extended tax year beginning January 1, 1974, and ending June 30, 1975, and shall be increased for each tax year immediately following a tax year in which the growth of state general fund revenues, adjusted for changes in rate or basis, exceeds five and one-half percent, except that the amount of the additional personal property tax credit for taxes payable in each year of the fiscal period beginning July 1, 1977 and ending June 30, 1979 shall not exceed the amount of the additional personal property tax credit allowed for taxes payable in the fiscal year beginning July 1, 1976 and ending June 30, 1977. An increase in the additional personal property tax credit, once granted, shall continue for each succeeding tax year. For the purposes of this chapter the state comptroller may estimate the state percent of growth if necessary to avoid delay in the collection of taxes. After nine such increases have been made, all taxes on personal property shall be repealed as provided in the following section. The director of revenue and the state comptroller, jointly, shall determine the amount of the credit for each such tax year. Such amount shall be the maximum amount, rounded to the nearest ten dollars, which will permit complete funding of the replacement obligation under this division, including the replacement obligation for the tax credit granted pursuant to sections 427A.1 to 427A.5, out of the appropriation provided in this chapter.

Sec. 16. Section four hundred twenty-seven A point thirteen (427A.13), Code 1977, is amended to read as follows:

427A.13 APPROPRIATION. There is hereby appropriated from the general fund of the state of Iowa to the personal property tax replacement fund the following sums, or so much thereof as may be necessary, to carry out the provisions of this chapter as amended by this division. For the fiscal year beginning July 1, 1973, and ending June 30, 1974, there is appropriated the sum of thirty-one million nine hundred thousand dollars. For the fiscal year beginning July 1, 1974, and ending June 30, 1975, and each succeeding fiscal year, there is appropriated the sum of thirty-five million seven hundred thousand dollars. For each year of the fiscal period beginning July 1, 1977 and ending June 30, 1979 the total appropriation shall be thirty-eight million six hundred thousand dollars and for each fiscal year for which an increase

in the additional personal property tax credit becomes effective as provided in this division, the appropriation under this section shall be increased by three million eight hundred thousand dollars, and such increased appropriation shall continue for each succeeding fiscal year. For the fiscal year for which the ninth increase in the additional personal property tax credit becomes effective as provided in this division, and for each succeeding fiscal year, the total appropriation shall be sixty-eight million dollars per year.

Sec. 17. Section four hundred forty-one point twenty-one (441.21), subsection one (1), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

All real and tangible personal property subject to taxation shall be valued at its actual value which shall be entered opposite each item, and except as otherwise provided herein for agricultural and residential property shall be assessed at one hundred percent of such actual value, and such value so assessed shall be taken and considered as the assessed value and taxable value of such property upon which the levy shall be made.

Sec. 18. Section four hundred forty-one point twenty-one (441.21), subsection one (1), Code 1977, is amended by inserting after unnumbered paragraph five (5) the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of this section, in assessing and determining the actual value of agricultural property as of January 1, 1978, and January 1, 1979, the actual value of agricultural property shall be determined on the basis of productivity and net earning capacity of the property determined on the basis of its use for agricultural purposes capitalized at a rate of seven percent and applied uniformly among counties and among classes of property.

Sec. 19. Section four hundred forty-one point twenty-one (441.21), subsection one (1), unnumbered paragraph seven (7), Code 1977, is amended to read as follows:

Notwithstanding any other provision of this section, the actual value of any property shall not exceed its fair and reasonable market value. For agricultural property, the assessed value as determined under this section shall not exceed the actual value of such property and the assessed value of residential property as determined under this section

shall not exceed the fair and reasonable market value of such property.

Sec. 20. Section four hundred forty-one point twenty-one (441.21), subsection one (1), Code 1977, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. For valuations established as of January 1, 1978, agricultural and residential property shall be assessed at a percentage of the actual value of each class of property. The percentage shall be determined for each class of property by the director of revenue for the state in accordance with the provisions of this section. For valuations established as of January 1, 1978, the percentage shall be the quotient of the dividend and divisor as defined in this section. The dividend shall be the total equalized value of such property in the state in 1975, adjusted for additions or deletions to said value, excluding those resulting from the revaluation of existing properties, as reported by the assessors on the abstracts of assessment submitted in 1976 and 1977, plus six percent of the 1975 equalized value of such property or the amount of value added by the revaluation of existing properties in 1976, 1977 and 1978 whichever is less. The divisor shall be the total value of such property in the state as reported by the assessors on the abstracts of assessment submitted in 1977, plus the amount of value added in 1978 by the revaluation of existing properties.

NEW UNNUMBERED PARAGRAPH. For valuations established as of January 1, 1979, the percentage of actual value at which agricultural and residential property shall be assessed shall be the quotient of the dividend and divisor as defined in this section. The dividend for each class of property shall be the dividend as determined for each class of property for valuations established as of January 1, 1978, adjusted by the product obtained by multiplying the percentage determined for that year by the amount of any additions or deletions to actual value, excluding those resulting from the revaluation of existing properties, as reported by the assessors on the abstracts of assessment for 1978, plus six percent of the amount so determined. The divisor for each class of property shall be the total actual value of all such property in the state in the preceding year, as reported by the assessors on the abstracts of assessment submitted for 1978, plus the amount of value added to said total actual value by the

revaluation of existing properties in 1979. The director shall utilize information reported on abstracts of assessment submitted pursuant to section four hundred forty-one point forty-five (441.45) of the Code in determining such percentage.

NEW UNNUMBERED PARAGRAPH. Not later than November 1, 1978, and November 1, 1979, the director shall certify to the county auditor of each county the percentages of actual value at which residential and agricultural property in each assessing jurisdiction in the county shall be assessed for taxation. The county auditor shall proceed to determine the assessed values of agricultural and residential property by applying such percentages to the current actual value of such property, as reported to the county auditor by the assessor, and the assessed values so determined shall be the taxable values of such properties upon which the levy shall be made.

NEW UNNUMBERED PARAGRAPH. Beginning with valuations established as of January 1, 1978, the assessors shall report the aggregate taxable values and the number of dwellings located on agricultural land and the aggregate taxable value of all other structures on agricultural land. Beginning with valuations established as of January 1, 1980, such agricultural structures and agricultural dwellings located on agricultural land shall be valued at their market value as defined in this section and agricultural structures and agricultural dwellings shall each constitute a separate class of property.

Sec. 21. Section four hundred forty-one point twenty-six (441.26), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Beginning with valuations for January 1, 1977 and each succeeding year, for each parcel of property entered in the assessment book, the assessor shall list the classification of the property.

Sec. 22. Section four hundred forty-two point two (442.2), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Each school district shall cause to be levied each year, for the school general fund, a foundation property tax of five dollars and forty cents per thousand dollars of assessed valuation on all taxable property in the district. For the purpose of this chapter, a school district is defined as a school corporation organized under chapter 274. ~~Each county auditor shall certify to each school district within the county and to the state comptroller, not later than January~~

~~4-each-year,-the-assessed-valuation-of-taxable-property-for
the-current-year-in-each-school-district-within-the-county.~~

Sec. 23. Chapter four hundred forty-five (445), Code 1977, is amended by adding the following new section:

NEW SECTION. When agricultural land or residential property which is being or has been valued and assessed under the provisions of section four hundred forty-one point twenty-one (441.21) of the Code is no longer used for the purpose for which it was valued and assessed under the provisions of section four hundred forty-one point twenty-one (441.21) of the Code, such property shall be subject to an additional tax. The tax shall be computed by multiplying the consolidated levy for each of the five preceding years times the fair and reasonable market value for each of the five preceding years less the consolidated levy for the preceding five years by the assessed value of the property for the preceding five years. Such additional taxes shall be entered against the property on the tax list for the current year and shall constitute a lien against the property in the same manner as a lien for property taxes. The additional taxes shall be collected in the same manner as all other property taxes except that such taxes shall be credited to the general fund of the city if such taxes are collected on property located within the city or to the general fund of the county if such tax is collected on property located in the unincorporated area of the county.

Sec. 24. The legislative council is directed to create a ten-member study committee which shall include members of the standing committees on ways and means of the senate and house of representatives representing both political parties, which committee shall conduct during the 1977 legislative interim a comprehensive study of the present taxing system in this state. The study shall include, but not be limited to, the following:

1. The present system of state and local taxes to determine the relative burden of the present tax structure on the various segments of the state's populace.
2. How different types and classes of property should be valued and equalized for property tax assessment purposes.
3. Whether budget limitations should be imposed permanently on the political subdivisions of this state.
4. Which taxes may presently bear too great a burden of the taxes and which taxes may bear too small a burden.

The study committee may employ consultants with the approval of the legislative council, to assist it in carrying out its duties and may request the assistance of any state agency to obtain such data and other information which the task force deems necessary to carry out its duties. Expenses of the study committee, including the cost for employing persons or business firms to assist the committee in its study shall be paid from funds available under section two point twelve (2.12) of the Code.

The study committee shall transmit copies of its final report to the governor and the members of the Sixty-seventh General Assembly, 1978 Session, not later than January 30, 1978. The final report shall include findings of fact and its recommendations.

Sec. 25. The provisions of sections three (3), four (4), five (5), six (6), and seven (7) of this Act are retroactive to January 1, 1976 for credits claimed on or after January 1, 1976 and approved under chapter four hundred twenty-five (425) of the Code for a homestead tax credit on an eligible homestead and to this extent the provisions of sections three (3), four (4), five (5), six (6), and seven (7) of this Act are retroactive.

The provisions of sections nine (9) and ten (10) of this Act are retroactive to January 1, 1976 for credits claimed on or after January 1, 1976 under the provisions of chapter four hundred twenty-six (426) of the Code, and based on valuations of January 1, 1976 and subsequent years.

Sec. 26. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the West Des Moines Express, a newspaper published in West Des Moines, Iowa, and in the Marengo Pioneer-Republican, a newspaper published in Marengo, Iowa.

Approved July 12, 1977

I hereby certify that the foregoing Act, House File 332, was published in the West Des Moines Express, West Des Moines, Iowa on July 28, 1977, and in the Marengo Pioneer-Republican, Marengo, Iowa on July 21, 1977.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 44
STANDING APPROPRIATIONS REPEALED

S. F. 388

AN ACT repealing certain standing appropriations and providing an effective date.

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

Section 1. Effective July 1, 1978, sections twenty-four point thirty-three (24.33), two hundred twenty-five point forty-three (225.43), two hundred twenty-five point forty-four (225.44), and two hundred twenty-five point forty-five (225.45), Code 1977, are repealed.

Approved June 3, 1977

CHAPTER 45
DEFENSE OF STATE EMPLOYEES

S. F. 383

AN ACT relating to indemnification and defense of employees of the state in cases arising under federal or state Constitutions, statutes or regulation and making the Act retroactive.

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

Section 1. Chapter twenty-five A (25A), Code 1977, is amended by adding the following new section:

NEW SECTION. EMPLOYEES DEFENDED AND INDEMNIFIED. The state shall defend and, except in cases of malfeasance in office or willful and wanton conduct, shall indemnify and hold harmless any employee of the state against any claim as defined in section twenty-five A point two (25A.2), subsection five (5), paragraph b, of the Code, including claims arising under the Constitution, statutes, or rules of the United States or of any state.

Sec. 2. Section twenty-five A point twenty-one (25A.21), Code 1977, is repealed.

Sec. 3. The provisions of section one (1) of this Act are retroactive to July 1, 1975.

Approved June 30, 1977

CHAPTER 46
ENERGY POLICY AND RESEARCH

S. F. 160

An ACT relating to and making an appropriation to agencies whose responsibilities relate to energy policy and research.

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

Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1977 and ending June 30, 1978 to the following named agencies and departments, the following amounts or so much thereof as is necessary, to be used for the purposes designated:

1977-1978
Fiscal Year

1. Energy policy council
For salaries and support for not more than seven full-time permanent positions, and for maintenance and miscellaneous purposes..... \$203,882

2. Geological survey
Iowa coal research program
For salaries and support for not more than four full-time permanent positions, and for maintenance and miscellaneous purposes..... \$119,517

Sec. 2. Persons employed by the energy policy council under the provisions of chapter twenty-eight D (28D) of the Code shall not be subject to the twenty-four month time limitation specified in subsection two (2) of section twenty-eight D point three (28D.3).

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

Approved April 4, 1977

CHAPTER 47
DR. MARTIN LUTHER KING, JR. DAY

S. F. 28

AN ACT to commemorate the birthday of Dr. Martin Luther King, Jr.

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

Section 1. Chapter thirty-one (31), Code 1977, is amended by adding the following new section:

NEW SECTION. The Sunday which falls on or nearest the fifteenth day of January of each year is designated as Dr. Martin Luther King, Jr. Day, which shall be a recognition day in honor of the late civil rights leader and Nobel Peace Prize recipient, Dr. Martin Luther King, Jr.

The governor is authorized and requested to issue annually a proclamation designating such Sunday as Dr. Martin Luther King, Jr. Day and calling on the people and officials of the state of Iowa to commemorate the life and principles of Dr. King, to display the American Flag, and to hold appropriate private services and ceremonies.

Sec. 2. This Act is effective January 1, 1978.
Approved May 12, 1977

CHAPTER 48
OMNIBUS CORRECTIONS

S. F. 329

AN ACT correcting erroneous, inconsistent, or obsolete provisions of the 1977 Code.

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

Section 1. Section sixty-eight B point two (68B.2), subsection four (4), Code 1977, is amended to read as follows:

4. "Regulatory agency" means department of agriculture, industrial commissioner, bureau of labor, occupational safety and health review commission, department of job service, department of banking, insurance department of Iowa, state department of health, department of public safety, department of public instruction, state board of regents, department of social services, department of revenue, Iowa state commerce

commission, Iowa beer and liquor control department, board of pharmacy examiners, state conservation commission, state department of transportation, Iowa state civil rights commission, department of soil conservation, department of public defense, and Iowa natural resources council.

Sec. 2. Section eighty-one point one (81.1), subsection one (1), paragraph d and subsection two (2), paragraph d, Code 1977, are amended to read as follows:

d. "Department" shall mean the ~~motor-vehicle~~ department of transportation of the state.

d. A person operating in the manner of an itinerant merchant, buying or selling within a radius of fifty miles from ~~his~~ that person's residence, provided he or she has secured a permit, upon the payment of a fee of one dollar to cover expense of mailing and manufacture, upon application to the county treasurer or the department, said permit to set forth the city or township of ~~his~~ the person's residence and the Iowa motor vehicle ~~license~~ registration number of the vehicle used by ~~him~~ that person. The permit shall be carried by such operator at all times.

Sec. 3. Section eighty-one point three (81.3), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

Upon payment of the license fee as hereinafter determined, the department shall issue a license which shall entitle the applicant to be an itinerant merchant. The fee shall be based upon the maximum weight of the load which said merchant may transport at any one time and shall be as follows: On not to exceed one thousand pounds at one time, ten dollars; on not to exceed three thousand pounds at one time, twenty-five dollars; on a load in excess of three thousand pounds at one time, forty dollars. Provided, however, that the license fee of an itinerant merchant for transportation of property in a motor vehicle which is ~~licensed~~ registered under chapter 321 shall be the sum of two dollars regardless of the weight of the load. The fee shall be reduced fifty percent after June 30 thirtieth. Each license shall expire at the end of the calendar year.

Sec. 4. Section eighty-five point thirty-four (85.34), subsection three (3), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Compensation for an injury causing permanent total disability shall be upon the basis of eighty percent per week of the employee's average weekly spendable earnings, but not

more than a weekly benefit amount, rounded to the nearest dollar, equal to sixty-six and two-thirds percent of the state average weekly wage paid employees as determined by the ~~Iowa employment-security-commission~~ director of the Iowa department of job service under the provisions of section 96.3 and in effect at the time of the injury provided that as of July 1, 1975; July 1, 1977; July 1, 1979; and July 1, 1981, the maximum weekly benefit amount rounded to the nearest dollar shall be increased so that it shall equal one hundred percent, one hundred thirty-three and one-third percent, one hundred sixty-six and two-thirds percent and two hundred percent, respectively, of the state average weekly wage as determined above. No employee shall receive as compensation less than thirty-six dollars per week, except if at the time of ~~his~~ the injury his the employee's earnings are less than thirty-six dollars per week, then the weekly compensation shall be a sum equal to the full amount of ~~his~~ the employee's weekly earnings; said weekly compensation shall be payable during the period of ~~his~~ the employee's disability.

Sec. 5. Section eighty-five point thirty-six (85.36), subsection ten (10), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

In the case of an employee who earns either no wages or less than the usual weekly earnings of the regular full-time adult laborer in the line of industry in which ~~he~~ the employee is injured in that locality, the weekly earnings shall be one-fiftieth of the total earnings which the employee has earned from all employment during the twelve calendar months immediately preceding the injury but shall be not less than an amount equal to thirty-five percent of the state average weekly wage paid employees as determined by the Iowa ~~employment security-commission~~ department of job service under the provisions of section 96.3, and in effect at the time of the injury.

Sec. 6. Section ninety-six point seven (96.7), subsection four (4), paragraph a, Code 1977, is amended to read as follows:

a. As soon as practicable and in any event within two years after an employer has filed reports, as required by the department pursuant to section 96.11, subsection 7, the department shall examine such reports and determine the correct amount of contributions due, and the amount so determined by the department shall be the contributions payable. If

the contributions found due shall be greater than the amount theretofore paid, the notice with respect to the additional contributions, together with any interest and penalty, shall be sent by certified mail. A lien shall attach as provided in section 96.14, subsection ~~46~~ three (3), if the assessment is not paid or appealed within thirty days of the date of the notice of assessment.

Sec. 7. Section ninety-six point fourteen (96.14), subsection sixteen (16), Code 1977, is amended to read as follows:

16. INJUNCTION UPON NONPAYMENT. Any employer or employing unit refusing or failing to make and file required reports or to pay any contributions, interest or penalty under the provisions of this chapter, after ~~ten-day~~ ten days' written notice sent by the department to the employer's or employing unit's last known address by certified mail, may be enjoined from operating any business in the state while in violation of this chapter upon the complaint of the Iowa ~~employment security-commission~~ department of job service in the district court of a county in which the employer or employing unit has or had a place of business within the state, and any temporary injunction enjoining the continuance of such business may be granted without notice and without a bond being required from the Iowa ~~employment-security-commission~~ department of job service. Such injunction may enjoin any employer or employing unit from operating ~~his-er-her-er-its~~ a business unit until the delinquent contributions, interest or penalties shall have been made and filed or paid; or the employer shall have furnished a good and sufficient bond conditioned upon the payment of such delinquencies in such an amount and containing such terms as may be determined by the court; or the employer has entered into a plan for the liquidation of such delinquencies as the court may approve, provided that such injunction may be reinstated upon the employer's failure to comply with the terms of said plan.

Sec. 8. Section ninety-six point nineteen (96.19), Code 1977, is amended by striking subsection three (3).

Sec. 9. Section ninety-six point twenty-four (96.24), Code 1977, is amended to read as follows:

96.24 EMPLOYER TO BE NOTIFIED. Whenever an employee is separated from ~~his-er-her~~ employment for the purpose of joining the armed forces of the United States, the employee shall notify the employer in writing of ~~his-er-her~~ the employee's acceptance and date of reporting for service and the employer

shall, within fifteen days after said notice from the employee, notify the Iowa ~~employment-security-commission~~ department of job service of such separation and date of termination of wages on a form furnished by the department.

Sec. 10. Section ninety-seven B point twelve (97B.12), Code 1977, is amended to read as follows:

97B.12 STATEMENT TO EMPLOYEE. The employer shall furnish to all employees a written statement in a form prescribed by the ~~commission~~ department suitable for retention by the employee, showing the wages paid to the employee for each year after July 1, 1953. Each statement shall cover a calendar year, or one, two or three quarters, whether or not within the same calendar year, and shall show the name of the employee, the period covered by the statement, the total amount of wages paid within such period, and the amount of contribution required by this chapter with respect to such wages. Each statement shall be furnished to the employee not later than thirty days following the period covered by the statement, except that if the employee leaves the employ of the employer, this final statement shall be furnished within thirty days after the last payment of wages is made to the employee. The employer may, at its option, furnish such a statement to any employee at the time of each payment of wages to the employee during any calendar quarter, in lieu of a statement covering each quarter, and, in such case, the statement may show the date of payment of wages in lieu of the period covered by the statement.

Sec. 11. Section ninety-seven B point sixteen (97B.16), Code 1977, is amended to read as follows:

97B.16 HEARINGS. The department is directed to make findings of fact, and decisions as to the rights of any individual applying for a payment under this chapter. Whenever requested by any such individual or by any other person who makes a showing in writing that his or her rights may be prejudiced by any decision the ~~commission~~ department has rendered, it shall give such applicant and such other individual reasonable notice and opportunity for a hearing with respect to such decision, and, if a hearing is held, shall, on the basis of evidence adduced at the hearing, affirm, modify, or reverse its findings of fact and such decision. The department is further authorized, on its own motion, to hold such hearings and to conduct such investigations and other proceedings as it may deem necessary or proper for the administration of this chapter. In the course of any hearing, investigation,

or other proceedings, it may administer oaths and affirmations, examine witnesses, and receive evidence. Evidence may be received at any hearing before the department even though inadmissible under rules of evidence applicable to court procedure.

Sec. 12. Section ninety-seven B point forty-four (97B.44), Code 1977, is amended to read as follows:

97B.44 BENEFICIARY. Each member shall designate on a form to be furnished by the ~~commission~~ department a beneficiary for any death benefits payable hereunder on the death of such member. Such designation may be changed from time to time by the member by filing a new designation with the ~~commission~~ department.

Sec. 13. Section ninety-seven B point sixty-seven (97B.67), subsection one (1), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

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

Sec. 14. Section ninety-seven C point nineteen (97C.19), Code 1977, is amended to read as follows:

97C.19 APPORTIONMENT OF EXPENSE. The Iowa ~~employment security-commission~~ department of job service is authorized to enter into arrangements with the federal bureau of employment security whereby services performed by the ~~commission~~ job service department and its employees both under this chapter and under the Iowa employment security chapter shall be equitably apportioned between the funds provided for the administration of said chapters. The money spent for rentals, supplies, and equipment used by the ~~commission~~ job service department in administering both chapters shall be equitably apportioned and charged against said funds.

Sec. 15. Section one hundred thirty-five B point seventeen (135B.17), unnumbered paragraph one (1), Code 1977, is

amended to read as follows:

This chapter shall not be construed as affecting, modifying or repealing any provision of chapter 413, except as provided in section 135B.7, and provided further that this chapter shall be construed as being in addition to and not in conflict with ~~chapters~~ chapter 235 and-236.

Sec. 16. Section one hundred fifty-nine point six (159.6), subsection ten (10), Code 1977, is amended to read as follows:

10. State aid received by certain associations as provided in chapters ~~475~~ one hundred seventy-six (176) of the Code to 184, ~~inclusive~~, and 186.

Sec. 17. Section one hundred seventy-two B point five (172B.5), subsection one (1), Code 1977, is amended to read as follows:

1. INVESTIGATION. A law enforcement officer may stop and detain a person, whether on or off a highway, who is transporting livestock for the purpose of obtaining compliance with section 172B.2, and the officer may request the presentation or execution of a transportation certificate. The officer may examine the livestock for identification, the vehicle for the purpose of obtaining the vehicle registration number, and the registration of the vehicle and the operator's license of the driver or person detained~~+~~. However, nothing in this chapter shall be construed to authorize any law enforcement officer to open or require the opening of the cargo compartment of any vehicle manufactured for use in carrying refrigerated cargo when both the cargo is actually under refrigeration at the time the vehicle is detained by the law enforcement officer, and the person operating the vehicle has in possession when stopped a valid transportation certificate or approved shipping document which was executed by the shipper and ~~when~~ which identifies the cargo as processed livestock and otherwise complies with section 172B.3, subsection 2.

Sec. 18. Section one hundred seventy-three point two (173.2), Code 1977, is amended by striking subsection four (4).

Sec. 19. Section one hundred seventy-three point three (173.3), Code 1977, is amended to read as follows:

173.3 CERTIFICATION OF STATE AID ASSOCIATIONS. On or before November ~~45~~ fifteenth of each year, the secretary of agriculture shall certify to the secretary of the state fair board the names of the various associations and societies which have qualified for state aid under the provisions of

chapters ~~475~~ one hundred seventy-six (176) of the Code to 178, 180 to 184, ~~inclusive~~, and 186, and which are entitled to representation in the convention as provided in section 173.2.

Sec. 20. Section two hundred nineteen point one (219.1), Code 1977, is amended to read as follows:

219.1 FOR WHOM MAINTAINED. The Iowa veterans home, located in Marshalltown, shall be maintained for honorably discharged veterans and for the dependent spouses and surviving spouses of such veterans. Eligibility requirements for admission to the Iowa ~~soldiers~~ veterans home shall coincide with the eligibility requirements for hospitalization in a United States veterans administration facility pursuant to title ~~thirty-eight-(38)~~ 38, United States Code, sections 210 and 610, and regulations promulgated under such provisions as amended to January 1, 1975.

Sec. 21. Section two hundred twenty-nine point one (229.1), subsection three (3), Code 1977, is amended to read as follows:

3. "Serious emotional injury" is an injury which does not necessarily exhibit any physical characteristics, but which can be recognized and diagnosed by a licensed physician or other qualified mental health professional and which can be ~~casually~~ causally connected with the act or omission of a person who is, or is alleged to be, mentally ill.

Sec. 22. Section two hundred thirty-nine A point one (239A.1), Code 1977, is amended to read as follows:

239A.1 WHO MAY BE PLACED. Any person who is receiving or has obtained approval of an application to receive assistance under chapter 239, and who is an eligible person as defined by section 249C.1, subsection 5, may be referred to the ~~employment-security-commission~~ Iowa department of job service for placement in public works positions available pursuant to this chapter or to such other authority as may be applicable.

Sec. 23. Section two hundred thirty-nine A point two (239A.2), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The ~~employment-security-commission~~ Iowa department of job service, in consultation with the commissioner of social services, shall establish a procedure for assignment of persons referred under section 239A.1 to positions available in public works projects. The ~~employment-security-commission~~ Iowa department of job service shall arrange with units of local government for establishment of such projects, which may

include any type of work or endeavor that is within the scope of authority of the unit of local government involved so long as the project meets the following requirements:

Sec. 24. Section two hundred thirty-nine A point three (239A.3), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The ~~employment-security-commission~~ Iowa department of job service shall select not to exceed two target counties for implementation of sections 239A.1 and 239A.2. In selecting the target county or counties in which this chapter is to be implemented, the ~~employment-security-commission~~ Iowa department of job service shall be guided by the following criteria:

Sec. 25. Section two hundred seventy-nine point fifteen (279.15), subsection two (2), unnumbered paragraph one (1), is amended to read as follows:

~~Such-notification~~ Notification of recommendation of termination of a teacher's contract shall be in writing and shall be personally delivered to the teacher, or mailed by certified mail. The notification shall be complete when received by the teacher. The notification and the recommendation to terminate shall contain a short and plain statement of the reasons, which shall be for just cause, why the recommendation is being made. The notification shall be given at or before the time the recommendation is given to the board.

Sec. 26. Section two hundred seventy-nine point sixteen (279.16), unnumbered paragraph four (4), Code 1977, is amended to read as follows:

The board shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure, but it shall hold the hearing in such manner as is best suited to ascertain and conserve the substantial rights of the parties. Process and procedure under ~~this-section~~ sections two hundred seventy-nine point thirteen (279.13) to two hundred seventy-nine point nineteen (279.19) of the Code shall be as summary as reasonably may be.

Sec. 27. Section two hundred seventy-nine point twenty-one (279.21), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The board of directors of a school district may employ principals, under the provisions of section ~~279-43~~ two hundred seventy-nine point twenty-three (279.23) of the Code. A principal shall hold a current valid principal's certificate. Notwithstanding the provisions of section ~~279-43~~ two hundred

seventy-nine point twenty-three (279.23) of the Code, after serving at least nine months, a principal may be employed for a term of not to exceed two years.

Sec. 28. Section three hundred four point three (304.3), subsection two (2), Code 1977, is amended to read as follows:

2. The ~~curator-of-history~~ director of the historical museum and archives.

Sec. 29. Section three hundred twenty-one point four (321.4), Code 1977, is amended to read as follows:

321.4 The ~~commissioner~~ commissioner of public safety is authorized to adopt and promulgate administrative rules governing procedures as may be necessary to carry out the provisions of this chapter; and to carry out any other laws the enforcement of which is vested in the department of public safety.

Sec. 30. Section three hundred twenty-one point one (321.1), subsection thirty-three (33), Code 1977, is amended to read as follows:

33. "Department" means the state department of transportation. "Commission" means the state transportation commission.

Sec. 31. Section three hundred twenty-one point eighty-nine (321.89), subsection four (4), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

If an abandoned vehicle has not been reclaimed as provided for in subsection 3, the police authority shall make a determination as to whether or not the vehicle shall be sold for use upon the highways. If it is to be sold as a ~~meter~~ vehicle for use upon the highways, it shall first be inspected as required by section 321.238 and have a valid certificate of inspection affixed. If the vehicle is not sold for use upon the highways, it shall be sold for junk, or demolished and sold as scrap or sold as provided in section 321.88 with a restricted certificate of title and not for use upon the highways. The police authority shall sell the vehicle at public auction. Notwithstanding any other provision of this section, any police authority, which has taken into possession any abandoned vehicle which lacks an engine or two or more wheels or other part which renders the vehicle totally inoperable may dispose of such vehicle to a demolisher for junk after complying with the notification procedures enumerated in subsection 3 and without public auction. The purchaser of the vehicle shall take title free and clear of

all liens and claims of ownership, shall receive a sales receipt from the police authority, and shall be entitled to register the vehicle and receive a certificate of title if sold for use upon the highways or a restricted certificate of title as the case may be, ~~however~~ However, if the vehicle is sold or disposed of to a demolisher for junk, the sales receipt by itself shall be sufficient title only for purposes of transferring the vehicle to such demolisher for demolition, wrecking, or dismantling and, when so transferred, no further titling of the vehicle shall be permitted. From the proceeds of the sale of an abandoned vehicle the police authority shall reimburse itself for the expenses of the auction, the costs of towing, preserving, and storing which resulted from placing the abandoned vehicle in custody, all notice and publication costs incurred pursuant to subsection 3, the cost of inspection, and any other costs incurred except costs of bookkeeping and other administrative costs. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for ninety days, and shall then be deposited in the reimbursement fund received by the department pursuant to section 321.145, subsection 2. The costs to police authorities of auction, towing, preserving, storage, and all notice and publication costs, inspection costs and all other costs which result from placing abandoned vehicles in custody, whenever the proceeds from a sale of such abandoned vehicles are insufficient to meet these expenses and costs, shall be paid from the reimbursement fund of the department under section 321.145, subsection 2. In the event the reimbursement fund is temporarily exhausted, payment shall be deferred until the reimbursement fund contains sufficient funds to meet the claims.

Sec. 32. Section three hundred twenty-five point seven (325.7), unnumbered paragraph three (3), Code 1977, is amended to read as follows:

If a certificate is to be issued without a public hearing, the board shall publish notice of its action, at its own expense, in the same manner as provided in section 325.13. Written objections to the issuance of a certificate without holding a hearing may be filed within ten days of last publication of notice ~~notwithstanding the provisions of section 325.46~~. If no objections are filed within ten days of last

publication of the notice, the board may proceed to issue the certificate in the manner provided in section 325.18.

Sec. 33. Section three hundred twenty-seven G point fifteen (327G.15), unnumbered paragraph three (3), Code 1977, is amended to read as follows:

Payments from the grade crossing safety fund shall be made ~~to~~ by the treasurer of state upon certification by the department that the terms of the agreement have been followed.

Sec. 34. Section three hundred fifty-seven B point four (357B.4), Code 1977, is amended to read as follows:

357B.4 ANTICIPATION OF TAX. The board of trustees of a benefited fire district may anticipate the collection of taxes authorized under section 357B.3 and, for the purpose of providing fire protection, may issue bonds payable in not more than ten equal installments at an interest rate not exceeding seven percent per annum. The bonds shall be in such form and payable at such place as specified by resolution of the board of trustees. The provisions of sections 23.12 to 23.16 and chapter ~~400~~ three hundred eighty-four (384) of the Code shall apply to such bonds to the extent applicable.

Sec. 35. Section four hundred eleven point six (411.6), subsection seven (7), Code 1977, is amended by striking paragraph c.

Sec. 36. Section four hundred twenty-one point twenty-two (421.22), Code 1977, is amended to read as follows:

421.22 SERVICE OF ORDERS. Any sheriff, ~~constable~~, or other person may serve any subpoena or order issued under the provisions of this chapter.

Sec. 37. Section four hundred forty-six point four (446.4), Code 1977, is amended to read as follows:

446.4 NOTICE OF TIME AND PLACE OF SALE. The treasurer shall give notice of the time and place of their sale within five days after the taking, in the manner ~~constables~~ officers are required to give notice of the sale of personal property under execution.

Sec. 38. Section four hundred fifty point eighteen (450.18), Code 1977, is amended to read as follows:

450.18 ACCEPTANCE OF FINAL REPORT. No final settlement of the account of any executor, administrator, or trustee shall be accepted or allowed unless a strict compliance has been had by such person with the provision relative to the making and filing of said report, ~~and with section 450.16.~~

Sec. 39. Section four hundred fifty-five point twenty-two (455.22), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

If any person, corporation, or company owning or having interest in any land or other property affected by any proposed improvement under chapters 455 to ~~468~~ four hundred sixty-seven D (467D) of the Code shall file with the auditor an instrument in writing designating the name and post-office address of ~~his or its~~ the agent of the person, corporation, or company upon whom service of notice of said proceeding shall be made, the auditor shall, not less than twenty days prior to the date set for hearing upon said petition, send a copy of said notice by certified mail addressed to the agent so designated. Proof of such service shall be made by affidavit of the auditor filed ~~by him~~ in said proceeding at or before the date of the hearing upon the petition, and such service shall be in lieu of all other service of notice to such persons, corporations, or companies.

Sec. 40. Section four hundred fifty-five B point seven (455B.7), subsection three (3), Code 1977, is amended to read as follows:

3. Issue orders and directives necessary to insure integration and co-ordination of the programs administered by the department. Notwithstanding any other provision of this chapter to the contrary, each commission within the department shall submit all of its proposed rules to the executive committee for review to insure that no conflict exists between such proposed rules and the existing rules of another commission within the department. If a conflict does exist, the executive committee shall direct the commissions involved to resolve the conflict before the proposed rules are submitted to the legislative ~~departmental~~ administrative rules review committee as provided in chapter 17A.

Sec. 41. Section five hundred fifteen B point five (515B.5), subsection one (1), Code 1977, is amended by striking paragraph g and inserting in lieu thereof the following:

g. Reimburse each servicing facility for obligations of the association paid by the facility and for expenses incurred by the facility while handling claims on behalf of the association, and pay the other expenses of the association authorized by this chapter.

Sec. 42. Section five hundred fifteen B point five (515B.5), subsection two (2), Code 1977, is amended by striking paragraph g and inserting in lieu thereof the following:

g. If at any time the board of directors finds that the amount assessed for any insolvency exceeds the actual and projected liabilities of that insolvency, it may refund such excess to member insurers in the same proportion that each contributed to the original assessment or assessments. Any assessments or refunds of any member insurer in amounts not to exceed twenty-five dollars may, at the discretion of the board of directors, be waived.

Sec. 43. Section five hundred forty-three point twenty-eight (543.28), subsection three (3), unnumbered paragraph four (4), Code 1977, is amended to read as follows:

Rates for storage, conditioning of stored products, and ~~delivery~~ receiving or loadout charges shall be just, reasonable, and nondiscriminatory, and every unjust, unreasonable, and discriminatory charge for such services or any part thereof and not in accordance with tariffs as herein provided, is prohibited and is hereby declared to be unlawful.

Sec. 44. Section five hundred fifty-four point eleven thousand one hundred five (554.11105), subsection four (4), Code 1977, is amended to read as follows:

4. If the record of a mortgage of real estate would have been effective as a fixture filing or a filing covering timber to be cut, or minerals or the like (including oil and gas), or accounts subject to ~~subsection 5 and~~ section 554.9103, subsection five (5), or any or all of these, of goods described therein if this chapter as amended had been in effect on the date of recording the mortgage, the mortgage shall be deemed effective as a fixture filing as to such goods under section 554.9402, subsection 6, on January 1, 1975, and the mortgage shall be deemed effective as a filing covering timber to be cut or minerals or the like (including oil and gas), or accounts subject to section 554.9103, subsection 5, or any or all of these, on July 1, 1976.

Sec. 45. Section six hundred point twenty (600.20), Code 1977, is amended to read as follows:

600.20 AVAILABILITY OF ASSISTANCE. Financial assistance shall be available only if the child to be adopted was under the guardianship of the state, county, or a licensed child-

placing agency immediately prior to ~~his~~ adoption. The ~~twelve months~~¹ one hundred eighty day period of residence in the proposed home required in section ~~600-2~~ six hundred point ten (600.10) of the Code shall not apply to this section.

Sec. 46. Section six hundred five A point four (605A.4), Code 1977, is amended to read as follows:

605A.4 DEPOSIT BY JUDGE--DEDUCTIONS--CONTRIBUTIONS BY GOVERNING BODY.

1. Each judge coming within the purview of this chapter shall, on or before retirement, pay to the court administrator for deposit with the treasurer of state to the credit of a fund to be known as the "judicial retirement fund", hereinafter called the "fund", a sum equal to four percent of ~~his~~ the judge's basic salary for services as such judge for the total period of service as a judge of a municipal, superior, district or supreme court, or the court of appeals, including district associate judges, before the date of said notice, and after the date of the notice there shall be deducted and withheld from the basic salary of each judge coming within the purview of this chapter a sum equal to four percent of such basic salary. Provided that the maximum amount which any judge shall be required to contribute for past service shall not exceed for municipal or superior or district associate judges thirty-five hundred dollars, for district judges four thousand dollars, for court of appeals judges four thousand five hundred dollars, and for supreme court judges five thousand dollars.

2. The amounts so deducted and withheld from the basic salary of each said judge shall be paid to the court administrator for deposit with the treasurer of state to the credit of the judicial retirement fund, and said fund is hereby appropriated for the payment of annuities, refunds, and allowances herein provided, except that the amount of such appropriations affecting payment of annuities, refunds, and allowances to judges of the municipal and superior court shall be limited to that part of said fund accumulated for their benefit as hereinafter provided.

3. The judges of the municipal, superior, district and supreme court, and the court of appeals, including district associate judges, coming within the provisions of this chapter shall be deemed to consent and agree to the deductions from basic salary as provided herein and payment less such

deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services rendered by such judges during the period covered by such payment, except the right to the benefits to which they shall be entitled under the provisions of this chapter.

4. The state shall contribute a sum not exceeding three percent of the basic salary of all judges of the district and supreme court for the years 1949 and 1950 and thereafter such sums as may be necessary over the amount contributed by the district and supreme court judges to finance the system, but only to the extent that the system applies to them. After June 30, 1973, the state shall contribute such sums as may be necessary over the amount contributed by district associate judges to finance the system as to them for the portion of their tenure after July 1, 1973, and thereafter such sums as may be necessary over the amount contributed by the district associate judges to finance the system, but only to the extent the system applies to them, ~~and the respective cities and counties within each municipal and superior court district shall contribute the additional amount necessary pursuant to the next paragraph of this section, for the portion of the tenure of such district associate judges prior to July 1, 1973.~~ After July 1, 1976, the state shall contribute such sums as may be necessary over the amount contributed by judges of the court of appeals to finance the system, but only to the extent the system applies to them.

Sec. 47. Section six hundred seventeen point four (617.4), Code 1977, is amended to read as follows:

617.4 CONSOLIDATED RAILWAYS. If the action is against any railway corporation ~~which has merged and consolidated its stock, property, franchises, and liabilities with that of any other railway corporation, as authorized by section 476.47 or~~ which has sold or leased its property and franchises to any other railway corporation as authorized by section 327E.2, service of the original notice may be made upon any station, ticket, or other agent of the merged, vendee, or lessee corporation in the county where the action is brought; if there is no such agent in said county, then service may be made upon such agent or person in any other county.

Sec. 48. The Code editor shall indicate in the Acts of the Sixty-seventh General Assembly, 1977 Session, those

sections of the 1977 Code which are amended in the 1977 Session which were also amended by the criminal code revision found at chapter twelve hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session.

Approved June 17, 1977

CHAPTER 49
COAL CONTRACTS FOR STATE USE

H. F. 445

AN ACT relating to emission standards as they relate to coal produced and purchased under contract for use in this state.

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

Section 1. Section seventy-two point one (72.1), Code 1977, is amended to read as follows:

72.1 UNAUTHORIZED CONTRACTS. Officers empowered to expend, or direct the expenditure of, public money of the state shall not make any contract for any purpose which contemplates an expenditure of such money in excess of that authorized by law. However, the state or an agency of the state may enter into a contract of not exceeding ten years in duration for the purchase of coal to be used in facilities under the jurisdiction of the state or the state agency. The execution of the contract shall be contingent upon appropriations by the general assembly in sufficient amounts to meet the terms of the contract.

Sec. 2. Section four hundred fifty-five B point twelve (455B.12), subsection four (4), Code 1977, is amended to read as follows:

4. Establish, modify, or repeal emission standards relating to the maximum quantities of air contamination that may be emitted from any air contaminant source after at least sixty days' public notice and public hearings. If the maximum standards for the emission of sulphur dioxide from solid fuels have to be reduced in any area to meet ambient air standards, any contract for coal produced in Iowa, and burned by a facility in that area that met the sulphur emission standards in effect at the time the contract went into effect shall be exempted from the decreased requirement until the expiration of the contract period or December 31, 1983, whichever first

occurs, if there is any other reasonable means available to satisfy the ambient air standards. To qualify under the provisions of this subsection the contract must be recorded with the county recorder of the county where the burning facility is located within thirty days after the signing of the contract.

Approved April 29, 1977

CHAPTER 50

STATE EMPLOYEES DISABILITY PLAN

S. F. 268

AN ACT repealing the statutory standing appropriation funding the state employees' disability plan.

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

Section 1. Sections seventy-nine point twenty-one (79.21), and seventy-nine point twenty-two (79.22), Code 1977, are repealed.

Approved April 25, 1977

CHAPTER 51

WORKER'S COMPENSATION LAW

S. F. 328

AN ACT to resolve differences in procedures involving provisions of the workers' compensation law and the Iowa administrative procedure Act.

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

Section 1. Section eighty-five point three (85.3), subsection two (2), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

Such In addition to those persons authorized to receive personal service as in civil actions as permitted by chapter seventeen A (17A) of the Code, such employer shall be deemed to have appointed the secretary of state of this state as its lawful attorney upon whom may be served or delivered any and all notices authorized or required by the provisions of this chapter, chapters 85A, 86, ~~and~~ 87, and seventeen A (17A)

of the Code, and to agree that any and all such services or deliveries of notice on the secretary of state shall be of the same legal force and validity as if personally served upon or delivered to such nonresident employer in this state.

Sec. 2. Section eighty-five point twenty-six (85.26), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

85.26 LIMITATIONS OF ACTIONS.

1. No original proceedings for benefits under this chapter, chapter eighty-five A (85A) or eighty-six (86) of the Code, shall be maintained in any contested case unless such proceedings shall be commenced within two years from the date of the occurrence of the injury for which benefits are claimed except as provided by section eighty-six point twenty (86.20) of the Code.

2. Any award for payments or agreement for settlement provided by section eighty-six point thirteen (86.13) of the Code for benefits under the workers' compensation or occupational disease law may, where the amount has not been commuted, be reviewed upon commencement of reopening proceedings by the employer or the employee within three years from the date of the last payment of weekly benefits made under such award or agreement. Once an award for payments or agreement for settlement as provided by section eighty-six point thirteen (86.13) of the Code for benefits under the workers' compensation or occupational disease law has been made where the amount has not been commuted, the commissioner may at any time upon proper application make a determination and appropriate order concerning the entitlement of an employee to benefits provided for in section eighty-five point twenty-seven (85.27) of the Code.

3. Notwithstanding the terms of chapter seventeen A (17A) of the Code, the filing with the industrial commissioner of the original notice or petition for an original proceeding or an original notice or petition to reopen an award or agreement of settlement provided by section eighty-six point thirteen (86.13) of the Code, for benefits under the workers' compensation or occupational disease law shall be the only act constituting "commencement" for purposes of this statutory section.

4. No claim or proceedings for benefits shall be maintained by any person other than the injured employee, his or her dependent or his or her legal representative if entitled

to benefits.

Sec. 3. Section eighty-five point thirty-five (85.35), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

~~When no memorandum of agreement has been filed and approved by the industrial commissioner, the~~ The parties to a contested case, or persons who are involved in a dispute which could culminate in a contested case may enter into a settlement of any claim arising under this chapter, ~~or~~ chapter 85A ~~or chapter eighty-six (86) of the Code,~~ providing for final disposition of the claim, provided that no final disposition affecting rights to future benefits may be had when the only dispute is the degree of disability resulting from an injury for which an award for payments or agreement for settlement under section eighty-six point thirteen (86.13) of the Code has been made. The settlement shall be in writing and submitted to the industrial commissioner for approval. The settlement shall not be approved unless evidence of a bona fide dispute exists concerning any of the following:

Sec. 4. Section eighty-five point thirty-five (85.35), subsection three (3), Code 1977, is amended by striking the subsection and inserting in lieu thereof the following:

3. Whether or not the statutes of limitations as provided in section eighty-five point twenty-six (85.26) of the Code have run. When the issue involved is whether or not the statute of limitations of section eighty-five point twenty-six (85.26), subsection two (2) of the Code, has run, the final disposition shall pertain to the right to weekly compensation unless otherwise provided for in subsection seven (7) of section eighty-five point thirty-five (85.35) of the Code.

Sec. 5. Section eighty-five point thirty-five (85.35), subsection seven (7), unnumbered paragraph one (1), Code 1977; is amended to read as follows:

This chapter or chapter 85A, eighty-six (86) or eighty-seven (87) of the Code applies to the party making the claim.

Sec. 6. Section eighty-six point two (86.2), Code 1977, is amended to read as follows:

86.2 APPOINTMENT OF DEPUTIES. The commissioner may appoint ~~four~~ deputy industrial commissioners for whose acts he the commissioner shall be responsible and who shall serve during the pleasure of the commissioner, and all such deputies must be lawyers admitted to practice in this state.

Sec. 7. Section eighty-six point three (86.3), Code 1977, is amended to read as follows:

86.3 DUTIES OF DEPUTIES. ~~In~~ Notwithstanding the provisions of chapter seventeen A (17A) of the Code, in the absence or disability of the industrial commissioner, or when acting under the directions of written delegation of authority to perform specified functions is made by the commissioner, the deputies shall have ~~all-of-the~~ any necessary specified powers and to perform ~~all-of-the~~ any necessary or specified duties of the industrial commissioner pertaining to his or her office. Notwithstanding the definitions and terms of chapter seventeen A (17A) of the Code, pertaining to the issuance of final decisions, when the above circumstances exist a deputy commissioner shall have the power to issue a final decision as if issued by the agency.

Sec. 8. Section eighty-six point eight (86.8), subsection four (4), Code 1977, is amended to read as follows:

4. ~~To keep records of all proceedings and decisions of such boards, issue subpoenas for witnesses, issue subpoenas duces tecum,~~ administer oaths; examine books and records of parties subject to such provisions.

Sec. 9. Section eighty-six point fourteen (86.14), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

86.14 CONTESTED CASES.

1. In an original proceeding, all matters relevant to a dispute are subject to inquiry.

2. In a proceeding to reopen an award for payments or agreement for settlement as provided by section eighty-six point thirteen (86.13) of the Code, inquiry shall be into whether or not the condition of the employee warrants an end to, diminishment of, or increase of compensation so awarded or agreed upon.

Sec. 10. Section eighty-six point seventeen (86.17), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

86.17 HEARINGS--PRESIDING OFFICER--VENUE.

1. A deputy industrial commissioner may preside over any contested case proceeding brought under this chapter, chapter eighty-five (85) or eighty-five A (85A) of the Code in the manner provided by chapter seventeen A (17A) of the Code. The deputy commissioner or the commissioner may make such

inquiries and investigation in contested case proceedings as shall be deemed necessary, consistent with the provisions of section seventeen A point seventeen (17A.17) of the Code.

2. Hearings in contested case proceedings under chapters eighty-five (85), eighty-five A (85A) and eighty-six (86) of the Code shall be held in the judicial district where the injury occurred. By written stipulation of the parties or by the order of a deputy industrial commissioner or the commissioner, a hearing may be held elsewhere. If the injury occurred outside this state, or if the proceeding is not one for benefits resulting from an injury, hearings shall be held in Polk county or as otherwise stipulated by the parties or by order of a deputy industrial commissioner or the industrial commissioner.

Sec. 11. Section eighty-six point eighteen (86.18), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

86.18 HEARINGS--EVIDENCE.

1. Evidence, process and procedure in contested case proceedings or appeal proceedings within the agency under this chapter, chapters eighty-five (85) and eighty-five A (85A) of the Code shall be as summary as practicable consistent with the requirements of chapter seventeen A (17A) of the Code.

2. The deposition of any witness may be taken and used as evidence in any pending proceeding or appeal within the agency.

Sec. 12. Section eighty-six point nineteen (86.19), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

86.19 REPORTING OF PROCEEDINGS.

1. The industrial commissioner, or a deputy commissioner, may appoint or may direct a party to furnish at the party's initial expense a certified shorthand reporter to be present and report, or to furnish mechanical means to record, and if necessary, transcribe proceedings of any contested case under this chapter, chapters eighty-five (85) and eighty-five A (85A) of the Code and fix the reasonable amount of compensation for such service. The charges shall be taxed as costs and the party initially paying the expense of the presence or transcription shall be reimbursed. The reporter shall faithfully and accurately report the proceedings.

2. Notwithstanding the requirements of section seventeen

A point twelve (17A.12), subsection seven (7) of the Code, a certified shorthand reporter, appointed by the presiding officer in a contested case proceeding or by the industrial commissioner in an appeal proceeding, may maintain and thus have the responsibility for the recording or stenographic notes for the period required by section seventeen A point twelve (17A.12), subsection seven (7), of the Code.

Sec. 13. Section eighty-six point twenty (86.20), unnumbered paragraph five (5), Code 1977, is amended to read as follows:

If a memorandum of agreement is filed and approved pursuant to section 86.13 or an award for payments is granted pursuant to ~~section 86.23~~ the employer or insurance carrier shall be entitled to credit for amounts paid under this section.

Sec. 14. Section eighty-six point twenty-four (86.24), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

86.24 APPEALS WITHIN THE AGENCY.

1. Any party aggrieved by a decision, order, ruling, finding or other act of a deputy commissioner in a contested case proceeding arising under this chapter or chapter eighty-five (85) or eighty-five A (85A) of the Code may appeal to the industrial commissioner in the time and manner provided by rule. The hearing on an appeal shall be in Polk county unless the industrial commissioner shall direct the hearing be held elsewhere.

2. In addition to the provisions of section seventeen A point fifteen (17A.15) of the Code, the industrial commissioner may affirm, modify, or reverse the decision of a deputy commissioner or he may remand the decision to the deputy commissioner for further proceedings.

3. In addition to the provisions of section seventeen A point fifteen (17A.15) of the Code, the industrial commissioner, on appeal, may limit the presentation of evidence as provided by rule.

4. A transcript of a contested case proceeding shall be provided by the appealing party at his or her cost and shall be filed with the industrial commissioner within thirty days after the filing of the appeal to the industrial commissioner.

Sec. 15. Section eighty-six point twenty-six (86.26), Code 1977, is amended to read as follows:

86.26 JUDICIAL REVIEW. Judicial review of decisions or orders of the industrial commissioner ~~in a proceeding on re-~~

~~view-of-an-arbitration-decision~~ may be sought in accordance with the terms of ~~the-Iowa-administrative-procedure-Act~~ chapter seventeen A (17A) of the Code. Notwithstanding the terms of ~~the-Iowa-administrative-procedure-Act~~ chapter seventeen A (17A) of the Code, petitions for judicial review may be filed in the district court of the county in which the hearing under section 86.17 was held. Such a review proceeding shall be accorded priority over other matters pending before the district court.

Sec. 16. Section eighty-six point thirty-two (86.32), Code 1977, is amended to read as follows:

86.32 COSTS ON-APPEAL OF JUDICIAL REVIEW. In proceedings for judicial review of compensation cases the clerk shall charge no fee for any service rendered except the filing fee and transcript fees when the transcript of a judgment is required. The taxation of costs ~~in-such-appeals~~ on judicial review shall be in the discretion of the court.

Sec. 17. Section eighty-six point thirty-six (86.36), subsection one (1), Code 1977, is amended by striking the subsection.

Sec. 18. Section eighty-six point thirty-six (86.36), subsection two (2), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

~~Whenever~~ In addition to the manner provided in chapter seventeen A (17A) of the Code, whenever service or delivery of any notice is made on a nonresident employer under the provisions of section 85.3, subsection 2, the same shall be done in the following manner:

Sec. 19. Section eighty-six point thirty-six (86.36), subsections three (3) and four (4), Code 1977, are amended to read as follows:

3. In lieu of mailing said copy of notice to the nonresident employer in a foreign state, plaintiff may cause the same to be personally served or delivered in the foreign state on such employer by any adult person not a party to the proceedings, by delivering said copy of notice to the nonresident employer or by offering to make such delivery in case ~~he~~ delivery is refused ~~to-accept-delivery~~.

4. Proof of the filing of a copy of said notice with the secretary of state and proof of the mailing or personal delivery of the copy to said nonresident employer shall be made by affidavit of the party doing said acts. All affidavits of service or delivery shall be endorsed upon or attached

to the original of the papers to which they relate and all such proofs of service or delivery, including the certified mail return receipt shall be forthwith filed with the original of the papers.

Sec. 20. Section eighty-six point forty-two (86.42), Code 1977, is amended to read as follows:

86.42 JUDGMENT BY DISTRICT COURT ON AWARD. Any party in interest may present a certified copy of an order or decision of the commissioner, from which no timely petition for judicial review has been filed ~~within-the-time-allowed therefor~~ or if judicial review has been filed, which has not had execution or enforcement stayed as provided in section seventeen A point nineteen (17A.19), subsection five (5) of the Code, or an order or decision of a deputy commissioner from which no timely appeal has been taken within the agency and which has become final by the passage of time as provided by rule and section seventeen A point fifteen (17A.15) of the Code, or a memorandum of agreement approved by the commissioner, and all papers in connection therewith, to the district court of-the-county-in-which-the-injury-occurred where judicial review of the agency action may be commenced, whereupon said court shall render a decree or judgment in accordance therewith and cause the clerk to notify the parties. Such decree or judgment, in the absence of a petition for judicial review or if judicial review has been commenced, in the absence of a stay of execution or enforcement of the decision or order of the industrial commissioner, or in the absence of an act of any party which prevents a decision of a deputy industrial commissioner from becoming final, shall have the same effect and in all proceedings in relation thereto shall thereafter be the same as though rendered in a suit duly heard and determined by said court.

Sec. 21. Sections eighty-five point forty-six (85.46), eighty-six point twenty-one (86.21), eighty-six point twenty-two (86.22), eighty-six point twenty-three (86.23), eighty-six point twenty-five (86.25), eighty-six point twenty-eight (86.28), eighty-six point thirty-four (86.34), eighty-six point thirty-five (86.35), and eighty-six point thirty-seven (86.37), Code 1977, are repealed.

Approved April 29, 1977

CHAPTER 52
INNOVATIVE ENERGY CONSERVATION

H. F. 174

AN ACT to provide public recognition for innovative methods of energy conservation.

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

Section 1. Section ninety-three point seven (93.7), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. Develop a program in each congressional district in the state to annually give public recognition to innovative methods of energy conservation developed or used by or for persons in the following categories:

- a. Individuals.
- b. Nonprofit or other organizations.
- c. Single-family residences.
- d. Multiple-family residences.
- e. Agriculture.
- f. Commercial enterprises.
- g. Industries.
- h. Utilities.
- i. Governments.
- j. Transportation.

Sec. 2. This Act is effective January 1, 1978.
Approved May 13, 1977

CHAPTER 53
LAND PRESERVATION

H. F. 210

AN ACT to provide for the development of a state land preservation policy.

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

Section 1. NEW SECTION. LEGISLATIVE INTENT. It is the intent of the general assembly of the state of Iowa to provide for the development of land preservation policy recommendations for the consideration of the general assembly through a process that emphasizes the participation and recommendations of citizens and local governments. The general assembly

intends to provide for the development of recommendations which will provide for the orderly use and development of land and related natural resources in Iowa, preserve private property rights, preserve the use of prime agricultural land for agricultural production, preserve, guide the development of critical areas, key facilities and large-scale development, and provide for the future housing, commercial, industrial and recreational needs of the state.

Sec. 2. NEW SECTION. DEFINITIONS. As used in this Act unless the context otherwise requires:

1. "State critical area" means an area where substantial evidence indicates that uncontrolled or incompatible development could result in damage to the environment, life or property, or an area where the long-term public interest is of more than local significance. Such areas shall include but are not limited to:

a. "Fragile or historic lands" where uncontrolled or incompatible development could result in irreversible damage to important historic, cultural, scientific, or aesthetic values or natural systems which are of more than local significance including shorelands of rivers, lakes, and streams, rare or valuable ecosystems and geological formations, significant wildlife habitats, and unique scenic or historic sites.

b. "Natural hazard lands" where uncontrolled or incompatible development could unreasonably endanger life and property including flood plains and areas frequently subject to weather disasters, and areas of unstable geological formations.

c. "Renewable resource lands" where uncontrolled or incompatible development which results in the loss or reduction of continued long-range productivity could endanger future water, food, and fiber requirements of more than local concern including watershed lands, aquifers and aquifer recharge areas, and forest lands.

2. "Key facility" means a public facility which is expected to result in development and urbanization exceeding local impact, including but not limited to major airports, major highway interchanges including interchanges with frontage roads, access streets and other limited access highways, major recreational land and facilities and major facilities for the development, generation or transmission of energy.

3. "Large-scale development" means any private development

which is likely to generate issues of more than local significance because of its magnitude or because of its location with respect to its surroundings.

4. "Local critical area" means any fragile or historic lands or sites, natural hazard lands, or renewable resource lands of local significance where substantial evidence indicates that the uncontrolled or incompatible development could result in damage to the environment, life or property or the long-term public interest.

5. "Land preservation policy" means a definite course of action selected after evaluation of alternative courses in order to effectuate wise and prudent decisions for the preservation of land.

Sec. 3. NEW SECTION. TEMPORARY COUNTY LAND PRESERVATION POLICY COMMISSION CREATED.

1. There is created a temporary land preservation policy commission composed of the following members:

a. Three members appointed by and from the district soil conservation commissioners.

b. Three members appointed by and from the county board of supervisors.

c. Three members appointed by and from a convention of the mayors and councilpersons of the cities of the county. If a participating city contains fifty percent or more of the total population of the participating cities, that city may appoint two members of the members appointed under this paragraph.

However, if a city contains more than one-half of the population of a county which has a population exceeding fifty thousand persons, that city shall not participate in the convention of mayors and councilpersons and the members appointed under subparagraph c of this subsection shall be three members appointed by and from the mayor and councilpersons of that city and three members appointed by and from the convention of mayors and councilpersons and the members appointed under subparagraph b of this subsection shall be three residents of the county engaged in actual farming operations appointed by the board of supervisors.

2. The temporary county land preservation policy commission shall meet and organize by the election of a chairperson and vice chairperson from among its members within sixty days of the effective date of this Act. A majority of the members of the temporary county land preservation commission shall

constitute a quorum and the concurrence of a quorum shall be required to determine any matter relating to its official duties. Each member of the temporary county land preservation policy commission shall be entitled to receive reimbursement for travel and other necessary expenses incurred in the performance of the member's official duties. The reimbursement shall be made by the unit of government of which the temporary county land preservation policy commissioner is a member or which appointed the member.

3. The temporary county land preservation policy commission shall submit its recommendations to the state land preservation policy commission as to a state land preservation policy and a land preservation policy for that county within one year of the effective date of this Act. The recommendation for the state land preservation policy should address the issues contained in the statement of legislative intent of this Act. Within nine months of the effective date of this Act, the temporary county land preservation policy commission shall hold at least three public hearings to receive testimony from citizens of the county as to what provisions shall be included in the recommendations to the state land preservation policy commission. The temporary county land preservation policy commission shall give public notice of the date, time and location of each public hearing in a newspaper having general circulation within the county not later than two weeks before the date of each public hearing.

4. The state agricultural extension service shall assist temporary county land preservation commission policy commissions with technical, informational, and clerical assistance.

5. In developing its policy recommendations, the temporary land preservation policy commission shall consider the following:

a. The preservation of agricultural land for the production of food and fiber.

b. A review of the available resources, growth trends and land use issues of the county.

c. A review of the present comprehensive plans, ordinances, regulations and policies of the local units of government that have an impact on the use of land.

d. The development of a local land preservation policy for:

(1) Solid waste disposal, sewage treatment and an adequate

water supply.

- (2) Siting of industrial, commercial, educational, cultural, residential and recreational facilities.
- (3) Designation and appropriate use of critical areas.
- (4) Coordination of a countywide transportation with the state transportation system.
 - e. State land preservation guidelines for state agencies.
 - f. Suggestions for the content of a state land preservation policy and methods for implementation.
 - g. The implementation of a county land preservation policy.
 - h. The preservation of private property rights.
6. The chairperson of the temporary county land preservation policy commission of each county shall file with the executive secretary of the temporary state land preservation policy commission a written report by July 1, 1978 containing the following:
 - a. The extent to which the county and the cities in the county have adopted zoning ordinances and have prepared comprehensive plans to be implemented by the zoning ordinances.
 - b. Whether the county has established a county conservation board and the extent to which it has adopted a plan for the conservation and recreation needs of the county.
 - c. The extent to which the county and the cities and private agencies of the county have implemented or pending plans for the disposal of solid waste.
 - d. The extent to which a survey of the soil of the county has been conducted.
 - e. The extent to which a comprehensive plan for the conservation of soil resources and the control and preservation of soil erosion has been prepared and implemented.
7. The temporary county land preservation policy commissions shall be dissolved effective January 1, 1979.

Sec. 4. NEW SECTION. TEMPORARY STATE LAND PRESERVATION POLICY COMMISSION CREATED.

1. Prior to the congressional district convention, the members of the temporary county land preservation policy commission shall appoint one-third of its membership to attend the convention. One member shall be appointed by and from the members appointed under subparagraph a of subsection one (1) of section three (3) of this Act, one member shall be appointed by and from the members appointed under subparagraph b of that subsection, and one member for each three members appointed under subparagraph c of that subsection

shall be appointed by and from those members. Nine months from the effective date of this Act, the members of the temporary county land preservation policy commissions in the counties located within each congressional district who have been appointed to attend the convention shall convene and elect three members to the temporary state land preservation policy commission. Of the three members, one shall be elected by the members of the temporary county land preservation policy commission appointed under subparagraph a of subsection one (1) of section three (3) of this Act, one by the members appointed under subparagraph b of that subsection, and one by the members appointed under subparagraph c of that subsection. The state agricultural extension service shall provide assistance in making the arrangements for the conventions. Each member present of each temporary county land preservation policy commission shall have one vote at the convention.

2. Within thirty days of the last election of a member of the temporary state land preservation policy commission, the temporary state land preservation policy commission shall convene and organize by the election from its members of a chairperson and a vice chairperson. A majority of the members of the temporary state land preservation policy commission shall constitute a quorum and the concurrence of a quorum shall be required to determine any matter relating to its official duties. Each member of the temporary state land preservation policy commission is entitled to receive a forty dollar per diem and shall be reimbursed for actual and necessary expenses.

3. The temporary state land preservation policy commission shall receive the recommendations of the temporary county land preservation policy commissions and, within twenty months of the effective date of this Act, shall file with the secretary of the senate and the chief clerk of the house its written recommendations to the general assembly. The temporary state land preservation policy commission may be granted an extension of time not to exceed six months for the filing of its recommendations by the passage of a concurrent resolution by the general assembly. The recommendations shall include a state land preservation policy and the method by which the state land preservation policy should be implemented. The latter recommendation shall include whether it is necessary or desirable for an existing or new state agency to be given

the responsibility for monitoring, reviewing or supervising the implementation of the state land preservation policy.

4. In developing its policy recommendations, the temporary state land preservation policy commission shall consider the following:

a. The preservation of agricultural land for food and fiber production.

b. The effect of current laws on land use decisions.

c. The recommendation of a state policy for the guidance and direction of state agencies in the use of land.

d. The criteria for the designation and preservation of critical areas.

e. The designation of key facilities.

f. The designation of large-scale development which will have impact beyond county boundaries.

g. The control of urban sprawl and the orderly and efficient transition of land from rural to urban use.

h. The balance of anticipated energy resources and consumption.

i. The protection of private property rights.

5. The temporary state land preservation commission shall, prior to making its recommendations to the general assembly, hold public hearings and provide the citizens with information regarding the extent of land use planning and regulation by this state, other states, and the federal government and other information important to stimulate public interest in land preservation policy determination.

6. Each state agency and agency of a political subdivision of the state shall cooperate, within time, personnel and budgetary limitations, in providing information, data, surveys and studies as requested by the temporary state land preservation policy commission. The legislative council shall, prior to the election of the temporary state land preservation policy commission, appoint an executive secretary of the commission. Prior to the organization of the temporary state land preservation policy commission, the executive secretary shall compile and develop information which will be of assistance to the commission in executing its duties. The temporary state land preservation policy commission shall be administratively attached to the department of soil conservation. The department of soil conservation shall provide support services to the temporary state land preservation policy commission.

7. The temporary state land preservation policy commission shall give notice of each of its meetings to the secretary of agriculture, the director of the state agricultural extension service, the director of the state conservation commission, the director of the Iowa natural resources council, the executive director of the department of environmental quality, the director of the office for planning and programming, the state geologist, the director of the Iowa development commission, the director of the department of transportation, the chairman of the city development board, the chairman of the Iowa state commerce commission, the director of the energy policy council, or their respective designees, a member of a temporary county land preservation policy commission designated by the league of Iowa municipalities, and a member of a temporary county land preservation policy commission designated by the Iowa state association of counties.

8. The temporary state land preservation policy commission may apply for, receive and expend any private or public funds for the purposes of carrying out this Act.

9. The temporary state land preservation commission shall use the state water plan, the state standard soil survey and the state recreational needs plan in conducting a comprehensive land inventory. The inventory shall also show the changes in the use of land in the state during the preceding five years.

10. The temporary state land preservation policy commission shall be dissolved upon final action by the general assembly of the recommendations presented by the temporary state land preservation policy commission or upon the adjournment of the session of the general assembly to which the recommendations are presented, whichever occurs first.

Approved June 30, 1977

CHAPTER 54
UNEMPLOYMENT COMPENSATION

H. F. 595

AN ACT relating to unemployment compensation law changes providing for amendments to the Iowa law to maintain the approval of the state law by the secretary of labor to assure an employer tax credit of two point seven percent for required unemployment compensation contributions, to the compilation of certain data, and to assure federal funding of the administration of the Iowa unemployment compensation program.

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

Section 1. Chapter ninety-six (96), Code 1977, is amended by adding the following new section:

NEW SECTION. INCLUSION OF WAGES PAID PRIOR TO JANUARY 1, 1978, FOR NEWLY COVERED EMPLOYERS.

1. With respect to weeks of unemployment beginning on or after January 1, 1978, wages for insured work shall include wages paid prior to January 1, 1978, for services which prior to January 1, 1978 were not defined as employment or covered pursuant to an election by a person to become an employer under this chapter at any time during the one-year period ending December 31, 1975. Such services include agricultural labor defined as employment after January 1, 1978, domestic service defined as employment after January 1, 1978 or are services performed by an employee of this state or a political subdivision or an instrumentality of a state or political subdivision or by an employee of a nonprofit educational institution which is not an institution of higher education except to the extent that assistance under Title two (II) of the Emergency Jobs and Unemployment Assistance Act of 1974 was paid on the basis of such service.

2. Any nonprofit organization which elects to make payments in lieu of contributions into the unemployment compensation fund as provided in this paragraph shall not be liable to make such payments with respect to the benefits paid to any individual whose base-period wages include wages for previously uncovered services as defined in this section to the extent that the unemployment compensation fund is reimbursed for such benefits pursuant to section one hundred twenty-one (121) of public law ninety-four dash five hundred sixty-six (94-566), 1976.

Sec. 2. Section ninety-six point four (96.4), subsection

five (5), Code 1977, is amended by striking the subsection and inserting in lieu thereof the following:

5. Benefits based on service in employment in a nonprofit organization or government entity, defined in section ninety-six point nineteen (96.19), subsection seven (7) of the Code, shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the same basis of other service subject to this chapter, except that:

a. Benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave, provided for in the individual's contract if the individual has a contract or contracts to perform services in any such capacity for any institution or institutions of higher education for both such academic years or both such terms.

b. Benefits based on service in employment, defined in section ninety-six point nineteen (96.19), subsection seven (7) of the Code, and based on service after December 31, 1977 in an instructional, research, or principal administrative capacity for an educational institution operated by a government entity or a nonprofit organization, shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years or terms, (or, when an agreement provides instead for a similar period between two regular but not successive terms, during such period) to any individual if such individual performs such services in the first of such academic years or terms and if there is a contract or reasonable assurance that such individual will perform services in any such capacity for any educational institution the second of such academic years or terms, and

c. With respect to services in any other capacity for an educational institution (other than an institution of higher education) after December 31, 1977, benefits shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or terms if such individual performs such services in the first of such academic years or terms and there is

a reasonable assurance that such individual will perform such services in the second of such academic years or terms.

d. With respect to any services performed after July 1, 1977, in any capacity for an educational institution other than an institution of higher education, compensation payable on the basis of such services shall not be paid to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performs such service in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such service in the period immediately following such vacation period or holiday recess.

e. With respect to services performed after December 31, 1977, in an instructional, research, or principal administrative capacity in an institution of higher education, compensation payable on the basis of such services shall be denied to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess.

Sec. 3. Section ninety-six point five (96.5), Code 1977, is amended by adding the following new subsections:

NEW SUBSECTION. ATHLETES--DISQUALIFIED. Services performed by an individual, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sport seasons or similar periods, if such individual performs such services in the first of such seasons or similar periods and there is a reasonable assurance that such individual will perform such services in the later of such season or similar periods.

NEW SUBSECTION. ALIENS--DISQUALIFIED. For services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purpose of performing such services or was permanently residing in the United States under color of law, including an alien who is lawfully present in the United States as a result of the application of the provisions of section two hundred three

(a) seven (203 (a) (7)) or section two hundred twelve (d) five (212 (d) (5)) of the Immigration and Nationality Act. Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits. In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of his or her alien status shall be made except upon a preponderance of the evidence.

Sec. 4. Section ninety-six point seven (96.7), subsection eight (8), Code 1977, is amended by striking the subsection and inserting in lieu thereof the following:

8. Financing benefits paid to employees of the state or political subdivisions of the state and their instrumentalities.

a. A government entity which is an employer under the provisions of this chapter shall make benefit payments in a manner provided for a government reimbursable employer unless the employer elects to pay unemployment compensation benefits as a contributing employer. Government entities may establish a group account as provided in this section. Any election under this subsection to be a government contributing employer shall be effective for a minimum of two calendar years and may be changed if an election is made to be a government reimbursable employer prior to December first for a minimum of the two following calendar years.

b. For the purposes of this subsection "government contributing employer" means a government entity electing to contribute for a minimum period of two calendar years at a contribution rate determined by the department in the following manner:

(1) For the calendar year beginning January 1, 1978, the contribution rate shall be one percent.

(2) For the calendar year beginning January 1, 1979, the contribution rate shall be one percent, provided that the department may reduce the contribution rate by fifteen hundredths of one percent or increase the contribution rate by not more than one percent. A rate adjustment shall be made only in an amount necessary to raise sufficient funds from contributing employers to finance an amount equal to the benefits for the previous calendar year and the amount by which the benefits of the preceding calendar year exceeded

the employers' contributions.

A government entity electing to contribute at a fixed contribution rate in lieu to making payments as a government reimbursable employer may elect to finance benefits as a government reimbursable employer however the government entity shall be obligated to pay within a time period determined by the department to the fund the amount by which benefit payments for the government entity exceed contributions by the government entity on the effective date of the election.

c. For the purposes of this subsection "government reimbursable employer" means an employer paying to the department for the unemployment fund an amount equal to the sum of the regular benefits attributable to service in the employ of the employer and prior to January 1, 1979, plus one-half of the extended benefits paid for service in the employ of the employer, and beginning January 1, 1979, plus all of the extended benefits paid for service in the employ of the employer. Payments shall be made in accordance with the provisions of subsection nine (9), paragraph b of this section of the Code.

Sec. 5. Section ninety-six point seven (96.7), subsection nine (9), paragraph b, subparagraph one (1), Code 1977, is amended to read as follows:

(1) At the end of each calendar quarter, or at the end of any other period as determined by the department, the department shall bill each nonprofit organization which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular benefits plus one-half of the amount of extended benefits paid during such quarter or other prescribed period that is attributable to service in the employ of such organization. Unless federal funds are otherwise provided, at the end of each calendar quarter or other period determined by the department, the department shall also bill each governmental entity the amount of regular plus extended benefits owed as a governmental reimbursable employer for benefits paid during the quarter or period for such organization electing governmental reimbursable status including any benefits paid for a government entity for claims filed while the government entity was a contributing employer prior to an election to become a government reimbursable employer which were paid during the quarter or period.

Sec. 6. Section ninety-six point seven (96.7), subsec-

tion twelve (12), Code 1977, is amended to read as follows:

12. ALLOCATION OF BENEFIT COST. Each employer that is liable for payment in lieu of contributions shall pay to the department for the fund the amount of regular benefits and unless a government entity plus the amount of one-half of extended benefits paid during each quarter that are attributable to service in the employ of such employer. A government entity shall make benefit payments in the amounts provided for a government reimbursable employer. If benefits paid to an individual are based on wages paid by more than one employer and one or more of such employers are liable for payments in lieu of contributions, the amount payable to the fund by each employer that is liable for such payment shall be payable each quarter by the base period employers in inverse chronological order in which the employment of such individual occurred. Provided, that the amount of any such employer's liability in any calendar quarter shall not exceed the amount of such individual's wage credits and unless a government entity plus one-half the amount of extended benefits based on employment with such employer during such quarter of the base period. A government entity's liability in any calendar quarter shall not exceed the amount of the individual's wage credits plus that amount of extended benefits a government entity is required to pay as a government reimbursable employer.

Sec. 7. Section ninety-six point seven (96.7), subsection thirteen (13), Code 1977, is amended to read as follows:

13. GROUP ACCOUNTS. Two or more employers that have become liable for payments in lieu of contributions, in accordance with the provisions of subsection eight (8) and subsection 9, paragraph "a", of this section of the Code may file a joint application to the department for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers. Each such application shall identify and authorize a group representative to act as the group's agent for the purposes of this subsection. Upon its approval of the application, the department shall establish a group account for such employers effective as of the beginning of the calendar quarter in which it receives the application and shall notify the group's representative of the effective date of the account. Such account shall remain in effect for not less than one year and thereafter until

terminated at the discretion of the department or upon application by the group. Upon establishment of the account, each member of the group shall be liable for payments in lieu of contributions with respect to each calendar quarter in the amount that bears the same ratio to the total benefits paid in such quarter that are attributable to service performed in the employ of all members of the group as the total wages paid for service in employment by such member in such quarter bear to the total wages paid during such quarter for service performed in the employ of all members of the group. The department shall prescribe such regulations as it deems necessary with respect to applications for establishment, maintenance and termination of group accounts that are authorized by this subsection, for addition of new members to, and withdrawal of active members from, such accounts, and for the determination of the amounts that are payable under this subsection by members of the group and the time and manner of such payments.

Sec. 8. Section ninety-six point seven (96.7), subsection fourteen (14), Code 1977, is amended to read as follows:

14. NONPROFIT ORGANIZATION ELECTION.

a. Notwithstanding any provisions in subsection 9 of this section, any nonprofit organization that prior to January 1, 1969, paid contributions required by this section and, pursuant to subsection 9 of this section, elects, ~~within thirty days after the effective date of this Act~~ before April 1, 1972, to make payments in lieu of contributions, shall not be required to make any such payment on account of any regular or extended benefits paid, on the basis of wages paid by such organization to individuals for weeks of unemployment which begin on or after the effective date of such election until the total amount of such benefits equals the amount of the positive balance in the experience rating account of such organization.

b. A nonprofit organization or group not required to be covered employment prior to January 1, 1978, that paid contributions as an employer prior to October 20, 1976, and which elects within thirty days after the effective date of this Act to make payments in lieu of contributions shall not be required to make any such payment for regular or extended benefits paid after its election until the total amount of benefits equal the amount of the positive balance in the experience rating account of such organization.

Sec. 9. Section ninety-six point eight (96.8), subsection two (2), Code 1977, is amended to read as follows:

2. VOLUNTARY TERMINATION. Except as otherwise provided in subsection 3 of this section, an employing unit shall cease to be an employer subject to this chapter, as of the first day of January of any calendar year, if it files with the department, prior to the fifteenth day of February of such year, a written application for termination of coverage, and the department finds that such employing unit did not meet any of the qualifying liability requirements as provided under section 96.19, subsection 6, paragraphs "a," "b," "c," "d," "e," "f," or "g," and the new paragraphs added to section ninety-six point nineteen (96.19), subsection six (6) by this Act and section 96.19, subsection 6, paragraphs "h" or "i" in the preceding calendar year.

Sec. 10. Section ninety-six point fourteen (96.14), subsection three (3), Code 1977, is amended by adding the following new paragraph:

NEW PARAGRAPH. If a political subdivision or a political subdivision instrumentality becomes delinquent in the payment of contributions, any payments owed as a government employer, penalty, interest and costs for more than two calendar quarters, the amount of such delinquency shall be deducted from any further moneys due the employer by the state. Such deduction shall be made by the state comptroller upon certification of the amount due. A copy of the certification will be mailed to the employer.

Sec. 11. Section ninety-six point nineteen (96.19), subsection six (6), Code 1977, is amended by adding the following new lettered paragraphs:

NEW LETTERED PARAGRAPH. 1. An employing unit employing agricultural labor after December 31, 1977, if the employing unit:

(1) Paid during any calendar quarter in the calendar year or the preceding calendar year wages of twenty thousand dollars or more for agricultural labor, or

(2) Employed on each of some twenty days during the calendar year or during the preceding calendar year, each day being in a different calendar week, at least ten individuals in employment in agricultural labor for some portion of the day.

NEW LETTERED PARAGRAPH. m. An employing unit employing after December 31, 1977, domestic service in a private home,

local college club, or local chapter of a college fraternity or sorority, and with respect to any calendar year, any employing unit who during any calendar quarter in the calendar year or the preceding calendar year paid wages in cash of one thousand dollars or more for such service.

Sec. 12. Section ninety-six point nineteen (96.19), subsection six (6), paragraph a, Code 1977, is amended to read as follows:

a. For purposes of this chapter ~~the term "employer" means~~ with respect to any calendar year after December 31, 1971, any employing unit which in any calendar quarter in either the current or preceding calendar year paid for service in employment wages ~~as defined in subsection 43~~ of one thousand five hundred dollars or more excluding wages paid for domestic service, or for some portion of a day in each of twenty different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, had in employment at least one individual ~~(irrespective of whether the same individual was in employment in each such day)~~. An employing unit treated as a domestic service employer shall not be treated as an employer with respect to wages paid for service other than domestic service unless such employing unit is treated as an employer under this paragraph or as an agricultural labor employer.

Sec. 13. Section ninety-six point nineteen (96.19), subsection six (6), paragraph h, Code 1977, is amended by striking the paragraph and inserting in lieu thereof the following:

h. After December 31, 1971, this state or a state instrumentality and after December 31, 1977, a government entity unless specifically excluded from the definition of employment.

Sec. 14. Section ninety-six point nineteen (96.19), subsection seven (7), lettered paragraph a, the first unlettered paragraph, Code 1977, is amended to read as follows:

Except as otherwise provided in this ~~section~~ subsection "employment" means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, expressed or implied. Employment also means any service performed prior to January 1, ~~1972~~ 1978, which was employment as defined in this subsection prior to such date and, subject to the other provisions of this subsection, service performed after December 31, ~~1974~~ 1977, by:

Sec. 15. Section ninety-six point nineteen (96.19), subsection seven (7), paragraph a, subparagraph one (1), Code 1977, is amended to read as follows:

(1) Any officer of a corporation. Provided that the term "employment" shall not include such officer if the officer is a majority stockholder and the officer shall not be considered an employee of the corporation unless such services are subject to a tax to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or such services are required to be covered under this chapter of the Code, as a condition to receipt of a full tax credit against the tax imposed by the federal Unemployment Tax Act (26 U.S.C. 3301-3309), or

Sec. 16. Section ninety-six point nineteen (96.19), subsection seven (7), paragraph a, subparagraph four (4), Code 1977, is amended to read as follows:

(4) Service performed after December 31, 1971, by an individual in the employ of this state or any of its wholly owned instrumentalities and after December 31, 1977, service performed by an individual in the employ of a government entity unless specifically excluded from the definition of employment for a government entity.

Sec. 17. Section ninety-six point nineteen (96.19), subsection seven (7), paragraph a, subparagraph five (5), Code 1977, is amended to read as follows:

(5) Service performed after December 31, 1971, by an individual in the employ of a religious, charitable, educational or other organization, but only if the service is excluded from "employment" as defined in the federal Unemployment Tax Act (26 U.S.C. ~~3304-3308~~ 3301-3309) solely by reason of section 3306 (c) (8) of that Act.

Sec. 18. Section ninety-six point nineteen (96.19), subsection seven (7), paragraph a, subparagraph six (6), subdivision (c), Code 1977, is amended to read as follows:

(c) In the employ of a nonpublic school which is not an institution of higher education prior to January 1, 1978.

Sec. 19. Section ninety-six point nineteen (96.19), subsection seven (7), paragraph a, subparagraph six (6), subdivision (f), Code 1977, is amended to read as follows:

(f) For Prior to January 1, 1978 for a hospital in a state prison or other state correctional institution by an inmate
the prison or correctional institution and after December

31, 1977, by an inmate of a custodial or penal institution.

Sec. 20. Section ninety-six point nineteen (96.19), subsection seven (7), paragraph a, subparagraph six (6), Code 1977, is amended by adding the following new lettered subdivision:

NEW LETTERED SUBDIVISION. (g) In the employ of a governmental entity, if such service is performed by an individual in the exercise of his or her duties as an elected official; as a member of a legislative body, or a member of the judiciary, of a state or political subdivision; as a member of the state national guard or air national guard; as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency; or in a position which, pursuant to the state law, is designated as a major nontenured policymaking or advisory position, or a policymaking or advisory position which ordinarily does not require duties of more than eight hours per week.

Sec. 21. Section ninety-six point nineteen (96.19), subsection seven (7), paragraph a, subparagraph seven (7), Code 1977, is amended by striking the subparagraph.

Sec. 22. Section ninety-six point nineteen (96.19), subsection seven (7), paragraph a, Code 1977, is amended by adding the following new subparagraph:

(7) (a) A person in agricultural labor when such labor is performed for an employing unit which during any calendar quarter in the calendar year or the preceding calendar year paid remuneration in cash of twenty thousand dollars or more to individuals employed in agricultural labor excluding labor performed before January 1, 1980, by an alien referred to in this subparagraph; or on each of some twenty days during the calendar year or the preceding calendar year, each day being in a different calendar week, employed in agricultural labor for some portion of the day ten or more individuals, excluding labor performed before January 1, 1980, by an alien referred to in this subparagraph; and such labor is not agricultural labor performed before January 1, 1980, by an individual who is an alien admitted to the United States to perform agricultural labor pursuant to sections two hundred fourteen (c) (214 (c)) and one hundred one (a) fifteen (II) (101 (a) (15) (II)) of the Immigration and Nationality Act.

(b) For purposes of this subparagraph, any individual who is a member of a crew furnished by a crew leader to perform agricultural labor for any other employing unit shall be

treated as an employee of such crew leader if such crew leader holds a valid certificate of registration under the Farm Labor Contractor Registration Act of 1963; or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or cropdusting equipment, or any other mechanized equipment, which is provided by such crew leader; and if such individual is not otherwise in employment as defined in this subsection.

For purposes of this subparagraph, in the case of any individual who is furnished by a crew leader to perform agricultural labor for any other employing unit and who is not treated as an employee of such crew leader as described above, such other employing unit and not the crew leader shall be treated as the employer of such individual; and such other employing unit shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader either on his or her behalf or on behalf of such other employing unit for the agricultural labor performed for such other employing unit.

For purposes of this subsection, the term "crew leader" means an employing unit which furnishes individuals to perform agricultural labor for any other employing unit; pays, either on the crew leader's behalf or on behalf of such other employing unit, the individuals so furnished by the crew leader for the agricultural labor performed by them; and has not entered into a written agreement with such other employing unit under which such individual is designated as an employee of such other employing unit.

Sec. 23. Section ninety-six point nineteen (96.19), subsection seven (7), paragraph a, Code 1977, is amended by adding the following new numbered subparagraph:

NEW NUMBERED SUBPARAGRAPH. (8) A person performing after December 31, 1977 domestic service in a private home, local college club, or local chapter of a college fraternity or sorority if performed for an employing unit who paid cash remuneration of one thousand dollars or more to individuals employed in such domestic service in any calendar quarter in the calendar year or the preceding calendar year.

Sec. 24. Section ninety-six point nineteen (96.19), subsection seven (7), paragraph b, subparagraph three (3), Code 1977, is amended to read as follows:

(3) The service is performed outside the United States,

~~(except in Canada or the Virgin Islands)~~, after December 31, 1971, by a citizen of the United States in the employ of an American employer, ~~(other than service which is deemed "employment" under the provisions of subparagraphs (1) and (2) or the parallel provisions of another state law)~~, or service performed after December thirty-first of the year in which the United States secretary of labor approved the first time the unemployment compensation law submitted by the Virgin Islands, if:

Sec. 25. Section ninety-six point nineteen (96.19), subsection seven (7), paragraph g, subparagraph one (1), Code 1977, is amended by striking the subparagraph.

Sec. 26. Section ninety-six point nineteen (96.19), subsection seven (7), paragraph g, subparagraph four (4), the first unnumbered paragraph, Code 1977, is amended to read as follows:

AGRICULTURAL LABOR. For purposes of this chapter, the term "agricultural labor" means any service performed prior to January 1, 1972, which was agricultural labor as defined in this subparagraph prior to such date, and provided that after December 31, 1977, this subparagraph shall not exclude from employment agricultural labor specifically included as agricultural labor under the definition of employment in this subsection, but shall otherwise include remunerated service performed after December 31, 1971:

Sec. 27. Section ninety-six point nineteen (96.19), subsection seven (7), paragraph g, subparagraph four (4), lettered subdivision (e), Code 1977, is amended to read as follows:

(e) On a farm operated for profit if such service is not in the course of the employer's trade or business ~~or is domestic service in a private home of the employer.~~

Sec. 28. Section ninety-six point nineteen (96.19), subsection seven (7), paragraph g, subparagraph five (5), Code 1977, is amended to read as follows:

(5) Domestic service in a private home prior to January 1, 1978, and after December 31, 1977, domestic service in a private home not covered as domestic service under the definition of employment.

Sec. 29. Section ninety-six point nineteen (96.19), subsection thirteen (13), Code 1977, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. d. Remuneration for agricultural

labor paid in any medium other than cash.

Sec. 30. Section ninety-six point nineteen (96.19), subsection twenty-five (25), Code 1977, is amended to read as follows:

25. "United States" for the purposes of this section includes the states, the District of Columbia, ~~and the Commonwealth of Puerto Rico~~ and the Virgin Islands.

Sec. 31. Section ninety-six point nineteen (96.19), subsection twenty-seven (27), Code 1977, is amended by striking the subsection and inserting in lieu thereof the following:

27. There is a national "on" indicator for a week if, for the period consisting of such week and the immediately preceding twelve weeks, the rate of seasonally adjusted insured unemployment for all states equaled or exceeded four point five percent. The rate of insured unemployment, for the purposes of this subsection, shall be determined by the secretary of labor by reference to the average monthly covered employment for the first four of the most recent six calendar quarters ending before the close of such period.

Sec. 32. Section ninety-six point nineteen (96.19), subsection twenty-eight (28), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

28. There is a national "off" indicator for a week if, for the period consisting of such week and the immediately preceding twelve weeks, the rate of seasonally adjusted insured unemployment for all states was less than four point five percent. The rate of insured unemployment, for the purposes of this subsection, shall be determined by the secretary of labor by reference to the average monthly covered employment for the first four of the most recent six calendar quarters ending before the close of such period.

Sec. 33. Section ninety-six point nineteen (96.19), subsection twenty-nine (29), Code 1977, is amended by striking the subsection and inserting in lieu thereof the following:

29. There is a state "on" indicator for a week if the rate of insured unemployment under the state law for the period consisting of such week and the immediately preceding twelve weeks:

- a. Equaled or exceeded five percent; or
- b. Equaled or exceeded four percent and equaled or exceeded one hundred twenty percent of the average of those rates for the corresponding thirteen-week period ending in each of the two preceding two calendar years.

Sec. 34. Section ninety-six point nineteen (96.19), subsection thirty (30), Code 1977, is amended by striking the subsection and inserting in lieu thereof the following:

30. There is a state "off" indicator for a week if, for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment under the state law was:

- a. Less than four percent; or
- b. Less than five percent and less than one hundred twenty percent of the average of those rates for thirteen weeks ending in each of the two preceding calendar years, except that, notwithstanding any such provision of this subsection, any week for which there would otherwise be a state "on" indicator shall continue to be such a week and shall not be determined to be a week for which there is a state "off" indicator.

Sec. 35. Section ninety-six point nineteen (96.19), subsection thirty-five (35), paragraph b, Code 1977, is amended to read as follows:

- b. He or she has no right to unemployment benefits or allowances under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965, and such other federal laws as are specified in regulations issued by the United States secretary of labor, and he or she has not received and is not seeking unemployment benefits under the unemployment compensation law ~~of the Virgin Islands-or~~ of Canada, but if he or she is seeking such benefits and the appropriate agency finally determines that he or she is not entitled to benefits under such law he or she is considered an exhaustee.

Sec. 36. Section ninety-six point nineteen (96.19), Code 1977, is amended by adding the following new subsections:

NEW SUBSECTION. "Domestic service" includes service for an employing unit in the operation and maintenance of a private household, local college club or local chapter of a college fraternity or sorority as distinguished from service as an employee in the pursuit of an employer's trade, occupation, profession, enterprise, or vocation.

NEW SUBSECTION. "Educational institution" means one in which participants, trainees, or students are offered an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes or abilities from, by or under the guidance of an instructor

or teacher. It is approved, licensed or issued a permit to operate as a school by the state department of public instruction or other government agency that is authorized within the state to approve, license or issue a permit for the operation of a school. The course of study or training which it offers may be academic, technical, trade, or preparation for gainful employment in a recognized occupation.

NEW SUBSECTION. "Government entity", means a state, a state instrumentality, a political subdivision or a political subdivision instrumentality, or a combination of one or more of the preceding.

Sec. 37. Political subdivisions may levy a tax outside their general fund to pay the cost of unemployment benefits.

Sec. 38. It is the declared intent of the general assembly of the state of Iowa that the department of job service shall employ employees as full-time claims specialists in the fraud and overpayment unit of the job insurance division of the department of job service to the extent that federal funds are available to the department of job service for the employment of such full-time personnel.

Sec. 39. The department of job service is directed to study and compile data to evaluate the unemployment experience of political subdivisions and instrumentalities of political subdivisions. The department of job service shall submit to the Sixty-eighth General Assembly, 1979 Session, prior to February 1, 1979, a summary report of the unemployment experience of political subdivisions and political subdivision instrumentalities. The department of job service shall prepare contribution tables for government entities similar to the contribution tables for other employers which will rank government entity employers and assign the government entity employers into rate classes designed to raise sufficient revenue from government contributing employers to meet the costs of unemployment compensation benefit payments for government contributing employers.

Sec. 40. Government entities, originally classified as government reimbursable employers under the provisions of this Act may elect to become government contributing employers for a minimum of two calendar years, however such election shall be communicated to the department of job service, upon forms provided by the department of job service, prior to November 1, 1977.

Sec. 41. The provisions of this Act, except sections two (2) and thirty-nine (39) are effective January 1, 1978.
Approved June 29, 1977

CHAPTER 55
UNEMPLOYMENT COMPENSATION

S. F. 337

AN ACT to provide a funding system for unemployment compensation benefits.

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

Section 1. Section ninety-six point seven (96.7), subsection three (3), paragraph a, subparagraph seven (7), Code 1977, is amended to read as follows:

(7) Any employer may at any time make voluntary payments to his or her account in excess of the other requirements of this chapter, and all such payments shall be considered on any computation date as contributions required under the provisions of this chapter if they are paid by the employer not later than the next ~~March-45~~ December fifteenth after such computation date. Voluntary contributions shall not exceed the maximum voluntary contribution. For the purposes of this subparagraph "maximum voluntary contribution" shall equal an amount sufficient to lower the rate of contribution of an employer to the lower rate of contribution assigned in the next lower percentage of excess rank. Provided that an employer shall not contribute an amount sufficient to reduce the rate of contribution of the employer to a zero contribution rate.

Sec. 2. Section ninety-six point seven (96.7), subsection three (3), paragraph c, Code 1977, is amended to read as follows:

c. Each contributing employer's rate of contribution shall be two and seven-tenths percent except as otherwise provided in this chapter. No reduced rate of contribution shall be granted to a contributing employer until there shall have been twelve consecutive calendar quarters immediately preceding the first computation date throughout which his or her account has been chargeable with benefit payments. Provided, that with respect to the calendar year commencing January 1, 1972, and each calendar year thereafter, except as provided in ~~paragraphs~~ paragraph "d" and "e" of this subsection, a contributing employer who has not been subject to this chapter for a sufficient period of time to meet the twelve-quarter requirement shall qualify for a computed rate of contribution if there shall have been a lesser period

throughout which his or her account has been chargeable, but in no event less than eight consecutive calendar quarters immediately preceding the computation date; provided further, that with respect to the calendar year years commencing January 1, 1972, and each-calendar-year-thereafter ending December 31, 1977, except as provided in paragraphs paragraph "d" and "e" of this subsection, each contributing employer newly subject to this chapter shall pay contributions at the rate of one and five-tenths percent and beginning January 1, 1978 at the rate specified in the ninth percentage of excess rank but not less than one point eight percent until the end of the calendar year in which the employer shall have had eight consecutive calendar quarters immediately preceding the computation date throughout which his or her account has been chargeable with benefit payments, thereafter his or her contribution rate shall be determined in accordance with paragraphs paragraph "d" and "e" of this subsection.

Sec. 3. Section ninety-six point seven (96.7), subsection three (3), paragraph d, Code 1977, is amended by striking the paragraph and inserting in lieu thereof the following:

d. The department shall determine the rate table to be in effect for the rate year following the rate computation date, by determining the ratio of the current reserve fund ratio to the highest benefit cost rate on the rate computation date.

(1) The current reserve fund ratio shall be computed by dividing the total trust funds available for payment of benefits, on the rate computation date, by the total wages paid in covered employment excluding reimbursable employment wages during the first four calendar quarters of the five calendar quarters immediately preceding the rate computation date.

(2) The highest benefit cost rate shall be the highest of the resulting ratios computed by dividing the total benefit payments, excluding reimbursable benefit payments, during each consecutive twelve-month period, during the ten-year period ending on the rate computation date, by the total wages, excluding reimbursable employment wages, paid in the four calendar quarters ending nearest and prior to the last day of such twelve-month period.

If the current reserve fund ratio, divided by the highest benefit cost rate:

<u>Equals or exceeds</u>	<u>But is less than</u>	<u>The contribution rate table in effect shall be</u>
0.0	0.5	1
0.5	0.75	2
0.75	1.0	3
1.0	1.5	4
1.5	1.9	5
1.9	2.3	6
2.3	2.7	7
2.7	3.0	8
3.0	---	9

The term "percentage of excess" means a number computed to six decimal places on July first of each year obtained by dividing the excess of all contributions attributable to an employer over the sum of all benefits charged to an employer by the employer's average annual payroll. An employer's percentage of excess is a positive number when the total of all contributions paid to an employer's account for all past periods to and including those for the quarter immediately preceding the rate computation date exceeds the total benefits charged to such account for the same period. An employer's percentage of excess is a negative number when the total of all contributions paid to an employer's account for all past periods to and including those for the quarter immediately preceding the rate computation date is less than the total benefits charged to such account for the same period.

Each employer qualified for an experience rating shall be assigned a contribution rate for each rate year that corresponds to the employer's percentage of excess rank in the rate table effective for the rate year from the following rate tables. Each employer's percentage of excess rank shall be computed by listing all the employers by decreasing percentages of excess, from the highest positive percentage of excess to the highest negative percentage of excess and grouping the employers so listed into twenty-one separate ranks containing as nearly as possible four point seventy-six percent of the total taxable wages, excluding reimbursable employment wages, paid in covered employment during the first four completed calendar quarters immediately preceding the rate computation date. If an employer's taxable wages qualify the employer for two separate percentage of excess ranks the employer shall be afforded the percentage of excess rank assigned the lower contribution rate. Employers with identical

percentages of excess shall be assigned to the same percentage of excess rank.

Percent- age of Excess Rank	Approximate Cumulative Taxable Pay- roll Limit	Contribution Rate Tables								
		1	2	3	4	5	6	7	8	9
1	4.8%	.8	.6	0	0	0	0	0	0	0
2	9.5%	1.0	.7	.5	.3	0	0	0	0	0
3	14.3%	1.2	.8	.6	.5	.4	0	0	0	0
4	19.0%	1.4	1.0	.7	.6	.5	.3	0	0	0
5	23.8%	1.6	1.2	.8	.8	.6	.4	.2	0	0
6	28.6%	1.8	1.4	1.0	.9	.7	.5	.2	.1	0
7	33.3%	2.0	1.6	1.2	1.0	.8	.6	.3	.2	.1
8	38.1%	2.3	1.8	1.4	1.1	.9	.7	.4	.2	.1
9	42.8%	2.6	2.0	1.6	1.2	1.0	.8	.5	.3	.2
10	47.6%	2.9	2.3	1.8	1.3	1.1	.9	.6	.4	.2
11	52.4%	3.2	2.6	2.1	1.5	1.2	1.0	.7	.5	.2
12	57.1%	3.5	2.9	2.5	1.7	1.3	1.1	.8	.6	.2
13	61.9%	3.8	3.3	2.8	2.0	1.5	1.3	.9	.7	.3
14	66.6%	4.2	3.7	3.1	2.4	1.7	1.5	1.1	.9	.5
15	71.4%	4.6	4.1	3.5	2.9	1.9	1.7	1.3	1.0	.5
16	76.2%	5.0	4.5	3.9	3.4	2.3	1.9	1.7	1.0	.7
17	80.9%	5.5	5.0	4.4	4.0	3.0	2.5	2.0	1.5	.8
18	85.7%	6.0	5.5	5.0	4.5	3.7	3.1	2.5	2.0	1.0
19	90.4%	6.0	6.0	5.5	5.0	4.4	3.8	3.2	2.5	1.8
20	95.2%	6.0	6.0	6.0	5.5	5.0	4.5	4.0	3.0	2.5
21	100.0%	6.0	6.0	6.0	6.0	5.5	5.0	4.5	4.0	4.0

Provided, however, that notwithstanding any other provision of this chapter, any employer which employs individuals for construction as defined by the department pursuant to rules, that has not qualified for an experience rating shall pay four point zero percent in the calendar year 1968 through the calendar year 1977 and be assigned to the rate specified in the twenty-first percentage of excess rank for the rate year beginning January 1, 1978 and every year thereafter until such time as the employer has qualified for an experience rating. However, such employer shall not qualify for an experience rating until there shall have been twelve consecutive calendar quarters immediately preceding the rate computation date throughout which his account has been chargeable with benefit payments.

On or before the fifth day of September immediately preceding the next following rate period the department shall

make available to employers the table which will apply to the contribution rates in the following rate year.

Provided, however, that notwithstanding any other provisions of this chapter, the applicable contribution rate table for the calendar years 1978 and 1979 will be table two if the ratio of the current reserve fund ratio to the highest benefit cost rate on the rate computation date is less than 0.75. Provided further that during any rate year in which a rate table in rate tables four through nine is effective an employer assigned a contribution rate under the provisions of this paragraph shall not be required to contribute to the unemployment compensation trust fund if the employer's percentage of excess is seven point five percent or greater for the rate year and the employer has not been charged with benefit payments for any time within the forty calendar quarters immediately preceding the rate computation date for the rate year.

Sec. 4. Section ninety-six point nineteen (96.19), subsection one (1), Code 1977, is amended to read as follows:

1. "ANNUAL PAYROLL." The term "annual payroll" as used in subsection 3 "d" of section 96.7 means the total amount of taxable wages paid by an employer for insured work during the period of four consecutive calendar quarters ending on ~~September-30~~ June thirtieth of each year, and the term "average annual payroll" as used in said subsection means the average of the "annual payrolls" of an employer for the last three periods of four consecutive calendar quarters immediately preceding the computation date. Except that for an employer who qualifies on any computation date for a computed rate on the basis of less than twelve consecutive calendar quarters of chargeability immediately preceding the computation date, the term average annual payroll shall be the average of the annual payrolls for the last two periods of four consecutive calendar quarters immediately preceding the computation date.

Sec. 5. Section ninety-six point nineteen (96.19), subsection twenty-one (21), Code 1977, is amended to read as follows:

21. "TAXABLE WAGES". For the purposes of section 96.7, subsections 1 and 2 and ~~subsequent-to-December-31, 1974~~ for the period beginning January 1, 1972 and ending December 31, 1977, taxable wages shall not include that part of remuneration which, after remuneration equal to four thousand two hundred dollars has been paid in a calendar year to an indivi-

dual by an employer or his predecessor with respect to employment during any calendar year, is paid to such individual by such employer during such calendar year unless that part of the remuneration is subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund, except that for the calendar years 1976 and 1977 the remuneration figure shall be six thousand dollars.

For the purposes of this subsection, the term "employment" includes service constituting employment under any unemployment compensation law of another state provided such other state will consider service performed in Iowa in determining the contribution base.

For the calendar year beginning January 1, 1978, and each subsequent calendar year, taxable wages upon which an employer shall be required to contribute based upon remuneration which has been paid in a calendar year to an individual by an employer or his predecessor with respect to employment during any calendar year shall be equal to the greater of:

a. Sixty-six and two-thirds percent of the statewide average annual wage paid to employees in insured work rounded to the next highest multiple of one hundred dollars based upon the calculation made during the previous calendar year used to determine the maximum weekly benefit amount, or

b. That portion of remuneration subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund.

Sec. 6. Section ninety-six point seven (96.7), subsection three (3), paragraph e, Code 1977, is amended by striking the paragraph.

Sec. 7. Section ninety-six point nineteen (96.19), subsection twenty-two (22), Code 1977, is amended to read as follows:

22. "COMPUTATION DATE". The computation date for contribution rates shall be ~~October 4~~ July first of that calendar year preceding the calendar year with respect to which such rates are to be effective.

Sec. 8. If the total trust funds available for payment of unemployment compensation benefits through April 1, 1978, is projected to fall below twenty million dollars, the director of the Iowa department of job service shall prepare and adopt such procedures for advance payment of a portion of the employer's unemployment contributions projected due for the

first quarter of the calendar year beginning January 1, 1978.

This section shall be effective July 1, 1977.

Sec. 9. NEW SECTION. The Iowa department of job service shall annually submit a status report on the unemployment compensation trust fund to the general assembly.

Sec. 10. The provisions of this Act unless otherwise provided shall become effective January 1, 1978.

Approved July 10, 1977

CHAPTER 56

I.P.E.R.S. MEMBERSHIP

H. F. 582

AN ACT to permit optional membership in the Iowa public employees' retirement system for part-time judicial magistrates and employees of community action programs and members of the general assembly, and making certain sections retro-active.

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

Section 1. Section ninety-seven B point forty-one (97B.41), subsection one (1), paragraph a, Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Wages for a member of the general assembly means the total compensation received by a member of the general assembly, whether paid in the form of per diem or annual salary, exclusive of expense and travel allowances paid to a member of the general assembly. Wages includes per diem payments paid to members of the general assembly during interim periods between sessions of the general assembly.

Sec. 2. Section ninety-seven B point forty-one (97B.41), subsection three (3), paragraph b, subparagraphs one (1) and two (2), Code 1977, are amended to read as follows:

(1) ~~Members-of-the-general-assembly,-elective~~ Elective officials in positions for which the compensation is on a fee basis, elective officials of school districts, elective officials of townships, and elective officials of other political subdivisions who are in part-time positions, graduate medical students while serving as interns or resident doctors in training at any hospital, or county medical examiners and deputy county medical examiners under chapter 339.

(2) Temporary Members of the general assembly of Iowa and temporary employees of the general assembly of Iowa unless such members or employees shall make an application to the department to be covered under the provisions of this chapter.

Sec. 3. Section ninety-seven B point forty-one (97B.41), subsection three (3), paragraph b, Code 1977, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. Employees of community action programs, determined to be an instrumentality of the state or a political subdivision, unless such employees elect by filing an application with the department to be covered under the provisions of this chapter.

Sec. 4. Section ninety-seven B point forty-one (97B.41), subsection three (3), paragraph b, Code 1977, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. Part-time judicial magistrates appointed pursuant to either section six hundred two point fifty (602.50) or section six hundred two point fifty-eight (602.58) of the Code unless such magistrates elect by filing an application with the department to be covered under the provisions of this chapter.

Sec. 5. Section six hundred two point fifty-four (602.54), Code 1977, is amended to read as follows:

602.54 SALARY, EXPENSES. Each judicial magistrate shall receive a salary payable from the general fund of the state and also his or her actual and necessary expenses in the performance of his or her duties while away from the city of his or her residence, in accordance with section 605.2. The salary of judicial magistrates, except as otherwise provided herein, shall be the sum of four thousand eight hundred dollars annually. The judicial magistrates serving pursuant to section 602.51 shall receive an annual salary of nineteen thousand five hundred dollars. Judicial magistrates appointed pursuant to section six hundred two point fifty-one (602.51) of the Code except district associate judges shall be members of the Iowa public employees' retirement system. Judicial magistrates appointed pursuant to either section six hundred two point fifty (602.50) or section six hundred two point fifty-eight (602.58) of the Code may elect to be members of the Iowa public employees' retirement system upon filing notice in writing with the Iowa department of job service and the court administrator of the judicial department.

Sec. 6. The department of job service shall notify all judicial magistrates appointed pursuant to either section six hundred two point fifty (602.50) or section six hundred two point fifty-eight (602.58) of the Code by February 1, 1978, of their option to continue membership in the Iowa public employees' retirement system by filing written notice to the department of job service and the court administrator of the judicial department prior to March 1, 1978. If a judicial magistrate appointed pursuant to either section six hundred two point fifty (602.50) or section six hundred two point fifty-eight (602.58) of the Code does not elect to continue membership, the magistrate may either receive a lump sum payment equal the sum of the member's accumulated contributions to the date of termination of membership or, if the individual is vested, the member may leave his or her contributions in the fund and elect to receive retirement benefits at a future date pursuant to the provisions of chapter ninety-seven B (97B) of the Code.

Sec. 7. A community action program determined to be an instrumentality of the state or a political subdivision may elect coverage for its employees under chapter ninety-seven B (97B) of the Code to commence at a date on or after January 1, 1971 and to end December 31, 1977. The date shall be specified in the application for election for coverage. Employee and employer contributions for the period for which an election is made shall be required in a manner and amount as provided in chapter ninety-seven B (97B) of the Code, as the Code was effective during the covered period.

Sec. 8. The provisions of sections one (1) and two (2) of this Act are effective January 8, 1979. The provisions of sections three (3), four (4), five (5), and six (6) of this Act are effective January 1, 1978. The provisions of section seven (7) of this Act are retroactive to January 1, 1971.

Sec. 9. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Muscatine Journal, a newspaper published in Muscatine, Iowa, and in the Iowa City Press-Citizen, a newspaper published in Iowa City, Iowa.

Approved July 12, 1977

I hereby certify that the foregoing Act, House File 582, was published in the Muscatine Journal, Muscatine, Iowa on July 19, 1977, and in the Iowa City Press-Citizen, Iowa City, Iowa on July 21, 1977.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 57
CIGARETTE STAMPS SALES

H. F. 231

AN ACT relating to the authority of the director of revenue to sell cigarette stamps through banks.

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

Section 1. Section ninety-eight point eight (98.8), subsections one (1) and two (2), Code 1977, are amended to read as follows:

1. Stamps shall be sold by and purchased from the department ~~only~~. The department shall sell stamps to the holder of a state distributor's permit which has not been revoked and to no other person. Stamps shall be sold to such permit holders at a discount of not to exceed five percent from the face value. Stamps shall be sold in unbroken books of one thousand stamps, unbroken rolls of thirty thousand stamps, or unbroken lots of any other form authorized by the director.

2. Orders for cigarette tax stamps, including the payment for such stamps, shall be sent direct to the department on a form to be prescribed by the director, except as provided in section two (2) of this Act.

Sec. 2. Section ninety-eight point eight (98.8), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. The director may authorize a bank as defined by section five hundred twenty-four point one hundred three (524.103), subsection five (5) of the Code to sell stamps. A bank authorized to sell stamps shall comply with all of the requirements governing the sale of stamps by the department. Section ninety-eight point twelve (98.12) of the Code shall apply to any bank authorized to sell stamps.

Sec. 3. This Act is effective January 1, 1978.

Approved April 15, 1977

CHAPTER 58
GAMBLING PROFITS TO FRATERNAL OR VETERANS ORGANIZATIONS

S. F. 288

AN ACT relating to the dedication and use by a nationally chartered fraternal or veterans' organization of portions of funds wagered under the authority of a license permitting such organ-

ization to conduct games of skill and games of chance as a qualified organization.

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

Section 1. Section ninety-nine B point seven (99B.7), subsection three (3), paragraph b, Code 1977, is amended to read as follows:

b. A person or the agent of a person submitting application to conduct games pursuant to this section as a qualified organization shall certify as a part of that application that the net receipts of all games either shall be distributed as prizes to participants or shall be dedicated and distributed to educational, civic, public, charitable, patriotic or religious uses in this state. "Educational, civic, public, charitable, patriotic, or religious uses" means uses benefiting a society for the prevention of cruelty to animals or animal rescue league, or uses benefiting an indefinite number of persons either by bringing them under the influence of education or religion or relieving them from disease, suffering, or constraint, or by erecting or maintaining public buildings or works, or otherwise lessening the burden of government, or uses benefiting any bona fide nationally chartered fraternal or military veterans' corporation or organization which operates in Iowa a clubroom, post, dining room, or dance hall, as long as it continues to operate such, but do not include the erection, acquisition, improvement, maintenance, or repair of real, personal or mixed property unless it is used **exclusively** for one or more of the uses stated. "Public uses" specifically includes dedication of net receipts to political parties as defined in section 43.2. "Charitable uses" includes uses benefiting a definite number of persons who are the victims of loss of home or household possessions through explosion, fire, flood, or storm and the loss is uncompensated by insurance, and uses benefiting a definite number of persons suffering from a seriously disabling disease or injury, causing severe loss of income or incurring extraordinary medical expense, which is uncompensated by insurance.

Sec. 2. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Hartley Sentinel, a newspaper published in Hartley, Iowa, and in The Paullina Times, a newspaper published in Paullina, Iowa.

Approved May 12, 1977

I hereby certify that the foregoing Act, Senate File 288, was published in The Hartley Sentinel, Hartley, Iowa on May 19, 1977, and in The Paullina Times, Paullina, Iowa on May 19, 1977.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 59
FLAMMABLE AND COMBUSTIBLE LIQUIDS

H. F. 158

AN ACT relating to the storage and transportation of flammable and combustible liquids.

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

Section 1. Chapter one hundred one (101), Code 1977, is amended by adding the following new sections:

NEW SECTION. If the state fire marshal has reasonable grounds for believing after conducting tests that a leak exists in a flammable or combustible liquid storage tank or in the distribution system of a flammable or combustible liquid storage tank the state fire marshal shall issue a written order to the owner or lessee of the storage tank or distribution system requiring the storage tank and distribution system be emptied and removed or repaired immediately upon receipt of the written order.

NEW SECTION. If the state fire marshal has reasonable grounds for believing that a leak constitutes a hazardous condition which threatens the public health and safety, he may request the assistance of the department of environmental quality, and upon such request the department of environmental quality is empowered to eliminate the hazardous condition as provided in House File four hundred ninety (490) as enacted by the Sixty-seventh General Assembly, 1977 Session, the provisions of section ten (10), paragraph three (3), of that Act to the contrary notwithstanding.

Sec. 2. Section three hundred twenty-seven A point eight (327A.8), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

327A.8 MARKINGS ON VEHICLES. There shall be attached to each tank vehicle used for the intrastate transportation of liquid distinctive markings or tags as shall be prescribed by the board.

There shall be attached to each tank vehicle used for the intrastate transportation of any flammable liquid distinctive markings or tags on each side and rear in letters a minimum of four inches high and a minimum width of five-eighths of an inch.

Intrastate tank vehicles transporting flammable liquids pursuant to the provisions of this section shall utilize the following options:

1. A sign or lettering with the word "FLAMMABLE".
2. The common name of the flammable liquid being transported.
3. The name or trademark of the carrier when the name or trademark plainly indicates the flammable nature of the cargo.

Vehicles in conformity with the federal department of transportation rules pertaining to the transportation of flammable liquids shall be deemed to be in compliance with the provisions of this section.

Sec. 3. This Act is effective January 1, 1978.

Approved June 7, 1977

CHAPTER 60

CRIME COMMISSION, LAW ENFORCEMENT ACADEMY, TRANSPORTION, PUBLIC SAFETY AND PUBLIC DEFENSE

H. F. 327

AN ACT making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

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

Section 1. There is appropriated from the general fund of the state to the Iowa crime commission for the fiscal year beginning July 1, 1977 and ending June 30, 1978, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1977-1978

Fiscal Year

IOWA CRIME COMMISSION

1. For the purpose of matching federal funds available to the Iowa crime commission through the Omnibus Crime Control and Safe Streets

Act of 1968 as amended by the United States Congress, for salaries, support, maintenance and miscellaneous purposes: \$ 73,351

2. For the purpose of matching federal funds available to the Iowa crime commission through the Omnibus Crime Control and Safe Streets Act of 1968 as amended by the United States Congress: \$ 147,415

3. For the purpose of matching federal funds available to the Iowa crime commission through the Omnibus Crime Control and Safe Streets Act as amended by the United States Congress, for the Iowa crime commission standards and goals project and for salaries, support, maintenance and miscellaneous purposes: \$ 8,500

4. For the purpose of matching federal funds available to the Iowa crime commission through the Juvenile Justice and Delinquency Prevention Act of 1974 as amended by the United States Congress for salaries, support, maintenance and miscellaneous purposes: \$ 3,498

Sec. 2.

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

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

3. All unencumbered or unobligated balances of funds appropriated by subsection two (2) of section one (1) of this Act shall on September 30, 1981 revert to the general fund of this state.

Sec. 3. There is appropriated from the general fund of the state to the following named agencies for the fiscal year beginning July 1, 1977 and ending June 30, 1978, the following amounts, or so much thereof as is necessary, for the purposes designated:

	1977-1978 <u>Fiscal Year</u>
1. IOWA LAW ENFORCEMENT ACADEMY For salaries, support, maintenance, and miscellaneous purposes:	\$ 503,174
2. DEPARTMENT OF PUBLIC DEFENSE	
a. Military division For salaries except salaries provided for in paragraph b of this subsection, support, maintenance, and miscellaneous purposes:	\$1,648,000
b. For salaries of the adjutant general and members of his staff who are on full-time active state service, and for their support and maintenance:	\$ 173,815
3. OFFICE OF DISASTER SERVICES For salaries, support, maintenance, and miscellaneous purposes:	\$ 92,653
4. If funds for implementation of the state recruiting and retention program become available from other than state funding sources, not more than fifty thousand (50,000) dollars from such sources may be expended during the fiscal year 1977- 1978 for such purposes.	

Sec. 4. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1977 and ending June 30, 1978, the following amounts, or so much thereof as is necessary, to be used for funding the following functions and programs for the purposes designated:

	1977-1978 <u>Fiscal Year</u>
DEPARTMENT OF PUBLIC SAFETY	
1. ADMINISTRATIVE FUNCTION For salaries, support, maintenance, and miscellaneous purposes of the department, criminal justice information system, and radio communications:	\$3,462,000

2. INSPECTION AND SECURITY FUNCTION

For salaries, support, maintenance, and miscellaneous purposes of fire marshal's inspections and capitol security divisions:\$ 759,000

3. INVESTIGATION FUNCTION

For salaries, support, maintenance, and miscellaneous purposes of the divisions of criminal investigation and bureau of identification, drug law enforcement, beer and liquor law enforcement, fire protection, and arson function including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter ninety-seven A (97A) of the Code in the amount of sixteen percent of the salaries for which the funds are appropriated: \$2,729,000

4. DIVISION OF HIGHWAY SAFETY AND UNIFORMED FORCE

For salaries, support, maintenance, and miscellaneous purposes including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter ninety-seven A (97A) of the Code in the amount of sixteen percent of the salaries for which the funds are appropriated: \$10,796,000

5.* It is the intent of the general assembly that the state participation in renting telecommunication terminals which are located in local criminal justice agencies be reduced from the current seventy-five-twenty-five percent state-to-local match, to a fifty-fifty percent state-local match effective July 1, 1977 and to a twenty-five-seventy-five state-to-local match effective July 1, 1978.

* Item Veto

6. In addition to the complement of not to exceed four hundred ten persons there shall be twenty persons who shall serve as members of the highway safety patrol for the period beginning July 1, 1975 and ending June 30, 1978. The twenty additional members of the highway safety patrol shall be totally funded through the use of federal funds.

7.* The department of public safety to regulate and enforce motor vehicle laws governing traffic control and laws designed to maintain the public peace, pursuant to duties as provided in section eighty point nine (80.9), of the Code, may seek the cooperation of the Iowa national guard to enforce motor vehicle traffic control and safety laws at large public gatherings where traffic control and safety may require additional enforcement facilities. Under this provision the Iowa national guard may provide assistance only with "on duty" members assigned by the adjutant general of the guard who will be subject to the direction of the department of public safety while enforcing the motor vehicle traffic control laws.
 * Item veto

Sec. 5. There is appropriated from the general fund of the state to the state department of transportation for the fiscal year beginning July 1, 1977 and ending June 30, 1978, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	1977-1978 <u>Fiscal Year</u>
DEPARTMENT OF TRANSPORTATION	
1. For salaries, support, maintenance, and miscellaneous purposes:	\$4,227,000
2. For public transit purposes to implement a state assistance plan:	\$2,000,000
Unencumbered or unobligated funds remaining on June 30, 1980 from funds appropriated by subsection two (2) of this section shall revert to the general fund on September 30, 1980.	
3. For deposit in the railroad assistance fund for branch-line improvement:	\$2,000,000

Sec. 6. There is appropriated from the road use tax fund to the state department of transportation for the fiscal year beginning July 1, 1977 and ending June 30, 1978 the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

	1977-1978 <u>Fiscal Year</u>
DEPARTMENT OF TRANSPORTATION	
1. For salaries, support, maintenance, and miscellaneous purposes:	\$6,928,000

ADMINISTRATION OF MERIT SYSTEM

2. For the purpose of making payments to the Iowa merit employment department for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter nineteen A (19A) of the Code: \$ 10,000

UNEMPLOYMENT COMPENSATION COSTS

3. Unemployment compensation: \$ 5,000

Sec. 7. There is appropriated from the road use tax fund to the state comptroller for the fiscal year beginning July 1, 1977 and ending June 30, 1978 the sum of twelve thousand five hundred (12,500) dollars, or so much thereof as is necessary, to be used for the purpose of paying workers' compensation claims under chapter eighty-five (85) of the Code on behalf of employees of the department of transportation.

Sec. 8. There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1977 and ending June 30, 1978, the following amounts, or so much thereof as may be necessary, to be used for the following purposes:

1977-1978
Fiscal Year

DEPARTMENT OF TRANSPORTATION

1. For salaries, support, maintenance, and miscellaneous purposes: \$81,480,000

EQUIPMENT

2. Additional equipment to be purchased to supplement present inventory. All acquisitions, when acquired, will become a part of the state department of transportation materials and equipment revolving fund: \$ 350,000

VEHICLE REPLACEMENT

3. To be deposited in the state department of transportation materials and equipment revolving fund established by section three hundred seven A point seven (307A.7) of the Code for funding the increased replacement cost of vehicles: \$ 400,000

MERIT EXPENSES

4. For the purpose of making payments to the Iowa merit employment department for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter nineteen A (19A) of the Code: \$ 200,000

UNEMPLOYMENT COMPENSATION COSTS

5. Unemployment compensation: \$ 95,000

6. For the purpose of matching available federal planning and construction funds to be used in the planning and construction of the Iowa segments of the Great River Road: \$ 250,000

Sec. 9. There is appropriated from the primary road fund to the state comptroller for the fiscal year beginning July 1, 1977 and ending June 30, 1978 the sum of two hundred thirty-seven thousand five hundred (237,500) dollars, or so much thereof as is necessary, for the purpose of paying workers' compensation claims under chapter eighty-five (85) of the Code on behalf of the employees of the department of transportation.

Sec. 10. There is appropriated from the aeronautics fund to the state department of transportation for the fiscal year beginning July 1, 1977 and ending June 30, 1978, the sum of three hundred twenty-nine thousand (329,000) dollars, or so much thereof as may be necessary, to be used for salaries, support, maintenance, and miscellaneous purposes.

Sec. 11.

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

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

Sec. 12. No funds appropriated in sections five (5), six (6), eight (8) and eleven (11) of this Act may be used to develop, operate or maintain any vehicle race track or vehicle park outside the right-of-way of the primary road system including, but not limited to, motorcycle parks unless a specific appropriation is made for a particular project or category of projects except that the construction of one demonstration motorcycle park may be completed from administrative funds.

Sec. 13. Section one hundred one A point twelve (101A.12), Code 1977, is amended to read as follows:

101A.12 DEPOSIT AND USE OF FEES. The fees collected by the commissioner of public safety in issuing licenses shall be deposited in ~~a special fund in the state treasury to be used by the commissioner in administering and enforcing the provisions of this chapter~~ general fund. However, ~~one-sixth of the commercial license fee established under section 101A.2 shall be paid by the treasurer of state to the general fund of the county or city for each storage facility inspected by the sheriff or the police authority of such city.~~

Unencumbered or unobligated funds remaining in the special fund on June 30, 1977 shall revert to the general fund.

Sec. 14. Section three hundred thirteen point eighteen (313.18), Code 1977, is amended to read as follows:

313.18 USE OF CONTINGENT FUND. When claims for labor, freight, or other items which must be paid promptly ~~and which are payable from the primary road fund~~ are presented to the said department for payment, the said department may direct that warrants in payment of said claims be drawn on said primary road contingent fund. Such warrants when so drawn and signed by the ~~auditor of the department~~ state comptroller, shall be honored by the state treasurer of state for payment from said contingent fund. The primary road contingent fund shall be reimbursed for expenditures made by the state department of transportation from the fund to which the expenditure should be properly charged.

Sec. 15. Section three hundred twenty-one point one hundred forty-five (321.145), Code 1977, is amended to read as follows:

321.145 DISPOSITION. The money, except fines and forfeitures, ~~and except operator's and chauffeur's license fees, certificate-of-title fees and lien or encumbrance notation fees~~ and except the collection fees retained by the county treasurer pursuant to section three hundred twenty-one point one hundred fifty-two (321.152) of the Code collected pursuant to the provisions of this chapter shall be credited by the treasurer of state to the following funds: road use tax fund.

1.--Three percent of the gross fees and penalties thereon, to the general fund of the state.

2.--The balance of said money, less the collection fees retained by the county treasurer pursuant to section 321.152 and less the one percent received by the department as a reimbursement fund from which to pay refunds, to the road use tax fund.

~~The treasurer of state shall credit certificate-of-title fees, and lien or encumbrance fees, to the general fund of the state, less the fees retained by the county treasurer pursuant to section 321.452.~~

Sec. 16. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection nine (9), Code 1977, is amended to read as follows:

9. All fees collected by the department under the provisions of this section shall be remitted monthly to the treasurer of state. The moneys remitted shall be placed by the treasurer of state in ~~a special fund to be known as the "motor vehicle inspection fund" and shall be used to defray the cost of administering the provisions of this section~~ the road use tax fund. ~~Any unencumbered balance in excess of twenty thousand dollars remaining in the motor vehicle inspection fund at the end of each fiscal year shall revert to the general fund of the state on the thirtieth day of September following the end of the fiscal year.~~

Sec. 17. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection twenty-one (21), Code 1977, is amended to read as follows:

21. Notice of the suspension or revocation shall be by certified mail, return receipt requested, addressed to the operator of the vehicle inspection station for which the permit was issued. The suspension or revocation shall become effective ten days from the date of the mailing of the notice unless the permit holder files a written request for a review hearing of the suspension or revocation order. The review hearing shall be de novo and shall be conducted at the seat of government by a review board composed of the following persons:

- a. A senior officer of the Iowa highway safety patrol designated by the ~~director~~ commissioner of public safety.
- b. The state car dispatcher or his designee.
- c. An employee of the state department of transportation experienced in automotive mechanics designated by the director.

Notwithstanding any other rule or statute to the contrary, the deposition of any witness taken in the manner prescribed by the rules of civil procedure shall be admissible at any hearing conducted by the review board in lieu of the witness appearing in person. Costs of depositions shall be paid from ~~the motor vehicle inspection fund~~ funds appropriated to the department.

After the hearing, the review board may sustain, modify, or reverse the director's order of suspension or revocation. A suspension or revocation sustained or modified by the review board shall take effect ten days from the date of the decision. Judicial review of actions of the review board may be sought in accordance with the terms of the Iowa administrative procedure Act.

The review board shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records and other evidence before it in any hearing conducted by it under this section.

If any person shall refuse to obey any such subpoena, or to give testimony, or to produce evidence as required thereby, any judge of the district court of the state in and for Polk county may, upon application and proof of such refusal, make an order awarding process of subpoena, or subpoena duces tecum, out of the said court, for the witness to appear before the review board and to give testimony, and to produce evidence as required thereby. Upon filing such order in the office of the clerk of said court, the clerk shall issue process of subpoena, as directed, under the seal of said court, requiring the person to whom it is directed to appear at the time and place therein designated.

Witnesses shall receive three dollars for each day's attendance and ten cents per mile for each mile actually traveled. Witnesses shall be compensated from ~~the-meter vehicle-inspection-fund~~ funds appropriated to the department. The treasurer of state may make rules setting forth the procedure for such reimbursement.

Sec. 18. Section three hundred twenty-one A point three (321A.3), Code 1977, is amended to read as follows:

321A.3 DIRECTOR TO FURNISH OPERATING RECORD--FEES TO BE CHARGED AND DISPOSITION OF FEES. The director shall upon request furnish any person a certified abstract of the operating record of any person subject to the provisions of this chapter, which abstract shall also fully designate the motor vehicles, if any, registered in the name of such person, and, if there shall be no record of any conviction of such person having violated any law relating to the operation of a motor vehicle or of any injury or damage caused by such person, the director shall so certify. A fee of two dollars shall be paid for each such abstract except by state, county, city or court officials. ~~Such-fees-shall-be-used-by-the~~

~~department-for-administering-this-chapter.~~ Such abstracts shall not be admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident.

Sec. 19. Section three hundred twenty-one F point eleven (321F.11), Code 1977, is amended to read as follows:

321F.11 RULES ADOPTED--DEPOSIT OF FEES. The director shall adopt rules for the purpose of administering this chapter. All fees and funds accruing from the administration of this chapter shall be remitted to the treasurer of state monthly and ~~by-him~~ deposited in the ~~motor-vehicle-dealer's license-fee-fund-in-the-manner-provided-in-section-322.42~~ road use tax fund.

Sec. 20. Section three hundred twenty-two point twelve (322.12), Code 1977, is amended to read as follows:

322.12 MOTOR VEHICLE DEALERS LICENSE FEE-FUND FEES. All fees ~~and-funds~~ of whatever character accruing from the administration of this chapter shall be accounted for and paid by the department into the state treasury monthly and shall ~~constitute-a-separate-and-distinct-fund-which-shall-be-known-as-the-"Motor-Vehicle-Dealers-License-Fee-Fund"~~ be placed in the road use tax fund. ~~All-expenses-incurred-and all-compensation-paid-by-the-department-in-the-administration-of-this-chapter-shall-be-paid-out-of-said-fund-in-the-same manner-as-other-state-expenses-and-compensation-are-paid. Any-amount-in-such-fund-in-excess-of-ten-thousand-dollars at-the-end-of-any-calendar-year-on-account-of-fees-applicable-to-that-calendar-year-shall-be-credited-to-the-state-general fund.~~

Sec. 21. Section three hundred twenty-five point thirty-six (325.36), Code 1977, is amended to read as follows:

325.36 USE OF FEES. All moneys received under the provisions of this chapter shall be remitted to the treasurer of state and credited to the ~~general-fund-of-the-state~~ road use tax fund.

Sec. 22. Section three hundred twenty-seven point thirteen (327.13), Code 1977, is amended to read as follows:

327.13 EXPENDITURE OF FUNDS. All moneys received under the provisions of this chapter shall be remitted monthly to the treasurer of state and credited to the ~~general-fund-of the-state~~ road use tax fund.

Sec. 23. Section three hundred twenty-seven A point nineteen (327A.19), Code 1977, is amended to read as follows:

327A.19 FEE FOR OPERATION. No certificate of convenience and necessity shall be issued nor continued in force until the holder thereof shall have paid to the board an annual certificate fee for each motor vehicle operated thereunder in the amount of five dollars, except that the fee for a tractor or truck tractor shall be fifteen dollars, and except that the fee herein provided shall not be imposed on any trailer or semitrailer. Fees collected pursuant to the provisions of this section shall be remitted to the treasurer of state and credited to the ~~general-fund-of-the-state~~ road use tax fund.

Sec. 24. Section three hundred twenty-seven B point three (327B.3), Code 1977, is amended to read as follows:

327B.3 FEES--USE. All fees paid under the provisions of this chapter shall be remitted to the treasurer of state and credited to the ~~general-fund-of-the-state~~ road use tax fund.

Sec. 25. Sections three hundred twenty-one point one hundred twenty-nine (321.129) and three hundred twenty-one point one hundred forty-six (321.146), Code 1977, are repealed.

Approved July 10, 1977 except the items designated as Subsection 5 and 7 of Section 4 herein which I hereby disapprove for the reasons in my veto message delivered to the Secretary of State this same date, the original of which is attached hereto.

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 327, an act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

House File 327 is approved July 10, 1977, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Subsection 5 of Section 4 which reads as follows:

"5. It is the intent of the general assembly that the state participation in renting telecommunication terminals which are located in local criminal justice agencies be reduced from the current seventy-five-twenty-five percent state-to-local match, to a fifty-fifty percent state-local match effective July 1, 1977 and to a twenty-five-seventy-five state-to-local match effective July 1, 1978."

I am also unable to approve the item designated as Subsection 7 of Section 4 which reads as follows:

"7. The department of public safety to regulate and enforce motor vehicle laws governing traffic control and laws designed to maintain the public peace, pursuant to duties as provided in section eighty point nine (80.9), of the Code, may seek the cooperation of the Iowa national guard to enforce motor vehicle traffic control and safety laws at large public gatherings where traffic control and safety may require additional enforcement facilities. Under this provision the Iowa national guard may provide assistance only with "on duty" members assigned by the adjutant general of the guard who will be subject to the direction of the department of public safety while enforcing the motor vehicle traffic control laws."

The first item lowers the current 75%-25% state-to-local match for the renting of TRACIS terminals to 50%-50% match effective July 1, 1977, and to 25%-75% match effective July 1, 1978. County and city law enforcement agencies which currently operate 80 of the telecommunication terminals pay \$100 a month in rental charges. The fee would increase to \$198 per month this year and \$297 next year under this item. The increase--a total of \$100,000--for local governments enabled the legislature to shave the same amount from our recommendations for the Department of Public Safety.

Local budgets for the next fiscal year were finalized long before this bill reached final passage. Assuming the match provision for TRACIS terminals would remain the same as it had for the previous five years, law enforcement officials had asked their governing boards for no increase in funds. The shift in the rental charges from the state to the local level comes too late for the local law enforcement agencies to adjust their budget askings. Now they will either have to squeeze funds from other programs or drop their TRACIS terminals altogether, as two agencies did in the past month.

At a time when the state is limiting the growth of property taxes, it is undesirable to shift costs to local governments, especially when they cannot adjust for the extra burden. While a case may be made for a different sharing of the TRACIS costs than presently exists, the legislature should not embark on such a course without adequate notice to and cooperation with local governments.

By item vetoing this provision, a greater financial responsibility is placed on the Department of Public Safety. I intend to ask for a deficiency appropriation at the beginning of the next session to cover the difference.

The second item, which is permissive in nature, provides that the Department of Public Safety may seek the cooperation of the Iowa National Guard to enforce traffic control and safety laws at large public gatherings which may require additional enforcement facilities.

The Department of Public Safety is not anxious for this authority. In asking for an item veto of the provision, the Commissioner noted that there is an on-going excellent working relationship between the Department and the Guard in response to various natural and man-made disasters. The authority of the Governor to call out the Guard at any time makes the provision unnecessary.

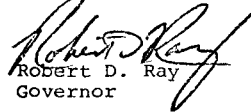
The item was offered with understandable motives. Its author saw it as a means to promote the Guard before large groups and encourage training in crowd control. I share his belief that we need to encourage recruitment in the Iowa National Guard. However, there are better ways to accomplish increased recruitment than this provision.

The Honorable Melvin D. Synhorst
July 10, 1977
Page Three

We should retain the present system for calling out the National Guard. People enter the Guard with the understanding they won't be called away from their jobs and homes for just any reason. It would be unwise to diffuse the authority to call out the Guard.

For the above reasons, I hereby disapprove these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of House File 327 are hereby approved this date.

Sincerely,



Robert D. Ray
Governor

CHAPTER 61
FIRE COMPANIES JURY SERVICE

H. F. 70

AN ACT repealing the lifetime statutory exemption from jury duty applicable to persons who have been active members of fire companies for ten years.

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

Section 1. Chapter one hundred two (102), Code 1977, is repealed.

Approved June 30, 1977

CHAPTER 62
MOBILE HOME TIEDOWNS

H. F. 224

AN ACT relating to mobile home tiedowns and providing a penalty.

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

Section 1. Section one hundred three A point three (103A.3), subsection twelve (12), Code 1977, is amended to read as follows:

12. "Factory-built structure" means any structure which is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation

or assembly and installation, on a building site. "Factory-built structure" includes the term "mobile home" as defined in section one hundred thirty-five D point one (135D.1) of the Code.

Sec. 2. Section one hundred three A point three (103A.3), Code 1977, is amended by adding the following new subsections:

NEW SUBSECTION. "Ground support system" means any device or combination of devices placed beneath a mobile home and used to provide support.

NEW SUBSECTION. "Ground anchoring system" means any device or combination of devices used to securely anchor a mobile home to the ground.

NEW SUBSECTION. "Tiedown system" means a ground support system and a ground anchoring system used in concert to provide anchoring and support for a mobile home.

NEW SUBSECTION. "Permanent site" means any lot or parcel of land on which a mobile home used as a dwelling or place of business, is located for ninety consecutive days except a construction site when the mobile home is used by a commercial contractor as a construction office or storage room.

Sec. 3. Chapter one hundred three A (103A), Code 1977, is amended by adding the following new sections:

NEW SECTION. APPROVED TIEDOWN SYSTEM PROVIDED IN SALES OF NEW OR USED MOBILE HOMES. Any person who sells a new or used mobile home shall provide an approved tiedown system.

The purchaser shall install or have installed this system within one hundred fifty days of locating the mobile home on a permanent site.

NEW SECTION. INSTALLER COMPLIANCE AND CERTIFICATION. Any person who installs a tiedown system shall comply with the minimum standards for such systems, and shall provide the owner of the mobile home on which installation is made and the commissioner with a certification of approved system installation. Such certification shall be in proper form as established by the commissioner.

NEW SECTION. COMPLIANCE. When it appears that a person is in noncompliance with the provisions of this Act the commissioner shall prescribe a period of time not to exceed one hundred twenty days within which compliance must be achieved and the commissioner shall so notify the person.

NEW SECTION. LISTING AND FORM OF CERTIFICATION OF APPROVED SYSTEMS PROVIDED. The commissioner shall provide upon request

a list of approved tiedown systems and instructions for the completion of proper certification of approved system installation.

Sec. 4. This Act shall become effective January 1, 1978.
Approved May 13, 1977

CHAPTER 63
STATE BUILDING CODE

H. F. 75

AN ACT providing for the promulgation of energy efficiency standards for buildings and factory-built structures in the state building code.

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

Section 1. Section one hundred three A point three (103A.3), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. "New construction" means construction of buildings and factory-built structures which is commenced on or after January 1, 1978. Notwithstanding the definition in subsection fifteen (15) of section one hundred three A point three (103A.3) of the Code, when the term "new construction" appears in this chapter, "construction" is limited to the erection, reconstruction or conversion of a building or factory-built structure and additions to buildings or factory-built structures and does not include renovations or repairs.

Sec. 2. Section one hundred three A point seven (103A.7), unnumbered paragraph two (2), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. The conservation of energy through thermal and lighting efficiency standards for buildings intended for human occupancy or use.

Sec. 3. Section one hundred three A point eight (103A.8), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. Limit the application of thermal efficiency standards for energy conservation to new construction which will incorporate a heating or cooling system. Air exchange fans designed to provide ventilation shall not be considered a cooling system. The commissioner shall exempt any new construction from thermal efficiency standards for energy conservation if the commissioner determines that the standards

are unreasonable as they apply to a particular building or class of buildings including farm buildings for livestock use. Lighting efficiency standards shall recognize variations in lighting intensities required for the various tasks performed within the building. The commissioner shall consult with the energy policy council regarding standards for energy conservation prior to the promulgation of the standards.

Sec. 4. Section one hundred three A point ten (103A.10), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. Notwithstanding the provisions of subsection one (1) of section one hundred three A point twenty-two (103A.22) of the Code:

a. Provisions of the state building code establishing thermal efficiency energy conservation standards shall be applicable to all new construction owned by the state, an agency of the state or a political subdivision of the state, to all new construction located in a governmental subdivision which has adopted either the state building code or a local building code or compilation of requirements for building construction and to all other new construction in the state which will contain more than one hundred thousand cubic feet of enclosed space that is heated or cooled.

b. Provisions of the state building code establishing lighting efficiency standards shall be applicable to all new construction owned by the state, an agency of the state or a political subdivision of the state and to all new construction, in the state, of buildings which are open to the general public during normal business hours.

Sec. 5. Section one hundred three A point nineteen (103A.19), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The specifications for all buildings to be constructed after the effective date of this Act and which exceed a total volume of one hundred thousand cubic feet of enclosed space that is heated or cooled shall be reviewed by a registered architect or registered engineer for compliance with applicable energy efficiency standards. A statement that a review has been accomplished and that the design is in compliance with the energy efficiency standards shall be signed and sealed by the responsible registered architect or registered engineer. This statement shall be filed with the commissioner prior to construction. If the specifications relating to energy efficiency for a specific

structure have been approved, additional buildings may be constructed from those same plans and specifications without need of further approval if construction begins within five years of the date of approval. Alterations of a structure which has been previously approved shall not require a review because of these changes, provided the basic structure remains unchanged.

Approved June 23, 1977

CHAPTER 64 REGISTRATION OF VESSELS

H. F. 229

AN ACT relating to the registration certificates of vessels.
Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section one hundred six point five (106.5), subsection one (1), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

The owner of such vessel shall file an application for registration with the appropriate county recorder on forms provided by the commission. The application shall be completed and signed by the owner of the vessel and shall be accompanied by a fee of eight dollars for each motorboat or sailboat, four dollars for any other vessel without sail or motor, and a writing fee of fifty cents. Upon applying for registration the owner shall surrender the certificate of origin to the county recorder. Upon receipt of the application in approved form accompanied by the required fees, the county recorder shall enter the same upon the records of his office and shall issue to the applicant a pocket-size registration certificate. The certificate shall be executed in triplicate, one copy to be delivered to the owner, one copy to the commission, and one copy to be retained on file by the county recorder. The registration certificate shall bear thereon the number awarded to such vessel, the passenger capacity of such vessel and the name and address of the owner. In the use of all vessels except nonpowered sailboats, nonpowered canoes and commercial vessels the registration certificate shall be carried either in the vessel or on the person of the operator of such vessel when in use. In the use of nonpowered sailboats, nonpowered canoes or commercial vessels,

the registration certificate may be kept on shore in accordance with rules promulgated by the commission ~~where-it-is-accessible upon-request-of-any-officer-or-other-public-official.~~ The operator shall exhibit the certificate to any peace officer upon request, or, when involved in a collision or accident of any nature with another vessel or other personal property, to the owner or operator of the other vessel or personal property.

Sec. 2. This Act shall be effective January 1, 1978.

Approved April 25, 1977

CHAPTER 65

CONSERVATION COMMISSION FIRE PROTECTION

S. F. 311

AN ACT relating to the authority of the state conservation commission to provide fire protection for its property.

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

Section 1. Section one hundred seven point twenty-four (107.24), subsection nine (9), Code 1977, is amended to read as follows:

9. Provide for the protection against fire and other destructive agencies on state and privately owned ~~forest-and forests, parks, wildlife areas and other property under its jurisdiction,~~ and to co-operate with federal and other state agencies in protection programs approved by the conservation commission, and with the consent of the owner on privately owned areas.

Sec. 2. This Act is effective January 1, 1978.

Approved July 11, 1977

CHAPTER 66

FISH AND GAME REGULATION

H. F. 251

AN ACT relating to the duties and responsibilities of the state conservation commission in regulating fish and game laws.

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

Section 1. Section one hundred nine point seventy-six (109.76), Code 1977, is amended to read as follows:

109.76 UNLAWFUL MEANS--EXCEPTION. It shall be unlawful, except as otherwise provided, to use on or in the waters of the state any grabhook, snaghook, ~~artificial-light~~, any kind of a net, seine, trap, firearm, dynamite, or other explosives, or poisonous or stupefying substances, lime, ashes or electricity in the taking or attempting to take any fish, except that gaffhooks or landing nets may be used to assist in landing fish. No person shall take or kill, or attempt to take or kill any fish by hand fishing. However, carp, buffalo, quillback, gar, sheepshead, dogfish, and other rough fish designated by the commission may be taken by hand fishing, by snagging, by spear, by bow and arrow, day or night, and with artificial light. The snagging of paddlefish may be permitted at such times and at such places as may be determined by rule of the commission.

Sec. 2. Section one hundred nine point eighty (109.80), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

"Minnows" shall be defined as chubs, shiners, suckers, dace, stonerollers, mud-minnows, redhorse, blunt-nose, and fat-head minnows, ~~or other small fish commonly used for fish bait that have only one dorsal fin~~. Green sunfish and orange-spotted sunfish may also be taken as bait.

Sec. 3. Section one hundred nine point eighty (109.80), Code 1977, is amended by striking subsection two (2).

Sec. 4. Section one hundred nine point ninety-two (109.92), Code 1977, is amended to read as follows:

109.92 BOX TRAPS--DISTURBING DENS--TAGS FOR TRAPS. Except as otherwise provided in this chapter no person shall at any time, use or attempt to use any colony ~~or box trap including figure-four-box traps~~, traps in taking, capturing, trapping or killing any game ~~bird or animal~~ or fur-bearing animal, ~~except cottontail rabbits and squirrels~~. Box traps capable of capturing more than one ~~rabbit or one squirrel~~ game or fur-bearing animal at each setting are prohibited. A valid hunting license is required for box trapping cottontail rabbits and squirrels ~~except as otherwise provided~~. All ~~box traps used for the taking of fur-bearing animals~~ shall have a metal tag attached plainly labeled with the owner's name and address. ~~Any officers~~ Officers appointed by the commission shall have authority to confiscate such traps when found in use that

are not properly labeled.

It shall be unlawful for any person, except as otherwise provided, to use any chemicals, explosives, smoking devices, mechanical ferrets, wire, tool, instrument, or water to remove fur-bearing animals from their dens. Humane traps, or traps designed to kill instantly, with a jaw spread exceeding eight inches shall be unlawful to use except when placed entirely under water.

~~All-licensed-traps-shall-have-a-metal-tag-attached-plainly labeled-with-the-owner's-name-and-address.--Any-officers appointed-by-the-commission-shall-have-authority-to-confiscate such-traps-when-found-in-use-that-are-not-properly-labeled.~~

Sec. 5. Section one hundred nine point ninety-seven (109.97), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

109.97 REPORTS. Fur dealers shall keep accurate, current records of their transactions. The records shall show the number and kinds of hides and skins which have been purchased, the date of purchase, and the name and address of the seller. Such records shall be open at all reasonable times to inspection by the commission. On or before May fifteenth of each year, each fur dealer shall file a verified inventory with the commission. The inventory shall include all transactions for the preceding year. All pelts purchased shall, as soon as practicable, be stamped in a conspicuous manner by the fur dealer. Such stamp shall be in indelible ink and bear the license number of the dealer.

Sec. 6. Section one hundred ten point one (110.1), Code 1977, is amended by inserting after line 51 the following:

Nonresident raccoon stamp and tags.....\$100.00

Sec. 7. Section one hundred ten point six (110.6), Code 1977, is amended to read as follows:

110.6 LOST OR DESTROYED BLANKS. When license blanks in the possession of the county recorder or depositaries are accidentally destroyed, ~~either-by-fire-or-theft~~, the holder of such blanks shall only be relieved from accountability upon the presentation of satisfactory ~~proof~~ explanation and the filing of a bond to the director that such blanks have actually been so destroyed. The commission may determine by rule what shall constitute a satisfactory explanation of such occurrence.

Sec. 8. Section one hundred ten point eleven (110.11), Code 1977, is amended to read as follows:

110.11 FORM OF LICENSE. All hunting, fishing, and trapping licenses shall contain a general description of the licensee. Such licenses shall be upon such forms as the commission shall adopt. The ~~occupation~~, address, and the signature of the applicant and all signatures and other writing shall be in ink. ~~All licenses shall bear a facsimile signature of the director and the signature of the recorder by whom it is issued.~~ All licenses shall clearly indicate the nature of the privilege granted.

Sec. 9. Section one hundred ten point thirteen (110.13), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

110.13 UNLAWFUL OBTAINING OR USE--EFFECT. A nonresident shall not obtain a resident license by falsely claiming residency in the state. The use of a license by a person other than the person to whom the license is issued is unlawful and shall nullify the license. Violation of this section is a misdemeanor punishable by a fine of not more than one hundred dollars or imprisonment in the county jail of not more than thirty days.

Sec. 10. Chapter one hundred ten (110), Code 1977, is amended by adding the following new section:

NEW SECTION. A nonresident shall not hunt raccoon unless the nonresident raccoon stamp is affixed to the hunting license and the hunter possesses unused tags. A nonresident shall not possess an untagged raccoon carcass or pelt. The nonresident raccoon stamp shall be issued with twenty tags bearing the same number as the stamp. The tags shall be designed to be used only once. A nonresident shall purchase only one stamp each year.

Sec. 11. Section one hundred nine point eighty-eight (109.88), Code 1977, is repealed.

Sec. 12. This Act is effective January 1, 1978.

Approved July 13, 1977

CHAPTER 67
CONSERVATION COMMISSION LANDS

S. F. 395

AN ACT relating to the jurisdiction of the Iowa state conservation commission over lands dedicated to the public.

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

Section 1. Chapter one hundred eleven (111), Code 1977, is amended by adding the following new section:

NEW SECTION. JURISDICTION OVER DEDICATED LANDS. Any land adjacent to a meandered lake or a meandered stream which has been conveyed by gift, dedication or other means to the public, but has not been conveyed to the jurisdiction of a specific state agency or political subdivision, shall be subject to the jurisdiction of the commission and to the rules promulgated pursuant to this chapter. The commission shall prepare a plan for the appropriate public use of such land in accordance with this chapter within two years of its coming under the jurisdiction of the commission. The plan may be amended by the commission.

Sec. 2. Notwithstanding section one (1) of this Act, the plan for lands brought under the jurisdiction of the commission at the effective date of this Act shall be prepared by January 1, 1981.

Sec. 3. This Act is effective January 1, 1978.

Approved July 13, 1977

CHAPTER 68

COUNTY CONSERVATION BOARDS

H. F. 408

AN ACT relating to the improvement and maintenance plans of county conservation boards.

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

Section 1. Section one hundred eleven A point four (111A.4), subsection three (3), Code 1977, is amended to read as follows:

3. The county conservation board shall file with and obtain approval of the state conservation commission on all proposals for acquisition of land, and all general development plans ~~and programs for the improvement and maintenance thereof~~ before any such program is executed. Approval of the state conservation commission shall not be necessary unless the cost of the proposed acquisition or development program exceeds twenty-five hundred dollars.

Sec. 2. This Act is effective January 1, 1978.

Approved July 13, 1977

CHAPTER 69
PUBLIC MEMBERS OF EXAMINING BOARDS

S. F. 390

AN ACT relating to the authority of public members of examining boards.

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

Section 1. Section one hundred fourteen point thirty-one (114.31), Code 1977, is amended to read as follows:

114.31 PUBLIC MEMBERS. The public members of the board shall not be allowed to participate in administering-or-grading any-portion-of-an-examination administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 2. Section one hundred fifteen point nineteen (115.19), Code 1977, is amended to read as follows:

115.19 PUBLIC MEMBERS. The public members of the board shall not be allowed to participate in administering-or-grading any-portion-of-an-examination administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 3. Section one hundred sixteen point three (116.3), subsection one (1), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

There is established a board of accountancy. The board of accountancy shall consist of seven members, five of whom shall be certified public accountants and two members who shall not be certified public accountants and who shall represent the general public. A certified member shall be actively engaged in practice as a certified public accountant and shall have been so engaged for five years preceding ~~his~~ appointment, the last two of which shall have been in Iowa. Professional associations or societies composed of certified public accountants may recommend the names of potential board members to the governor, but the governor shall not be bound by the recommendations. A board member shall not be required to be a member of any professional association or society composed of certified public accountants. Members shall be appointed by the governor, subject to the approval of two-thirds of the members of the senate. The term "board" as

used in this chapter means the board of accountancy established by this section. Within sixty days after July 1, 1975, the governor shall appoint the certified public accountant members of the board for terms as follows: Two members for a term ending June 30, 1976, and two members for a term ending June 30, 1977, one member for a term ending June 30, 1978. Within sixty days after July 1, 1975, the governor shall appoint the members representing the general public, one member for a term ending June 30, 1976 and one member for a term ending June 30, 1978. Upon the expiration of each of the terms and of each succeeding term, a successor shall be appointed for a term of three years. Members shall serve a maximum of three terms or nine years, whichever is less. Vacancies occurring in the membership of the board for any cause shall be filled in the same manner by the governor for the unexpired term and shall be subject to senate confirmation. The public members of the board of accountancy shall not be allowed to participate in ~~devising, administering or grading of examinations referred to in section 116.5~~ administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 4. Section one hundred seventeen point fifty-one (117.51), Code 1977, is amended to read as follows:

117.51 PUBLIC MEMBERS. The public members of the commission shall not be allowed to participate in ~~administering or grading any portion of an examination~~ administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 5. Section one hundred eighteen point twenty-six (118.26), Code 1977, is amended to read as follows:

118.26 PUBLIC MEMBERS. The public members of the board shall not be allowed to participate in ~~administering or grading any portion of an examination~~ administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 6. Section one hundred eighteen A point eight (118A.8), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The board shall conduct examinations of applicants for certificates of registration as landscape architects -at least

once each year, or, if there are sufficient applications, at such additional times as the board may deem necessary. The examination shall determine the ability of the applicant to use and understand the theory and practice of landscape architecture and may be divided into such subjects as the board deems necessary. The board shall determine the annual cost of administering the examinations and shall set the fees accordingly. The public members of the board shall not be allowed to participate in administering-or-grading-any-portion-of-the-examination administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 7. Section one hundred twenty point sixteen (120.16), Code 1977, is amended to read as follows:

120.16 PUBLIC MEMBERS. The public members of the board shall not be allowed to participate in administering-or-grading any-portion-of-an-examination administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 8. Section one hundred thirty-five E point sixteen (135E.16), Code 1977, is amended to read as follows:

135E.16 PUBLIC MEMBERS. The public members of the board shall not be allowed to participate in administering-or-grading any-portion-of-an-examination administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 9. Section one hundred forty-seven point twenty-one (147.21), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The public members of the board shall not be allowed to participate in administering-or-grading-any-portion-of-an examination administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 10. Section one hundred fifty-four A point five (154A.5), Code 1977, is amended to read as follows:

154A.5 PUBLIC MEMBERS. The public members of the board shall not be allowed to participate in administering-or-grading any-portion-of-an-examination, except that for the initial

~~examination-the-public-members-may-participate-in-administering and-grading-the-examination~~ administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 11. Section one hundred sixty-nine point fifty-five (169.55), Code 1977, is amended to read as follows:

169.55 PUBLIC MEMBERS. The public members of the board shall ~~not be allowed to participate in administering-or-grading any-portion-of-an-examination~~ administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 12. Section six hundred ten point forty-eight (610.48), Code 1977, is amended to read as follows:

610.48 PUBLIC MEMBERS. The public members of the board ~~may shall be allowed to participate in the administration of-the-examination-and~~ administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers. The public members shall participate in the determination of whether or not each applicant meets the requisite character requirements. The public-members-shall-not-participate-in-the-grading-of-any-portion-of-the-examination-or-the-determination-of-whether-an-applicant-passed-or-failed-such-examination.

Approved June 29, 1977

CHAPTER 70 BARREL TAX REBATE

S. F. 394

AN ACT relating to the barrel tax rebate contained in chapter one hundred twenty-three (123) of the Code.

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

Section 1. Chapter one hundred twenty-three (123), division two (II), Code 1977, is amended by adding the following new section:

NEW SECTION. BARREL TAX REBATE.

1. Any class "A" permittee which owns and operates a

brewery located in Iowa and which is not disqualified under subsection three (3) of this section is entitled to the barrel tax rebate provided in subsection two (2) of this section.

2. Upon application, a class "A" permittee entitled to a rebate under this section shall receive a rebate of fifty percent of the barrel tax paid under section one hundred twenty-three point one hundred thirty-six (123.136) of the Code for each barrel of the first fifty thousand barrels taxed in each year. The rebate shall be paid to the class "A" permittee entitled thereto whether the barrel tax was collected from such class "A" permittee or from another class "A" permittee. The rebate provided in this subsection shall not apply to any penalty incurred.

3. A class "A" permittee which owns and operates a brewery located in Iowa shall be disqualified for the barrel tax rebate provided in subsection two (2) of this section if either of the following apply:

a. The amount manufactured in this state by that class "A" permittee and sold in this state, but excluding any amounts shipped outside of this state by any class "A" permittee, exceeds one hundred fifty thousand barrels annually.

b. That class "A" permittee, together with all other persons controlling, controlled by, or under common control with that class "A" permittee, manufacture at one or more locations within or without Iowa, an amount sold in this state, but excluding any amounts shipped outside of this state by any class "A" permittee, which exceeds one hundred fifty thousand barrels annually.

4. The rebate provided in subsection two (2) of this section shall apply only to the barrel tax incurred on beer manufactured after the effective date of this Act.

5. The rebate provided in subsection two (2) of this section shall be payable after the tenth day of January and the tenth day of July of the year in which application is received, and the amount paid shall consist of the rebate due for manufacture during the preceding six month period.

Sec. 2. Section one hundred twenty-three point one hundred forty-six (123.146), Code 1977, is repealed.

Approved July 6, 1977

CHAPTER 71
LIQUOR STORE CHECKS ACCEPTED

S. F. 259

AN ACT permitting vendors in state liquor stores to accept checks from class "C" liquor control licensees as payment for business purchases, and providing a penalty.

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

Section 1. Section one hundred twenty-three point twenty-four (123.24), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding the preceding paragraph, a vendor may accept a check from, and signed by, the holder of a retail liquor control license as provided in section one hundred twenty-three point thirty (123.30), subsection three (3), Code 1977, in payment of alcoholic liquor purchased for resale. In the event a check is subsequently dishonored for good cause the director shall immediately suspend the licensee's liquor control license for a period of thirty days and shall cause notice thereof to be served upon the licensee by a peace officer. The provisions of the Iowa administrative procedure Act shall not apply in the case of a suspension under this section.

Sec. 2. This Act shall take effect on January 1, 1978.

Approved July 13, 1977

CHAPTER 72
SALE OF BEER ON SUNDAY

S. F. 290

AN ACT relating to the sale of beer on Sunday.

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

Section 1. Section one hundred twenty-three point thirty-six (123.36), subsection six (6), Code 1977, is amended to read as follows:

6. Any club, hotel, motel, or commercial establishment holding a liquor control license for whom the sale of goods and services other than alcoholic liquor or beer constitutes fifty percent or more of the gross receipts from the licensed premises, subject to the provisions of section 123.49, sub-

section 2, paragraph "b", may sell and dispense alcoholic liquor ~~and beer~~ to patrons on Sunday for consumption on the premises only, and beer for consumption on or off the premises between the hours of noon and ten p.m. on Sunday. For ~~this~~ the privilege of selling beer and alcoholic liquor on the premises on Sunday the liquor control license fee of the applicant shall be increased by twenty percent of the regular fee prescribed for the license pursuant to this section, and the privilege shall be noted on the liquor control license. The department shall prescribe the nature and the character of the evidence which shall be required of the applicant under this subsection.

Sec. 2. Section one hundred twenty-three point thirty-six (123.36), subsection seven (7), Code 1977, is amended by striking unnumbered paragraphs one (1) and two (2).

Sec. 3. Section one hundred twenty-three point forty-nine (123.49), subsection two (2), paragraph b, Code 1977, is amended to read as follows:

b. Sell or dispense any alcoholic beverage or beer on the premises covered by the license or permit, or permit the consumption thereon between the hours of two a.m. and six a.m. on any weekday, and between the hours of two a.m. on Sunday and six a.m. on the following Monday, however, a holder of a liquor control license or ~~class-"B"~~ retail beer permit granted the privilege of selling alcoholic liquor or beer on Sunday may sell or dispense such liquor or beer between the hours of noon and ten p.m. on Sunday.

Sec. 4. Section one hundred twenty-three point one hundred thirty-four (123.134), subsection five (5), Code 1977, is amended to read as follows:

5. Any club, hotel, motel, or commercial establishment holding a class "B" beer permit for whom the sale of goods and services other than beer constitutes fifty percent or more of the gross receipts from the licensed premises, subject to the provisions of section 123.49, subsection 2, paragraph "b", may sell and dispense beer to patrons on Sunday for consumption on the premises ~~only~~ and for consumption of beer off the premises between the hours of noon and ten p.m. Any class "C" beer permittee may sell beer for consumption off the premises between the hours of noon and ten p.m. For ~~this~~ the privilege of selling beer on Sunday the ~~class-"B"~~ beer permit fees of the applicant shall be increased by twenty percent of the regular fees prescribed for the permit pursuant to this section and the privilege shall be noted on the beer

permit. The department shall prescribe the nature and character of the evidence which shall be required of the applicant under this subsection.

Approved July 12, 1977

CHAPTER 73
TAX LIENS ABOLISHED

S. F. 35

AN ACT to abolish certain liens created under former section one hundred twenty-three B point ten (123B.10) of the Code, clarifying the basis for release of certain liens held by counties under section two hundred thirty point five (230.5), subsection two (2), of the Code, and repealing the requirement that unpaid dog license fees be entered as a tax by the county treasurer.

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

Section 1. All liens created under section one hundred twenty-three B point ten (123B.10), as that section appeared in the Codes of 1973 and 1971, are abolished effective January 1, 1978, except as otherwise provided by this Act. The board of supervisors of each county shall, as soon as practicable after July 1, 1977, review all liens resulting from the operation of said section one hundred twenty-three B point ten (123B.10) and make a determination as to the ability of the person against whom the lien exists to pay the charges represented by the lien, and if they find that the person is able to pay all or a part of those charges they shall direct the county attorney of that county to take immediate action to enforce the lien. If action is commenced under this section on any lien prior to the effective date of the abolition thereof, that lien shall not be abolished but shall continue until the action is completed. The board of supervisors shall release any such lien when the charge on which the lien is based is fully paid or is compromised and settled by the board in such manner as its members deem to be in the best interest of the county, or when the estate affected by the lien has been probated and the proceeds allowable have been applied on the lien.

Sec. 2. Section two hundred thirty point twenty-five (230.25), subsection two (2), Code 1977, is amended to read as follows:

2. All liens created under section 230.25, as that section appeared in the Code of 1975 and prior editions of the Code, are abolished effective January 1, 1977, except as otherwise provided by subsection 1. The board of supervisors of each county shall, as soon as practicable after July 1, 1976, review all liens resulting from the operation of said section 230.25, Code 1975, and make a determination as to the ability of the person against whom the lien exists to pay the charges represented by the lien, and if they find that the person is able to pay those charges they shall direct the county attorney of that county to take immediate action to enforce the lien. If action is commenced under this section on any lien prior to the effective date of the abolition thereof, that lien shall not be abolished but shall continue until the action is completed. The board of supervisors shall release any such lien when the charge on which the lien is based is fully paid or is compromised and settled by the board in such manner as its members deem to be in the best interest of the county, or when the estate affected by the lien has been probated and the proceeds allowable have been applied on the lien.

Sec. 3. Chapter two hundred thirty (230), Code 1977, is amended by adding the following new section:

NEW SECTION. RELEASING LIENS. A lien obtained pursuant to an action to collect any claim arising under this chapter shall be released by the board of supervisors when the claim or claims on which the lien is based have been fully paid or compromised and settled by the board, or when the estate of which the real estate subject to the lien is a part has been probated and the proceeds allowable have been applied to the claim or claims on which the lien is based.

Sec. 4. Section three hundred fifty-one point nineteen (351.19), Code 1977, is repealed.

Approved June 3, 1977

CHAPTER 74
IOWA DEPARTMENT OF SUBSTANCE ABUSE

H. F. 594

AN ACT relating to substance abuse by creating an Iowa department of substance abuse, prescribing the structure, powers and duties of the department, applying the funding formula for alcoholism programs in chapter one hundred twenty-five (125) of the Code to all substance abuse programs, providing for the licensing of treatment facilities by the department, making provisions of chapter one hundred twenty-five (125) of the Code relating to the treatment and commitment of alcoholics, and persons incapacitated by alcohol applicable to persons who abuse any chemical substance, repealing chapters two hundred twenty-four (224) and two hundred twenty-four A (224A) of the Code and providing a penalty.

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

Section 1. NEW SECTION. DECLARATION OF POLICY. It is the policy of this state:

1. That substance abusers and persons suffering from chemical dependency be afforded the opportunity to receive quality treatment and directed into rehabilitation services which will help them resume a socially acceptable and productive role in society.
2. To encourage substance abuse education and prevention efforts and to insure that such efforts are coordinated to provide a high quality of services without unnecessary duplication.
3. To insure that substance abuse programs are being operated by individuals who are qualified in their field whether through formal education or through employment or personal experience.

This section is effective January 1, 1978.

Sec. 2. Section one hundred twenty-five point two (125.2), Code 1977, is amended by striking subsections one (1), three (3), five (5), and eleven (11) and inserting in lieu thereof the following:

1. "Chemical dependency" means an addiction or dependency, either physical or psychological, on a chemical substance. Persons who take medically prescribed drugs shall not be considered chemically dependent if the drug is medically prescribed and the intake is proportionate to the medical need.
3. "Chemical substance" means alcohol, wine, spirits and beer as defined in chapter one hundred twenty-three (123)

of the Code and drugs as defined in section two hundred three A point two (203A.2), subsection three (3) of the Code, which when used improperly could result in chemical dependency.

5. "Substance abuser" means a person who habitually lacks self-control as to the use of chemical substances or uses chemical substances to the extent that his or her health is substantially impaired or endangered or that his or her social or economic function is substantially disrupted.

Sec. 3. Section one hundred twenty-five point two (125.2), subsections two (2), four (4), six (6), seven (7), eight (8), and ten (10), Code 1977, are amended to read as follows:

2. "Facility" means a hospital, institution, detoxification center, or installation providing care, maintenance and treatment for ~~alcoholics~~ substance abusers and approved licensed by the ~~director~~ department under section 125.13.

4. "Department" means the state Iowa department of health substance abuse.

6. "Director" means the director of the Iowa division on-alcoholism department of substance abuse.

7. "Commission" means the ~~Iowa~~ commission on alcoholism substance abuse within the division department.

8. "Incapacitated by ~~alcohol~~ a chemical substance" means that a person, as a result of the use of ~~alcohol~~ a chemical substance, is unconscious or has his or her judgment otherwise so impaired that he or she is incapable of realizing and making a rational decision with respect to ~~his~~ the need for treatment.

10. "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of ~~alcohol~~ a chemical substance.

Sec. 4. Section one hundred twenty-five point three (125.3), Code 1977, is amended to read as follows:

125.3 ESTABLISHED. There is established within the state Iowa department of ~~health-a-division-on-alcoholism~~ substance abuse which shall develop, implement and administer a comprehensive ~~alcoholism~~ substance abuse program pursuant to sections 125.1 to 125.26. There is established within the division department a commission on ~~alcoholism~~ substance abuse to establish policies governing the performance of the division department in the discharge of duties imposed on it by this chapter. The commission shall consist of nine members appointed by the governor. Appointments shall be

made on the basis of interest in and knowledge of alcoholism substance abuse, however two of the members shall be persons who, in their regular work, have direct contact with substance abuse clients. All members shall be eligible electors of the state of Iowa ~~and no more than five members shall belong to the same political party. No member shall be a director of a local or regional alcoholism center.~~

Sec. 5. Section one hundred twenty-five point five (125.5), Code 1977, is amended to read as follows:

125.5 MEETINGS. The commission shall organize annually and shall select from its membership a chairman chairperson and a vice chairman chairperson. The commission shall meet at least six times a year. Other meetings shall be called by the chairman chairperson or upon written request of a majority of the members of the commission. The chairman chairperson shall preside at all meetings or in his the chairperson's absence the vice chairman chairperson shall preside. Five members of the commission shall constitute a quorum but the concurrence of a majority of the commission shall be required to determine any matter relating to its duties.

Sec. 6. Section one hundred twenty-five point six (125.6), Code 1977, is amended to read as follows:

125.6 COMPENSATION. Each member of the Iowa commission on alcoholism substance abuse shall receive forty dollars per day for each day spent in performance of the duties of the commission. Each member shall also receive his actual necessary expenses incurred in the performance of his or her duties.

Sec. 7. Section one hundred twenty-five point seven (125.7), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. Consider and approve or disapprove all applications for a license and all cases involving the renewal, denial, suspension or revocation of a license.

Sec. 8. Section one hundred twenty-five point seven (125.7), subsections two (2), four (4), five (5) and eight (8), Code 1977, are amended to read as follows:

2. Approve the comprehensive alcoholism substance abuse program, and the funding therefore, developed by the division department pursuant to sections 125.1 to 125.26.

4. Establish policies governing the performance of the director in the discharge of his the director's duties.

5. Advise or make recommendations to the governor and the general assembly relative to alcoholism substance abuse treatment, intervention and education and prevention programs in this state.

8. Submit to the governor and the general assembly an annual report covering the activities of the division department.

Sec. 9. Section one hundred twenty-five point eight (125.8), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

125.8 DIRECTOR APPOINTED. The director of the department shall be appointed by the governor for a four-year term with the approval of two-thirds of the members of the senate. The director shall be a qualified person who has training or experience in handling substance abuse problems and the ability to organize and otherwise supervise delivery systems providing treatment, intervention and education and prevention services to persons suffering from substance abuse problems. The director shall serve as secretary to the commission.

Sec. 10. Section one hundred twenty-five point nine (125.9), subsections one (1), two (2), four (4) and six (6), Code 1977, are amended to read as follows:

1. Plan, establish and maintain treatment, intervention and education and prevention programs as necessary or desirable in accordance with the comprehensive alcoholism substance abuse program.

2. Make contracts necessary or incidental to the performance of his the duties and the execution of his the powers of the director, including contracts with public and private agencies, organizations and individuals to pay them for services rendered or furnished to alcoholics substance abusers or intoxicated persons.

4. Co-ordinate the activities of the division department and co-operate with alcoholism substance abuse programs in this and other states, and make contracts and other joint or co-operative arrangements with state, local or private agencies in this and other states for the treatment of alcoholics substance abusers and intoxicated persons and for the common advancement of alcoholism substance abuse programs.

6. Employ a deputy director who shall be exempt from the merit system and shall serve at the pleasure of the director. The director may employ other staff necessary to carry out the duties assigned to him the director.

Sec. 11. Section one hundred twenty-five point nine (125.9), Code 1977, is amended by adding the following new subsections after subsection four (4):

NEW SUBSECTION. Require that a written report, in reasonable detail, be submitted to the director at any time by any agency of this state or of any of its political subdivisions in respect to any substance abuse prevention function, or program for the benefit of persons who are or have been involved in substance abuse, which is being conducted by the agency.

NEW SUBSECTION. Submit to the governor a written report of the pertinent facts at any time the director concludes that any agency of this state or of any of its political subdivisions is conducting any substance abuse prevention function, or program for the benefit of persons who are or have been involved in substance abuse in a manner not consistent with or which impairs achievement of the objectives of the state plan to combat substance abuse, and has failed to effect appropriate changes in the function or program.

Sec. 12. Section one hundred twenty-five point ten (125.10), Code 1977, is amended to read as follows:

125.10 DUTIES OF DIRECTOR. The director shall:

1. Prepare and submit a state plan subject to approval by the commission and in accordance with the provisions of title XLII, United States Code, section 4573. The state plan shall designate the division department as the sole agency for supervision of the administration of the plan and may shall provide for the appointment of a citizens advisory council on alcoholism substance abuse.

2. Develop, encourage, and foster state-wide, regional and local plans and programs for the prevention of alcoholism substance abuse and the treatment of alcoholics substance abusers and intoxicated persons in co-operation with public and private agencies, organizations and individuals, and provide technical assistance and consultation services for these purposes.

3. Co-ordinate the efforts and enlist the assistance of all public and private agencies, organizations and individuals interested in the prevention of alcoholism substance abuse and the treatment of alcoholics substance abusers and intoxicated persons.

4. Co-operate with the department of social services in establishing and conducting programs to provide treatment

for ~~alcoholics~~ substance abusers and intoxicated persons.

5. Co-operate with the department of public instruction, boards of education, schools, police departments, courts and other public and private agencies, organizations and individuals in establishing programs for the prevention of alcoholism substance abuse and the treatment of ~~alcoholics~~ substance abusers and intoxicated persons, and in preparing curriculum materials thereon for use at all levels of school education.

6. Prepare, publish, evaluate and disseminate educational material dealing with the nature and effects of ~~alcohol~~ chemical substances.

7. Develop and implement, as an integral part of treatment programs, an educational program for use in the treatment of ~~alcoholics~~ substance abusers and intoxicated persons, which program shall include the dissemination of information concerning the nature and effects of ~~alcohol~~ chemical substances.

8. Organize and implement, in co-operation with local treatment programs, training programs for all persons engaged in treatment of ~~alcoholics~~ substance abusers and intoxicated persons.

9. Sponsor and implement, ~~in co-operation with local treatment programs,~~ research in cooperation with local treatment programs into the causes and nature of alcoholism substance abuse and treatment of ~~alcoholics~~ substance abusers and intoxicated persons, and serve as a clearing house for information relating to alcoholism substance abuse.

10. Specify uniform methods for keeping statistical information by public and private agencies, organizations and individuals, and collect and make available relevant statistical information, including number of persons treated, frequency of admission and readmission, and frequency and duration of treatment.

11. Develop and implement, with the counsel and approval of the commission, a comprehensive plan for treatment of ~~alcoholics~~ substance abusers and intoxicated persons, said plan to be co-ordinated with health systems agencies.

12. Assist in the development of, and co-operate with, ~~alcohol~~ substance abuse education and treatment programs for employees of state and local governments and businesses and industries in the state.

13. Utilize the support and assistance of interested

persons in the community, particularly recovered alcoholics substance abusers, to encourage alcoholics substance abusers to voluntarily undergo treatment.

14. Co-operate with the commissioner of public safety in establishing and conducting programs designed to deal with the problem of persons operating motor vehicles while intoxicated.

15. Encourage general hospitals and other appropriate health facilities to admit without discrimination alcoholics substance abusers and intoxicated persons and to provide them with adequate and appropriate treatment, and may negotiate and implement contracts with hospitals and other appropriate health facilities with adequate detoxification facilities.

16. Encourage all health and disability insurance programs to include alcoholism substance abuse as a covered illness.

17. Review all state health, welfare, education and treatment plans proposals to be submitted for federal funding under federal legislation, and advise the governor on provisions to be included relating to alcoholism substance abuse and substance abusers and intoxicated persons.

Sec. 13. Section one hundred twenty-five point eleven (125.11), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

125.11 STATE ADVISORY COUNCIL--MEMBERSHIP.

1. There is established within the department a state advisory council which shall be composed of nine members and which shall advise the director in administering this chapter. The governor shall appoint the members of the advisory council, who shall serve at the pleasure of the governor, and shall designate the chairperson of the advisory council. The director or a designee shall serve as the advisory council's secretary. The advisory council shall be entirely advisory in character and may not exercise administrative authority.

2. Members of the substance abuse advisory council shall, to the extent practicable, be drawn from different geographical areas of the state, and shall provide representation for:

a. Nongovernmental organizations concerned directly or indirectly with substance abuse such as local citizen groups, employee groups, national groups, labor and management, and other provider, consumer, and consumer advocate groups.

b. Public agencies concerned directly or indirectly with substance abuse, such as local elected officials or representatives of health and mental health agencies, welfare

agencies, and law enforcement agencies.

c. The minority, poverty, and major population groups which are significantly affected by the problems of substance abuse.

d. At least one representative of the state health coordinating council.

3. Members of the council shall serve without compensation but shall receive reimbursement for travel and other necessary expenses actually incurred in the performance of their duties.

Sec. 14. Section one hundred twenty-five point twelve (125.12), Code 1977, is amended to read as follows:

125.12 COMPREHENSIVE PROGRAM FOR TREATMENT--REGIONAL FACILITIES.

1. The commission shall establish a comprehensive and co-ordinated program for the treatment of ~~alcoholics~~ substance abusers and intoxicated persons. Subject to the approval of the ~~commissioner~~ commission, the director shall divide the state into appropriate regions for the conduct of the program and establish standards for the development of the program on the regional level. In establishing the regions, consideration shall be given to city and county lines, population concentrations and existing ~~alcoholism~~ substance abuse treatment services. In determining the regions, the director shall not be required to follow the regional map as prepared by the office for planning and programming.

2. The program of the commission shall include:

a. Emergency treatment provided by a facility affiliated with or part of the medical service of a general hospital.

b. Inpatient treatment.

c. Intermediate treatment.

d. Outpatient and follow-up treatment and rehabilitation.

e. Prevention and education.

3. The director shall provide for adequate and appropriate treatment for ~~alcoholics~~ substance abusers and intoxicated persons admitted under sections 125.16 to 125.19. Treatment shall not be provided at a correctional institution except for inmates.

4. The director shall maintain, supervise and control all facilities operated by ~~him~~ the director pursuant to this chapter. The administrator of each facility shall make ~~an annual~~ a report of the activities of the facility to the ~~director~~ commission in the form and manner the ~~director~~ commission specifies.

5. All appropriate public and private resources shall be co-ordinated with and utilized in the program if possible.

6. The director shall prepare, publish and distribute annually a list of all facilities.

7. The director may contract for the use of a facility if the director, subject to the policies of the commission and pursuant to section 125.27, considers this to be an effective and economical course to follow.

Sec. 15. Section one hundred twenty-five point thirteen (125.13), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

125.13 PROGRAMS LICENSED--EXCEPTIONS.

1. Except as provided in subsection two (2) of this section, a person may not maintain or conduct any chemical substitutes or antagonists program, residential program or nonresidential outpatient program, the primary purpose of which is the treatment and rehabilitation of substance abusers without having first obtained a written license for the program from the department.

2. The licensing requirements of this Act, except the requirements imposed by section twenty-four (24) of this Act, shall not apply to any of the following:

a. Hospitals providing any care or treatment to substance abusers required on January 1, 1978, by other provisions of law to be licensed.

b. Any practitioner of medicine and surgery or osteopathic medicine and surgery, in his or her private practice. However, a program shall not be exempted from licensing by the commission by virtue of its utilization of the services of a medical practitioner in its operation.

c. Private institutions conducted by and for persons who adhere to the faith of any well recognized church or religious denomination for the purpose of providing care, treatment, counseling, or rehabilitation to substance abusers and who rely solely on prayer or other spiritual means for healing in the practice of religion of such church or denomination.

d. Facilities, institutions, or programs which, in the discretion of the department, provide services which are only informational or educational in nature.

e. Alcoholics anonymous.

Sec. 16. Chapter one hundred twenty-five (125), Code 1977, is amended by adding sections seventeen (17) through twenty-four (24) of this Act after section one hundred twenty-five

point thirteen (125.13) of the Code.

Sec. 17. NEW SECTION. LICENSES--RENEWAL--FEES. The commission shall meet to consider all cases involving issuance, denial, suspension, or revocation of a license. Upon approval of an application for licensing by the commission, a license shall be issued by the department. Licenses shall expire one year from the date of issuance and shall be renewed upon timely application made in the same manner as for original issuance of a license unless notice of nonrenewal is given to the licensee at least thirty days prior to the expiration of the license. The department shall not charge a fee for licensing or renewal.

Sec. 18. NEW SECTION. INSPECTION OF LICENSEES. The department shall at least annually inspect the facilities and review the procedures utilized by each licensed program. The examination and review may include case record audits and interviews with staff and patients, consistent with the confidentiality safeguards of state and federal law.

Sec. 19. NEW SECTION. TRANSFER OF LICENSE OR CHANGE OF LOCATION PROHIBITED. A license issued under this chapter may not be transferred, and the location of the physical facilities occupied or utilized by any program licensed under this chapter shall not be changed without the prior written consent of the commission.

Sec. 20. NEW SECTION. LICENSE SUSPENSION OR REVOCATION. Violation of any of the requirements or restrictions of this chapter or of any of the rules properly established pursuant to this chapter is cause for suspension, revocation or refusal to renew a license. The director shall at the earliest time feasible notify a licensee whose license the commission is considering suspending or revoking and shall inform the licensee what changes must be made in the licensee's operation to avoid such action. The licensee shall be given a reasonable time for compliance, as determined by the director, after receiving such notice or a notice that the commission does not intend to renew the license. When the licensee believes compliance has been achieved, or if the licensee considers the proposed suspension, revocation or refusal to renew unjustified, the licensee may submit pertinent information to the commission who shall expeditiously make a decision in the matter and notify the licensee of the decision.

Sec. 21. NEW SECTION. HEARING BEFORE COMMISSION. If a licensee under this chapter makes a written request for

a hearing within thirty days of suspension, revocation or refusal to renew a license, a hearing before the commission shall be expeditiously arranged. If the role of a commission member is inconsistent with the member's job role or function, or if any commission member feels unable for any reason to disinterestedly weigh the merits of the case before the commission, the member shall not participate in the hearing and shall not be entitled to vote on the case. The commission shall issue a written statement of its findings within thirty days after conclusion of the hearing upholding or reversing the proposed suspension, revocation or refusal to renew a license. No action involving suspension, revocation or refusal to renew a license shall be taken by the commission unless a quorum of five of the nine members are present at the meeting. A copy of the decision shall be promptly transmitted to the affected licensee who may, if aggrieved by the decision, seek judicial review of the actions of the commission in accordance with the terms of the Iowa administrative procedure Act.

Sec. 22. NEW SECTION. REISSUANCE OR REINSTATEMENT. After suspension, revocation or refusal to renew a license pursuant to this chapter, the affected licensee shall not have the license reissued or reinstated within one year of the effective date of the suspension, revocation or expiration upon refusal to renew, unless by order of the commission. After that time, proof of compliance with the requirements and restrictions of this chapter and the rules established pursuant to this chapter must be presented to the commission prior to reinstatement or reissuance of a license.

Sec. 23. NEW SECTION. RULES. The commission shall establish rules pursuant to chapter seventeen A (17A) of the Code requiring facilities to use reasonable accounting and reimbursement systems which recognize relevant cost-related factors for substance abuse patients. A facility shall not be licensed nor shall any payment be made under this chapter to a facility which fails to comply with those rules or which does not permit inspection by the department or examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs and methods of supply, and any other records the commission deems relevant to the establishment of such a system. However, rules issued pursuant to this paragraph shall not apply to any facility referred to in

section fifteen (15), subsection two (2) or section thirty-six (36) of this Act.

Sec. 24. NEW SECTION. CHEMICAL SUBSTITUTES AND ANTAGONISTS PROGRAMS. The commission shall have exclusive power in this state to approve and license chemical substitutes and antagonists programs, and monitor chemical substitutes and antagonists programs in this state to insure that the programs are operating within the rules established pursuant to this chapter and the commission shall be obliged to grant such approval and license if the requirements of the rules are met and no state funding is requested.

The department may:

1. Continuously study and evaluate chemical substitutes and antagonists programs in this state and annually report to the governor and the general assembly on the effectiveness and needs of the programs.

2. Provide advice, consultation, and technical assistance to chemical substitutes and antagonists programs.

3. In its discretion, approve local agencies or bodies to assist it in carrying out the provisions of this chapter.

Sec. 25. Section one hundred twenty-five point fifteen (125.15), Code 1977, is amended to read as follows:

125.15 ACCEPTANCE FOR TREATMENT--RULES. The commission shall adopt and may amend and repeal rules for acceptance of persons into the treatment program, subject to the provisions of chapter 17A, considering available treatment resources and facilities, for the purpose of early and effective treatment of ~~alcoholics~~ substance abusers and intoxicated persons. In establishing the rules the commission shall be guided by the following standards:

1. If possible a patient shall be treated on a voluntary rather than an involuntary basis.

2. A patient shall be initially assigned or transferred to outpatient or intermediate treatment, unless ~~he~~ the patient is found to require inpatient treatment.

3. A person shall not be denied treatment solely because ~~he~~ the person has withdrawn from treatment against medical advice on a prior occasion or because ~~he~~ the person has relapsed after earlier treatment.

4. An individualized treatment plan shall be prepared and maintained on a current basis for each patient.

5. Provision shall be made for a continuum of co-ordinated treatment services, so that a person who leaves a facility

or a form of treatment will have available and may utilize other appropriate treatment.

Sec. 26. Section one hundred twenty-five point sixteen (125.16), Code 1977, is amended to read as follows:

125.16 VOLUNTARY TREATMENT OF ~~ALCOHOLICS~~ SUBSTANCE ABUSERS.

1. ~~An alcoholic~~ A substance abuser may apply for voluntary treatment or rehabilitation services directly to a facility or to a licensed physician and surgeon or osteopathic physician and surgeon. If the proposed patient is a minor or an incompetent person, ~~he,~~ a parent, a legal guardian or other legal representative may make the application. The licensed physician and surgeon or osteopathic physician and surgeon or any employee or person acting under his or her direction or supervision, or the facility shall not report or disclose the name of the person or the fact that treatment was requested or has been undertaken to any law enforcement officer or law enforcement agency; nor shall such information be admissible as evidence in any court, grand jury, or administrative proceeding unless authorized by the person seeking treatment. If the person seeking such treatment or rehabilitation is a minor who has personally made application for treatment, the fact that the minor sought treatment or rehabilitation or is receiving treatment or rehabilitation services shall not be reported or disclosed to the parents or legal guardian of such minor without the minor's consent, and the minor may give legal consent to receive such treatment and rehabilitation.

2. Subject to rules adopted by the commission, the administrator in charge of a facility may determine who shall be admitted for treatment or rehabilitation. If a person is refused admission, the administrator, subject to rules adopted by the commission, shall refer the person to another facility for treatment if possible and appropriate.

3. A substance abuser seeking treatment or rehabilitation and who is either addicted or dependent on a chemical substance shall first be examined and evaluated by a licensed physician and surgeon or osteopathic physician and surgeon who shall prescribe a proper course of treatment and medication, if needed. The licensed physician and surgeon or osteopathic physician and surgeon may further prescribe a course of treatment or rehabilitation and authorize another licensed physician and surgeon or osteopathic physician and surgeon or facility to provide the prescribed treatment or

rehabilitation services. Treatment or rehabilitation services may be provided to a person individually or in a group. Any facility providing or engaging in such treatment or rehabilitation shall not report or disclose to a law enforcement officer or law enforcement agency the name of any person receiving or engaged in such treatment or rehabilitation; nor shall any person receiving or participating in such treatment or rehabilitation report or disclose the name of any other person engaged in or receiving such treatment or rehabilitation or that such program is in existence, to a law enforcement officer or law enforcement agency. Such information shall not be admitted in evidence in any court, grand jury, or administrative proceeding. However, any person engaged in or receiving such treatment or rehabilitation may authorize the disclosure of his or her name and individual participation.

3 4. If a patient receiving inpatient care leaves a facility, he the patient shall be encouraged to consent to appropriate outpatient or intermediate treatment. If it appears to the administrator in charge of the facility that the patient is ~~an alcoholic~~ a substance abuser who requires help, the director may arrange for assistance in obtaining supportive services and residential facilities.

4 5. If a patient leaves a facility, with or against the advice of the administrator in charge of the facility, the director may make reasonable provisions for ~~his~~ the patient's transportation to another facility or to ~~his~~ the patient's home. If ~~he~~ the patient has no home ~~he~~ the patient shall be assisted in obtaining shelter. If ~~he~~ the patient is a minor or an incompetent person the request for discharge from an inpatient facility shall be made by a parent, legal guardian or other legal representative or by the minor or incompetent if ~~he~~ the patient was the original applicant.

6. Any person who reports or discloses the name of a person receiving treatment or rehabilitation services to a law enforcement officer or law enforcement agency or any person receiving treatment or rehabilitation services who discloses the name of any other person receiving treatment or rehabilitation services without the written consent of the person in violation of the provisions of this section shall upon conviction be guilty of a simple misdemeanor.

Sec. 27. Section one hundred twenty-five point seventeen (125.17), subsections one (1) and two (2), Code 1977, are

amended to read as follows:

1. An intoxicated person may come voluntarily to a facility for emergency treatment. A person who appears to be intoxicated or incapacitated by ~~alcohol~~ a chemical substance in a public place and in need of help ~~may~~ shall be taken to a facility by a peace officer. If the person refuses the proffered help, ~~he~~ the person may be arrested and charged with intoxication.

2. If no facility is readily available the person may be taken to an emergency medical service customarily used for incapacitated persons. The peace officer in detaining the person and in taking ~~him~~ the person to a facility, is taking ~~him~~ the person into protective custody and shall make every reasonable effort to protect ~~his~~ the person's health and safety. In taking the person into protective custody, the detaining officer may take reasonable steps ~~to protect himself for self-protection~~. A taking into protective custody under this section is not an arrest and no entry or other record shall be made to indicate that the person who is taken into protective custody has been arrested or charged with a crime.

Sec. 28. Section one hundred twenty-five point seventeen (125.17), subsection four (4), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

4. A person who is found to be intoxicated or incapacitated by a chemical substance after examination by a qualified health professional shall be required to remain at the facility until the qualified health professional determines that the person is not likely to inflict physical self harm or inflict physical harm on others. If the person is detained longer than twenty-four hours the qualified health professional shall examine him or her at least once every twelve hours to determine if further detention is necessary. The qualified health professional shall enter a written order for the person to be detained in custody. Such order shall state the circumstances under which the person was taken into custody and the grounds supporting the finding or probable cause to believe that he or she is sufficiently impaired or incapacitated by a chemical substance to cause physical injury to himself or herself or others if released. The order shall be filed in the district court of the area in which the person is detained.

Sec. 29. Section one hundred twenty-five point eighteen (125.18), subsection one (1), Code 1977, is amended to read as follows:

1. An intoxicated person who has threatened, attempted, or inflicted physical self harm on-himself or threatened, attempted or inflicted physical harm on another and is likely to inflict physical self harm on-himself or is likely to physically harm another unless committed, or who is incapacitated by ~~alcohol~~ a chemical substance, may be committed to a facility for emergency treatment. A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need for treatment.

Sec. 30. Section one hundred twenty-five point nineteen (125.19), subsections one (1), two (2), and five (5) and subsection nine (9), paragraphs a and b, Code 1977, are amended to read as follows:

1. A person may be committed to the custody of ~~the division~~ a facility by the district court upon the petition of his the person's spouse or guardian, a relative, the certifying physician, or the administrator in charge of a facility. The petition shall allege that the person is ~~an alcoholic~~ a substance abuser who habitually lacks self-control as to the use of ~~alcoholic-beverages~~ chemical substances, and (a) that ~~he~~ the person has threatened, attempted or inflicted physical harm on another and that ~~he~~ the person is likely to inflict physical self harm on-himself or inflict physical harm on another unless committed; or (b) that ~~he~~ the person is incapacitated by ~~alcohol~~ a chemical substance. A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician who has examined the person within two days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination or was unavailable for examination, in which case the fact of refusal or unavailability shall be alleged in the petition. The certificate shall set forth the physician's findings in support of the allegations of the petition. A physician employed by the admitting facility or the ~~division~~ department is not eligible to be the certifying physician.

2. Upon the filing of the petition, the court shall fix a date for a hearing no later than ten days after the date the petition was filed. If a judicial hospitalization referee

has been appointed under section two hundred twenty-nine point twenty-one (229.21) of the Code for the county in which the petition is filed, the clerk of the district court shall immediately notify the referee of the filing of the petition and the referee shall thereupon discharge all of the duties imposed upon judges of the district court by this section.

A copy of the petition and the notice of hearing shall be served in the manner of an original notice on the person whose commitment is sought and upon a parent or legal guardian if the person is a minor. A copy of the petition and the notice of hearing shall be mailed or delivered in the manner provided for motions in civil cases to the petitioner, the next of kin of the person other than the petitioner, the administrator of the facility to which the person has been committed for emergency care, and any other person the court believes should receive copies. A petition shall have attached a copy of the certificate specified in this section.

5. A person committed under this section shall remain in the custody of ~~the division~~ a facility for treatment for a period of thirty days unless sooner discharged. This section shall not be construed to require the ~~division~~ department to pay the cost of any medication or procedure provided the person during that period which is not necessary or appropriate to the specific objectives of detoxification and treatment of ~~alcoholism~~ substance abuse. At the end of the thirty-day period, ~~he~~ the person shall be discharged automatically unless the director before expiration of the period petitions the court for an order for ~~his~~ the person's recommitment upon the grounds set forth in subsection 1 for a further period not to exceed ninety days.

a. In case of ~~an alcoholic~~ a substance abuser committed under subsection 1, paragraph "a", that ~~he~~ the person is no longer ~~an alcoholic~~ a substance abuser or the likelihood no longer exists.

b. In case of ~~an alcoholic~~ a substance abuser committed under subsection 1, paragraph "b", that the incapacity no longer exists, that further treatment will not be likely to bring about significant improvement in the person's condition, or that treatment is no longer adequate or appropriate.

Sec. 31. Section one hundred twenty-five point twenty (125.20), subsection two (2), Code 1977, is amended to read as follows:

2. Notwithstanding subsection 1, the director may make

available information from patients' records for purposes of research into the causes and treatment of ~~alcoholism~~ substance abuse. Information under this subsection shall not be published in a way that discloses patients' names or other identifying information.

Sec. 32. Section one hundred twenty-five point twenty (125.20), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. Notwithstanding the provisions of subsection one (1) of this section a patient's records may be disclosed to medical personnel in a medical emergency with or without the patient's consent.

Sec. 33. Section one hundred twenty-five point twenty-one (125.21), subsection two (2), Code 1977, is amended to read as follows:

2. Neither mail nor other communication to or from a patient in a facility may be intercepted, read or censored, except that the commission may adopt reasonable rules regarding the use of telephones by patients in facilities and the delivery of ~~controlled~~ chemical substances ~~and other~~ intoxicants.

Sec. 34. Section one hundred twenty-five point twenty-two (125.22), Code 1977, is amended to read as follows:

125.22 COMPOSITION OF FACILITIES BOARDS--TREATMENT PLANS FURNISHED.

1. In addition to other requirements established by this chapter, ~~no~~ a facility shall not be ~~approved~~ licensed pursuant to section ~~425-43~~ fifteen (15) of this Act unless it is either a political subdivision, a licensed hospital or a community mental health center operating under chapter 230A, or it is organized under the Iowa nonprofit corporation Act appearing as chapter 504A. In the latter case, one-third of the membership of the board of directors shall be representatives of such government units providing funds to the facility for treatment of ~~alcoholism~~ substance abuse.

2. A local governmental unit which is providing funds to a facility for treatment of ~~alcoholism~~ substance abuse may request from the facility a treatment program plan prior to authorizing payment of any claims filed by the facility. The governing body of the local governmental unit may review the plan, but shall not impose on the facility any requirement conflicting with the comprehensive treatment program requirements of section 125.28.

Sec. 35. Section one hundred twenty-five point twenty-three (125.23), subsection three (3), Code 1977, is amended to read as follows:

3. Nothing in this chapter affects any law, ordinance, resolution or rule against drunken driving, driving under the influence of alcohol or other chemical substance, or other similar offense involving the operation of a vehicle, aircraft, boat, machinery or other equipment, or regarding the sale, purchase, dispensing, possessing or use of alcoholic beverages or beer at stated times and places or by a particular class of persons or regarding the sale, purchase, possession or use of another chemical substance.

Sec. 36. Section one hundred twenty-five point twenty-six (125.26), Code 1977, is amended to read as follows:

125.26 FUNDING AT MENTAL HEALTH INSTITUTES. Chapter 230 shall govern the determination of the costs and payment for treatment provided to alcoholics substance abusers in a mental health institute under the department of social services, except that the charges shall not constitute a lien on any real estate owned by persons legally liable for support of the alcoholic substance abuser and the daily per diem shall be billed at twenty-five percent. Beginning July 1, ~~1976~~ 1977, the superintendent of a state hospital shall total only those expenditures which can be attributed to the cost of providing inpatient treatment to alcoholics-and-intoxicated persons substance abusers for purposes of determining the daily per diem. The provisions of section 125.31 shall govern the determination of who is legally liable for the cost of care, maintenance, and treatment of an-alcoholic a substance abuser and of the amount for which the person is liable.

Sec. 37. Section one hundred twenty-five point twenty-seven (125.27), Code 1977, is amended to read as follows:

125.27 CONTRACT FOR CARE--RULES ADOPTED. The director may, consistent with the comprehensive alcoholism substance abuse program, enter into written agreements with a facility as defined in section 125.2 to pay for seventy-five percent of the cost of the care, maintenance and treatment of an alcoholic a substance abuser. Such contracts shall be for a period of no more than one year. The commission shall review and evaluate at least once each year all such agreements and determine whether or not they shall be continued.

The contract may be in such form and contain provisions as agreed upon by the parties. Such contract shall provide

that the facility shall admit and treat ~~alcoholics~~ substance abusers regardless of where they have residence. If one payment for care, maintenance, and treatment is not made by the patient or those legally liable therefor within thirty days after discharge the payment shall be made by the ~~division~~ department directly to the facility. Payments shall be made each month and shall be based upon the facility's average daily per patient charge. Provisions of this section shall not pertain to patients treated at the mental health institutes.

If the appropriation to the ~~commission~~ department is insufficient to meet the requirements of this section, the ~~commission~~ department shall request a transfer of funds and section 8.39 shall apply.

Contracting facilities shall deliver to each patient upon discharge a statement of the costs of the care, maintenance and treatment for which that patient is liable, and shall retain a carbon copy or other similar copy of that statement for a period of not less than one year after the date of discharge of the patient to whom the statement refers. Every payment received by a contracting facility from or on behalf of a patient, whether received before or after costs have been billed to the ~~division~~ department or to a county, shall be identified by the facility as to patient and invoice or statement, and shall be reported to the ~~division~~ department. A contracting facility shall allow as a credit against a future billing to the ~~division~~ department or to a county, payments received during each month from or on behalf of a patient whose care, maintenance and treatment theretofore has been billed to and paid by the ~~division~~ department or a county. Failure by a contracting facility to comply with this paragraph, or with rules promulgated pursuant to section ~~125.137-subsection-47~~ twenty-three (23) of this Act shall constitute grounds for nonrenewal of the contract.

Sec. 38. Section one hundred twenty-five point twenty-eight (125.28), subsection one (1), Code 1977, is amended to read as follows:

1. Except as provided in section 125.26, each county shall pay for the remaining twenty-five percent of the cost of the care, maintenance, and treatment under this chapter of residents of that county from the county mental health and institutions fund as provided in section 444.12. The commission shall establish guidelines for use by the counties

in estimating the amount of expense which the county will incur each year. The facility shall certify to the county of residence once each month twenty-five percent of the unpaid cost of the care, maintenance, and treatment of ~~an alcoholic~~ a substance abuser. Such county shall pay the cost so certified to the facility from its county mental health and institutions fund. However, the approval of the board of supervisors shall be required before payment is made by a county for costs incurred which exceed a total of five hundred dollars for one year for treatment provided to any one ~~alcoholic-or-intoxicated-person~~ substance abuser, except that such approval is not required for the cost of treatment provided to ~~an alcoholic-or-intoxicated-person~~ a substance abuser who is committed pursuant to section 125.18 and 125.19. A facility may, upon approval of the board of supervisors, submit to a county a billing for the aggregate amount of all care, maintenance, and treatment of ~~alcoholics~~ substance abusers who are residents of that county for each month. The board of supervisors may demand an itemization of such billings at any time or may audit the same.

Sec. 39. Section one hundred twenty-five point twenty-nine (125.29), Code 1977, is amended to read as follows:

125.29 COUNTY OF RESIDENCE DETERMINED. The facility shall, when ~~an alcoholic~~ a substance abuser is admitted, or as soon thereafter as it receives the proper information, determine and enter upon its records the Iowa county of residence of ~~such alcoholic~~ the substance abuser, or that the person resides in some other state or country, or that the person is unclassified with respect to residence.

Sec. 40. Section one hundred twenty-five point thirty (125.30), Code 1977, is amended to read as follows:

125.30 DISPUTES OVER PAYMENT. In the event any county to which certification of the cost of care, maintenance, and treatment of ~~an alcoholic~~ a substance abuser is made, disputes that such ~~alcoholic~~ substance abuser has ~~his~~ residence in that county, it shall immediately notify the facility that such dispute exists. The director shall immediately investigate the facts and determine in which county the patient has residence. The director shall certify ~~his~~ the determination to the county, if any, wherein it is found the patient has residence and to the facility. A county certified by the director to be the county of residence shall reimburse the facility as provided in this chapter. If the director

finds that the residence of an-alcoholic a substance abuser at the time of admission was in another state or country or that the person is unclassified with respect to residence, then the division department shall pay for that portion of his the patient's care, maintenance, and treatment that his the patient's county of residence would have been liable to pay. For purposes of this section, a "facility" does not include a mental health institute under the control of the department of social services.

Sec. 41. Section one hundred twenty-five point thirty-one (125.31), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The alcoholic substance abuser and any person, firm, corporation, or insurance company bound by contract to provide support, hospitalization, or medical services for the alcoholic substance abuser shall be legally liable to the county of the alcoholic's substance abuser's residence for twenty-five percent of the total amount and to the division department for seventy-five percent of the total amount of the cost of providing care, maintenance, and treatment for the alcoholic substance abuser while a voluntary or committed patient in a facility, except when the state pays the total cost of care in which case liability of one hundred percent shall be to the state. Nothing in this section shall prohibit any individual from paying any portion of the cost of treatment.

Sec. 42. Section one hundred twenty-five point thirty-three (125.33), Code 1977, is amended to read as follows:

125.33 COUNTY AUDITOR TO KEEP ACCOUNTS. The auditor of each county shall keep an accurate account of the total cost to the county of the care, maintenance, and treatment of any alcoholic substance abuser and shall keep an index of the names of the alcoholics substance abusers for whose benefit county funds are expended pursuant to section 125.28 for those services. The index shall be used only for audit purposes by the state or county and shall not be considered a public record.

Sec. 43. Section one hundred twenty-five point thirty-four (125.34), Code 1977, is amended to read as follows:

125.34 COLLECTION OF CLAIMS BY BOARD OF SUPERVISORS. The board of supervisors shall collect the total amount of all such liabilities as they become due, from those persons whom the board has found, under section 125.28, subsection 2, are able to pay. The board shall direct the county attorney

to proceed with the collection of such liabilities as a part of the duties of that office. The county shall be entitled to keep the total amount of all such liabilities collected. The county attorney, with the consent of the board of supervisors, may execute an agreement providing for the acceptance of a lesser amount owed by ~~an alcoholic~~ a substance abuser, his or her spouse, or estate to the county. The execution of such agreement may provide that the same is in satisfaction of all moneys owed the county.

Sec. 44. Chapter one hundred twenty-five (125), Code 1977, is amended by adding the following new sections after section one hundred twenty-five point thirty-six (125.36):

NEW SECTION. USE OF FUNDS. The director shall not be required to distribute or guarantee funds:

1. To any program which does not meet licensing standards,
2. To any program providing unnecessary, duplicative or overlapping services within the same geographical area, or
3. To any program which has adequate resources at its disposal.

This section is effective January 1, 1978.

NEW SECTION. AUDITS. All licensed substance abuse programs shall be subject to regular audit by the auditor of state or to special audits requested by the director.

This section is effective January 1, 1978.

NEW SECTION. FUTURE STATUS OF DEPARTMENT. The provisions of chapter one hundred twenty-five (125) of the Code are repealed effective July 1, 1982. The first session of the Sixty-ninth General Assembly meeting in the year 1981 shall review the activities and performance of the department and shall not later than July 1, 1981 make a determination concerning the status and duties of the department.

This section is effective January 1, 1978.

Sec. 45. Section two hundred twenty-nine point twenty-one (229.21), subsection one (1), Code 1977, is amended to read as follows:

1. As soon as practicable after the adoption of this Act the judges in each judicial district shall meet and shall determine, individually for each county in the district, whether it appears that one or more district judges will be sufficiently accessible in that county to make it feasible for them to perform at all times the duties prescribed by sections 229.7 to 229.20 and by ~~chapter-224~~ section thirty (30) of this Act. If the judges find that accessibility of

district court judges in any county is not sufficient for this purpose, the chief judge of the district shall appoint in that county a judicial hospitalization referee. The judges in any district may at any time review their determination, previously made under this subsection with respect to any county in the district, and pursuant to that review may authorize appointment of a judicial hospitalization referee, or abolish the office, in that county.

Sec. 46. The governor shall make the initial appointments to the commission and the advisory council for terms for commencing July 1, 1977. The provisions of sections six (6) and thirteen (13) of this Act shall apply to the payment of per diem and expenses to commission and advisory council members as if the provisions of sections six (6) and thirteen (13) of this Act were in effect on July 1, 1977. The provisions of this section shall be effective July 1, 1977.

Sec. 47. Chapters two hundred twenty-four (224) and two hundred twenty-four A (224A) and sections one hundred twenty-five point one (125.1) and one hundred twenty-five point fourteen (125.14), Code 1977, are repealed.

Sec. 48. Sections one hundred twenty-five point thirty-seven (125.37) through one hundred twenty-five point forty-two (125.42), Code 1977, are repealed. Notwithstanding subsection one (1) of section four point one (4.1) of the Code, the repeal of section one hundred twenty-five point forty-two (125.42) of the Code shall not operate to repeal the provisions of chapter one hundred twenty-five (125) of the Code as they existed before the effective date of this section and as they are amended by this Act.

Sec. 49.

1. Sections two (2) through forty-three (43), sections forty-five (45), forty-seven (47) and sections fifty (50) through fifty-two (52) of this Act are effective January 1, 1978.

2. Section forty-eight (48) of this Act is effective July 1, 1977.

Sec. 50. The governor may by executive order delay the implementation of sections thirty-six (36) through forty-three (43) of this Act until July 1, 1978 if the governor finds that delayed implementation of sections thirty-six (36) through forty-three (43) of this Act would allow the state and local substance abuse programs the opportunity to solve any administrative and fiscal problems which may occur as

the result of implementation of the funding formula for substance abuse programs contained in sections thirty-six (36) through forty-three (43) of this Act. If the implementation of sections thirty-six (36) through forty-three (43) of this Act is delayed pursuant to this section, the provisions of sections one hundred twenty-five point twenty-six (125.26) through one hundred twenty-five point thirty-four (125.34) of the Code shall continue to be in force as they existed prior to January 1, 1978 until sections thirty-six (36) through forty-three (43) of this Act are implemented by the governor on July 1, 1978.

Sec. 51. The Code editor shall place sections seventeen (17) through twenty-four (24) of this Act following section one hundred twenty-five point thirteen (125.13) of the Code and shall renumber all sections in chapter one hundred twenty-five (125) of the Code and correct internal references in chapter one hundred twenty-five (125) of the Code in accordance with this Act.

Sec. 52. The Code editor shall change all references to the word "division" in chapter one hundred twenty-five (125) of the Code to the word "department".
Approved July 10, 1977

CHAPTER 75

HEALTH CARE FACILITIES COUNCIL

H. F. 354

AN ACT to require that a certificate of need be obtained as a condition of offering certain new health care services or developing certain new health care facilities in this state, to establish a state health facilities council within the department of health, to prescribe the procedures by which certificates of need shall be applied for and may be granted or denied, to require that hospitals and health care facilities submit uniform annual financial reports to the department of health, to require the department to compile, analyze and annually report upon the data so submitted, and providing sanctions against violations.

WHEREAS, it is the public policy of this state that the offering or development of new institutional health services be accomplished in a manner which is orderly, economical and consistent with the goal of providing the necessary and adequate institutional health services to all of the people of

this state while avoiding unnecessary duplication of institutional health services and preventing or controlling increases in the cost of delivering these services; and

WHEREAS, it is further the public policy of this state that health care is a right of the people, but the general assembly finds and declares (1) that rising hospital and health care facility costs may place the services of these facilities beyond the means of a majority of the people of this state; (2) that it is therefore essential that the general assembly, the governor and the people of the state have access to uniform, timely and accurate data on the costs incurred and the charges established by hospitals and health care facilities; and (3) that a statute should be enacted to provide for uniform systems of reporting by hospitals and health care facilities in this state and for the regular compilation, analysis and reporting of financial data relative to hospitals and health care facilities within this state; NOW THEREFORE,

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

Section 1. NEW SECTION. DEFINITIONS. As used in this Act, unless the context otherwise requires:

1. "Affected persons" means, with respect to an application for a certificate of need:
 - a. The person submitting the application.
 - b. Consumers who would be served by the new institutional health service proposed in the application.
 - c. Each institutional health facility or health maintenance organization which is located in the geographic area which would appropriately be served by the new institutional health service proposed in the application. The appropriate geographic service area of each institutional health facility or health maintenance organization shall be determined on a uniform basis in accordance with criteria established in rules promulgated by the department in consultation with the appropriate health systems agency.
 - d. The designated health systems agencies for the health systems agency area in which the new institutional health service proposed in the application is to be located and for each of the health systems agency areas contiguous thereto, including those in other states.
 - e. Each institutional health facility or health maintenance organization which, prior to receipt of the application by the department, has formally indicated to the de-

partment pursuant to this Act an intent to furnish in the future institutional health services similar to the new institutional health service proposed in the application.

f. Any other person designated as an affected person by rules of the department.

2. "Commissioner" means the commissioner of public health, or the commissioner's designee.

3. "Consumer" means any individual whose occupation is other than health services, who has no fiduciary obligation to an institutional health facility, health maintenance organization or other facility primarily engaged in delivery of services provided by persons in health service occupations, and who has no material financial interest in the providing of any health services.

4. "Council" means the state health facilities council established by this Act.

5. "Department" means the department of health.

6. "Develop", when used in connection with health services, means to undertake those activities which on their completion will result in the offer of a new institutional health service or the incurring of a financial obligation in relation to the offering of such a service.

7. "Federal Act" means the national health planning and resources development Act of 1974, United States public law 93-641, as amended to January 1, 1977.

8. "Financial reporting" means reporting by which hospitals and health care facilities shall respectively record their revenues, expenses, other income, other outlays, assets and liabilities, and units of services.

9. "Health care facility" is defined as it is defined in section one hundred thirty-five C point one (135C.1) of the Code.

10. "Health care provider" means a person licensed or certified under chapters one hundred forty-seven (147), one hundred forty-eight (148), one hundred forty-eight A (148A), one hundred forty-eight B (148B), one hundred forty-nine (149), one hundred fifty (150), one hundred fifty A (150A), one hundred fifty-one (151), one hundred fifty-two (152), one hundred fifty-three (153), one hundred fifty-four (154), one hundred fifty-four B (154B) or one hundred fifty-five (155) of the Code to provide in this state professional health care service to an individual during that individual's medical care, treatment or confinement.

11. "Health maintenance organization" is defined as it is defined in section five hundred fourteen B point one (514B.1), subsection three (3) of the Code.

12. "Health services" means clinically related diagnostic, curative or rehabilitative services, and includes alcoholism, drug abuse and mental health services.

13. "Health systems agency" means an entity which is designated and operated in the manner described in the federal Act.

14. "Health systems plan" means a detailed statement of goals developed by a health systems agency, which describes a healthful environment and health systems in the area which, when developed, will assure that quality health services will be available and accessible in a manner which assures continuity of care at reasonable cost for all residents of the area, and which is responsive to the unique needs and resources of the area.

15. "Hospital" is defined as it is defined in section one hundred thirty-five B point one (135B.1), subsection one (1) of the Code.

16. "Institutional health facility" means any of the following, without regard to whether the facilities referred to are publicly or privately owned or are organized for profit or not:

- a. A hospital.
- b. A health care facility.
- c. A kidney disease treatment center, including any free-standing hemodialysis unit but not including any home hemodialysis unit.
- d. An organized outpatient health facility.
- e. An outpatient surgical facility.
- f. A community mental health facility.

17. "Institutional health service" means any health service furnished in or through institutional health facilities or health maintenance organizations.

18. "Modernization" means the alteration, repair, remodeling, replacement or renovation of existing buildings or of the equipment previously installed therein, or both.

19. "New institutional health service" or "changed institutional health service" means any of the following:

- a. The construction, development or other establishment of a new institutional health facility or health maintenance organization.

b. Relocation of an institutional health facility or a health maintenance organization.

c. Any expenditure by or on behalf of an institutional health facility or a health maintenance organization in excess of one hundred fifty thousand dollars which, under generally accepted accounting principles consistently applied, is a capital expenditure, or any acquisition by lease or donation to which this subsection would be applicable if the acquisition were made by purchase.

d. A permanent change in the bed capacity, as determined by the department, of an institutional health facility or a health maintenance organization. For purposes of this paragraph, a change is permanent if it is intended to be effective for one year or more.

e. Health services which are or will be offered in or through an institutional health facility or a health maintenance organization at a specific time but which were not offered on a regular basis in or through that institutional health facility or health maintenance organization within the twelve month period prior to that time.

f. The deletion of one or more health services, previously offered on a regular basis by an institutional health facility or health maintenance organization or the relocation of one or more health services from one physical facility to another.

g. Any expenditure by or on behalf of an individual health care provider or group of health care providers, in excess of one hundred fifty thousand dollars, which:

(1) Is made for the purchase or acquisition of a single piece of new equipment which is to be installed and used in a private office or clinic, and for which a certificate of need would be required if the equipment were being purchased or acquired by an institutional health facility or health maintenance organization; and

(2) Is, under generally accepted accounting principles consistently applied, a capital expenditure.

20. "Offer", when used in connection with health services, means that an institutional health facility or health maintenance organization holds itself out as capable of providing, or as having the means to provide, specified health services.

21. "Organized outpatient health facility" means a facility, not part of a hospital, organized and operated to provide

health care to noninstitutionalized and nonhomebound persons on an outpatient basis; it does not include private offices or clinics of individual physicians, dentists or other practitioners, or groups of practitioners, who are health care providers.

22. "Outpatient surgical facility" means a facility which as its primary function provides, through an organized medical staff and on an outpatient basis to patients who are generally ambulatory, surgical procedures not ordinarily performed in a private physician's office, but not requiring hospitalization, and which is neither a part of a hospital nor the private office of a health care provider who there engages in the lawful practice of surgery.

23. "Technologically innovative equipment" means equipment potentially useful for diagnostic or therapeutic purposes which introduces new technology in the diagnosis or treatment of disease, the usefulness of which is not well enough established to permit a specific plan of need to be developed for the state.

Sec. 2. NEW SECTION. DEPARTMENT TO ADMINISTER ACT--HEALTH FACILITIES COUNCIL ESTABLISHED--APPOINTMENTS--POWERS AND DUTIES.

1. This Act shall be administered by the state department of health. The commissioner of public health shall employ or cause to be employed the necessary persons to discharge the duties imposed on the department by this Act.

2. There is established a state health facilities council consisting of five persons appointed by the governor. The council shall be within the department for administrative and budgetary purposes.

a. QUALIFICATIONS. The members of the council shall be chosen so that the council as a whole is broadly representative of various geographical areas of the state, and no more than three of its members are affiliated with the same political party. Each council member shall be a person who has demonstrated by prior activities an informed concern for the planning and delivery of health services. No member of the council, nor any spouse of a member, shall during the time that member is serving on the council:

(1) Be a health care provider nor be otherwise directly or indirectly engaged in the delivery of health care services nor have a material financial interest in the providing or delivery of health services; nor

(2) Serve as a member of any board or other policy-making or advisory body of a health systems agency, an institutional health facility, a health maintenance organization, or any health or hospital insurer.

b. APPOINTMENTS. Terms of council members shall be six years, beginning July first of the year of appointment. A member shall be appointed in each odd-numbered year to succeed each member whose term expires in that year. Vacancies shall be filled by the governor for the balance of the unexpired term. Each appointment to the council shall be subject to confirmation by two-thirds of the members of the senate. A council member is ineligible for appointment to a second consecutive term, unless first appointed to an unexpired term of three years or less.

The governor shall designate one of the council members as chairperson. That designation may be changed not later than July first of any odd-numbered year, effective on the date of the organizational meeting held in that year under paragraph c of this subsection.

Notwithstanding the permanent provisions of paragraph a, the initial appointments to the council shall be made as soon as possible after the effective date of this Act. In making those appointments, the governor shall designate one member to serve a term ending June 30, 1979, two members to serve terms ending July 30, 1981, and two members to serve terms ending June 30, 1983. The persons appointed to serve terms ending in 1979 and 1981 may be reappointed to one additional consecutive term.

c. MEETINGS. The council shall hold an organizational meeting in July of each odd-numbered year, or as soon thereafter as the new appointee or appointees are confirmed and have qualified. Other meetings shall be held at least once each month, and may be held more frequently if necessary to enable the council to expeditiously discharge its duties. Meeting dates shall be set upon adjournment or by call of the chairperson upon five days' notice to the other members. Each member of the council shall receive a salary as fixed by the general assembly and reimbursement for necessary travel and expenses while engaged in his or her official duties.

d. DUTIES. The council shall:

(1) Make the final decision, as required by section nine (9) of this Act, with respect to each application for a certificate of need accepted by the department.

(2) Determine and adopt such policies as are authorized by law and are deemed necessary to the efficient discharge of its duties under this Act.

(3) Have authority to direct staff personnel of the department assigned to conduct formal or summary reviews of applications for certificates of need.

(4) Advise and counsel with the commissioner concerning the provisions of this Act, and the policies and procedures adopted by the department pursuant to this Act.

(5) Review and approve, prior to promulgation, all rules adopted by the department under this Act.

Sec. 3. NEW SECTION. CERTIFICATE OF NEED REQUIRED--
EXCLUSIONS.

1. A new institutional health service or changed institutional health service shall not be offered or developed in this state without prior application to the department for and receipt of a certificate of need, pursuant to this Act. The application shall be made upon forms furnished or prescribed by the department and shall contain such information as the department may require under this Act after consultation with all health systems agencies serving the state of Iowa. The application shall be accompanied by a fee equivalent to two-tenths of one percent of the anticipated cost of the project, as determined under rules promulgated by the department. The fee shall be remitted by the department to the treasurer of state, who shall place it in the general fund of the state.

2. Nothing in this Act shall be construed to augment, limit, contravene or repeal in any manner any other statute of this state which may authorize or relate to licensure, regulation, supervision or control of, nor to be applicable to:

a. Private offices and private clinics of an individual physician, dentist or other practitioner or group of health care providers, except as provided by section one (1), subsection nineteen (19), paragraph g of this Act.

b. Dispensaries and first aid stations, located within schools, businesses or industrial establishments, which are maintained solely for the use of students or employees of those establishments and which do not contain inpatient or resident beds that are customarily occupied by the same individual for more than twenty-four consecutive hours.

c. Establishments such as motels, hotels and boarding

houses which provide medical, nursing personnel, and other health related services as an incident to their primary business or function.

d. The remedial care or treatment of residents or patients in any home or institution conducted only for those who rely solely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any recognized church or religious denomination.

Sec. 4. NEW SECTION. CRITERIA FOR EVALUATION OF APPLICATIONS.

1. In determining whether a certificate of need shall be issued, the department and council shall consider the following:

a. The relationship of the proposed institutional health services to the applicable health systems plan and annual implementation plan adopted by the affected health systems agency.

b. The relationship of the proposed institutional health services to the long-range development plan, if any, of the person providing or proposing the services.

c. The need of the population served or to be served by the proposed institutional health services for those services.

d. The distance, convenience, cost of transportation, and accessibility to health services for persons who live outside metropolitan areas.

e. The availability of alternative, less costly or more effective methods of providing the proposed institutional health services.

f. The immediate and long-term financial feasibility of the proposal presented in the application, as well as the probable impact of the proposal on the costs of and charges for providing health services by the person proposing the new institutional health service.

g. The relationship of the proposed institutional health services to the existing health care system of the area in which those services are proposed to be provided.

h. The appropriate and efficient use or prospective use of the proposed institutional health service, and of any existing similar services, including but not limited to a consideration of the capacity of the sponsor's facility to provide the proposed service, and possible sharing or cooperative arrangements among existing facilities and providers.

i. The availability of resources, including (but not limited to) health care providers, management personnel, and funds for capital and operating needs, to provide the proposed institutional health services and the possible alternative uses of those resources to provide other health services.

j. The appropriate and nondiscriminatory utilization of existing and available health care providers. Where both allopathic and osteopathic institutional health services exist, each application shall be considered in light of the availability and utilization of both allopathic and osteopathic facilities and services in order to protect the freedom of choice of consumers and health care providers.

k. The relationship, including the organizational relationship, of the proposed institutional health services to ancillary or support services.

l. Special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the health systems agency areas in which the entities are located or in adjacent health systems agency areas, which entities may include but are not limited to medical and other health professional schools, multidisciplinary clinics and specialty centers.

m. The special needs and circumstances of health maintenance organizations.

n. The special needs and circumstances of biomedical and behavioral research projects designed to meet a national need and for which local conditions offer special advantages.

o. The impact of relocation of an institutional health facility or health maintenance organization on other institutional health facilities or health maintenance organizations and on the needs of the population to be served, or which was previously served, or both.

p. In the case of a construction project:

(1) The costs and methods of the proposed construction, including the costs and methods of energy supply; and

(2) The probable impact of the proposed construction project on the costs incurred by the person proposing the construction project in providing institutional health services.

q. In the case of a proposal for the addition of beds to a health care facility, the consistency of the proposed addition with the plans of other agencies of this state

responsible for provision and financing of long-term care services, including home health services.

2. In addition to the findings required with respect to any of the criteria listed in subsection one (1) of this section, the council shall grant a certificate of need for a new institutional health service or changed institutional health service only if it finds in writing, on the basis of data submitted to it by the department, that:

a. Less costly, more efficient or more appropriate alternatives to the proposed institutional health service are not available and the development of such alternatives is not practicable;

b. Any existing facilities providing institutional health services similar to those proposed are being used in an appropriate and efficient manner;

c. In the case of new construction, alternatives including but not limited to modernization or sharing arrangements have been considered and have been implemented to the maximum extent practicable;

d. Patients will experience serious problems in obtaining care of the type which will be furnished by the proposed new institutional health service or changed institutional health service, in the absence of that proposed new service.

3. In the evaluation of applications for certificates of need submitted by university hospital at Iowa City, the unique features of that institution relating to statewide tertiary health care, health science education, and clinical research shall be given due consideration. Further, in administering this Act, the unique capacity of university hospitals for the evaluation of technologically innovative equipment and other new health services shall be utilized.

Sec. 5. NEW SECTION. LETTER OF INTENT TO PRECEDE APPLICATION--REVIEW AND COMMENT.

1. Before applying for a certificate of need, the sponsor of a proposed new institutional health service or changed institutional health service shall submit to the department, and to the designated health systems agency in whose area the proposed new or changed service is or will be located, a letter of intent to offer or develop a service requiring a certificate of need. The letter shall be submitted as soon as possible after initiation of the applicant's planning process, and in any case not less than sixty days before applying for a certificate of need and before substantial

expenditures to offer or develop the service are made. The letter shall include a brief description of the proposed new or changed service, its location, and its estimated cost.

2. Upon request of the sponsor of the proposed new or changed service, the department shall make a preliminary review of the letter for the purpose of informing the sponsor of the project of any factors which may appear likely to result in denial of a certificate of need, based on the criteria for evaluation of applications in section four (4) of this Act. A comment by the department under this section shall not constitute a final decision.

Sec. 6. NEW SECTION. PROCEDURE UPON RECEIPT OF APPLICATION--PUBLIC NOTIFICATION.

1. Within fifteen business days after receipt of an application for a certificate of need, the department shall examine the application for form and completeness and accept or reject it. An application shall be rejected only if it fails to provide all information required by the department pursuant to section three (3), subsection one (1) of this Act. The department shall promptly return to the applicant any rejected application, with an explanation of the reasons for its rejection.

2. Upon acceptance of an application for a certificate of need, the department shall promptly undertake to notify all affected persons in writing that formal review of the application has been initiated. Notification to those affected persons who are consumers may be provided by distribution of the pertinent information to the news media.

3. Each application accepted by the department shall be formally reviewed for the purpose of furnishing to the council the information necessary to enable it to determine whether or not to grant the certificate of need. A formal review shall consist at a minimum of the following steps:

a. Evaluation of the application against the criteria specified in section four (4) of this Act.

b. A public hearing on the application, to be held prior to completion of the evaluation required by paragraph a of this subsection, if requested by any party who is an affected person with respect to the application within thirty days after notification of affected persons that the application has been accepted for completeness.

c. A request to the designated health systems agency in whose area the proposed new institutional health service or

changed institutional health service would be located for a recommendation for or against the granting of the certificate of need. The department shall assist the designated health systems agency to formulate a recommendation by furnishing any appropriate data and information on the proposed new institutional health service or changed institutional health service. The health systems agency may give notice of its intent to formulate a recommendation on the application, and may hold a public hearing on the application if requested by any party who is an affected person with respect to that application. If a hearing is held on the application by the health systems agency, the department may but shall not be required to hold a separate hearing under paragraph b of this subsection. The department shall allow the health systems agency sixty days after acceptance of the application by the department, except as otherwise provided by section twelve (12), subsection four (4) of this Act, to submit to the department recommendations with respect to the application. The department shall consider any recommendations timely submitted by the health systems agency.

4. When a hearing is to be held pursuant to either paragraph b or paragraph c of subsection three (3) of this section, the department or the health systems agency, as the case may be, shall give at least ten days notice of the time and place of the hearing. At the hearing, any affected person or that person's designated representative shall have the opportunity to present testimony.

Sec. 7. NEW SECTION. SUMMARY REVIEW PROCEDURE. The department may, with approval of the council, waive the procedures prescribed by section six (6) of this Act and substitute a summary review procedure, which shall be established by rules of the department, when it accepts an application for a certificate of need for a project which meets any of the following criteria:

1. A project which is limited to repair or replacement of a facility or equipment damaged or destroyed by a disaster, and which will not expand the facility nor increase the services provided beyond the level existing prior to the disaster.

2. A project necessary to enable the facility or service to achieve or maintain compliance with federal, state or other appropriate licensing, certification or safety requirements.

3. A project which will not change the existing bed

capacity of the applicant's facility or service, as determined by the department, by more than ten percent or ten beds, whichever is less, over a two-year period.

4. A project the total cost of which will not exceed one hundred fifty thousand dollars.

5. Any other project for which the applicant proposes, and both the council and the appropriate health systems agency agree to, summary review.

Sec. 8. NEW SECTION. STATUS REPORTS ON REVIEW IN PROGRESS. While formal review of an application for a certificate of need is in progress, the department shall upon request inform any affected person of the status of the review, any findings which have been made in the course of the review, and any other appropriate information concerning the review.

Sec. 9. NEW SECTION. COUNCIL TO MAKE FINAL DECISION. The department shall complete its formal review of the application within ninety days after acceptance of the application, except as otherwise provided by section twelve (12), subsection four (4) of this Act. Upon completion of the formal review, the council shall approve, approve with conditions, or deny the application. However, the council shall not approve an application with conditions which mandate new institutional health services not proposed by the applicant. The council shall issue written findings stating the basis for its decision on the application, and the department shall send copies of the council's decision and the written findings supporting it to the applicant, to the designated health systems agency in whose area the new or changed institutional health service is proposed to be offered or developed, and to any other person who so requests. If the application is approved or approved with conditions, the department shall issue a certificate of need to the applicant at the time the applicant is informed of the council's decision.

Failure by the council to issue a written decision on an application for a certificate of need within the time required by this section shall constitute denial of and final administrative action on the application, and is subject to appeal under section ten (10) of this Act.

Sec. 10. NEW SECTION. APPEAL OF CERTIFICATE OF NEED DECISIONS. The council's final decision on an application for a certificate of need, when announced pursuant to section nine (9) of this Act, may be appealed by any dissatisfied

party who is an affected person with respect to that application, and who participated or sought unsuccessfully to participate in the formal review procedure prescribed by section six (6) of this Act. The appeal shall be taken in the manner provided by chapter seventeen A (17A) of the Code.

Sec. 11. NEW SECTION. PERIOD FOR WHICH CERTIFICATE IS VALID--EXTENSION OR REVOCATION. A certificate of need shall be valid for a maximum of one year from the date of issuance. Upon the expiration of the certificate, or at any earlier time while the certificate is valid the holder thereof shall provide the department such information on the development of the project covered by the certificate as the department may request. The council shall determine at the end of the certification period whether sufficient progress is being made on the development of the project and whether there has been compliance with any conditions on which issuance of the certificate was premised. The certificate of need may be extended by the council for additional periods of time as are reasonably necessary to expeditiously complete the project, but may be revoked by the council at the end of the first or any subsequent certification period for insufficient progress in developing the project or noncompliance with any conditions on which issuance of the certificate was premised.

Upon expiration of certificate of need, and prior to extension thereof, any affected person shall have the right to submit to the department information which may be relevant to the question of granting an extension. The department may call a public hearing for this purpose.

Sec. 12. NEW SECTION. AUTHORITY TO ADOPT RULES. The department shall adopt, with approval of the council, such administrative rules as are necessary to enable it to implement this Act. These rules shall include:

1. Additional procedures and criteria for review of applications for certificates of need.
2. Uniform procedures for variations in application of criteria specified by section four (4) of this Act for use in formal review of applications for certificates of need, when such variations are appropriate to the purpose of a particular review or to the type of institutional health service proposed in the application being reviewed.
3. Uniform procedures for summary reviews conducted under section seven (7) of this Act.
4. Criteria for determining when it is not feasible to

complete formal review of an application for a certificate of need, or not feasible for a designated health systems agency to formulate and submit a recommendation on an application, within the time limits specified in section nine (9), and section six (6), subsection three (3), paragraph c, respectively, of this Act. The rules adopted under this subsection shall include criteria for determining whether an application proposes introduction of technologically innovative equipment, and if so, procedures to be followed in reviewing the application. However, no rule adopted under this subsection shall permit a deferral of more than sixty days beyond the time when a decision is required under section nine (9) of this Act, unless both the applicant and the department agree to a longer deferment.

Sec. 13. NEW SECTION. SANCTIONS.

1. Any party constructing a new institutional health facility or a major addition to or renovation of an existing institutional health facility without first obtaining a certificate of need therefor as required by this Act, or who shall violate any of the provisions of this Act, may be denied licensure or change of licensure by the appropriate responsible licensing agency of this state.

2. Any party offering or developing any new institutional health service or changed institutional health service without first obtaining a certificate of need therefor as required by this Act may be temporarily or permanently restrained therefrom by any court of competent jurisdiction in any action brought by the state, any of its political subdivisions, or any other interested person.

3. The sanctions provided by this section are in addition to, and not in lieu of, any penalty prescribed by law for the acts against which these sanctions are invoked.

Sec. 14. NEW SECTION. UNIFORM FINANCIAL REPORTING.

1. The department, after study and in consultation with any advisory committees which may be established pursuant to law, shall promulgate by rule pursuant to chapter seventeen A (17A) of the Code uniform methods of financial reporting, including such allocation methods as may be prescribed, by which hospitals and health care facilities shall respectively record their revenues, expenses, other income, other outlays, assets and liabilities, and units of service, according to functional activity center. These uniform methods of financial reporting shall not preclude a hospital or health care facility

from using any accounting methods for its own purposes provided these accounting methods can be reconciled to the uniform methods of financial reporting prescribed by the department and can be audited for validity and completeness. Each hospital and each health care facility shall adopt the appropriate system for its fiscal year, effective upon such date as the department shall direct. In determining the effective date for reporting requirements, the department shall consider both the immediate need for uniform reporting of information to effectuate the purposes of this Act and the administrative and economic difficulties which hospitals and health care facilities may encounter in complying with the uniform financial reporting requirement, but the effective date shall not be later than one year after the effective date of this Act.

2. In establishing uniform methods of financial reporting, the department shall consider:

- a. The existing systems of accounting and reporting currently utilized by hospitals and health care facilities;
- b. Differences among hospitals and health care facilities, respectively, according to size, financial structure, methods of payment for services, and scope, type and method of providing services; and
- c. Other pertinent distinguishing factors.

3. The department shall, where appropriate, provide for modification, consistent with the purposes of this Act, of reporting requirements to correctly reflect the differences among hospitals and among health care facilities referred to in subsection two (2) of this section, and to avoid otherwise unduly burdensome costs in meeting the requirements of uniform methods of financial reporting.

4. The uniform financial reporting methods, where appropriate, shall be structured so as to establish and differentiate costs incurred for patient-related services rendered by hospitals and health care facilities, as distinguished from those incurred in the course of educational, research and other nonpatient-related activities including but not limited to charitable activities of these hospitals and health care facilities.

Sec. 15. NEW SECTION. ANNUAL REPORTS BY HOSPITALS, HEALTH CARE FACILITIES.

1. Each hospital and each health care facility shall annually, after the close of its fiscal year, file with the

department:

- a. A balance sheet detailing the assets, liabilities and net worth of the hospital or health care facility;
- b. A statement of its income and expenses; and
- c. Such other reports of the costs incurred in rendering services as the department may prescribe.

2. Where more than one licensed hospital or health care facility is operated by the reporting organization, the information required by this section shall be reported separately for each licensed hospital or health care facility. The department shall require preparation of specified financial reports by a certified public accountant, and may require attestation of responsible officials of the reporting hospital or health care facility that the reports submitted are to the best of their knowledge and belief prepared in accordance with the prescribed methods of reporting. The department shall have the right to inspect the books, audits and records of any hospital or health care facility as reasonably necessary to verify reports submitted pursuant to this Act.

3. In obtaining the reports required by this section, the department and other state agencies shall coordinate their reporting requirements.

4. All reports filed under this section, except privileged medical information, shall be open to public inspection.

Sec. 16. NEW SECTION. ANALYSES AND STUDIES BY DEPARTMENT.

1. The department shall from time to time undertake analyses and studies relating to hospital and health care facility costs and to the financial status of hospitals or health care facilities, or both, which are subject to the provisions of this Act. It shall further require the filing of information concerning the total financial needs of each individual hospital or health care facility and the resources currently or prospectively available to meet these needs, including the effect of proposals made by health systems agencies. The department shall also prepare and file such summaries and compilations or other supplementary reports based on the information filed with it as will, in its judgment, advance the purposes of this Act.

2. The analyses and studies required by this section shall be conducted with the objective of providing a basis for determining whether or not regulation of hospital and health care facility rates and charges by the state of Iowa is necessary to protect the health or welfare of the people of

the state.

3. In conducting its analyses and studies, the department should determine whether:

a. The rates charged and costs incurred by hospitals and health care facilities are reasonably related to the services offered by those respective groups of institutions.

b. Aggregate rates of hospitals and of health care facilities are reasonably related to the aggregate costs incurred by those respective groups of institutions.

c. Rates are set equitably among all purchasers or classes of purchasers of hospital and of health care facility services.

d. The rates for particular services, supplies or materials established by hospitals and by health care facilities are reasonable. Determination of reasonableness of rates shall include consideration of a fair rate of return to proprietary hospitals and health care facilities.

4. All data gathered and compiled and all reports prepared under this section, except privileged medical information, shall be open to public inspection.

Sec. 17. NEW SECTION. REPORT TO GOVERNOR AND LEGISLATURE. The department shall annually prepare and transmit to the governor and to the general assembly, on or before the date of the convening of each regular session of the general assembly, a report of the department's operations and activities pursuant to this Act for the preceding fiscal year. This report shall include a compilation of all summaries and reports required by this Act together with such findings and recommendations as the department deems necessary.

Sec. 18. NEW SECTION. DATA TO BE COMPILED. Immediately upon the effective date of this Act, or as soon thereafter as reasonably possible, the department shall begin to compile all relevant financial and utilization data in order to have available the statistical information necessary to properly monitor hospital and health care facility charges and costs. Such data shall include necessary operating expenses, appropriate expenses incurred for rendering services to patients who cannot or do not pay, all properly incurred interest charges, and reasonable depreciation expenses based on the expected useful life of the property and equipment involved. The department shall also obtain from each hospital and health care facility a current rate schedule as well as any subsequent amendments or modifications of that schedule

as it may require. In collection of the data required by sections fourteen (14) through eighteen (18) of this Act, the department and other state agencies shall coordinate their reporting requirements.

Sec. 19. NEW SECTION. CIVIL PENALTY. Any hospital or health care facility which fails to file with the department the financial reports required by sections fourteen (14) through eighteen (18) of this Act is subject to a civil penalty of not to exceed five hundred dollars for each offense.

Sec. 20.

1. Sections three (3) through thirteen (13), inclusive, of this Act shall not apply to the development or expansion of new or changed institutional health services by a new institutional health facility or health maintenance organization, or by an institutional health facility or health maintenance organization engaged in furnishing institutional health services as of July 1, 1977, which on that date is committed to a formal plan of development or expansion of new or changed institutional health services toward which preliminary expenditures of one hundred fifty thousand dollars or more had been made during the three-year period ending June 30, 1977, including but not limited to payments for studies, surveys, designs, plans, working drawings, specifications and site acquisition essential to the development or expansion of the new or expanded institutional health services. However, upon the completion of that proposed development or expansion all of the provisions of this Act shall apply to the institutional health facility or health maintenance organization involved.

2. A new or existing institutional health facility or health maintenance organization which wishes to claim an exemption under this section may do so by submitting an application to the department, upon forms furnished or prescribed by the department, containing such information as the department may require. The council shall determine as promptly as reasonably possible whether the applicant is entitled to the exemption, and the applicant shall be notified of the council's decision. If the applicant is dissatisfied with the council's decision, it may appeal in the same manner as applicants for certificates of need.

Sec. 21. Not later than two years after the effective date of this Act, the department shall submit to the general assembly a report based on the information gathered, compiled

and analyzed pursuant to sections fourteen (14) through eighteen (18) of this Act, prepared for the purpose of assisting the general assembly to determine whether regulation of hospital and health care facility rates by the state is warranted, and is likely to prove effective, in order to prevent unnecessary increases and control other increases in the cost of delivering institutional health care services to the people of this state.

Sec. 22. Until such time as the agreement of the state of Iowa to conduct reviews pursuant to section one thousand one hundred twenty-two (1122) of the United States Social Security Act is terminated, the department shall furnish or prescribe forms so that the application for a certificate of need and the application for review pursuant to said section one thousand one hundred twenty-two (1122) may be made at the same time with minimal duplication, and shall provide coordinated procedures for review and action on both applications. This section shall not be construed to require or to indicate legislative intent that the state continue to conduct such reviews if federal law does not so require as a condition of federal participation in state programs including, but not limited to, the medical assistance program.

Sec. 23. Sections one (1) and three (3) through twenty-one (21) of this Act shall take effect July 1, 1978. The governor shall appoint the initial members of the health facilities council no later than October 1, 1977, and the council and department shall then begin preparations to implement this Act on July 1, 1978.

Approved July 13, 1977

CHAPTER 76
IMMUNIZATION OF SCHOOL CHILDREN

H. F. 163

AN ACT relating to the immunization of persons attending elementary or secondary schools or licensed child care centers and to the authority of the state department of health to modify immunization requirements for admission to school.

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

Section 1. Chapter one hundred thirty-nine (139), Code 1977, is amended by adding the following new section:

NEW SECTION. IMMUNIZATION.

1. Every parent or legal guardian shall assure that his or her minor children residing in the state have been adequately immunized against diphtheria, pertussis, tetanus, poliomyelitis, rubeola, and rubella according to recommendations provided by the state department of health subject to the provisions of subsections three (3) and four (4) of this section.

2. No person shall be enrolled in any licensed child care center, elementary or secondary school in Iowa without evidence of adequate immunization against diphtheria, pertussis, tetanus, poliomyelitis, rubeola, and rubella, except as provided in subsections three (3) and four (4) of this section.

3. Subject to the provision of subsection four (4) of this section the state board of health may modify or delete any of the immunizations in subsection one (1) of this section.

4. Immunization is not required for a person's enrollment in any elementary or secondary school or licensed child care center if that person submits to the admitting official either of the following:

a. A statement signed by a doctor, who is licensed by the state board of medical examiners, in which it is stated that, in the doctor's opinion, the immunizations required would be injurious to the health and well-being of the applicant or any member of the applicant's family or household;

or

b. An affidavit signed by the applicant or, if a minor, by a legally authorized representative, stating that the immunization conflicts with the tenets and practice of a recognized religious denomination of which the applicant is an adherent or member; however, this exemption does not apply in times of emergency or epidemic as determined by the state board of health and as declared by the commissioner of health.

5. A person may be provisionally enrolled in an elementary or secondary school or licensed child care center if the person has begun the required immunizations and if the person continues to receive the necessary immunizations as rapidly as is medically feasible. The state department of health shall promulgate rules relating to the provisional admission of persons to an elementary or secondary school or licensed child care center.

6. It shall be the duty of the local board of health to furnish the state department of health within thirty days

of the first official day of school evidence that each person enrolled in any elementary or secondary school has been immunized in accordance with this Act subject to the provisions in subsection four (4) of this section. The state department of health shall promulgate rules pursuant to chapter seventeen A (17A) of the Code relating to the reporting of evidence of immunization.

7. The local boards of health shall provide the required immunizations to children in areas where no local provision exists to provide these services.

8. The state department of health in consultation with the superintendent of public instruction shall promulgate rules for the implementation of this Act and shall provide those rules to local school boards and local boards of health.

Sec. 2. This Act is effective August 15, 1977.

Approved July 13, 1977

CHAPTER 77
EUGENICS BOARD ABOLISHED

S. F. 71

AN ACT to abolish the state board of eugenics.

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

Section 1. Chapter one hundred forty-five (145), Code 1977, is repealed.

April 15, 1977

CHAPTER 78
DENTAL PRACTICE

S. F. 205

AN ACT relating to the practice of dentistry and dental hygiene by faculty of the college of dentistry.

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

Section 1. Chapter one hundred fifty-three (153), Code 1977, is amended by adding the following new section:

NEW SECTION. DENTAL COLLEGE FACULTY PERMITS. The state board of dental examiners may issue to members of the faculty

of the college of dentistry a faculty permit entitling the holder to practice dentistry or dental hygiene within the college of dentistry and its affiliated teaching facilities as an adjunct to the faculty members' teaching positions, associated responsibilities, and functions. The dean of the college of dentistry shall certify to the state board of dental examiners those bona fide members of the college's faculty who are not licensed and registered to practice dentistry or dental hygiene in Iowa. Any faculty member so certified shall, prior to commencing his or her duties in the college of dentistry, make written application to the state board of dental examiners for a permit. The permit shall expire on the first day of July next following the date of issuance and may at the discretion of the state board of dental examiners, be renewed on a yearly basis. A fee of fifteen dollars shall be paid by the applicant for issuance and renewal of the faculty permit. The fee shall be deposited in the same manner as fees provided for in section one hundred forty-seven point eighty-two (147.82) of the Code. The faculty permit shall be valid during the time the holder remains a member of the faculty of the college of dentistry and shall subject the holder to all provisions of this chapter.

Approved June 3, 1977

CHAPTER 79

AGRICULTURAL AFFAIRS AND ECONOMIC DEVELOPMENT

S. F. 156

AN ACT appropriating from the general fund and various trust funds to departments and agencies of the state whose responsibilities relate to agricultural affairs and economic development.

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

Section 1. There is appropriated from the general fund of the state and the trust funds indicated to the department of agriculture for the fiscal year beginning July 1, 1977 and ending June 30, 1978 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1977-1978
Fiscal Year

- 1. GENERAL ADMINISTRATION
 - From the general fund for salaries, support, maintenance, and miscellaneous purposes..... \$ 878,140
- 2. REGULATORY DIVISION
 - From the general fund for salaries, support, maintenance, and miscellaneous purposes..... \$2,019,412
- 3. LABORATORY DIVISION
 - From the general fund for salaries, support, maintenance, and miscellaneous purposes..... \$ 373,172
- 4. a. From the commercial feed fund to be transferred to the laboratory division..... \$ 500,803
 - b. From the commercial feed fund to be transferred to the administration division..... \$ 25,000
- 5. From the hotel and restaurant fund to be transferred to the regulatory division..... \$ 266,472
- 6. From the pesticide fund to be transferred to the laboratory division..... \$ 269,467
- 7. a. From the fertilizer fund to be transferred to the laboratory division..... \$ 498,413
 - b. From the fertilizer fund to be transferred to the administration division..... \$ 25,000
- 8. From the dairy trade practice fund to be transferred to the administration division..... \$ 48,726
- 9. a. If there is an unencumbered balance of funds in the commercial feed fund on June thirtieth of any fiscal year equal to or exceeding three hundred fifty thousand dollars, the secretary of agriculture shall reduce the per ton fee provided for in subsection one (1) of section one hundred ninety-eight point nine (198.9) of the Code for the next fiscal year in such amount as will result in an ending estimated balance for June thirtieth of the next fiscal year of three hundred fifty thousand dollars.

b. If there is an unencumbered balance of funds in the fertilizer fund on June thirtieth of any fiscal year equal to or exceeding three hundred fifty thousand dollars, the secretary of agriculture shall reduce the per ton fee provided for in subsection one (1) of section two hundred point eight (200.8) of the Code for the next fiscal year in such amount as will result in an ending estimated balance for the June thirtieth of the next fiscal year of three hundred fifty thousand dollars.

10. Funds appropriated by this section to the department of agriculture shall be used to pay salaries and support for not more than three hundred twenty-two permanent full-time positions, including fourteen permanent full-time positions in the brucellosis laboratory which are federally funded.

Sec. 2. There is appropriated from the general fund of the state to the Iowa development commission for the fiscal year beginning July 1, 1977 and ending June 30, 1978 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1977-1978
Fiscal Year

1. a. For salaries and support of not more than forty-seven permanent full-time positions, and maintenance and miscellaneous purposes..... \$1,622,207

b. From funds appropriated by paragraph a of this subsection the Iowa development commission shall allocate not to exceed thirty thousand eight hundred (30,800) dollars for the fiscal year ending June 30, 1978 for the seven regional tourism districts, not to exceed five thousand (5,000) dollars per district, if the district provides on a dollar-to-dollar matching basis funds equal to the amount allocated by the Iowa development commission.

2. For salaries, support of no more than two permanent full-time positions, maintenance and miscellaneous purposes of the European office..... \$ 141,477

Sec. 3. There is appropriated from the general fund of the state to the Iowa state fair board for the fiscal year beginning July 1, 1977 and ending June 30, 1978 the following sums, or so much thereof as is necessary, to be used for the purposes designated:

	1977-1978
	<u>Fiscal Year</u>
1. For maintenance of state fair buildings and grounds.....	\$ 75,800
2. For premiums.....	\$ 10,000
3. For state aid to agricultural societies (local fairs).....	\$ 210,000

4. The appropriation contained in subsection three (3) of this section for state aid to agricultural societies is conditional upon full compliance with all other statutes which regulate and prescribe the conditions under which such aid is available. In no case shall any county receive more than two thousand one hundred (2,100) dollars except that in a county where there are two definitely separate county extension offices, each such society shall receive state aid in such amount as it would be entitled to if it were the only society in the county. In counties having more than one fair entitled to state aid, the state aid available shall be prorated to the fairs based on cash premiums paid by the fairs.

Sec. 4. There is appropriated from the dairy industry fund to the Iowa dairy industry commission for the fiscal year beginning July 1, 1977 and ending June 30, 1978 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1977-1978
Fiscal Year

1. For salaries, support, maintenance and miscellaneous purposes excluding refunds, promotional, and research expenses..... \$ 50,000

2. The remaining balance in the dairy industry fund is appropriated to pay refunds as provided in chapter one hundred seventy-nine (179) of the Code, and to pay promotional and research expenses as authorized by the dairy industry commission.

Sec. 5. Section one hundred fifty-nine point five (159.5), subsection eight (8), Code 1977, is amended to read as follows:

8. Establish and maintain a marketing news service division in the department of agriculture which shall, in co-operation with the federal market news and grading division of the United States department of agriculture, collect and disseminate data and information relative to the market prices and conditions of agricultural products raised, produced and handled in the state. Said division shall be in charge of a director who shall be appointed by the secretary of agriculture and shall be an officer of the federal market news and grading division of the United States department of agriculture, if one be detailed for that purpose by the federal government. ~~There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of twenty thousand dollars annually, or so much thereof as may be necessary to pay the annual expense of operating the marketing news service division authorized by this subsection;--Said funds to be drawn and expended upon the order of the director with the approval of the secretary of agriculture.~~

Sec. 6. Section one hundred seventy-nine point five

(179.5), subsection two (2), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

All taxes levied and imposed under this chapter and any voluntary contributions made to the dairy industry commission, shall be paid to and collected by the secretary of the commission who shall remit to the treasurer of the state, quarterly, and at the same time render to the state comptroller an itemized and verified report showing the source from which said taxes and voluntary contributions were obtained. All such taxes and voluntary contributions received, collected and remitted shall be placed in a special fund by the treasurer of state, and the state comptroller, to be known as the "Dairy Industry Fund" to be used by the Iowa dairy industry commission for the purposes set out in this chapter and to administer and enforce the laws relative thereto. Funds deposited in the dairy industry fund are appropriated for the purpose of carrying out the provisions of this chapter.

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

Approved June 17, 1977

CHAPTER 80 BREEDING BULLS

H. F. 228

AN ACT relating to the prevention and eradication of disease communicated by breeding bulls and bull semen, and subject to a penalty provided by law.

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

Section 1. Chapter one hundred sixty-three (163), Code 1977, is amended by adding sections two (2) through eight (8) of this Act.

Sec. 2. NEW SECTION. DEFINITIONS. As used in this Act:

1. "Breeding bull" means a male animal of dairy or beef bovine genus used for breeding purposes.
2. "Lease" when used as a verb means to physically deliver a breeding bull pursuant to a lease agreement.

Sec. 3. NEW SECTION. LICENSE REQUIRED. A person shall not engage in the business of leasing a breeding bull without

having obtained a license from the department of agriculture and registering each breeding bull as provided in this Act. An annual license may be obtained from the department of agriculture upon application and payment of a ten-dollar fee. Each license shall expire on the first of July following the date of issue. An application shall be made on a form provided by the department of agriculture and shall contain the name of the person engaged in the business of leasing breeding bulls as lessor, the address of such business, the registration number of each breeding bull, and a description as to breed, color and other distinguishing marks, leased as lessor, and such other information as the secretary of agriculture may specify by rule promulgated pursuant to chapter seventeen A (17A) of the Code.

For the purposes of this section, a person is engaged in the business of leasing a breeding bull within this state as lessor if he leases any breeding bull to an Iowa resident more than once in any calendar year for a fee.

Sec. 4. NEW SECTION. REGISTRATION OF BREEDING BULLS. The department of agriculture shall issue to each licensee a tag or an identifying mark if the lessor desires this method of identification, for each breeding bull to be leased by the licensee. Each tag or identifying mark shall have an identification number which shall be a permanent identification number for such breeding bull and, upon disposition of such animal, the licensee shall notify the department of agriculture of such disposition and the name and address of the buyer if such animal is sold. When an additional breeding bull to be leased is acquired by a licensee, the department of agriculture shall issue a tag or approve an identifying mark for such animal without fee. The tag or identifying mark shall be permanently attached to the breeding bull.

Sec. 5. NEW SECTION. HEALTH CERTIFICATE REQUIRED. No licensee shall lease as lessor, and no person shall lease as lessee, a breeding bull within this state unless such breeding bull is accompanied by a health certificate signed by a licensed veterinarian and showing:

1. That the breeding bull has been tested by a licensed veterinarian within sixty days prior to rental and found to be free from bang's disease, and tuberculosis.

2. That, to the best of the knowledge and belief of the examining licensed veterinarian, the breeding bull is apparently free from any infectious, contagious or communicable

disease.

3. The identification number of the breeding bull tested and the date of issuance of the health certificate.

Such health certificate shall be valid for one rental on one premise only. Thereafter, a new health certificate must be issued after the breeding bull has been retested; but no new test for tuberculosis shall be required if the breeding bull is leased within sixty days of the last tuberculosis test.

One copy of the health certificate shall be filed with the department of agriculture within fourteen days after its issuance; and one copy shall be issued to the lessee when the breeding bull is delivered to him. A licensee shall show the health certificate of any breeding bull upon the request of any person designated by the department of agriculture to enforce the provisions of this Act. The licensee shall also, within ten days after the lease of each breeding bull, notify the department in writing of the name and address of the person to whom the breeding bull is being leased, together with the date of delivery.

For the purposes of this section, a breeding bull is leased within this state if it is leased to an Iowa resident.

Sec. 6. NEW SECTION. RECORDS OF BREEDING BULL. The licensee shall maintain records of each lease of a breeding bull. The records shall contain the name and address of the person to whom a breeding bull is leased, the date of each lease, and a description and the identification number of the breeding bull involved. A lessee or any agent of the department shall have the right to inspect, upon demand to the licensee, those records concerning the bull presently being leased by the lessee.

Sec. 7. NEW SECTION. DENIAL, REVOCATION OR SUSPENSION OF A LICENSE. The department of agriculture may refuse to issue or renew and may suspend or revoke a license issued under this Act for any violation of the provisions of this Act or rules adopted relating to the leasing of a breeding bull.

Sec. 8. NEW SECTION. SALE OF SEMEN. It shall be unlawful for the owner of any breeding bull located within this state to sell the semen from that bull for the purpose of artificial insemination unless that person has in his possession a signed health certificate issued by a licensed veterinarian within twelve months before the date the semen was collected, provided

the bull had not been moved to any other premise between the date of examination and the date of collection, showing that on the date of issue the breeding bull had been tested negative for tuberculosis and bang's disease and, to the best knowledge and belief of the examining veterinarian, was apparently free from any infectious, contagious, or communicable disease. If a breeding bull is moved to any other premise after issuance of the health certificate but prior to collection of the semen, that health certificate shall be invalid for purposes of this section.

Sec. 9. The provisions of this Act shall not apply to 4-H or future farmers of America organizations engaged in breeding programs, the sale of semen collected before the effective date of this Act.

Sec. 10. This Act is effective January 1, 1978.

Approved May 13, 1977

CHAPTER 81 AUJESZKY'S DISEASE

H. F. 444

AN ACT authorizing the department of agriculture to establish an Aujeszky's disease control program and providing penalties.

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

Section 1. NEW SECTION. INTENT. This Act is intended to provide for measures to control the transmission and incidence of aujeszky's disease among animals.

Sec. 2. NEW SECTION. DEFINITIONS. As used in this chapter:

1. "Department" means the department of agriculture of the state of Iowa.
2. "Secretary" means the secretary of agriculture of the state of Iowa.
3. "Aujeszky's disease", commonly known as pseudorabies, means the disease wherein an animal is infected with aujeszky's disease virus irrespective of the occurrence or absence of clinical symptoms.
4. "Aujeszky's disease test" means any test for aujeszky's disease approved by the department.
5. "Infected animal" means an animal which has given a

positive reaction to the aujeszky's disease test.

6. "Approved aujeszky's disease-free herd" means a herd which has met the requirements specified by the department for this designation.

7. "Aujeszky's disease vaccine" means any vaccine consisting of live, modified live, or killed aujeszky's disease virus.

8. "Animal" means swine, cattle, sheep and horses.

Sec. 3. NEW SECTION. CONTROL PROGRAM. The department shall establish an aujeszky's disease control program which may include the following:

1. The designation of one or more aujeszky's disease tests and provision for the identification of infected animals by requiring the administration of any designated test at the times and in the manner specified by the department. The department may designate and require the use of designated disease test reports, health certificates, or other permits in connection therewith.

2. The regulation of the sale, lease, exhibition, or movement within this state of any group, class or type of animal in any manner calculated to control the transmission or incidence of aujeszky's disease within this state. But the department shall not regulate the movement of animals where the ownership does not change unless such movement constitutes a serious threat to the success of the aujeszky's disease control program.

3. The regulation of the importation of animals into this state in any manner calculated to prevent the spread of aujeszky's disease.

4. The imposition of quarantines, including quarantines until shipment to slaughter, upon herds containing one or more infected animals and the release of such quarantines under the conditions specified by the department. The department shall provide for the movement of herds under quarantine in hardship cases if such movement will not threaten the success of the aujeszky's disease control program.

5. The establishment of a program involving approved aujeszky's disease-free herds and the requirements for the certification thereof.

6. The prohibition of the use, sale, distribution or offer to sell or distribute any aujeszky's disease vaccine within this state if the secretary determines that such a prohibition will aid in the control of the transmission or incidence of

ajeszky's disease in this state; provided, however, that the secretary may during this prohibition issue permits for the use of a specified ajeszky's disease vaccine to an individual producer, if such use is required by an individual hardship, and a biological laboratory, governmental authority, or manufacturer of biological products for the purpose of research or testing; if such use, under the conditions imposed by the secretary, will not be detrimental to the department's statewide ajeszky's disease program. Every permit shall specify those conditions of use which in the opinion of the secretary are necessary to prevent any detriment to the department's statewide ajeszky's disease control program and shall authorize the sale of the specified vaccine, in the amount stated in the permit, to the permit holder.

Sec. 4. NEW SECTION. DEAD ANIMALS. Bodies of animals which have died from ajeszky's disease shall be disposed of in accordance with the provisions of chapter one hundred sixty-seven (167) of the Code.

Sec. 5. NEW SECTION. REPORTING OF TEST RESULTS. If the ajeszky's disease test result is determined by a laboratory located outside the state of Iowa, the person whose animal has been tested shall be responsible for assuring that the result is reported to the department, on forms prescribed, within ten days following the completion of the test. If the test result is determined by a laboratory located within Iowa, the director of that laboratory must report the result thereof to the department, on forms prescribed, within ten days following completion thereof.

Sec. 6. NEW SECTION. RULES. The department may make and adopt rules for the administration and enforcement of the provisions of this chapter.

Sec. 7. NEW SECTION. HEARING. Any person who feels wrongfully aggrieved by actions taken under the authority of this chapter shall upon application to the department be entitled to a prompt hearing on such matter, to be conducted in accordance with the contested case procedures of the Iowa administrative procedures Act.

Sec. 8. NEW SECTION. ENFORCEMENT. The provisions of this Act and the rules adopted hereunder shall be administered and enforced by the department. Any person who violates any provision of this Act or any rule adopted hereunder shall be assessed a fine of at least one hundred dollars but not more than one thousand dollars.

Sec. 9. NEW SECTION. INJUNCTION. In addition to any other remedies provided, the department may file a petition in the district court seeking an injunction restraining any person from violating any provisions of this chapter or the regulations adopted hereunder.

Sec. 10. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Sioux City Journal, a newspaper published in Sioux City, Iowa, and in the Tama News-Herald, a newspaper published in Tama, Iowa.

Approved June 23, 1977

I hereby certify that the foregoing Act, House File 444, was published in The Sioux City Journal, Sioux City, Iowa on June 28, 1977, and in the Tama News-Herald, Tama, Iowa on June 30, 1977.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 82

AGRICULTURAL LAND ACQUIRED BY TRUSTS

S. F. 231

AN ACT providing for an extension of the moratorium for acquiring agricultural land to trusts, family trusts, authorized trusts, testamentary trusts and nonprofit corporations, and relating to information and reports required to be made under chapter one hundred seventy-two C (172C) of the Code.

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

Section 1. Section one hundred seventy-two C point one (172C.1), subsections one (1) and seven (7), Code 1977, are amended to read as follows:

1. "Corporation" means a domestic or foreign corporation ~~as defined in chapter 494, 496A, 497, 498, 499, 504 and 504A which owns or leases agricultural land or is engaged in farming~~ and includes a nonprofit corporation and cooperatives.

7. "Fiduciary capacity" means an undertaking to act ~~alone or jointly as trustee, executor, administrator, personal representative, agent, guardian, conservator, or receiver, escrow agent, attorney-in-fact and any other similar capacity.~~

Sec. 2. Section one hundred seventy-two C point one (172C.1), Code 1977, is amended by adding the following new subsections:

NEW SUBSECTION. 10. "Trust" means a fiduciary relationship with respect to property, subjecting the person by whom the property is held to equitable duties to deal with the property for the benefit of another person, which arises as a result of a manifestation of an intention to create it. Trust does not include a person acting in a fiduciary capacity, as defined in subsection seven (7) of this section. A trust includes a legal entity holding property as trustee, agent, escrow agent, attorney-in-fact, and in any similar capacity.

NEW SUBSECTION. 11. "Family trust" means a trust:

- a. In which a majority interest in the trust is held by and the majority of the beneficiaries are persons related to each other as spouse, parent, grandparent, lineal descendants of grandparents or their spouses and other lineal descendants of the grandparents or their spouses, or persons acting in a fiduciary capacity for persons so related; and
- b. In which all the beneficiaries are natural persons, who are not acting as a trustee or in a similar capacity for a trust, as defined in subsection ten (10) of this section, or persons acting in a fiduciary capacity, or nonprofit corporations.

NEW SUBSECTION. 12. "Authorized trust" means a trust other than a family trust in which:

- a. The beneficiaries do not exceed twenty-five in number; and
- b. The beneficiaries are all natural persons, who are not acting as a trustee or in a similar capacity for a trust as defined in subsection ten (10) of this section, or persons acting in a fiduciary capacity, or nonprofit corporations; and
- c. Its income is not exempt from taxation under the laws of either the United States or the state of Iowa.

NEW SUBSECTION. 13. "Testamentary trust" means a trust created by devising or bequeathing property in trust in a will as such terms are used in the Iowa probate code.

NEW SUBSECTION. 14. Nonprofit corporation means:

- a. Corporations organized under the provisions of chapter five hundred four (504) or five hundred four A (504A) of the Code; or
- b. Corporations which qualify under title twenty-six (26), section five hundred one (501), c, three (3) of the United States Code.

Sec. 3. Section one hundred seventy-two C point four

(172C.4), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

For a period of ~~three~~ five years from August 15, 1975 no corporation or trust, other than a family farm corporation, ~~or an~~ authorized farm corporation, family trust, authorized trust or testamentary trust shall, either directly or indirectly, acquire or otherwise obtain or lease any ~~additional~~ agricultural land in this state. However, the restrictions provided in this section shall not apply to the following:

Sec. 4. Section one hundred seventy-two C point four (172C.4), subsection three (3), Code 1977, is amended to read as follows:

3. Agricultural land acquired by a nonprofit corporation ~~organized-under-the-provisions-of-chapters-504-and-504A.~~

Sec. 5. Section one hundred seventy-two C point four (172C.4), subsection seven (7), Code 1977, is amended to read as follows:

7. Agricultural land which is acquired by a trust company or bank in a fiduciary capacity ~~for-the-benefit-of-natural persons~~ or as trustee for a family trust, authorized trust or testamentary trust or for nonprofit corporations.

Sec. 6. Section one hundred seventy-two C point four (172C.4), Code 1977, is amended by adding the following new subsections:

NEW SUBSECTION. 9. Agricultural land held or leased by a corporation on July 1, 1975, as long as the corporation holding or leasing the land on this date continues to hold or lease such agricultural land.

NEW SUBSECTION. 10. Agricultural land held or leased by a trust on July 1, 1977, as long as the trust holding or leasing such land on this date continues to hold or lease such agricultural land.

Sec. 7. Section one hundred seventy-two C point five (172C.5), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

All corporations, ~~except where the corporation is acting in a fiduciary capacity~~, which own or lease agricultural land in the state of Iowa, or which own or lease any land on which poultry or livestock are confined for feeding or other purposes for ten days or more, or which contract for keeping and feeding poultry or livestock, or which contract for the growing of agricultural crops, fruits or other horticultural products in the state of Iowa, shall file with their annual report,

on forms approved pursuant to the provisions of chapter 17A and supplied by the secretary of state, the following ~~additional~~ information, unless otherwise provided:

Sec. 8. Section one hundred seventy-two C point seven (172C.7), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Every person acting in a fiduciary capacity or as a trustee on behalf of any corporation, limited partnership or nonresident alien individual, who holds agricultural land in this state outside the corporate limits of any city, shall file with the secretary of state on or before January 31 thirty-first of each year a report as follows:

Sec. 9. Section one hundred seventy-two C point seven (172C.7), subsection one (1), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

If acting in a fiduciary capacity or as a trustee for a corporation:

Sec. 10. Section one hundred seventy-two C point seven (172C.7), subsection one (1), paragraph c, Code 1977, is amended to read as follows:

c. The acreage and location of the land owned in such fiduciary or trustee capacity listed by township and county on December 31 thirty-first of the year reported.

Sec. 11. Section one hundred seventy-two C point seven (172C.7), subsection two (2), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

If acting in a fiduciary capacity or as a trustee for a limited partnership:

Sec. 12. Section one hundred seventy-two C point seven (172C.7), subsection two (2), paragraph c, Code 1977, is amended to read as follows:

c. The acreage and location of the land owned in such fiduciary or trustee capacity listed by township and county on December 31 thirty-first of the year reported.

Sec. 13. Section one hundred seventy-two C point seven (172C.7), subsection three (3), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

If acting in a fiduciary capacity or as a trustee for a nonresident alien:

Sec. 14. Section one hundred seventy-two C point seven (172C.7), subsection three (3), paragraph b, Code 1977, is amended to read as follows:

b. The acreage and location of the land owned in such

fiduciary or trustee capacity listed by township and county on December 31 thirty-first of the year reported.

Sec. 15. Section one hundred seventy-two C point eight (172C.8), subsections one (1), two (2), and three (3), Code 1977, are amended to read as follows:

1. Any corporation identified as a beneficiary in a report filed with the secretary of state pursuant to section 172C.7, subsection 1, shall file with the secretary of state on or before March 31 thirty-first of each year, on forms supplied by the secretary of state, a report containing the information set forth in section 172C.5, with respect to land owned by a fiduciary or trustee on behalf of the corporation.

2. Any limited partnership identified as a beneficiary in a report filed with the secretary of state pursuant to section 172C.7, subsection 2, shall file with the secretary of state on or before March 31 thirty-first of each year, on forms supplied by the secretary of state, a report containing the information set forth in section 172C.6, with respect to land owned by a fiduciary or trustee on behalf of the limited partnership.

3. Any nonresident alien identified as a beneficiary in a report filed with the secretary of state pursuant to section 172C.7, subsection 3, shall file with the secretary of state on or before March 31 thirty-first of each year on forms supplied by the secretary of state, a report containing the information set forth in section 567.9, with respect to land owned by a fiduciary or trustee on behalf of the nonresident alien.

Sec. 16. Section one hundred seventy-two C point twelve (172C.12), Code 1977, is amended to read as follows:

172C.12 COUNTY ASSESSOR'S REPORT. The county assessor shall forward to the secretary of state, by October 4 first of each year, the name and address of every corporation, nonresident alien, and trust, ~~or other business entity~~ owning agricultural land in the county as shown by the assessment rolls of the county.

Sec. 17. Section four hundred ninety-six point one (496.1), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Any corporation, organized under the laws of this state or under the laws of any other state, territory, or any foreign country, which has complied with the laws of this state relating to the organization of corporations and secured a

certificate of incorporation or permit to transact business in this state, and any corporation that may hereafter organize and become incorporated under the laws of this state, and shall secure a certificate of incorporation or permit to transact business in this state, and any foreign corporation that may hereafter comply with the laws of this state relating to foreign corporations and secure a permit to transact business within this state, shall ~~between the first day of July and the first day of August of each year~~, make an annual report to the secretary of state ~~and said report to~~. The report shall be made between the first day of July and the first day of August of each year, however corporations required to make any report under chapter one hundred seventy-two C (172C) of the Code shall make those reports between the first day of January and the thirty-first day of March of each year. The report shall be in such form as he the secretary of state may prescribe, upon a blank to be prepared by him for that purpose, and such report shall contain the following information:

Approved May 12, 1977

CHAPTER 83
CHEESE STANDARDS

S. F. 109

AN ACT to update Iowa specifications and standards for cheese and cheese products.

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

Section 1. Section one hundred ninety point one (190.1), subsection four (4), Code 1977, is amended to read as follows:

4. CHEESES AND CHEESE PRODUCTS. The specifications and standards for cheeses and cheese products shall be as provided by the definitions and standards contained in federal food and drug standards under the federal Food, Drug, and Cosmetic Act, Part 19 of Title 21, as amended to ~~December 31, 1972~~ April 1, 1976.

Approved April 21, 1977

CHAPTER 84
TESTING DAIRY PRODUCTS

S. F. 110

An ACT relating to testing dairy products for manufacturing purposes.

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

Section 1. Section one hundred ninety-four point five (194.5), Code 1977, is amended to read as follows:

194.5 FREQUENCY OF TESTS. A test shall be made on the first purchase of milk from a new producer and at least once within each ~~fifteen-day~~ thirty-day interval thereafter. One lot of milk from each producer shall be selected at random and tested for extraneous matter by an appropriate method. The secretary shall determine and promulgate the standards and methods of testing the milk for extraneous matter. The method and standards shall be no less strict than those recommended by the agricultural marketing service, U. S. department of agriculture.

Sec. 2. Section one hundred ninety-five point thirteen (195.13), Code 1977, is amended to read as follows:

195.13 EXTRANEIOUS MATTER TEST. A test for the purpose of determining the amount and nature of extraneous matter in ~~milk-er~~ cream shall always be made by the grader on the first purchase of ~~milk-er~~ cream from a customer. At least ~~two-tests~~ one test for extraneous matter shall be made each month on the ~~milk-er~~ cream sold by each customer. But the grader shall make such test whenever he has reason to believe that such test is advisable.

Sec. 3. This Act is effective January 1, 1978.

Approved April 21, 1977

CHAPTER 85
CONTROLLED SUBSTANCE

H. F. 60

AN ACT to amend the uniform controlled substances act with respect to the substance chlordiazepoxide. listed in schedule IV.

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

Section 1. Section two hundred four point two hundred

ten (204.210), subsection five (5), paragraph a, Code 1977, is amended to read as follows:

a. Chlordiazepoxide, but not chlordiazepoxide hydrochloride and clidinium bromide or chlordiazepoxide and water-soluble esterified estrogens.

Approved June 30, 1977

CHAPTER 86
WEIGHING BULK COMMODITIES

H. F. 421

AN ACT relating to the weighing of bulk commodities by hopper scale or belt conveyor.

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

Section 1. Section two hundred twelve point two (212.2), Code 1977, is amended to read as follows:

212.2 DELIVERY TICKETS REQUIRED. No person shall deliver any bulk commodities, other than liquids, by vehicle unless otherwise provided for without each such delivery being accompanied by duplicate delivery tickets, on each of which shall be written in ink or other indelible substance the actual weight distinctly expressed in pounds, or kilograms of the gross weight of the load, the tare of the delivery vehicle, and the net amount in weight of the commodity, with or, if the commodity is weighed by hopper scale or belt conveyor, the net weight of the commodity expressed in pounds or kilograms without expression of the tare of the delivery vehicle or the gross weight of the load. The delivery ticket shall display the names of the purchaser and the dealer from whom purchased.

Sec. 2. This Act is effective January 1, 1978.

Approved July 7, 1977

CHAPTER 87
IOWA STATE INDUSTRIES

H. F. 57

AN ACT to revise the statutes governing Iowa state industries, to establish a state prison industries advisory board, and to authorize the director of the division of adult corrections to lease facilities on the grounds of any state adult correctional institution to a private corporation for the purpose of operating a venture employing inmates of that institution, and requiring competitive bid specifications of state agencies and governmental subdivisions be written to allow as many vendors as possible to submit bids.

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

Section 1. NEW SECTION. STATEMENT OF INTENT. It is the intent of this Act that there be made available within the state correctional institutions opportunities for employment of inmates in meaningful jobs at wages commensurate with those paid persons employed in similar jobs outside the correctional institutions, with the following objectives:

1. To develop within those inmates willing to accept and persevere in such employment:
 - a. Positive attitudes which will enable them to eventually function as law-abiding, self-supporting members of the community;
 - b. Good work habits that will assist them in eventually securing and holding gainful employment outside the correctional system; and
 - c. To the extent feasible, marketable skills that can lead directly to gainful employment upon release from a correctional institution.
2. To enable those inmates willing to accept and persevere in such employment to:
 - a. Provide or assist in providing for their dependents, thus tending to strengthen the inmates' family ties while reducing the likelihood that inmates' families will have to rely upon public assistance for subsistence;
 - b. Make restitution, as the opportunity to do so becomes available, to the victims of the offenses for which the inmates were incarcerated, so as to assist the inmates in accepting responsibility for the consequences of their acts;
 - c. Make it feasible to require that such inmates pay some portion of the cost of board and maintenance in a correctional institution, in a manner similar to what would be necessary

if they were employed in the community; and

d. Accumulate savings so that such inmates will have funds for necessities upon their eventual return to the community.

Sec. 2. NEW SECTION. DEFINITIONS. As used in this division:

1. "Industries board" means the state prison industries advisory board.

2. "Iowa state industries" means prison industries that are established and maintained by the division of adult corrections, in consultation with the industries board, at or adjacent to the state's adult correctional institutions.

3. "State director" means the director of the division of adult corrections of the department of social services, or that director's designee.

Sec. 3. NEW SECTION. PRISON INDUSTRIES ADVISORY BOARD.

1. There is established a state prison industries advisory board, consisting of seven members selected as prescribed by this subsection.

a. Five members shall be appointed by the governor for terms of four years beginning July first of the year of appointment. They shall be chosen as follows:

(1) Three members shall represent agriculture and the manufacturing and construction industries, respectively, with particular reference to the roles of their constituencies as potential employers of inmates and former inmates of the state's correctional institutions.

(2) One member shall represent labor organizations, membership in which may be helpful to former inmates of the state's correctional institutions who seek to train for and obtain gainful employment.

(3) One member shall represent agencies, groups and individuals in this state which plan and maintain programs of vocational and technical education oriented to development of marketable skills.

b. One member each shall be designated by and shall serve at the pleasure of the state director and the state board of parole, respectively.

c. Upon the resignation, death or removal of any member appointed under paragraph a of this subsection, the vacancy shall be filled by the governor for the balance of the unexpired term. In making the initial appointments under that paragraph, the governor shall designate two appointees to serve terms of two years and three to serve terms of four

years from July 1, 1977.

2. Biennially, the industries board shall organize by election of a chairperson and a vice chairperson, as soon as reasonably possible after the new appointees have been named. Other meetings shall be held at the call of the chairperson or of any three members, as necessary to enable the industries board to discharge its duties. Board members shall be reimbursed for expenses actually and necessarily incurred in the discharge of their duties, and those members not state employees shall also be entitled to forty dollars per diem for each day they are so engaged.

3. The state director shall provide such administrative and technical assistance as is necessary to enable the industries board to discharge its duties. The industries board shall be provided necessary office and meeting space at the seat of government.

Sec. 4. NEW SECTION. DUTIES OF INDUSTRIES BOARD. The industries board's principal duties shall be to promulgate and adopt rules and to advise the state director regarding the management of Iowa state industries so as to further the intent stated by section one (1) of this Act.

In addition, the industries board in consultation with the state director shall submit to the 1978 Session of the Sixty-seventh General Assembly, on or before the date it convenes, a report stating:

1. What types of industrial endeavors it is appropriate for Iowa state industries to maintain in order to further the objectives stated in section one (1) of this Act and to meet the needs of the state; and

2. Whether, and to what extent, it is necessary to maintain the requirements of section eight (8) of this Act regarding mandatory purchases from Iowa state industries by the state and its political subdivisions, in order for Iowa state industries to achieve and maintain viability.

Sec. 5. NEW SECTION. DUTIES OF STATE DIRECTOR. The state director, with the advice of the industries board, shall:

1. Conduct market studies and consult with public bodies and officers who are listed in section seven (7) of this Act, and with other potential purchasers, for the purpose of determining items needed and design features desired or required by potential purchasers of Iowa state industries products.

2. Receive, investigate and take appropriate action upon

any complaints from potential purchasers of Iowa state industries products regarding lack of cooperation by Iowa state industries with public bodies and officers who are listed in section seven (7) of this Act, and with other potential purchasers.

3. Establish, transfer and close industrial operations at state correctional institutions, as deemed advisable to maximize opportunities for gainful employment of inmates and to adjust to actual or potential market demand for particular products.

4. Establish and from time to time adjust, as necessary, levels of pay for inmates employed by Iowa state industries.

5. Coordinate Iowa state industries, and other opportunities for gainful employment available to inmates of adult correctional institutions, with vocational and technical training opportunities and apprenticeship programs, to the greatest extent feasible.

6. Promote, plan, and when deemed advisable, assist in the location of privately owned and operated industrial enterprises on the grounds of adult correctional institutions, pursuant to section ten (10) of this Act.

Sec. 6. NEW SECTION. AUTHORITY OF STATE DIRECTOR NOT IMPAIRED. Nothing in this Act shall be construed to impair the authority of the state director over the adult correctional institutions of this state, nor over the inmates thereof. It is, however, the duty of the state director to obtain the advice of the industries board to further the intent stated by section one (1) of this Act.

Sec. 7. NEW SECTION. PRICE LISTS TO PUBLIC OFFICIALS. The state director shall cause to be prepared from time to time classified and itemized price lists of the products manufactured by Iowa state industries. Such lists shall be furnished to all boards of supervisors, boards of directors of school corporations, city councils, and all other state, county, city and school departments and officials empowered to purchase supplies and equipment for public purposes.

Sec. 8. NEW SECTION. PURCHASE OF PRODUCTS.

1. No product appearing in the price lists prepared pursuant to section seven (7) of this Act shall be purchased by any department or agency of state government from any other source, except:

a. When the purchase is made under emergency circumstances, which shall be explained in writing by the public

body or officer who made or authorized the purchase if the state director so requests; or

b. When Iowa state industries is unable to furnish needed articles, comparable in both quality and price to those available from alternative sources, within a reasonable length of time. Any disputes arising between a purchasing authority and Iowa state industries regarding similarity of articles, or comparability of quality or price, or the availability of the product shall be referred to the director of the department of general services, whose decision shall be subject to appeal as provided in section eighteen point seven (18.7) of the Code.

2. The state director shall adopt and update as necessary rules setting specific delivery schedules for each of the products manufactured by Iowa state industries. These delivery schedules shall not apply where a different delivery schedule is specifically negotiated by Iowa state industries and a particular purchaser.

Sec. 9. NEW SECTION. INDUSTRIES REVOLVING FUND--USES.

1. There is established in the treasury of the state a permanent Iowa state industries revolving fund. This revolving fund shall be created by the transfer thereto of all moneys in the revolving fund formerly established under section two hundred forty-six point twenty-six (246.26) as that section appeared in the Code of 1977 and prior editions, and shall be maintained by depositing therein all receipts from the sale of products manufactured by Iowa state industries, and from sale of any property of Iowa state industries found by the state director to be obsolete or unneeded.

2. The Iowa state industries revolving fund shall be used only for the following purposes:

a. Establishment, maintenance, transfer or closure of industrial operations, or vocational, technical and related training facilities and services for inmates, at adult correctional institutions, as authorized by the state director in consultation with the industries board.

b. Payment of all costs incurred by the industries board, including but not limited to per diem and expenses of its members, and of salaries, support and maintenance of Iowa state industries. Payments from the revolving fund authorized by this subsection shall be made in the same manner as payments from appropriations for salaries, support and maintenance of the institutions under the jurisdiction of the state director.

3. The Iowa state industries revolving fund shall not be used for the operation of farms at any adult correctional institution unless such farms are operated directly by Iowa state industries.

4. The fund established by this section shall not revert to the general fund of the state at the end of any annual or biennial period.

Sec. 10. NEW SECTION. PRIVATE INDUSTRY ON GROUNDS OF CORRECTIONAL INSTITUTIONS.

1. Any other provision of the Code to the contrary notwithstanding, the state director may, after obtaining the advice of the industries board, lease one or more buildings or portions thereof on the grounds of any state adult correctional institution, together with the real estate needed for reasonable access to and egress from the leased buildings, for a term not to exceed twenty years, to a private corporation for the purpose of establishing and operating a factory for the manufacture and processing of products, or any other commercial enterprise deemed by the state director to be consistent with the intent stated in section one (1) of this Act.

2. Each lease negotiated and concluded under subsection one (1) of this section shall include, and shall be valid only so long as the lessee adheres to, the following provisions:

a. All persons employed in the factory or other commercial enterprise operated in the leased property, except the lessee's supervisory employees and necessary training personnel approved by the industries board, shall be inmates of the institution where the leased property is located who are approved for such employment by the state director and the lessee.

b. The factory or other commercial enterprise operated in the leased property shall observe at all times such practices and procedures regarding security as the lease may specify, or as the state director may temporarily stipulate during periods of emergency.

c. The factory or other commercial enterprise operated in the leased property shall be deemed a private enterprise and subject to all the laws and lawfully adopted rules of this state governing the operation of similar business enterprises elsewhere.

3. Except as prohibited by applicable provisions of the United States Code, inmates of adult correctional institutions

of this state may be employed in the manufacture and processing of products for introduction into interstate commerce, so long as they are paid no less than the prevailing minimum wage.

Sec. 11. NEW SECTION. INMATE MAINTENANCE EMPLOYEES' PAY SUPPLEMENT REVOLVING FUND. There is established in the treasury of the state a permanent adult correctional institutions inmate maintenance employees' pay supplement revolving fund, consisting solely of money paid as board and maintenance by inmates employed by Iowa state industries, or employed pursuant to section ten (10) of this Act. The fund established by this section shall be used only to supplement the pay of inmates who perform maintenance work within and about the adult correctional institutions. Payments made from such fund shall supplement and not replace all or any part of the pay otherwise received by, and shall be equably distributed among such inmates. The employment of inmates to perform such maintenance functions shall, to the greatest extent feasible, be in accord with the intent stated in section one (1) of this Act.

Sec. 12. Effective July 1, 1978, and notwithstanding any other provisions of this Act, goods made available by Iowa State Industries shall be restricted to items, materials, supplies and equipment which are formulated and/or manufactured by Iowa State Industries and shall not include goods, materials, supplies or equipment which are merely purchased by Iowa State Industries for repacking or resale.

Sec. 13. Chapter two hundred sixteen (216) and sections two hundred forty-six point twenty-one (246.21), two hundred forty-six point twenty-four (246.24), two hundred forty-six point twenty-six (246.26), two hundred forty-six point twenty-seven (246.27) and two hundred forty-six point twenty-eight (246.28), Code 1977, are repealed.

Approved July 8, 1977

CHAPTER 88
MENTAL HEALTH RESOURCES DIRECTOR

S. F. 243

AN ACT relating to the qualifications required of the director of the division of mental health resources of the department of social services.

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

Section 1. Section two hundred seventeen point ten (217.10), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

217.10 DIRECTOR OF DIVISION OF MENTAL HEALTH RESOURCES. The director of the division of mental health resources shall be qualified in the general field of mental health administration, and shall have at least five years of experience as an administrator in that field.

Approved April 29, 1977

CHAPTER 89
COMMISSARY PERSONNEL AT INSTITUTIONS

S. F. 98

AN ACT providing that the director of the division of corrections of the department of social services shall pay the salary for commissary personnel at the penitentiary and men's and women's reformatories.

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

Section 1. Section two hundred eighteen point ninety-eight (218.98), Code 1977, is amended to read as follows:

218.98 CANTEEN MAINTAINED. The directors of divisions in the department of social services in control of state institutions may maintain a canteen at any institution under their jurisdiction and control for the sale to persons confined therein of toilet articles, candy, tobacco products, notions, and other sundries, and may provide the necessary facilities, equipment, personnel, and merchandise therefor. Such directors shall specify what commodities will be sold therein. ~~The sale-prices-of-the-articles-offered-for-sale-shall-be-fixed by-such-directors-at-such-amounts-as-will,-as-far-as-possible, render-each-such-canteen-self-supporting.~~ The department may establish and maintain a permanent operating fund for

each canteen. The fund shall consist of the receipts from the sale of commodities at the canteen.

April 25, 1977

CHAPTER 90
URBAN HOMESTEADING PROGRAMS

S. F. 385

AN ACT authorizing local governments to suspend or modify building and housing code requirements for local urban homesteading programs to the extent necessary to permit safe and economical rehabilitation of housing.

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

Section 1. Chapter two hundred twenty (220), Code 1977, is amended by adding the following new section:

NEW SECTION. LOCAL URBAN HOMESTEADING. Units of local government shall have authority to enact ordinances in relation to locally originated, sponsored, and funded urban homesteading programs which, upon approval by the authority, can modify building and housing code requirements to the extent and for the purpose enumerated in section two hundred twenty point fourteen (220.14), subsection three (3), paragraph b of the Code.

Approved June 7, 1977

CHAPTER 91
CORRECTIONAL INSTITUTIONS MIDSHIFT MEAL

S. F. 64

AN ACT to provide a midshift meal to employees of the correctional institutions.

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

Section 1. Chapter two hundred forty-five (245), Code 1977, is amended by adding the following new section:

NEW SECTION. The employees of the women's reformatory shall receive a midshift meal when on duty.

Sec. 2. Section two hundred forty-six point three (246.3), unnumbered paragraphs one (1) and two (2), Code 1977, are amended to read as follows:

~~The warden, deputy warden, assistant deputy warden, chief clerk, chaplain, additional chaplain, physician, storekeeper, record clerk, and receiving officer and other employees of the penitentiary and, men's reformatory, medium security institution at Mount Pleasant, Luster Heights camp, Iowa security medical facility, and Riverview release center shall receive such salaries as shall be determined by the state director.~~

~~Captains, inspectors, turnkeys, guards first class, guards second class, and guards third class shall receive or~~ such * according to enrolled Act

compensation as shall be determined by the state director and in addition shall receive a midshift meal when on duty.

Approved March 14, 1977

CHAPTER 92

COUNTY CARE FACILITIES

H. F. 74

AN ACT to provide program activities for residents of county care facilities.

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

Section 1. Section two hundred fifty-three point two (253.2), Code 1977, is amended to read as follows:

253.2 MANAGEMENT. The board of supervisors, or any committee appointed by it for that purpose, may make all contracts and purchases requisite for the county farm and care facility and may prescribe rules for the management and government of the same, and for the sobriety, morality and industry of its occupants. The board of supervisors or the committee shall provide for the costs of the activities program to be included in the county care facility's budget.

Approved June 30, 1977

CHAPTER 93
TOTAL SCHOOL PROGRAM

H. F. 254

AN ACT to require inclusion of achievements of women, minorities, and others in total school program and to require English-language arts.

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

Section 1. Section two hundred fifty-seven point twenty-five (257.25), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

In addition to the responsibilities of the state board of public instruction and the state superintendent of public instruction under other provisions of the Code, the state board of public instruction shall, except as otherwise provided in this section, establish standards for approving all public and nonpublic schools in Iowa offering instruction at any or all levels from the prekindergarten level through grade twelve. A nonpublic school which offers only a prekindergarten program may, but shall not be required to, seek and obtain approval under this chapter. A list of approved schools shall be maintained by the department of public instruction. The state board shall promulgate rules to require that a multi-cultural non-sexist approach is used by school districts. The educational program shall be taught from a multi-cultural, non-sexist approach. The approval standards established by the state board shall delineate and be based upon the educational program described below:

Sec. 2. Section two hundred fifty-seven point twenty-five (257.25), subsections three (3) and four (4), Code 1977, are amended to read as follows:

3. The following areas shall be taught in the grades one through six: Language English-language arts, including reading, handwriting, spelling, oral and written English, and literature; social studies, including geography, history of the United States and Iowa ~~with-attention-given-to-the role-in-history-played-by-all-persons, and-a-positive-effort shall-be-made-to-reflect-the-achievements-of-women, minorities and-any-others-who, in-the-past, may-have-been-ignored-or overlooked-by-reason-of-race, sex, religion, physical-disability-or-ethnic-background,~~ cultures of other peoples and nations, and American citizenship, including the study of

national, state and local government in the United States; mathematics; science, including conservation of natural resources and environmental awareness; health and physical education, including the effects of alcohol, tobacco, drugs and poisons on the human body; the characteristics of communicable diseases; traffic safety, including pedestrian and bicycle safety procedures; music; and art.

4. The following shall be taught in grades seven and eight as a minimum program: Science, including conservation of natural resources and environmental awareness; mathematics; social studies; ~~with attention given to the role in history played by all persons, and a positive effort shall be made to reflect the achievements of women, minorities and any others who, in the past, may have been ignored or overlooked by reason of race, sex, religion, physical disability or ethnic background,~~ cultures of other peoples and nations, and American citizenship; ~~language~~ English-language arts which shall include reading, spelling, grammar, oral and written composition, and may include other communication subjects; health and physical education, including the effects of alcohol, tobacco, drugs and poisons on the human body, the characteristics of communicable diseases, including venereal diseases and current crucial health issues; music; and art.

Sec. 3. Section two hundred fifty-seven point twenty-five (257.25), subsection six (6), paragraphs b and c, Code 1977, are amended to read as follows:

b. Four units of the social studies. American history, American government, government and cultures of other peoples and nations, and general consumer education, family law, and economics, including comparative and consumer economics, shall be taught in the units but need not be required as full units. All students shall be required to take one unit of American history ~~which shall give attention to the role in history played by all persons, and a positive effort shall be made to reflect the achievements of women, minorities and any others who, in the past, may have been ignored or overlooked by reason of race, sex, religion, physical disability or ethnic background~~ and one-half unit of the governments of Iowa and the United States, including instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting machines in the election process, and the method of acquiring and casting an absentee ballot.

The county auditor, upon request and at a site chosen by him, shall make available to schools within the county voting machines or sample ballots that are generally used within the county, at such times that these machines or sample ballots are not in use for their recognized purpose.

c. Four units of ~~English-including-language-arts~~ English-language arts.

Approved May 13, 1977

CHAPTER 94
VOCATIONAL EDUCATION

S. F. 296

AN ACT relating to the membership and duties of the state advisory council for vocational education and local advisory committees for vocational education.

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

Section 1. Section two hundred fifty-eight point seven (258.7), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

There is hereby established a state advisory council for vocational education, consisting of ~~thirteen~~ not more than twenty-three members, which shall be appointed by the governor. The term of each member shall be for three years, except that for the initial appointments the governor shall specify the terms of each member so that as nearly as possible, the terms of an equal number of members shall expire on the first day of ~~July~~ October of each year.

Sec. 2. Section two hundred fifty-eight point seven (258.7), Code 1977, is amended by striking unnumbered paragraph three (3) and subsections one (1) through thirteen (13), and inserting in lieu thereof the following:

The advisory council shall have as a majority of its members persons who are not educators or administrators in the field of education and shall include as members persons who:

1. Represent, and are familiar with, the vocational needs and problems of management in the state.
2. Represent, and are familiar with, the vocational needs and problems of labor in the state.
3. Represent, and are familiar with, the vocational needs

and problems of agriculture in the state.

4. Represent the state industrial and economic development agency.

5. Represent community and junior colleges.

6. Represent other institutions of higher education, area vocational schools, technical institutes, and post secondary agencies or institutions which provide programs of vocational or technical education and training.

7. Have special knowledge, experience, or qualifications with respect to vocational education but are not involved in the administration of state or local vocational education programs.

8. Represent, and are familiar with, public programs of vocational education in comprehensive secondary schools.

9. Represent, and are familiar with, nonprofit private schools.

10. Represent, and are familiar with, vocational guidance and counseling services.

11. Represent state correctional institutions.

12. Are teaching a vocational program in a local educational agency.

13. Are currently serving as a superintendent or other administrator of a local educational agency.

14. Are currently serving on a local school board.

15. Represent the state manpower services council established pursuant to section one hundred seven (107) of the United States Comprehensive Employment and Training Act of 1973.

16. Represent a school system with large concentrations of persons who have special academic, social, economic, and cultural needs and of persons who have limited English-speaking ability.

17. Are women with backgrounds and experiences in employment and training programs, and who are knowledgeable with respect to the special experiences and problems of sex discrimination in job training and employment and of sex stereotyping in vocational education, including women who are members of minority groups and who have, in addition to such backgrounds and experiences, special knowledge of the problems of discrimination in job training and employment against women who are members of such groups.

18. Have special knowledge, experience, or qualifications with respect to the special educational needs of physically or mentally handicapped persons.

19. Represent the general public, including a person or persons representing and knowledgeable about the poor and disadvantaged.

20. Are enrolled in a vocational education program at the time of his or her appointment who are not qualified for membership under any of the preceding clauses of this paragraph.

Members of the advisory council may not represent more than one of the above-specified categories. In appointing the advisory council the governor shall insure that there is as nearly as possible equitable representation of both sexes, appropriate representation of racial and ethnic minorities, and appropriate representation from the various geographic regions of the state.

Sec. 3. Section two hundred fifty-eight point nine (258.9), Code 1977, is amended to read as follows:

258.9 LOCAL ADVISORY COMMITTEE. The board of directors of any school district having a population of more than five thousand persons, maintaining a school, department, or class receiving the benefit of federal moneys under the provisions of this chapter shall, as a condition of approval by such state board as herein provided, appoint a local advisory committee for vocational education, consisting of persons of experience in agriculture, industry, home economics, and business, to give advice and assistance to such board of directors in the establishment and maintenance of such schools, departments, and classes. The state board may require the board of directors of any school district that maintains an approved school, department, or class, to appoint such an advisory committee. The state board shall adopt rules requiring that the memberships of local advisory committees fairly represent each sex and minorities residing in the school district. Members of such advisory committee shall serve without compensation.

Sec. 4. Members of the advisory council on June 30, 1977 who meet the criteria for membership stated in this Act shall continue as members of the advisory council until the expiration of the terms for which they were appointed. The terms of members of the advisory council on June 30, 1977 who do not meet the criteria for membership stated in this Act shall continue to serve on the council until September 30, 1977. Appointments of the governor for terms beginning October 1,

1977 shall be made so that as nearly as possible, the terms of an equal number of members of the advisory council shall expire on October first of each year.

Approved June 3, 1977

CHAPTER 95
CONTINUING EDUCATION PROGRAM

S. F. 312

AN ACT requiring professional and occupational licensees to participate in a continuing education program as a condition of license renewal, delegating rule-making authority, providing for methods and procedures for the professional review of and the imposition of disciplinary sanctions for certain acts or omissions of practitioners and providing grounds for suspension or revocation of a professional or occupational license.

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

Section 1. NEW SECTION. DEFINITIONS.

1. "Licensing board" or "board" includes the following boards:
 - a. The state board of engineering examiners, created pursuant to chapter one hundred fourteen (114) of the Code.
 - b. The board of examiners of shorthand reporters, created pursuant to chapter one hundred fifteen (115) of the Code.
 - c. The board of accountancy, created pursuant to chapter one hundred sixteen (116) of the Code.
 - d. The Iowa real estate commission, created pursuant to chapter one hundred seventeen (117) of the Code.
 - e. The board of architectural examiners, created pursuant to chapter one hundred eighteen (118) of the Code.
 - f. The Iowa board of landscape architectural examiners, created pursuant to chapter one hundred eighteen A (118A) of the Code.
 - g. The board of watchmaking examiners, created pursuant to chapter one hundred twenty (120) of the Code.
 - h. The board of barber examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
 - i. The board of chiropractic examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.

-
- j. The board of cosmetology examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
- k. The board of dental examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
- l. The board of funeral directors and embalmer examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
- m. The board of medical examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
- n. The board of nursing, created pursuant to chapter one hundred forty-seven (147) of the Code.
- o. The board of examiners for nursing home administrators, created pursuant to chapter one hundred thirty-five E (135E) of the Code.
- p. The board of optometry examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
- q. The board of pharmacy examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
- r. The board of physical therapy examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
- s. The board of podiatry examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
- t. The board of psychology examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
- u. The board of speech pathology and audiology examiners created pursuant to chapter one hundred forty-seven (147) of the Code.
- v. The board for the licensing and regulation of hearing aid dealers, created pursuant to chapter one hundred fifty-four A (154A) of the Code.
- w. The board of veterinary medical examiners, created pursuant to chapter one hundred sixty-nine (169) of the Code.
- x. The board of certification, created pursuant to chapter four hundred fifty-five B (455B) of the Code.
- y. Any professional or occupational licensing board created after the effective date of this Act.
2. "Continuing education" means that education which is obtained by a professional or occupational licensee in order to maintain, improve, or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge. This education may be obtained through formal or informal education practices, self-study, research, and participation in professional, technical, and occupational

societies, and by other similar means as authorized by the board.

3. The term "licensing" and its derivations include the terms "registration" and "certification" and their derivations.

4. "Inactive licensee reentry" means that process a former or inactive professional or occupational licensee pursues to again be capable of actively and competently practicing as a professional or occupational licensee.

5. "Licensee discipline" means any sanction a licensing board may impose upon its licensees for conduct which threatens or denies citizens of this state a high standard of professional or occupational care.

6. "Disciplinary proceeding" means any proceeding under the authority of a licensing board pursuant to which licensee discipline may be imposed.

7. "Peer review" means evaluation of professional services rendered by a professional practitioner.

8. "Peer review committee" means one or more persons acting in a peer review capacity pursuant to this Act.

9. "Malpractice" means any error or omission, unreasonable lack of skill, or failure to maintain a reasonable standard of care by a licensee in the course of practice of his or her occupation or profession, pursuant to this Act.

Sec. 2. NEW SECTION. CONTINUING EDUCATION REQUIRED.

1. Each licensing board shall require and issue rules for continuing education requirements as a condition to license renewal.

2. The rules shall create continuing education requirements at a minimum level prescribed by each licensing board. These boards may also establish continuing education programs to assist a licensee in meeting such continuing education requirements. Such rules shall also:

a. Give due attention to the effect of continuing education requirements on interstate and international practice.

b. Place the responsibility for arrangement of financing of continuing education on the licensee, while allowing the board of continuing education provider to receive any other available funds or resources that aid in supporting a continuing education program.

c. Attempt to express continuing education requirements in terms of uniform and widely-recognized measurement units.

d. Establish guidelines, including guidelines in regard to the monitoring of licensee participation, for the approval

of continuing education programs that qualify under the continuing education requirements prescribed.

e. Not be implemented for the purpose of limiting the size of the profession or occupation.

f. Define the status of active and inactive licensure and establish appropriate guidelines for inactive licensee reentry.

g. Be promulgated solely for the purpose of assuring a continued maintenance of skills and knowledge by a professional or occupational licensee directly related and commensurate with the current level of competency of the licensee's profession or occupation.

3. A person licensed to practice an occupation or profession in this state shall be deemed to have complied with the continuing education requirements of this state during periods that the person serves honorably on active duty in the military services, or for periods that the person is a resident of another state or district having a continuing education requirement for the occupation or profession and meets all requirements of that state or district for practice therein, or for periods that the person is a government employee working in his or her licensed specialty and assigned to duty outside of the United States, or for other periods of active practice and absence from the state approved by the appropriate board of examiners.

Sec. 3. NEW SECTION. AUTHORITY OF LICENSING BOARDS.

1. Notwithstanding any other provision of this Act, each licensing board shall have the powers to:

a. Administer and enforce the laws and administrative rules relating to the practice of the profession whose members are examined for licensure by the board;

b. Adopt and enforce administrative rules which provide for the partial reexamination of the professional licensing examinations given by each licensing board;

c. Review or investigate, or both, upon written complaint or upon its own motion pursuant to other evidence received by the board, alleged acts or omissions which the board reasonably believes constitute cause under applicable law or administrative rule for licensee discipline;

d. Determine in any case whether an investigation, or further investigation, or a disciplinary proceeding is warranted;

- e. Initiate and prosecute disciplinary proceedings;
 - f. Impose licensee discipline;
 - g. Petition the district court for enforcement of its authority with respect to licensees or with respect to other persons violating the laws which the board is charged with administering;
 - h. Register or establish and register peer review committees;
 - i. Refer to a registered peer review committee for investigation, review, and report to the board, any complaint or other evidence of an act or omission which the board reasonably believes to constitute cause for licensee discipline. However, the referral of any matter shall not relieve the board of any of its duties and shall not divest the board of any authority or jurisdiction;
 - j. Determine and administer the annual renewal of licenses.
2. Each licensing board may impose one or more of the following as licensee discipline:
- a. Revoke a license, or suspend a license either until further order of the board or for a specified period, upon the grounds specified in sections one hundred fourteen point twenty-one (114.21), one hundred fifteen point eight (115.8), one hundred sixteen point twenty-one (116.21), one hundred seventeen point twenty-nine (117.29), one hundred eighteen point thirteen (118.13), one hundred eighteen A point fifteen (118A.15), one hundred twenty point ten (120.10), chapter one hundred thirty-five E (135E), section one hundred forty-seven point fifty-five (147.55), chapter one hundred fifty-one (151), sections one hundred fifty-four A point twenty-four (154A.24), one hundred sixty-nine point thirty-six (169.36) and four hundred fifty-five B point fifty-nine (455B.59) of the Code, or upon any other grounds specifically provided for in this Act for revocation of the license of a licensee subject to the jurisdiction of that board, or upon failure of the licensee to comply with a decision of the board imposing licensee discipline;
 - b. Revoke, or suspend either until further order of the board or for a specified period, the privilege of a licensee to engage in one or more specified procedures, methods, or acts incident to the practice of the profession, if pursuant to hearing or stipulated or agreed settlement the board finds

that because of a lack of education or experience, or because of negligence, or careless acts or omissions, or because of one or more intentional acts or omissions, the licensee has demonstrated a lack of qualifications which are necessary to assure the residents of this state a high standard of professional and occupational care;

c. Impose a period of probation under specified conditions, whether or not in conjunction with other sanctions;

d. Require additional professional education or training, or re-examination, or any combination, as a condition precedent to the reinstatement of a license or of any privilege incident thereto, or as a condition precedent to the termination of any suspension;

e. Revoke a license, or suspend a license either until further order of the board or for a specified period, upon the grounds specified in sections one hundred fourteen point twenty-one (114.21), one hundred fifteen point eight (115.8), one hundred sixteen point twenty-one (116.21), one hundred seventeen point twenty-nine (117.29), one hundred eighteen point thirteen (118.13), one hundred eighteen A point fifteen (118A.15), one hundred twenty point ten (120.10), chapter one hundred thirty-five E (135E), section one hundred forty-seven point fifty-five (147.55), chapter one hundred fifty-one (151), sections one hundred fifty-four A point twenty-four (154A.24), one hundred sixty-nine point thirty-six (169.36), and four hundred fifty-five B point fifty-nine (455B.59) of the Code, or for failure to comply with an order of the board imposing disciplinary sanctions, if the board has provided by rule that civil penalties may be imposed by the board pursuant to this paragraph, and if the rule specifies which offenses or acts are subject to the imposition of the civil penalty. The amount of the civil penalty shall be in the discretion of the board, but shall not exceed one thousand dollars;

f. Issue a citation and warning respecting licensee behavior which is subject to the imposition of other sanctions by the board.

3. The powers conferred by this section upon a licensing board shall be in addition to powers specified elsewhere in the Code. The powers of any other person specified elsewhere in the Code shall not limit the powers of a licensing

board conferred by this section, nor shall the powers of such other person be deemed limited by the provisions of this section.

4. Nothing contained in this section shall be construed to prohibit informal stipulation and settlement by a board and a licensee of any matter involving licensee discipline. However, licensee discipline shall not be agreed to or imposed except pursuant to a written decision which specifies the sanction and which is entered by the board and filed.

All health-care boards shall file written decisions which specify the sanction entered by the board with the department of health which file shall be available to the public upon request. All nonhealth-care boards shall have on file the written and specified decisions and sanctions entered by the board and shall be available to the public upon request.

Licensee discipline pursuant to informal stipulation or agreed settlement under this section and pursuant to this Act shall not be subject to review by the court.

Sec. 4. NEW SECTION. DUTIES OF BOARD.

1. Each licensing board shall have the following duties in addition to other duties specified by this Act or elsewhere in the Code:

a. Establish procedures by which complaints which relate to licensure or to licensee discipline shall be received and reviewed by the board;

b. Establish procedures by which disputes between licensees and clients which result in judgments or settlements in or of malpractice claims or actions shall be investigated by the board;

c. Establish procedures by which any recommendation taken by a peer review committee shall be reported to and reviewed by the board;

d. Establish procedures for registration with the board of peer review committees;

e. Define by rule those recommendations of peer review committees which shall constitute disciplinary recommendations which must be reported to the board;

f. Define by rule acts or omissions which are grounds for revocation or suspension of a license under the provisions of sections one hundred fourteen point twenty-one (114.21), one hundred fifteen point eight (115.8), one hundred sixteen

point twenty-one (116.21), one hundred seventeen point twenty-nine (117.29), one hundred eighteen point thirteen (118.13), one hundred eighteen A point fifteen (118A.15), one hundred twenty point ten (120.10), chapter one hundred thirty-five E (135E), section one hundred forty-seven point fifty-five (147.55), chapter one hundred fifty-one (151), sections one hundred fifty-four A point twenty-four (154A.24), one hundred sixty-nine point thirty-six (169.36) and four hundred fifty-five B point forty-nine (455B.49), of the Code, and to define by rule acts or omissions which constitute negligence, careless acts or omissions within the meaning of paragraph b of subsection two (2) of section three (3) of this Act, which licensees are required to report to the board pursuant to subsection two (2) of section nine (9) of this Act;

g. Establish the procedures by which licensees shall report those acts or omissions specified by the board pursuant to paragraph f of this subsection;

h. Give written notice to another licensing board or to a hospital licensing agency if evidence received by the board either alleges or constitutes reasonable cause to believe the existence of an act or omission which is subject to discipline by that other board or agency;

i. Require each health care licensing board to file with the department of health a copy of each decision of the board imposing licensee discipline. Each nonhealth-care board shall have on file a copy of each decision of the board imposing licensee discipline which copy shall be properly dated and shall be in simple language and in the most concise form consistent with clearness and comprehensiveness of subject matter.

The commissioner of insurance shall by rule in consultation with the licensing boards enumerated in section one (1) of this Act, require insurance carriers which insure professional and occupational licensees for acts or omissions which constitute negligence, careless acts or omissions in the practice of a profession or occupation to file reports with the commissioner of insurance. The reports shall include information pertaining to incidents by a licensee which may affect the licensee as defined by rule, involving an insured of the insurer. The commissioner of insurance shall forward reports pursuant to this section to the appropriate licensing board.

2. Each licensing board, shall submit to the senate and house committees on state government in January of each year, commencing in January of 1979, a summary of the activities of that board since the preceding report respecting the following subjects:

a. The adoption or nonadoption of rules relating to the duties of the board as specified in this section;

b. The number of complaints, peer review committee disciplinary actions, and judgments and settlements reviewed or investigated by the board, the number of formal disciplinary proceedings commenced before the board or in the courts, the number and types of sanctions imposed, and the number and status of appeals to the court of board decisions, and the number and types of peer review committees registered by the board.

Sec. 5. NEW SECTION. LICENSEE DISCIPLINARY PROCEDURE-RULE-MAKING DELEGATION.

1. Each licensing board may establish by rule licensee disciplinary procedures. Each licensing board may impose licensee discipline under these procedures.

2. Rules promulgated under subsection one (1) of this section:

a. Shall comply with the provisions of chapter seventeen A (17A) of the Code.

b. Shall designate who may or shall initiate a licensee disciplinary investigation and a licensee disciplinary proceeding, and who shall prosecute a disciplinary proceeding and under what conditions, and shall state the procedures for review by the licensing board of findings of fact if a majority of the licensing board does not hear the disciplinary proceeding.

c. Shall state whether the procedures are an alternative to or an addition to the procedures stated in sections one hundred fourteen point twenty-two (114.22), one hundred sixteen point twenty-three (116.23), one hundred seventeen point thirty-five (117.35), one hundred seventeen point thirty-six (117.36), one hundred eighteen A point sixteen (118A.16), one hundred forty-seven point fifty-eight (147.58) through one hundred forty-seven point seventy-one (147.71), one hundred forty-eight point six (148.6) through one hundred forty-eight point nine (148.9), one hundred fifty-four A point twenty-three (154A.23), and one hundred fifty-five point fourteen

(155.14) through one hundred fifty-five point sixteen (155.16) of the Code.

d. Shall specify methods by which the final decisions of the board relating to disciplinary proceedings shall be published.

Sec. 6. NEW SECTION. HEARINGS--POWER OF SUBPOENA--DECISIONS.

1. Disciplinary hearings held pursuant to this Act shall be heard by the board sitting as the hearing panel, or by a panel of not less than three board members who are licensed in the profession, or by a panel of not less than three members appointed pursuant to subsection two (2) of this section. Notwithstanding chapter twenty-eight A (28A) of the Code a disciplinary hearing shall be open to the public at the discretion of the licensee.

2. When, in the opinion of a majority of the board, it is desirable to obtain specialists within an area of practice of a profession when holding disciplinary hearings, a licensing board may appoint licensees not having a conflict of interest to make findings of fact and to report to the board. Such findings shall not include any recommendation for or against licensee discipline.

3. The presiding officer of a hearing panel may issue subpoenas pursuant to rules of the board on behalf of the board or on behalf of the licensee. A licensee may have subpoenas issued on his or her behalf. A subpoena issued under the authority of a licensing board may compel the attendance of witnesses and the production of professional records, books, papers, correspondence and other records, whether or not privileged or confidential under law, which are deemed necessary as evidence in connection with a disciplinary proceeding.

Nothing in this subsection shall be deemed to enable a licensing board to compel an attorney of the licensee, or stenographer or confidential clerk of the attorney, to disclose any information when privileged against disclosure by section six hundred twenty-two point ten (622.10) of the Code. In the event of a refusal to obey a subpoena, the licensing board may petition the district court for its enforcement. Upon proper showing, the district court shall order the person to obey the subpoena, and if the person fails to obey the order of the court he or she may be found guilty of contempt

of court. The presiding officer of a hearing panel may also administer oaths and affirmations, take or order that depositions be taken, and pursuant to rules of the board, grant immunity to a witness from disciplinary proceedings initiated either by the board or by other state agencies which might otherwise result from the testimony to be given by the witness to the panel.

4. In order to assure a free flow of information for accomplishing the purposes of this section, and notwithstanding section six hundred twenty-two point ten (622.10) of the Code, all complaint files, and investigation files, and all other investigation reports and other investigative information in the possession of a licensing board or peer review committee acting under the authority of a licensing board or its employees or agents which relates to licensee discipline shall be privileged and confidential, and shall not be subject to discovery, subpoena, or other means of legal compulsion for their release to any person, or be admissible in evidence in any judicial or administrative proceeding. However, a final written decision and finding of fact of a licensing board in a disciplinary proceeding, including a decision referred to in subsection four (4) of section three (3) of this Act shall be a public record.

Pursuant to the provisions of subsection six (6) of section seventeen A point nineteen (17A.19) of the Code, a licensing board upon an appeal by the licensee of the decision by the licensing board, shall transmit the entire record of the contested case to the reviewing court.

Notwithstanding the provisions of subsection six (6) of section seventeen A point nineteen (17A.19) of the Code, if a waiver of privilege has been involuntary and evidence has been received at a disciplinary hearing, the court shall order withheld the identity of the individual whose privilege was waived.

5. Licensee discipline shall not be imposed except upon the affirmative vote of a majority of the licensing board.

Sec. 7. NEW SECTION. EXECUTIVE SECRETARY AND PERSONNEL.

1. As an alternative to authority contained elsewhere in this Act, a licensing board may employ within the limits of available funds an executive secretary, one or more inspectors, and such clerical personnel as may be necessary for the administration of the duties of the board. Employees

of the board shall be employed subject to chapter nineteen A (19A) of the Code. The qualifications of the executive secretary shall be determined by the board.

2. All employees of a licensing board shall be reimbursed subject to the rules of the state comptroller for their expenses incurred in the performance of official duties. All reimbursements shall constitute costs of sustaining the board.

3. Licensees appointed to serve on a hearing panel pursuant to subsection two (2) of section six (6) of this Act shall be compensated at the rate of forty dollars for each day of actual duty, and shall be reimbursed for actual expenses reasonably incurred in the performance of duties.

4. Salaries, per diem, and expenses incurred in the performance of official duties of the board or its employees shall be paid from funds appropriated by the general assembly.

Sec. 8. NEW SECTION. IMMUNITIES.

1. A person shall not be civilly liable as a result of his or her acts, omissions or decisions in good faith as a member of a licensing board or as an employee or agent in connection with the person's duties.

2. A person shall not be civilly liable as a result of filing a report or complaint with a licensing board or peer review committee, or for the disclosure to a licensing board or its agents or employees, whether or not pursuant to a subpoena of records, documents, testimony or other forms of information which constitute privileged matter concerning a recipient of health care services or some other person, in connection with proceedings of a peer review committee, or in connection with duties of a health care board. However, such immunity from civil liability shall not apply if such act is done with malice.

3. A person shall not be dismissed from employment, and shall not be discriminated against by an employer because the person filed a complaint with a licensing board or peer review committee, or because the person participated as a member, agent or employee of a licensing board or peer review committee, or presented testimony or other evidence to a licensing board or peer review committee.

Any employer who violates the terms of this section shall be liable to any person aggrieved for actual and punitive damages plus reasonable attorney fees.

Sec. 9. NEW SECTION. DUTIES OF LICENSEES.

1. Each licensee of a licensing board, as a condition of licensure, is under a duty to submit to a physical or mental examination when directed in writing by the board for cause. All objections shall be waived as to the admissibility of the examining physician's testimony or reports on the grounds of privileged communications. The medical testimony or report shall not be used against the licensee in any proceeding other than one relating to licensee discipline by the board, or one commenced in district court for revocation of the licensee's privileges. The licensing board, upon probable cause, shall have the authority to order physical or mental examination, and upon refusal of the licensee to submit to the examination the licensing board may order that the allegations pursuant to which the order of physical or mental examination was made shall be taken to be established.

2. A licensee shall have a continuing duty to report to the licensing board by whom he or she is licensed those acts or omissions specified by rule of the board pursuant to paragraph f of subsection one (1) of section four (4) of this Act when committed by another person licensed by the same licensing board.

3. A licensee shall have a continuing duty and obligation, as a condition of licensure, to report to the licensing board by which he or she is licensed every adverse judgment in a professional or occupational malpractice action to which he or she is a party, and every settlement of a claim against him or her alleging malpractice.

4. A licensee who willfully fails to comply with subsection two (2) or three (3) of this section commits a violation of this Act for which licensee discipline may be imposed.

Sec. 10. Chapter*one hundred fourteen point twenty-one (114.21), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

114.21 SUSPENSION OR REVOCATION. The board shall have the power by a five-sevenths vote of the entire board to suspend for a period not exceeding two years, or to revoke the certificate of registration of, or to reprimand any registrant who is found guilty of the following acts or offenses:

*According to enrolled Act

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her profession or engaging in unethical conduct or practice harmful to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect his or her ability to practice professional engineering or land surveying. A copy of the record of conviction or plea of guilty shall be conclusive evidence.
6. Fraud in representations as to skill or ability.
7. Use of untruthful or improbable statements in advertisements.
8. Willful or repeated violations of the provisions of this Act.

Sec. 11. Section one hundred fifteen point eight (115.8), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

115.8 REVOCATION OR SUSPENSION. A license to practice shorthand reporting may be revoked or suspended when the licensee is guilty of the following acts or offenses:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect his or her ability to practice professional shorthand reporting. A copy of the record of conviction or plea of guilty shall be conclusive evidence.
6. Fraud in representations as to skill or ability.
7. Use of untruthful or improbable statements in advertisements.
8. Willful or repeated violations of the provisions of this Act.

Sec. 12. Section one hundred seventeen point twenty-nine (117.29), Code 1977, is amended to read as follows:

117.29 REVOCATION OF LICENSE OR SUSPENSION. A license to practice the profession of real estate broker and salesman may be revoked or suspended when the licensee is guilty of the following acts or offenses:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony related to the profession or occupation of the licensee on the conviction of any felony that would affect his or her ability to practice the profession of real estate broker and salesman. A copy of the record of conviction or plea of guilty shall be conclusive evidence.
6. Fraud in representations as to skill or ability.
7. Use of untruthful or improbable statements in advertisements.
8. Willful or repeated violations of the provisions of this Act.

The revocation of a broker's license shall automatically suspend every real estate salesperson's license and every real estate apprentice salesperson's license granted to any person by virtue of his or her employment by the broker whose license has been revoked, pending a change of employer and the issuance of a new license. Such new license shall be issued upon payment of a fee in an amount determined by the commission based upon the administrative costs involved, if granted during the same year in which the original license was granted.

Sec. 13. Section one hundred eighteen point thirteen (118.13), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

118.13 REVOCATION OR SUSPENSION. A license to practice architecture may be revoked or suspended when the licensee is guilty of the following acts or offenses:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her

profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

4. Habitual intoxication or addiction to the use of drugs.

5. Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect his or her ability to practice the profession of architecture. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

6. Fraud in representations as to skill or ability.

7. Use of untruthful or improbable statements in advertisements.

8. Willful or repeated violations of the provisions of this Act.

The board may revoke any certificate after thirty days' notice with grant of hearing to the holder if satisfactory proof is presented to the board.

Proceedings for the revocation of a certificate shall be begun by filing written charges against the accused with the board. A time and place for the hearing of the charges shall be fixed by the board. Where personal service or services through counsel cannot be effected, services may be had by publication. At the hearing, the accused shall have the right to be represented by counsel, to introduce evidence and to examine and cross-examine witnesses. The board shall have the power to subpoena witnesses, to administer oaths to such witnesses, and to employ counsel. The board shall make a written report of its findings, which report shall be filed with the secretary of state, and which shall be conclusive.

Sec. 14. Section one hundred eighteen A point fifteen (118A.15), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

118A.15 REVOCATION OR SUSPENSION. The board may by a five-sevenths vote of the entire board, suspend for a period not exceeding two years, or revoke the certificate of registration of, or reprimand any registrant who is found guilty of the following acts or offenses:

1. Fraud in procuring a license.

2. Professional incompetency.

3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her profession or engaging in unethical conduct or practice harmful

or detrimental to the public. Proof of actual injury need not be established.

4. Habitual intoxication or addiction to the use of drugs.

5. Conviction of a felony related to the profession or occupation of the licensee that would affect his or her ability to practice professional land architecture. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

6. Fraud in representations as to skill or ability.

7. Use of untruthful or improbable statements in advertisements.

8. Willful or repeated violations of the provisions of this Act.

Sec. 15. Section one hundred twenty point ten (120.10), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

120.10 REVOCATION OR SUSPENSION. A license to practice watchmaking and the repair of watches pursuant to the provisions of this chapter may be revoked or suspended when the licensee is guilty of the following acts or offenses:

1. Fraud in procuring a license.

2. Professional incompetency.

3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

4. Habitual intoxication or addiction to the use of drugs.

5. Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect his or her ability to practice the profession of watchmaking or watch repair. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

6. Fraud in representations as to skill or ability.

7. Use of untruthful or improbable statements in advertisements.

8. Willful or repeated violations of the provisions of this Act.

Sec. 16. Chapter one hundred thirty-five E (135E), Code 1977, is amended by adding the following new section:

NEW SECTION. REVOCATION OR SUSPENSION. A license to practice as a nursing home administrator may be revoked or

suspended when the licensee is guilty of the following acts or omissions:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony related to the profession or occupation of the licensee. A copy of the record of conviction or plea of guilty shall be conclusive evidence.
6. Fraud in representations as to skill or ability.
7. Use of untruthful or improbable statements in advertisements.
8. Willful or repeated violations of the provisions of this Act.

Sec. 17. Chapter one hundred fifty-one (151), Code 1977, is amended by adding the following new section:

NEW SECTION. REVOCATION OR SUSPENSION OF LICENSE. A license to practice as a chiropractor may be revoked or suspended when the licensee is guilty of the following acts or offenses:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect his or her ability to practice as a professional chiropractor. A copy of the record of conviction or plea of guilty shall be conclusive evidence.
6. Fraud in representations as to skill or ability.
7. Use of untruthful or improbable statements in advertisements.
8. Willful or repeated violations of the provisions of this Act.

Sec. 18. Section one hundred fifty-four B point four (154B.4), Code 1977, is amended to read as follows:

154B.4 ACTS PROHIBITED. Commencing July 1, ~~1974~~ 1975, a person who is not ~~certified~~ licensed under this chapter shall not represent himself or herself as a ~~certified licensed~~ practicing psychologist, use a title or description, including the term "psychology" or any of its derivatives, such as "psychologist" ~~or~~, "psychological", "psychotherapist" or modifiers such as "practicing" or "~~certified licensed~~" in a manner which implies that he or she is certified under this chapter, or offer to practice or practice psychology, except as otherwise permitted in this chapter. The use by a person who is not ~~certified licensed~~ under this chapter of such terms is not prohibited by this chapter, except when such terms are used in connection with an offer to practice or the practice of psychology.

Sec. 19. Section one hundred fifty-four B point six (154B.6), Code 1977, is amended to read as follows:

154B.6 REQUIREMENTS FOR ~~CERTIFICATION~~ LICENSURE. Except as provided in this section, an applicant for ~~certification licensure~~ as a psychologist ~~or-as-an-associate-psychologist~~ shall meet the following requirements in addition to those specified in chapter 147:

1. A ~~certified licensed~~ psychologist shall possess a doctoral degree in psychology or its equivalent from an institution approved by the board and shall have completed at least one year of supervised professional experience under the supervision of a licensed psychologist or prior to July 1, 1976 any person holding a certificate as a psychologist from the board of examiners of the Iowa psychological association, following the granting of the doctoral degree, or predoctoral experience, as may be acceptable to the board; or shall possess a masters degree in psychology or its equivalent from an institution approved by the board and have completed at least five years of professional experience, at least two of which shall have been under the supervision of a licensed psychologist or prior to July 1, 1976 any person holding a certificate as a psychologist from the board of examiners of the Iowa psychological association, as may be acceptable to the board.

~~2.--A-certified-associate-psychologist-shall-possess-a-masters-degree-in-psychology-or-its-equivalent-from-an-institution-approved-by-the-board.~~

3 2. Have passed an examination administered by the board to assure his or her professional competence. The examination of any of its divisions may be given by the board at any time after the applicant has met the degree requirements of section one hundred fifty-four B point six (154B.6) of the Code.

4 3. Have not failed the examination required in subsection 3 two (2) of this section within the six months next preceding the date of the examination.

The examinations required in this section may, at the discretion of the board, be waived for holders by examination of licenses or certificates from states whose requirements are substantially equivalent to those of this chapter, and for holders by examination of specialty diplomas from the American board of professional psychology.

Any person who within one year after July 1, 1974 1975, meets the requirements specified in ~~subsections~~ subsection 1 and 2 shall receive ~~certification~~ licensure without having passed the examination required in subsection 3 two (2) of this section if application for licensure is filed with the board of psychology examiners before July 1, 1977. Any person holding a certificate as a psychologist from the board of examiners of the Iowa psychological association on July 1, 1974 1977, who applies for certification before July 1, 1975, shall receive certification.

Sec. 20. Section one hundred fifty-four B point seven (154B.7), Code 1977, is amended to read as follows:

154B.7 VOLUNTARY SURRENDER OF ~~CERTIFICATION~~ LICENSE.

The commissioner of public health may accept the voluntary surrender of ~~certification~~ license if accompanied by a written statement of intention. The voluntary surrender, when accepted, shall have the same force and effect as an order of revocation.

Sec. 21. Chapter one hundred sixty-nine (169), Code 1977, is amended by adding the following new section:

NEW SECTION. DISCIPLINE OF LICENSEES. A license or temporary permit issued under this chapter may be revoked or suspended or the licensee or permittee may be otherwise disciplined by the board upon a two-thirds vote of the entire board, with the secretary of agriculture sitting as a voting board member for this purpose only. Such an action may be taken when the licensee is found guilty of any of the following acts or offenses: *

*According to enrolled Act

Sec. 22. Section four hundred fifty-five B point fifty-nine (455B.59), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

455B.59 REVOCATION OR SUSPENSION. The executive director may suspend or revoke the certificate of an operator, following a hearing before the board when the operator is found guilty of the following acts or offenses:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect his or her ability to practice professional veterinarian medicine and surgery. A copy of the record of conviction or plea of guilty shall be conclusive evidence.
6. Fraud in representations as to skill or ability.
7. Use of untruthful or improbable statements in advertisements.
8. Willful or repeated violations of the provisions of this Act.

Sec. 23. A licensing board established after the effective date and pursuant to the provisions of this Act shall by rule include provisions for the revocation or suspension of a license which shall include but is not limited to the following:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony related to the profession or occupation of the licensee. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

6. Fraud in representations as to skill or ability.

7. Use of untruthful or improbable statements in advertisements.

8. Willful or repeated violations of the provisions of this Act.

Sec. 24. All rules required by section four (4) of this Act, shall be submitted to the administrative rules review committee before October 1, 1978.

Sec. 25. Sections one hundred fifty-four point eight (154.8) and one hundred fifty-four A point sixteen (154A.16), Code 1977, are repealed.

Sec. 26. This Act is effective January 1, 1978.
Approved July 12, 1977

CHAPTER 96
LIVESTOCK HEALTH ADVISORY COUNCIL

S. F. 351

AN ACT establishing a livestock health advisory council to advise the Iowa state university of science and technology college of veterinary medicine on the application of funds appropriated and making an annual appropriation to the Iowa state university of science and technology college of veterinary medicine for research into livestock disease.

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

Section 1. NEW SECTION. DEFINITIONS. As used in this Act,

1. "Livestock" means swine, sheep, poultry, and cattle.
2. "Producer" means a person engaged in the business of producing livestock for profit.
3. "Iowa state university" means the Iowa state university of science and technology.

Sec. 2. NEW SECTION. LIVESTOCK HEALTH ADVISORY COUNCIL. There is a livestock health advisory council, referred to in this Act as the council. The council shall consist of:

1. Three cattle producers appointed by the Iowa cattlemen's association, one of whom shall serve an initial term of one year, and one of whom shall serve an initial term of two years.
2. Three swine producers appointed by the Iowa pork producers association, one of whom shall serve an initial term of one year.
3. One sheep producer appointed by the Iowa sheep producers association who shall serve an initial term of one year.
4. One poultry producer appointed by the Iowa poultry association who shall serve an initial term of two years.
5. One milk producer appointed by the Iowa state dairy association who shall serve an initial term of two years; and
6. One practicing veterinarian appointed by the Iowa veterinary medical association.

Sec. 3. NEW SECTION. TERMS AND VACANCIES. Except as provided in section two (2) of this Act, each member shall be appointed for a three-year term beginning on July first of the year of appointment. No member shall serve more than two terms, including any portion of a term served pursuant to the filling of a vacancy. Vacancies shall be filled by the appropriate organization in the same manner as appointing

full-term members.

Sec. 4. NEW SECTION. SUPPLIES AND SERVICES. The department of agriculture shall furnish the council with a meeting place and all articles, supplies, and services necessary to enable the council to perform its duties.

Sec. 5. NEW SECTION. DUTIES AND OBJECTIVES OF COUNCIL. The livestock health advisory council shall:

1. Elect a chairperson and such other officers as it deems advisable. Officers of the council shall serve for terms of one year. No member may serve in any one office for more than two terms.

2. Hold a meeting twice each year with the Iowa state university college of veterinary medicine. Hold other meetings as the council may determine necessary, or as required by section six (6) of this Act. No action taken by the council shall be valid unless agreed to by a majority of the council members.

3. Make recommendations to the Iowa state university college of veterinary medicine concerning the application of funds appropriated by this Act. The Iowa state university college of veterinary medicine shall not expend any of the funds appropriated by this Act until the recommendation of the council concerning that appropriation is adopted or sixty days following the effective date of the appropriation, whichever is earlier.

4. File an annual report with the secretary of agriculture.

Sec. 6. NEW SECTION. IOWA ADMINISTRATIVE PROCEDURES ACT. The provisions of chapter seventeen A (17A) of the Code shall not apply to the council or any actions taken by it, except that any recommendations adopted by the council pursuant to subsection three (3) of section five (5) of this Act and any rules adopted by the council shall be adopted, amended, or repealed only after compliance with the provisions of sections seventeen A point four (17A.4), seventeen A point five (17A.5), and seventeen A point six (17A.6) of the Code.

Sec. 7. NEW SECTION. OTHER FUNDS. In addition to the funds appropriated to it by this Act, the Iowa state university college of veterinary medicine may accept grants, gifts, matching funds, or any other funds for research into the diseases of livestock from any source, public or private.

Sec. 8. NEW SECTION. LIVESTOCK DISEASE RESEARCH FUND. There is created a fund in the office of the treasurer of state to be known as the livestock disease fund, and for the

purpose of establishing and maintaining said fund for each fiscal year, there is appropriated from funds in the general fund, not otherwise appropriated, the sum of two hundred thousand dollars. Any balance in said fund on June thirtieth of each fiscal year shall revert to the general fund.

Sec. 9. Section two hundred sixty-six point twenty (266.20), Code 1977, is repealed.

Approved June 23, 1977

CHAPTER 97 SCHOOL DISTRICTS

H. F. 209

AN ACT to make technical amendments to the statutes relating to school districts by permitting a single blanket bond for all employees including the secretary and treasurer of a school district, by permitting the school board secretary to designate an alternate person to receive nomination papers relating to school elections, by permitting any school board to compensate a school treasurer, by reenacting previous amendments to sections two hundred seventy-nine point three (279.3) of the Code authorizing the appointment of a secretary of the school board and a treasurer of the school district, and two hundred ninety-eight point twenty-two (298.22) of the Code, authorizing the school board secretary to register bonds, by legalizing all acts of a treasurer of the school district appointed in compliance with section two hundred seventy-nine point three (279.3) of the Code, and by legalizing school district bond issues subject to approval by a vote of the people which may have been registered in compliance with section two hundred ninety-eight point twenty-two (298.22) of the Code.

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

Section 1. Section two hundred seventy-seven point four (277.4), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Nomination papers for all candidates for election to office in each school district shall be filed with the secretary of the school board not more than sixty-five days, nor less than forty days prior to the election. Nomination petitions shall be filed not later than five o'clock p.m. on the last day for filing. If the school board secretary is not readily available during normal office hours, the secretary may designate a full-time employee of the school district who is ordinarily available to accept nomination papers under

this section. Each candidate shall be nominated by a petition signed by not less than ten eligible electors of the district. To each such petition shall be attached the affidavit of an eligible elector of the district that all of the signers thereof are electors of such district and that the signatures thereto are genuine. The candidate being nominated by the petition may sign the affidavit only if he or she personally circulated the petition. If the affiant also signed the nomination petition, that signature shall not be counted toward the total required by this section. The petition shall include the affidavit of the candidate being nominated, stating his the candidate's name, his place of residence, that he such person is a candidate and is eligible for the office he the candidate seeks, and that if elected he the candidate will qualify for the office.

Sec. 2. Section two hundred seventy-nine point three (279.3), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

279.3 APPOINTMENT OF SECRETARY AND TREASURER. At a regular or special meeting of the board held in July prior to or on July fifteenth the board shall appoint a secretary who shall not be a teacher or other employee of the board. It shall also appoint a treasurer who may be another employee of the board. These officers shall be appointed from outside the membership of the board for terms of one year beginning with the date of appointment, and the appointment and qualification shall be entered of record in the minutes of the secretary. They shall qualify within ten days following appointment by taking the oath of office in the manner required by section two hundred seventy-seven point twenty-eight (277.28) of the Code and filing a bond as required by section two hundred ninety-one point two (291.2) of the Code and shall hold office until their successors are appointed and qualified.

Sec. 3. Section two hundred seventy-nine point thirty-two (279.32), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The board shall fix the compensation to be paid the secretary. No member of the board ~~or-treasurer~~ shall receive compensation for official services, ~~except-that-in-consolidated districts-that-contain-a-city-having-a-population-less-than one-thousand,-the.~~ The board may pay a legally-qualified school treasurer a reasonable compensation.

Sec. 4. Section two hundred ninety-one point two (291.2),

Code 1977, is amended to read as follows:

291.2 BONDS OF SECRETARY AND TREASURER. The secretary and treasurer shall give bond to the school corporation in such penalty as the board may require, and with sureties to be approved by it, which bond shall be filed with the president, conditioned for the faithful performance of ~~his~~ the official duties of office, but in no case less than five hundred dollars. The secretary and treasurer may give bond under a single blanket bond covering other employees of the district.

Sec. 5. Section two hundred ninety-eight point twenty-two (298.22), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

298.22 FORM--RATE OF INTEREST--WHERE REGISTERED. All of said bonds shall be substantially in the form provided for county bonds, but subject to changes that will conform them to the action of the board providing therefor; shall run not more than twenty years, and may be sooner paid if so nominated in the bond; bear a rate of interest not exceeding seven percent per annum, payable semiannually; be signed by the president and countersigned by the secretary of the board of directors; and shall not be disposed of for less than par value, nor issued for other purposes than this chapter provides.

All of said bonds, when issued, shall be delivered to the secretary of the board of directors, who shall register them in a book to be kept for that purpose, and shall deliver them when they have been properly countersigned.

The expenses of engraving and printing of bonds may be paid out of the general fund.

Sec. 6. The general assembly finds and declares that the Sixty-sixth General Assembly in 1975 intended to amend section two hundred seventy-nine point three (279.3) of the Code to read as it appears in section two (2) of this Act, that the section was so printed in the Code of 1977 and may have been relied upon in good faith by school districts in this state, but that doubts have arisen as to the validity of the 1975 action purporting to amend section two hundred seventy-nine point three (279.3) of the Code. All acts taken by a treasurer of a school district appointed on or after July 1, 1974 in reliance upon section two hundred seventy-nine point three (279.3) of the Code as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81),

section one hundred thirty-four (134), are hereby legalized and validated.

Sec. 7. The general assembly hereby finds and declares that the Sixty-fifth General Assembly in 1974 intended to amend section two hundred ninety-eight point twenty-two (298.22) of the Code to read as it appears in the preceding section of this Act, that the section was so printed in the Code of 1975 and the Code of 1977 and may have been relied upon in good faith by school districts in this state in handling bond issues approved by their respective electorates, but that doubts have arisen as to the validity of the 1974 action purporting to amend section two hundred ninety-eight point twenty-two (298.22) of the Code. All school district bond issues registered with school board secretaries on or after July 1, 1974 in reliance upon section two hundred ninety-eight point twenty-two (298.22) of the Code as amended by Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one thousand one hundred one (1101), section seventy-three (73), are hereby legalized and validated.

Approved May 13, 1977

CHAPTER 98
STATE RECORDS MANAGEMENT

S. F. 41

AN ACT relating to the management of state records.

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

Section 1. Section three hundred three point twelve (303.12), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

303.12 ARCHIVES. Archives means those documents, books, papers, photographs, sound recordings, or similar material produced or received pursuant to law in connection with official government business, which no longer have administrative, legal, or fiscal value to the office having present custody of them, and which have been appraised by the director of the historical museum and archives as having sufficient historical, research, or informational value to warrant permanent preservation. The director of the division of historical museum and archives is the trustee and custodian

of the archives of Iowa, except that archives do not include county or municipal archives unless they are voluntarily deposited with the director with the written consent of the director. The director shall prescribe rules for the systematic arrangement of archives as to the proper labeling to indicate the contents and order of filing and the archives must be so labeled before the archives may be transferred to the director's custody.

Sec. 2. Section three hundred three point thirteen (303.13), Code 1977, is amended to read as follows:

303.13 TRANSFER OF ARCHIVES. The several state, executive, and administrative departments, officers or offices, councils, boards, bureaus, and commissions, may transfer and deliver to the state historical department archives as defined in section 303.12, and ~~take the director's receipt as~~ prescribed in the records management manual. Before transferring archives, the office of present custody shall file with the director a classified list of the archives being transferred made in such detail as the director shall prescribe. If the director, on receipt of the list, and after consultation with the chief executive of the office filing the classified list or with a representative designated by the executive, shall find that, according to the records management manual, certain classifications of the archives listed are not of sufficient historical, legal or administrative value to justify permanent preservation, the director shall ~~file a list with the state records commission with recommendations for their disposal~~ not accept the material for deposit in the state archives.

Sec. 3. Section three hundred three point fourteen (303.14), Code 1977, is amended to read as follows:

303.14 REMOVAL OF ORIGINAL. After any archives have been received by the director, they shall not be removed from ~~his~~ the director's custody without ~~his~~ consent except in obedience to a subpoena of a court of record or a written order of the state executive council.

~~The director shall annually submit to the state historical board a list of papers and documents which have no further value, and upon approval of the state records commission the items shall be destroyed.~~

The director shall not be required to preserve permanently vouchers, claims, canceled or redeemed state warrants, or duplicate warrant registers, respectively, of the state

comptroller and the treasurer of state but may, after micro-filming, destroy by burning or shredding any such warrants, having no historical value, that have been in ~~his~~ the director's custody for a period of ~~three-years~~ one year and likewise to destroy by burning or shredding any vouchers, claims and duplicate warrant registers which have been in ~~his~~ the director's custody for a period of ~~three-years~~ one year. A properly authenticated reproduction of any such microfilmed record shall be admissible in evidence in any court in this state.

Sec. 4. Section three hundred four point two (304.2), subsection two (2), Code 1977, is amended to read as follows:

2. "Agency" means any executive department, office, commission, board or other unit of state government except as otherwise provided by law.

Sec. 5. Section three hundred four point three (304.3), subsection six (6), Code 1977, is amended to read as follows:

6. ~~A member of the general assembly~~ The auditor of state or designee serving as ex-officio nonvoting member appointed by the legislative council.

Sec. 6. Section three hundred four point four (304.4), Code 1977, is amended to read as follows:

304.4 EXPENSES. Members of the commission shall serve without compensation, ~~except the members of the general assembly who shall receive a per diem of forty dollars~~ but may receive their actual expenses incurred in the performance of their duties.

Sec. 7. Section three hundred four point six (304.6), Code 1977, is amended to read as follows:

304.6 POWERS. The primary agency responsible for providing administrative personnel and services for the commission shall be the department of general services. The purchase, rental, or lease of equipment and supplies for record storage or preservation by agencies shall be subject to the approval of the commission except as otherwise provided by law. The commission shall review all record storage systems and installations of agencies subject to this chapter and recommend any changes necessary to assure maximum efficiency and economic use of equipment and procedures, including but not necessarily limited to, the type of equipment, methods and procedures for filing and retrieval of records and the location of equipment. The commission shall perform any act

necessary and proper to carry out its duties.

Sec. 8. Section three hundred four point ten (304.10), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

304.10 DIRECTOR OF HISTORICAL MUSEUM AND ARCHIVES--DUTIES. All lists and schedules submitted to the commission shall be referred to the director of the historical museum and archives, who shall determine whether the records proposed for disposal have value to other agencies of the state or have research or historical value. The director of the historical museum and archives shall submit the lists and schedules with his or her recommendations in writing to the commission and the final disposition of the records shall be according to the orders of the commission.

Sec. 9. Section three hundred four point eleven (304.11), Code 1977, is amended to read as follows:

304.11 TERMINATION OF STATE AGENCY. Upon the termination of any state agency whose functions have not been transferred to another agency, the records of the agency shall be ~~deposited in the state archives~~ disposed of according to the provisions of the state records management manual. ~~The commission shall determine which records are of sufficient legal, historical, administrative, research or fiscal value to warrant their continued preservation.--Records that are determined to be of insufficient value to warrant their continued preservation shall be disposed of or destroyed.~~

Sec. 10. This Act is effective January 1, 1978.

Approved June 3, 1977

CHAPTER 99 VACATING HIGHWAYS

S. F. 307

AN ACT relating to vacating and closing highways.

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

Section 1. Section three hundred six point sixteen (306.16), Code 1977, is amended to read as follows:

306.16 FINAL ORDER. After ~~such~~ the hearing, the agency which instituted ~~such~~ the proceedings and conducted ~~such~~ the hearing, shall enter an order.--~~Said agency may dismiss~~ either

dismissing the proceedings, or it may vacate and close such vacating and closing the road, part thereof, or crossing, in which event it shall determine and state in the order the amount of the damages allowed to each claimant. Said The order thus entered shall be final except as to the amount of the damages unless the order is rescinded as provided in section three hundred six point seventeen (306.17) of the Code. A copy of such the order shall be filed with the county auditor of the county or counties in which the road, part thereof, or crossing, is located and with the department and the agency in control of any affected state land.

Sec. 2. Section three hundred six point seventeen (306.17), Code 1977, is amended to read as follows:

306.17 APPEAL. Notwithstanding the terms of the Iowa administrative procedure Act, any claimant for damages may, by serving, within twenty days after the ~~said final~~ order has been issued, a written notice upon the agency which instituted and conducted such the proceedings, appeal as to the amount of damages, to the district court of the county in which the land is located, in the manner and form prescribed in chapter 472 with reference to appeals from condemnation, and such the proceedings shall thereafter ~~likewise~~ conform to the applicable provisions of ~~said that~~ chapter. If, in the opinion of the agency, the damages as finally determined on appeal are excessive, the agency may rescind its order vacating and closing the road, part thereof, or crossing, and the right-of-way shall remain under the jurisdiction of the agency. If the order is rescinded at any time after an appeal is taken, the agency shall pay reasonable attorney fees incurred by the claimant as taxed by the court.

Sec. 3. This Act is effective January 1, 1978.

Approved June 3, 1977

CHAPTER 100
BIKEWAYS AND WALKWAYS

H. F. 197

AN ACT relating to certain bikeway and walkway construction projects.

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

Section 1. Section three hundred eight A point three (308A.3), Code 1977, is amended to read as follows:

308A.3 CERTAIN ELEVATED STRUCTURES PROHIBITED. Bikeways and walkways approved as either incidental features of highway construction projects primarily for motor vehicular traffic or as an independent bikeway or walkway construction project constructed pursuant to the Highway Act of 1973, 23 U.S.C. 217, shall not be constructed as elevated structures joining private buildings or so constructed to provide elevated access or egress facilities to private buildings unless the following condition is met:

1. That portion of project funds necessary to obtain federal funds is provided by private parties benefited by the facilities.

Approved April 29, 1977

CHAPTER 101
MULTIFLORA ROSE

S. F

AN ACT declaring the multiflora rose to be a noxious weed.

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

Section 1. Section three hundred seventeen point one (317.1), subsection two (2), Code 1977, is amended to read as follows:

2. Secondary noxious weeds, which shall include butterprint (*Abutilon theophrasti*) annual, cocklebur (*Xanthium commune*) annual, wild mustard (*Brassica arvensis*) annual, wild carrot (*Daucus carota*) biennial, buckhorn (*Plantago lanceolata*) perennial, sheep sorrel (*Rumex acetosella*) perennial, sour dock (*Rumex crispus*) perennial, smooth dock (*Rumex altissimus*) perennial, poison hemlock (*conium maculatum*), multiflora rose (*rosa multiflora*), wild sunflower (wild strain of *Helianthus annus* L.) annual, puncture vine (*Tribulus terrestris*) annual, teasel (*Dipsacus*) biennial. The multiflora rose (*rosa multiflora*) shall not be considered a secondary noxious weed when cultivated for or used as understock for cultivated roses or as ornamental shrubs in gardens, or in any county whose board of supervisors has by resolution declared it not to be a noxious weed.

Sec. 2. This Act is effective January 1, 1978.

Approved July 12, 1977

CHAPTER 102
WEED COMMISSIONER

S. F. 279

AN ACT relating to the appointment and the duties of a county weed commissioner.

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

Section 1. Section three hundred seventeen point three (317.3), Code 1977, is amended to read as follows:

317.3 WEED COMMISSIONER. The board of supervisors of each county shall annually appoint a county weed commissioner who ~~shall~~ may be a person ~~not~~ otherwise employed by the county and ~~one~~ who is familiar with the various types of weeds and the recognized methods for their control and elimination. The county weed commissioner's appointment shall be effective as of March 4 first and shall continue for a term of one year unless ~~he~~ the commissioner is ~~sooner~~ removed from office as provided for by law. The county weed commissioner may, with the approval of the board of supervisors, appoint a deputy or such number of deputies as are necessary to carry out the purposes of this chapter. The name and address of the person appointed as county weed commissioner shall, ~~within ten days of the making of the appointment,~~ be certified to the county auditor and to the secretary of agriculture within ten days of the appointment. The board of supervisors shall fix the compensation of the county weed commissioner and ~~his~~ deputies, ~~if any, and in.~~ In addition to ~~said~~ compensation, ~~they~~ the commissioner and deputies shall be paid their necessary travel ~~expense; said compensation and expense shall be paid~~ expenses from the county general fund or the weed eradication and equipment fund.

~~Notwithstanding the provisions of this section as to time of hiring the county weed commissioner, the~~ The board of supervisors shall prescribe the time per of year ~~he the weed commissioner~~ shall work perform the powers and duties of county weed commissioner under this chapter which may be during ~~the part~~ that time of year when noxious weeds can effectively be killed. Compensation shall be for the period of actual work only although a weed commissioner assigned other duties not related to weed eradication may receive an annual salary. The board of supervisors shall likewise determine whether employment shall be by hour, day or month

and the rate of pay ~~per~~ for the employment time.

Sec. 2. Section three hundred seventeen point four (317.4), Code 1977, is amended to read as follows:

317.4 DIRECTION AND CONTROL. Whenever, in this chapter, powers and duties are imposed upon a "commissioner," or "commissioners," pursuant to their weed eradication duties, such powers and duties shall apply to the county weed commissioners and their deputies within their respective counties. Each commissioner shall, subject to direction and control by the county board of supervisors, have supervision over the control and the destruction of all noxious weeds in ~~his~~ the commissioner's county, including those growing within the limits of cities, ~~and~~ within the confines of abandoned cemeteries, and ~~of any other weeds~~ those growing along streets and highways unless otherwise provided ~~and.~~ Each commissioner and deputy shall have the authority at any time to enter upon any land in his the commissioner's county at any time for the performance of his the commissioner's duties, and shall hire the labor and equipment necessary for the performance of his the commissioner's duties subject to the approval of the board of supervisors, which. This necessary labor and equipment shall be paid for in the same manner as the weed commissioner's compensation from the county general fund or the weed eradication and equipment fund.

Sec. 3. This Act is effective January 1, 1978.

Approved June 3, 1977

CHAPTER 103

MOTOR VEHICLE LAW AMENDMENTS ABSTRACTED, CATALOGED, SUMMARIZED AND INDEXED

S. F. 167

AN ACT relating to transportation providing for retention of motor vehicle registration plates upon transfer, issuance of sample registration plates, defining certain words, red stars on registration plates issued for Iowa highway safety patrol vehicles, gold stars on county sheriff's patrol vehicles, the elimination of the requirement for completion of a driver education course to obtain a motorized bicycle license, changing the requirements of perfection of certain security interests, use of a social security number on motor vehicle license applications, special permits for rubbish collection vehicles, elimination of the notation of security interests on the state copy of a certificate of title, issu-

ance of personalized, special and dealer registration plates, re-registration of a motor vehicle in a new county, issuance of substitute registration plates, the allowance of seven days after transfer of a motor vehicle to register the motor vehicle and transfer the certificate of title, transfer under a restricted certificate of title with the transferee's signature on an affidavit, collection of semi-annual fees on certain motor trucks in unequal installments, an increase in the portion of the registration fee retained by the county treasurer, working in Iowa with a chauffeur's license from another state, issuance of a temporary chauffeur's instruction permit at a cost of six dollars, people at least eighteen years old to obtain a four year license, the expiration of a chauffeur's license, prohibiting the possession of motor vehicle license forms subject to a penalty provided by law, the stopping on highways to make left turns, relating to the width and length of buses which may be operated on the highways of this state, the exemption of vehicles four tons or less from the requirement to carry certain signaling devices, covering loads, an exception for carpools and vanpools from the requirement of obtaining a certificate of public convenience and necessity, extension of the period within which a fleet owner must file certain reports, and special permits to move certain loads under emergency situations.

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

Section 1. Section one hundred thirty-five D point twenty-six (135D.26), subsection two (2), Code 1977, is amended to read as follows:

2. After complying with the provisions of subsection 1, the owner shall notify the assessor who shall inspect the new premises for compliance. If a security interest is noted on the certificate of title, the assessor shall require an affidavit, as defined in section 622.85, from the mobile home owner, declaring that the owner has complied with subsection 1, paragraph "c", and shall send notice of the proposed conversion to the secured party by regular mail not less than ten days before the conversion becomes effective. When the mobile home is properly converted, the assessor shall then collect the mobile home vehicle title, registration card, and ~~license~~, unless the registration plates are retained to be attached to another mobile home, the registration plates from the owner and. The assessor shall enter the property upon the tax rolls.

Sec. 2. Section three hundred seven point twenty-six (307.26), subsection five (5), Code 1977, is amended to read as follows:

5. Advise and assist the director in the conduct of research on railroad-highway grade crossings and encourage

and develop a safety program in order to reduce injuries or fatalities including, but not limited to, the following:

a. The implementation of a program of constructing rumble strips at grade crossings on selected hard surface roads.

b. The establishment of standards for warning devices for particularly hazardous crossings or for classes of crossings on highways, which standards are designed to reduce injuries, fatalities and property damage. Such standards shall regulate the use of warning devices and signs which shall be in addition to the requirements of section three hundred twenty-seven G point two (327G.2) of the Code. Implementation of such standards shall be the responsibility of the government agency or department or political subdivision having jurisdiction and control of the highway and such implementation shall be deemed adequate for the purposes of railroad grade crossing protection. The department, or the political subdivision having jurisdiction, may direct the installation of temporary protection while awaiting installation of permanent protection. A railroad crossing shall not be found to be particularly hazardous for any purpose unless the department has determined it to be particularly hazardous.

Sec. 3. Chapter three hundred twenty-one (321), Code 1977, is amended by adding the following new section:

NEW SECTION. SAMPLE VEHICLE REGISTRATION PLATES. Vehicle registration plates displaying the general design of regular registration plates, with the word "sample" displayed on the plate, may be furnished to any person upon payment of a fee of three dollars, except that such plates may be furnished to governmental agencies without cost. Sample registration plates shall not be attached to a vehicle moved on the highways of this state.

Sec. 4. Section three hundred twenty-one point one (321.1), Code 1977, is amended by adding the following new subsections:

NEW SUBSECTION. "Multipurpose vehicle" means a motor vehicle designed to carry not more than ten people, and constructed either on a truck chassis or with special features for occasional off-road operation.

NEW SUBSECTION. "Motor vehicle license" means any license or permit issued to a person to operate a motor vehicle on the highways of this state, including but not limited to operator, chauffeur, and motorized bicycle licenses and instruction and temporary permits.

Sec. 5. Section three hundred twenty-one point one (321.1),

subsection sixteen (16), Code 1977, is amended by adding the following new paragraph:

NEW PARAGRAPH. All self-propelled machinery operated at speeds of less than thirty miles per hour, specifically designed for, or especially adapted to be capable of, incidental over-the-road and primary off-road usage, and used exclusively for the application of plant food materials, agricultural limestone or agricultural chemicals, and not specifically designed or intended for transportation of agricultural limestone and such chemicals and materials. Such machinery shall be operated in compliance with section three hundred twenty-one point four hundred sixty-three (321.463) of the Code.

Sec. 6. Section three hundred twenty-one point nineteen (321.19), subsection one (1), Code 1977, is amended to read as follows:

1. All vehicles owned by the government and used in the transaction of official business by the representatives of foreign powers or by officers, boards, or departments of the government of the United States, and by the state of Iowa, counties, municipalities and other subdivisions of government including vehicles used by an urban transit company operated by a municipality and such self-propelling vehicles as are used neither for the conveyance of persons for hire, pleasure, or business nor for the transportation of freight other than those used by an urban transit company operated by a municipality, and all fire trucks, providing they are not owned and operated for a pecuniary profit, are hereby exempted from the payment of the fees in this chapter prescribed, except as provided for urban transit companies in subsection 2, but shall not be exempt from the penalties herein provided. The department shall furnish, on application, free of charge, distinguishing plates for vehicles thus exempted, which plates except plates on Iowa highway safety patrol vehicles shall bear the word "official," and the department shall keep a separate record thereof. Registration plates issued for Iowa highway safety patrol vehicles, except unmarked patrol vehicles, shall bear two red stars on a yellow background, one before and one following the registration number on the plate which registration number shall be the officer's badge number. Registration plates issued for a county sheriff's patrol vehicles shall display one seven pointed gold star on a green background followed by the letter "S" and the call number of the vehicle. Provided that the director of general

services or the director of transportation may order the issuance of regular registration plates, for any such exempted vehicle, used by peace officers in the enforcement of the law and persons enforcing chapter 204 and other laws relating to controlled substances. For purposes of sale of vehicles exempted as herein indicated, the exempted governmental body, upon the sale of the exempted vehicles, may issue for in-transit purposes a pasteboard card bearing the words "Vehicle in Transit," the name of the official body for which the vehicle was purchased, together with the date of the purchase plainly marked in minimal of one-inch letters, and other information which may be required by the department. The in-transit card shall be valid for use only within forty-eight hours after the purchase date as indicated on the bill of sale which shall be carried by the driver.

Sec. 7. Section three hundred twenty-one point twenty-four (321.24), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Upon receipt of the application for title and payment of the required fees for motor vehicle, trailer, or semitrailer, the county treasurer shall, when satisfied as to the genuineness and regularity thereof, issue a registration receipt and certificate of title and shall file the application, the manufacturer's or importer's certificate, certificate of title, or other evidence of ownership, as prescribed by the department. The registration receipt shall be delivered to the owner and shall contain upon the face thereof the date issued, the name and address of the owner, the registration number assigned to the vehicle, the title number assigned to the owner of the vehicle, the amount of the fee paid, the amount of tax paid pursuant to section 423.7, type of fuel used and such description of the vehicle as determined by the department and upon the reverse side a form for notice of transfer of the vehicle. The county treasurer shall maintain in the county record system information contained on the registration receipt. Such information shall be accessible by registration number and shall be open for public inspection during reasonable business hours. Such copies as the department may require shall be sent to the department in the manner and at such time as the department may direct. The certificate of title shall contain upon the face thereof the identical information required upon the face of the registration receipt. In addition thereto, the certificate of title shall contain a statement of the

owner's title, the amount of tax paid pursuant to section 423.7, name and address of previous owner, and a statement of all security interests and encumbrances as shown in the application, upon the vehicle therein described including the nature of the security interest, ~~amount~~, date of notation and name and address of the secured party. Said certificate shall bear thereon the seal of the county treasurer, the signature of the county treasurer or that of the deputy county treasurer, and shall provide space for the signature of the owner. The owner shall sign the certificate of title in the space provided with pen and ink upon receipt of certificate of title. The certificate of title shall contain upon the reverse side a form for assignment of title or interest and warranty thereof by the owner, for reassignments by a licensed dealer and for application for a new certificate of title by the transferee as provided in this chapter. All certificates of title shall be typewritten or printed by other mechanical means. The original certificate of title shall be delivered to the owner in the event no security interest or encumbrance appears thereon. Otherwise the certificate of title shall be delivered by the county treasurer to the person holding the first security interest or encumbrance as shown in the certificate. The county treasurer shall maintain in the county records system information contained on the certificate of title. Such information shall be accessible by title certificate number for a period of three years from the date of notification of cancellation of title or that a new title has been issued as provided in this chapter. Such copies as the department may require shall be sent to the department in the manner and at such time as the department shall direct. The department shall designate a uniform system of title numbers so as to indicate the county of issuance.

Sec. 8. Section three hundred twenty-one point twenty-five (321.25), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

321.25 APPLICATION FOR REGISTRATION AND TITLE--CARDS ATTACHED. A vehicle may be operated upon the highways of this state without registration plates for a period of twenty days after the date of delivery of the vehicle to the purchaser from a dealer if a card bearing the words "registration applied for" is attached on the rear of the vehicle. The card shall have plainly stamped or stenciled the registration number of the dealer from whom the vehicle was purchased and the date of delivery of the vehicle. A dealer shall not issue

a card to a person known to the dealer to be in possession of registration plates which may be attached to the vehicle. A dealer shall not issue a card unless an application for registration and certificate of title has been made by the purchaser and a receipt issued to the purchaser of the vehicle showing the fee paid by the person making the application. Dealers' records shall indicate the agency to which the fee is sent and the date the fee is sent. The dealer shall forward the application by the purchaser to the county treasurer or state office within seven calendar days from the date of delivery of the vehicle.

The department shall, upon request by any dealer, furnish "registration applied for" cards free of charge. Only cards furnished by the department shall be used.

Sec. 9. Section three hundred twenty-one point thirty-one (321.31), Code 1977, is amended to read as follows:

321.31 RECORDS SYSTEM. A state and county records system shall be maintained in the following manner:

1. STATE RECORDS SYSTEM. The department shall install and maintain a records system which shall contain the name and address of the vehicle owner, current and previous registration number, vehicle identification number, make, model, style, date of purchase, registration certificate number, maximum gross weight, weight, list price or value of the vehicle as fixed by the department, fees paid and date of payment. The records system shall also contain a record of the certificate of title including ~~the notation of all security interests recorded and released, and~~ such other information as the department deems necessary. The information to be kept in the records system shall be entered within forty-eight hours after receipt insofar as is practical. The records system shall constitute the permanent record of ownership of each vehicle titled under the laws of this state.

The department may make photostatic, microfilm, or other photographic copies of certificates of title, registration receipts, or other records, reports or documents which are required to be retained by the department. When copies have been made, the department may destroy the original records in such manner as prescribed by the director. The photostatic, microfilm, or other photographic copies, when no longer of use, may be destroyed in the manner prescribed by the director, subject to the approval of the state records commission.

Photostatic, microfilm, or other photographic copies of records shall be admissible in evidence when duly certified and authenticated by the officer having custody and control of the copies of records. Records of vehicle certificates of title may be destroyed seven years after the date of issue.

2. COUNTY RECORDS SYSTEM. Each county treasurer's office shall maintain a county records system for vehicle registration and certificate of title documents. The records system shall consist of information from the certificate of title including the notation and cancellation of security interests, information from the registration receipt, and such information shall be maintained by retention of one copy of the registration receipt in a registration number file and one copy of the title certificate in a title number file. In lieu of retaining one copy of the registration receipt and one copy of the title certificate, the information may be maintained in such other manner as may be approved by the department, provided such information is accessible by title certificate number and registration number.

The county treasurer may make photostatic, microfilm, or other photographic copies of certificates of title, registration receipts, or other records, reports or documents which are required to be retained by the county treasurer. When copies of records have been made, the county treasurer may destroy the original records three years after they have been issued, in such manner as prescribed by the department. When copies of records are no longer of use, they may be destroyed in a manner prescribed by the department. Records of vehicle certificates of title for vehicles that are delinquent for five or more consecutive years may be destroyed by the county treasurer. Photostatic, microfilm or other photographic copies of records shall be admissible in evidence when duly certified and authenticated by the officer having custody and control of the copies of records.

Sec. 10. Section three hundred twenty-one point thirty-four (321.34), subsections one (1), two (2), four (4), and subsection seven (7) paragraphs a and b, Code 1977, are amended to read as follows:

1. PLATES ISSUED. The county treasurer upon receiving application, accompanied by proper fee for registration of a vehicle shall issue to the owner one registration plate for a motorcycle, motorized bicycle, truck tractor, trailer,

or semitrailer and two registration plates for every other motor vehicle. The registration plates, including special registration plates, shall be assigned to the owner of a vehicle. Whenever the owner of a registered vehicle transfers or assigns ownership of such vehicle to another person the owner shall remove the registration plates from the vehicle. The owner shall either forward the plates to the county treasurer where the vehicle is registered or to the department if the vehicle is owned by a nonresident, or the owner may have the plates assigned to another vehicle within thirty days after transfer, upon payment of the fees required by law. The owner shall immediately affix registration plates retained by the owner to another vehicle owned or acquired by such person, providing the owner complies with section three hundred twenty-one point forty-six (321.46) of the Code.

2. GROSS WEIGHT EMBLEMS. The county treasurer shall also issue to applicants for registration of a truck or a truck tractor, not including in the lowest registration class, two emblems which ~~emblems~~ designate the gross weight for which the vehicle is registered by figures which show the gross weight in tons. Number plates and weight limitation emblems which are issued with registrations or registration increases are hereby declared to be integral parts of the registration of the vehicle for which issued. The weight limitation emblems shall be ~~applied to both sides of the vehicle, either to the doors of the cab or to the lower front corner of the box, or such other location as designated by the commissioner~~ attached to the registration plates issued for the vehicle.

4. RADIO OPERATORS PLATES. The owner of an automobile, light delivery truck, panel delivery truck, or pickup who holds an amateur radio license issued by the federal communications commission may, upon written application to the county treasurer accompanied by a fee of five dollars, order special registration plates bearing the call letters authorized the radio station covered by ~~his~~ the person's amateur radio license. When received by the county treasurer, such special registration plates shall be issued to the applicant in exchange for the registration plates previously issued to ~~him~~ the person. Not more than one set of special registration plates may be issued to an applicant. Said fee shall be in addition to and not in lieu of the fee for regular registration plates. Special registration plates must be

surrendered upon expiration of the owner's amateur radio license ~~or upon transfer of title to the automobile for which such plates have been issued,~~ and the owner shall thereupon be entitled to his regular registration plates. ~~The county treasurer shall furnish the department an alphabetically arranged list of these to whom special plates have been issued.~~ The county treasurer shall validate special plates in the same manner as regular registration plates, upon payment of five dollars in addition to the regular annual registration fee.

7. INDIVIDUALIZED PERSONALIZED REGISTRATION PLATES.

a. Upon application and the payment of a fee of twenty-five dollars, the director may issue to the owner of a motor vehicle ~~except a motor truck, which is~~ registered in this state ~~as provided in this chapter, a set of~~ personalized registration plates marked with the initials, letters, or a combination of numerals and letters requested by the owner. Upon receipt of the personalized registration plates, the applicant shall surrender the regular registration plates to the director county treasurer. ~~Prior to transfer of title to the motor vehicle, the personalized registration plates shall be returned to the director and the owner shall be entitled to regular registration plates without additional fee.~~ The fee for a set of issuance of the personalized registration plates shall be in addition to the regular annual registration fee ~~provided under section 321.409.~~

b. The county treasurer shall validate personalized registration plates ~~shall be validated~~ in the same manner as regular registration plates are validated under this section at an annual fee of five dollars in addition to the regular annual registration fee.

Sec. 11. Section three hundred twenty-one point thirty-five (321.35), unnumbered paragraphs one (1) and (2), Code 1977, are amended by striking the paragraphs.

Sec. 12. Section three hundred twenty-one point thirty-seven (321.37), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Registration plates issued for a motor vehicle other than a motorcycle, motorized bicycle or a truck tractor shall be attached ~~thereto~~ to the motor vehicle, one in the front and the other in the rear. The registration plate issued for a motorcycle or other vehicle required to be registered

hereunder shall be attached to the rear ~~thereof~~ of the vehicle. The registration plate issued for a truck tractor shall be attached to the front ~~thereof~~ of the truck tractor. The special plate issued to a dealer shall be attached on the rear of the vehicle when operated on the highways of this state.

Sec. 13. Section three hundred twenty-one point thirty-nine (321.39), Code 1977, is amended to read as follows:

321.39 EXPIRATION OF REGISTRATION. Every vehicle registration under this chapter and every registration card and registration plate issued hereunder except multiyear registration plates issued for trailers or semitrailers registered for a period of three years shall expire at midnight on the thirty-first day of December of each year. The provisions of this section shall not apply to any vehicle which is registered without the payment of fees as provided in section 321.19, but the registration plate or plates issued for such vehicle shall remain valid until suspended or revoked or canceled by the department, ~~or until the title or ownership of such vehicle has been transferred.~~

Sec. 14. Section three hundred twenty-one point forty-one (321.41), Code 1977, is amended by adding the following new paragraph:

NEW PARAGRAPH. A person who has registered a vehicle in a county, other than the county designated on the vehicle registration plate, may apply to the county treasurer where the vehicle is registered for new registration plates upon payment of a fee of five dollars and the return of the former county registration plates.

Sec. 15. Section three hundred twenty-one point forty-two (321.42), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

In the event any registration card or registration plate is lost, mutilated, or becomes illegible the owner shall immediately make application for and may obtain a duplicate or a substitute registration plate or a new registration plate, at the discretion of the department, upon the applicant furnishing information satisfactory to the department together with the payment of a fee of two dollars for each such plate or registration card.

Sec. 16. Section three hundred twenty-one point forty-six (321.46), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The ~~purchaser-or~~ transferee shall immediately within seven calendar days after purchase or transfer apply for and obtain from the county treasurer of ~~his~~ the person's residence a transfer of registration and a new certificate of title for such vehicle except as provided in section 321.48. The ~~purchaser-or~~ transferee shall present with the application the certificate of title endorsed and assigned by the previous owner and the signed registration card. The ~~purchaser-or~~ ~~the~~ transferee shall ~~not~~ be required to list a ~~social-security motor vehicle license~~ number as part of the application for a registration transfer and a new title. The motor vehicle license number shall not be the social security number of the transferee unless requested by the transferee.

Sec. 17. Section three hundred twenty-one point forty-seven (321.47), Code 1977, is amended by adding the following new paragraph:

NEW PARAGRAPH. Whenever ownership of a vehicle is transferred under the provisions of this section the registration plates shall be removed and forwarded to the county treasurer of the county where the vehicle is registered or to the department if the vehicle is owned by a nonresident. Upon transfer the vehicle shall not be operated upon the highways of this state until the person entitled to possession of the vehicle applies for and obtains registration for the vehicle.

Sec. 18. Section three hundred twenty-one point forty-eight (321.48), subsection one (1), Code 1977, is amended to read as follows:

1. When the transferee ~~or-purchaser~~ of a vehicle is a dealer who holds the same vehicle for resale and operates the same vehicle only for purposes incident to a resale and ~~displays-thereon-the-registration-plates-issued-for-such vehicle-or~~ displays his a dealer plates-thereon plate on the vehicle or does not drive such vehicle or permit it to be driven upon the highways, such transferee shall not be required to obtain transfer of registration or a new certificate of title but upon transferring ~~his~~ title or interest to another person shall execute and acknowledge an assignment and warranty of title upon the certificate of title assigned to ~~him~~ the person and deliver the same to the person to whom such transfer is made. The dealer shall also sign the reverse side of the registration card for such vehicle indicating the name and address of the new purchaser.

Sec. 19. Section three hundred twenty-one point forty-nine (321.49), subsection one (1), Code 1977, is amended to read as follows:

1. If an application for transfer of registration and certificate of title is not submitted to the county treasurer of the residence of ~~purchaser or~~ the transferee within five seven days of the date of assignment or transfer of title, a penalty of five dollars shall accrue against said vehicle, and no registration card or certificate of title shall thereafter be issued until penalty is paid.

Sec. 20. Section three hundred twenty-one point fifty (321.50), subsections three (3) and four (4), Code 1977, are amended to read as follows:

3. Upon receipt of the application, the certificate of title, if any, and the required fee, the county treasurer shall note such security interest, and the date thereof, on the certificate over the signature of such officer or deputy and the seal of office. The county treasurer shall also note such security interest and the date thereof in the county records system ~~and shall also notify the department~~. The county treasurer shall then mail the certificate of title to the first secured party as shown thereon.

4. When a security interest is discharged, the holder thereof shall execute a release within fifteen days after payment is received, such release to contain the certificate of title number, the date of the notation ~~thereof~~, and the name and address of the person to whom the title shall be delivered when such delivery is requested as hereinafter provided. The holder shall also note a cancellation of same on the face of the certificate of title over ~~his, her or its~~ the holder's signature, and deliver the release and certificate of title to the county treasurer where title was issued. The county treasurer shall immediately note the cancellation of said security interest on the face of the certificate of title and in the county records system ~~and shall also notify the department~~. The county treasurer shall on the same day deliver the certificate of title to the then first secured party or, if there is no such person, to the person as directed on the security interest release or, if there is no such person designated, then to the owner. Said cancellation of the security interest shall be noted on the certificate of title by the county treasurer without charge. The holder

of a security interest discharged by payment who fails to release such security interest as herein provided within fifteen days after being requested in writing to do so shall forfeit to the person making such payment the sum of twenty-five dollars. Such request shall be on the release form as prescribed by the department and shall contain a statement signed by the owner setting forth the name and address of the person to whom the title shall be delivered.

Sec. 21. Section three hundred twenty-one point fifty (321.50), subsection one (1), Code 1977, is amended to read as follows:

1. A security interest in a vehicle subject to registration under the laws of this state, except trailers whose empty weight is two thousand pounds or less, ~~and wagon-bus-trailers subject to a registration fee of five dollars or less,~~ and new or used vehicles held by a dealer or manufacturer as inventory for sale, is perfected by the delivery to the county treasurer of the county where the certificate of title was issued or, in the case of a new certificate, to the county treasurer where the certificate will be issued of an application for certificate of title which lists such security interest, or an application for notation of security interest signed by the owner, or by one owner of a vehicle, owned jointly by more than one person or a certificate of title from another jurisdiction which shows such security interest, and a fee of two dollars for each security interest shown. If the owner or secured party is in possession of the certificate of title, it must also be delivered at this time in order to perfect the security interest. If a vehicle is subject to a security interest when brought into this state, the validity of the security interest and the date of perfection is determined by the Uniform Commercial Code, section 554.9103. Delivery as provided in this subsection shall be deemed to be indication of a security interest on a certificate of title for purposes of chapter 554.

Sec. 22. Section three hundred twenty-one point fifty-one (321.51), subsections two (2), three (3), four (4), five (5), six (6) and seven (7), Code 1977, are amended to read as follows:

2. That the vehicle was obtained for the purpose of restoring, rebuilding or repairing and not for use upon the highway and such facts are evidenced by an affidavit signed

by ~~both-the-transferer-and~~ the transferee on a form provided by the department.

3. The transferor shall surrender the ~~registration-plates,~~ registration card and the certificate of title, or if a foreign vehicle from a nontitle state, such evidence of foreign registration and ownership as may be prescribed by the department, unless the vehicle is sold or transferred pursuant to the provisions of sections 321.89 to 321.91, for the vehicle together with the application of the transferee for a restricted certificate of title, the affidavit as provided in subsection 2 of this section and the fee for transfer to the county treasurer of the residence of the transferor who shall transmit the application of the transferee for a restricted certificate of title, the affidavit as provided in subsection 2 of this section, and the fee for transfer to the county treasurer of the county of residence of the transferee. No refund of fees previously paid for the registration of such motor vehicle shall be allowed.

4. The county treasurer of the county of residence of the transferee upon receipt of the application for a new certificate of title, fee therefor, and the affidavit as provided in subsection 2 of this section, and when satisfied as to the genuineness and regularity thereof, shall issue a restricted certificate of title to the applicant but shall not issue registration plates or a registration card. A restricted certificate of title shall be red in color and shall have conspicuously imprinted thereon in bold print, in a manner prescribed by the department, the words "RESTRICTED CERTIFICATE OF TITLE--CANNOT BE REGISTERED AND OPERATED ON THE HIGHWAYS WITHOUT A VALID APPROVED CERTIFICATE OF INSPECTION EXCEPT AS PROVIDED IN SECTION ~~324.98~~ three hundred twenty-one point fifty-one (321.51) of the Code." At such time as the transferee surrenders a valid approved certificate of inspection and the restricted certificate of title to the county treasurer of the county of ~~his~~ residence, the county treasurer, upon payment of the appropriate fees, shall issue a certificate of title that is not restricted for the vehicle and shall also issue a registration card and registration plates ~~for-the-vehicle~~ to the applicant if the applicant is not in possession of registration plates which may be attached to the vehicle, however, if the registration fee for the vehicle has been paid for the current year, the county

treasurer shall issue a registration card and registration plates ~~for the vehicle~~ to the applicant if the applicant is not in possession of registration plates which may be attached to the vehicle upon payment of an additional registration fee of five dollars. A vehicle with a restricted certificate of title shall not have a registration plate attached to the vehicle.

5. A motor vehicle which has a restricted certificate of title may be sold or otherwise transferred as provided in this section, except provisions pertaining to the surrender of the current registration plates and registration card shall not apply; however, such motor vehicle may be sold or otherwise transferred pursuant to section 321.48 to a dealer licensed under chapter 322 without compliance with the provisions of this section.

6. ~~No~~ A vehicle sold or otherwise transferred pursuant to the provisions of this section shall not be driven upon the highway until a valid official certificate of inspection has been affixed thereto to the vehicle and an unrestricted certificate of title, a registration card, ~~and registration plates~~ for the vehicle have been issued to the ~~purchaser or transferee, except as set out in section 321.98~~ and the transferee or purchaser has properly attached valid registration plates on the vehicle. However, upon receipt of an affidavit signed by the owner of the vehicle stating that the vehicle is reasonably safe for operation, an inspection station may issue a permit authorizing the owner to operate the vehicle to and from a specific inspection station. The affidavit and permit mentioned in this section shall be on forms prescribed and furnished by the department which shall forward these forms to each county treasurer where they shall be made available upon request, such permit shall be valid for forty-eight hours after issuance by inspection station.

7. The provisions of this section, except provisions pertaining to the surrender of a current registration plates and registration card, shall also be applicable to the insurer of any vehicle who obtains ownership of the vehicle as a result of settlement resulting from the theft of a motor vehicle which has not been recovered, provided the vehicle has been reported stolen as provided in ~~section 321.85~~ sections three hundred twenty-one point seventy-two (321.72) and three

hundred twenty-one point seventy-three (321.73) of the Code and written proof of payment to the insured, resulting from such theft, is submitted by the applicant. Proof of payment for loss due to theft shall be submitted on forms prescribed or provided by the department.

Sec. 23. Section three hundred twenty-one point fifty-two (321.52), Code 1977, is amended to read as follows:

321.52 DISMANTLED OR DESTROYED VEHICLES.

1. When a vehicle is permanently dismantled or destroyed so that it can no longer be used on the public highway or is sold by the owner, dealer or otherwise, for junk, the owner shall detach the registration plates and registration card and surrender ~~same~~ both, unless the registration plates are properly attached to another vehicle, along with the certificate of title to the county treasurer who shall cancel same on ~~his~~ the person's records and forward the certificate of title to the department. The certificate of title surrendered by the owner shall have noted thereon the purpose of cancellation and the name of the purchaser if sold for junk and such notation shall be ~~duly~~ signed by the owner. The department shall notify the title issuing county, if other than the county where title was surrendered, authorizing the treasurer to cancel and destroy all records pertaining to the particular vehicle. The department is not authorized to make a refund of license fees on a dismantled, destroyed or junked vehicle unless and until the certificate of title ~~thereto~~ has been surrendered.

2. When a vehicle is sold outside the state for purposes other than for junk the owner, dealer or otherwise, ~~thereof~~, shall detach the registration plates and registration card and shall indicate on the reverse side of such registration card the name and address of the foreign purchaser or transferee over ~~his~~ the person's signature. The owner shall surrender the registration plates and registration card to the county treasurer, unless the registration plates are properly attached to another vehicle, who shall cancel ~~his~~ the records and shall destroy the registration plates and forward the registration card to the department. The department shall make a notation on the records of the out-of-state sale, and, after a reasonable period, may destroy the files to that particular vehicle ~~except-the-motor-file~~. The department is not authorized to make a refund of license

fees on a vehicle sold out of state unless ~~and-until~~ it receives the registration card completed as ~~herein~~ provided in this section.

Sec. 24. Section three hundred twenty-one point fifty-seven (321.57), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

A dealer owning any vehicle of a type otherwise required to be registered hereunder may operate or move the same upon the highways solely for purposes of transporting, testing, demonstrating or selling the same without registering each such vehicle upon condition that any such vehicle display ~~thereon~~ in the manner prescribed in sections 321.37 and 321.38 a special plate ~~or-plates~~ issued to such owner as provided in sections 321.58 to 321.62. In addition to the foregoing, a new car dealer or a used car dealer may operate or move upon the highways any new or used car or trailer owned by him for either private or business purposes without registering the same providing, (1) such new or used car or trailer is in the dealer's inventory and is continuously offered for sale at retail, and (2) there is displayed thereon a special plate ~~or-plates~~ issued to such dealer as provided in sections 321.58 to 321.62.

Sec. 25. Section three hundred twenty-one point fifty-eight (321.58), Code 1977, is amended to read as follows:

321.58 APPLICATION. Any dealer in new or used cars may, upon payment of a fee of thirty-five dollars, make application to the department upon the appropriate form for a certificate containing a general distinguishing number and for one or more ~~pairs-of-special-plates-or-single~~ special plates as appropriate to various types of vehicles subject to registration ~~hereunder~~, and all other dealers or transporters may, upon the payment of a fee of twenty-five dollars, make an application to the department in a like manner for a like certificate and number and plates as appropriate to various types of vehicles subject to registration ~~hereunder~~. The applicant shall also submit proof of ~~his~~ the applicant's status as a bona fide transporter or dealer as may reasonably be required by the department. Dealers in new vehicles shall furnish satisfactory evidence of a valid franchise with the manufacturer of such vehicles authorizing such dealership.

Sec. 26. Section three hundred twenty-one point sixty (321.60), Code 1977, is amended to read as follows:

321.60 ISSUANCE OF SPECIAL PLATES. The department shall also issue special plates as applied for, which shall have displayed ~~thereon an identification of the type of vehicle and if a car, whether it is a new or used car and~~ the general distinguishing number assigned to the applicant. Each plate ~~or pair of plates~~ so issued shall also contain a number or symbol identifying the same from every other plate ~~or pair of plates~~ bearing the same general distinguishing number. The fee for each special plate ~~or pair of special plates for new car and used car plates~~ shall be ten dollars. ~~For all other special plates the fee for each special plate or pair of special plates shall be three dollars.~~

Special plates may be validated in the same manner as regular registration plates under this chapter at an annual fee of ten dollars.

Sec. 27. Section three hundred twenty-one point one hundred four (321.104), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. For a dealer to sell or transfer a mobile home without delivering to the purchaser or transferee a certificate of title, a manufacturer's or importer's certificate properly assigned to the purchaser, or to transfer a mobile home without disclosing to the purchaser the owner of the mobile home in a manner prescribed by the department pursuant to rules.

Sec. 28. Section three hundred twenty-one point one hundred five (321.105), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

An annual registration fee shall be paid for each ~~motor~~ vehicle ~~or trailer~~ operated upon the public highways of this state unless ~~said~~ the vehicle is specifically exempted under the provisions of this chapter. If a vehicle, which has been registered for the year, is transferred during the registration year, the transferee shall re-register the vehicle as provided in section three hundred twenty-one point forty-six (321.46) of the Code, without payment of an additional annual registration fee.

Sec. 29. Section three hundred twenty-one point one hundred twenty-one (321.121), Code 1977, is amended to read as follows:

321.121 SPECIAL TRUCKS FOR FARM USE. The registration fee for a special truck shall be one hundred dollars for a

gross weight of eight tons, and in addition, fifteen dollars for each ton over eight tons. Any person convicted of using a truck registered as a special truck for any purpose other than permitted by section 321.1, subsection 72, shall, in addition to any other penalty imposed by law, be required to pay regular motor truck registration fees upon such truck. ~~A distinctive decal shall be applied to the special truck registration plate for easy identification.~~

Sec. 30. Section three hundred twenty-one point one hundred twenty-six (321.126), subsection one (1), Code 1977, is amended to read as follows:

321.126 REFUNDS OF FEES.

1. If the motor vehicle is destroyed by fire or accident, or junked and its identity as a motor vehicle entirely eliminated, or removed and continuously used beyond the boundaries of this state, the owner in whose name the motor vehicle was registered at the time of such destruction, dismantling or removal from the state shall return the plates to the county treasurer or the department, unless the registration plates are retained and properly attached to another motor vehicle, and within thirty days thereafter make affidavit of such destruction, dismantling, or removal and make claim for refund. With reference to the destruction or dismantling of a vehicle, the affidavit shall be accompanied by the certificate of title, if titled in Iowa, as provided in section 321.52. With reference to the removal of a vehicle from this state as provided herein, the affidavit shall contain a statement indicating the foreign registration number of such vehicle, the name and address of the official of the foreign state to whom the Iowa certificate of title, if any, has been surrendered, and the number of the foreign certificate of title issued for such vehicle if registered in a title law state.

Sec. 31. Section three hundred twenty-one point one hundred twenty-seven (321.127), Code 1977, is amended to read as follows:

321.127 AMOUNT OF REFUND. For December and each succeeding month the refund for motor vehicles shall be computed on the basis of one-fourth of the annual registration fee multiplied by the number of remaining quarters of the year from date of the return of the vehicles plates to filing of the claim for refund with the county treasurer, computed to the nearest

quarter dollar. The department, unless reasonable grounds exist for delay, shall make refund on or before the fifteenth day of the quarter following the quarter in which the claim is filed with the department. For trailers or semitrailers issued a multiyear registration plate a refund shall be paid equal to the annual fee for twelve months times the remaining number of complete calendar years.

Sec. 32. Section three hundred twenty-one point one hundred thirty-four (321.134), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

On February 4 first of each year, a penalty of five percent of the annual registration fee shall be added to all fees not paid by that date, and five percent of the annual registration fee shall be added to such fees on the first of each month thereafter that the same remains unpaid, until paid, provided that the penalty in no case shall be less than one dollar, and provided that the owner of a vehicle who, before February 4 first of any year, surrenders all registration plates for that vehicle to the county treasurer of the county in which said plates are of record, shall have the right to register the vehicle at any later period of that year by paying the full yearly registration fee without penalty. Provided, however, that the annual registration fee for trucks, truck tractors, road tractors, trailers and semitrailers, as provided in sections 321.120 to 321.123, when said annual registration fee is in excess of seventy dollars, may be payable in two ~~equal~~ semiannual installments except that semiannual installments shall not apply to commercial vehicles subject to proportional registration with a base state other than the state of Iowa as defined in section 326.2, subsection 6.

Sec. 33. Section three hundred twenty-one point one hundred fifty-two (321.152), Code 1977, is amended to read as follows:

321.152 FEE FOR COUNTY. Each county treasurer shall be allowed to retain for deposit in the county general fund, ~~seventy-five cents~~ two point six percent (2.6%) of the total collection for each annual or semiannual vehicle registration and each duplicate registration card or plate issued; sixty-five percent (65%) of all fees collected for certificates of title and certified copies of certificates of title; and one hundred percent (100%) of all fees collected for notation of security interests ~~notations-of-lien-or-encumbrance-and~~

~~certified-copy-of-a-certificate-of-title~~. The monies retained shall be deducted, and reported to the department, when the county treasurer transfers the money collected under the provisions of this chapter; provided, however, that no such deduction shall be lawful unless the county treasurer has complied with the provisions of sections 321.24 and 321.153.

Sec. 34. Section three hundred twenty-one point one hundred sixty-six (321.166), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

321.166 VEHICLE PLATE SPECIFICATIONS. Vehicle registration plates shall conform to the following specifications: _

1. Registration plates shall be of metal and of a size not to exceed six inches by twelve inches, except that the size of plates issued for use on motorized bicycles and motorcycles shall be established by the department.

2. Every registration plate or pair of plates shall display a registration plate number which shall consist of alphabetical or numerical characters or a combination thereof and the name of this state, which may be abbreviated. Every registration plate issued by the county treasurer shall display the name of the county except plates issued for motor trucks, truck tractors, motorcycles, motorized bicycles, travel trailers, mobile homes, semitrailers and trailers. The year of expiration or the date of expiration shall be displayed on vehicle registration plates, except plates issued under the provisions of section three hundred twenty-one point nineteen (321.19) of the Code. Registration plates issued for motor trucks and truck tractors shall be designed in such a manner that the gross weight for which the vehicle is registered may be displayed on the plate. Special truck registration plates shall display the word "special".

3. The registration plate number shall be displayed in characters which shall not exceed a height of four inches nor a stroke width exceeding five-eighths of an inch. Special plates issued to dealers shall display the alphabetical character "D", which shall be of the same size of the characters in the registration plate. The registration plate number issued for motorized bicycles and motorcycles shall be a size prescribed by the department.

4. The registration plate number, except on motorized bicycle and motorcycle registration plates, shall be of sufficient size to be readable from a distance of one hundred feet during daylight.

5. There shall be a marked contrast between the color of the registration plates and the data which is required to be displayed on the registration plates. When a new series of registration plates is issued to replace a current series, the new registration plates shall be of a distinctively different color from the series which is replaced.

Sec. 35. Section three hundred twenty-one point one hundred seventy-six (321.176), subsection four (4), Code 1977, is amended to read as follows:

4. A nonresident who is at least eighteen years of age and who has in ~~his~~ immediate possession a valid chauffeur's license issued to ~~him-in-his~~ the person in the person's home state or country may operate a motor vehicle in this state either as an operator or chauffeur ~~except-any-such-person must-be-licensed-as-a-chauffeur-hereunder-before-accepting employment-as-a-chauffeur-from-a-resident-of-this-state.~~

Sec. 36. Section three hundred twenty-one point one hundred seventy-seven (321.177), subsection one (1), Code 1977, is amended to read as follows:

1. ~~To any person, as an operator, who is under the age of sixteen years, provided that, effective August 17, 1966, the department shall not issue a license to any person, as an operator, who is under the age of seventeen years and effective August 17, 1967, the department shall not issue a license to any person, as an operator, who is under~~ the age of eighteen years, without his or her first having successfully completed an approved driver education course, in which case, the minimum age shall be sixteen years. However, the department may issue a restricted license as provided in section 321.194, or an instruction permit as provided in section 321.180, to any person who is at least fourteen years of age. The department may issue a license restricted only for use for motorized bicycles as provided in section 321.189, subsection 2, to any person fourteen years of age or older who has successfully completed ~~an-approved-driver's-education course-established-by-the-department-of-public-instruction to-acquaint-the-motorized-bicycle-operator-with~~ a written examination on the rules of the road and a vision test.

Sec. 37. Section three hundred twenty-one point one hundred seventy-eight (321.178), subsection one (1), unnumbered paragraph three (3), Code 1977, is amended to read as follows:

"Student," for purposes of this section, means any person between the ages of fifteen years and twenty-one years who

resides in the public school district and who satisfies the preliminary licensing requirements of the department ~~or any person between fourteen and twenty-one years of age who resides in the public school district, who satisfies the preliminary licensing requirements of the department for operation of a motorized bicycle and who is enrolled in an approved driver education course for the purpose of qualifying for a motorized bicycle license as provided for in section 324.189, subsection 2.~~

Sec. 38. Section three hundred twenty-one point one hundred seventy-eight (321.178), subsection two (2), Code 1977, is amended to read as follows:

2. YOUTHS NOT ATTENDING SCHOOL--NO DRIVER'S TRAINING DRIVER EDUCATION REQUIRED.

a. Any person ~~under the age of~~ between sixteen and eighteen years of age who is not attending in attendance at school or in a public or private school in which where an approved driver's education course is offered or available, ~~shall not be required to complete~~ may be issued a one-year probationary operator's license without having completed an approved driver's education course ~~prior to being entitled to receive a one-year probationary operator's license from the department.~~ Any person who re-enters any private or public school prior to age eighteen shall be required to attend an approved driver's education course. Such person shall not have a probationary operator's license revoked or suspended upon reentering school prior to age eighteen provided the student enrolls in and completes the classroom portion of an approved driver's education course as soon as a course is available.

b. The department shall cancel a probationary operator's license upon proof of a conviction for a moving traffic violation.

Sec. 39. Section three hundred twenty-one point one hundred seventy-eight (321.178), Code 1977, is amended by striking subsection three (3).

Sec. 40. Section three hundred twenty-one point one hundred eighty (321.180), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. A person, upon meeting each of the following requirements, shall be eligible to apply for a chauffeur's instruction permit valid for the operation of a motor vehicle requiring a chauffeur's license when the

permittee is accompanied by a person, possessing a valid chauffeur's license, properly licensed to drive the motor vehicle and actually occupying a seat beside the permittee. An applicant must be at least eighteen years of age, otherwise qualified to obtain a valid chauffeur's license and must meet the requirements of section three hundred twenty-one point one hundred eighty-six (321.186) of the Code other than a driving demonstration. The chauffeur's instruction permit shall be valid for a period not to exceed two years and shall be returned to the department upon receipt of a valid chauffeur's license. Issuance of a chauffeur's instruction permit shall not require the surrender of a valid operator's license.

Sec. 41. Section three hundred twenty-one point one hundred eighty-nine (321.189), subsection one (1), Code 1977, is amended to read as follows:

1. MOTOR VEHICLE LICENSE. ~~The~~ Upon the payment of the required fee, the department shall ~~upon payment of the required fee,~~ issue to every qualifying applicant ~~qualifying therefor~~ an operator's license, motorized bicycle license, or chauffeur's license, as applied for, ~~which~~. Appearing on this license shall ~~bear thereon~~ be a distinguishing number assigned to the licensee; the licensee's full name, date of birth, occupation, sex, residence address; a colored photograph; and a brief description of the licensee; and the usual signature of the licensee. If prior to the renewal date, a person desires to obtain an operator's or chauffeur's license in the form authorized by this section ~~prior to the person's renewal date,~~ such license may be issued as a voluntary replacement upon payment of the required fee. The number of places where licenses are available shall not be reduced because of procedures or equipment required in placing colored photographs on licenses or permits. The department shall provide a space on every license where the licensee may affix a decal or sticker indicating that the licensee is a donor under the Uniform Anatomical Gift Act and shall provide a space ~~shall be provided~~ where the licensee may affix a symbol indicating the presence of a medical condition. The license may contain such other information as the department may by rule require. No license shall be valid unless it bears the usual signature of the licensee. ~~The distinguishing number assigned to a licensee shall not be~~

~~the licensee's social security number~~ The department shall advise an applicant that he or she may request a number other than a social security number as the motor vehicle license number. The department shall not retain a positive or negative photograph of the licensee. The licensee may affix a decal or sticker on the license in the space provided which indicates that the licensee is a donor under the Uniform Anatomical Gift Act. The decal shall not be larger than one-half inch in diameter. The use of the decal or sticker on the license shall be authorized only if the licensee has complied with the provisions for making a gift under the Uniform Anatomical Gift Act and shall be effective only if the licensee carries on or about the licensee's person a duly signed and executed donor card as authorized by the Uniform Anatomical Gift Act.

Sec. 42. Section three hundred twenty-one point one hundred eighty-nine (321.189), subsection two (2), paragraphs a and e, Code 1977, are amended to read as follows:

a. The department may issue a motorized bicycle license to any person fourteen years of age or older who has passed ~~the approved driver education course required for applicants for such license~~ a vision test and a written examination on the rules of the road. A motorized bicycle license shall entitle the licensee to operate a motorized bicycle while having the license in immediate possession on the highways of the state for a period of two years.

e. A motorized bicycle license shall terminate upon issuance to the licensee of an operator's or chauffeur's license ~~valid for operation of motorcycles.~~ A valid motorized bicycle license shall be returned to the department prior to issuance of an operator's or chauffeur's license ~~valid for operation of motorcycles.~~

Sec. 43. Section three hundred twenty-one point one hundred ninety-one (321.191), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The fee for an operator's license shall be five dollars if issued for a period of two years, and ten dollars if issued for a period of four years. The fee for a chauffeur's license shall be ten dollars if issued for a period of two years, and twenty dollars if issued for a period of four years. The fee for an instruction permit shall be three dollars, for a chauffeur's instruction permit, six dollars, for a temporary driver's permit, five dollars and for a motorized bicycle license, five dollars.

Sec. 44. Section three hundred twenty-one point one hundred ninety-six (321.196), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Prior to July 1, 1975, the director shall issue, under rules formulated by ~~him~~ the director, operators' licenses valid for two or four years. Each operator's license issued after July 1, ~~1975~~ 1977, shall expire four years from the licensee's birthday anniversary occurring in the year of issuance if the licensee is between the ~~age-of-twenty-one~~ ages of eighteen and sixty-five years on the date of issuance of the license, otherwise for a period of two years but shall be renewable without written examination or penalty within a period of thirty days after such birthday anniversary and such person shall not be considered to be driving with an invalid license during such period before renewal, however for any license renewed within such thirty-day period, the date of issuance shall be considered to be the previous birthday anniversary on which it expired. Applicants whose licenses are restricted due to vision or other physical deficiencies may be required to renew their licenses every two years. For the purposes of this section the birthday anniversary of a person born on February ~~29~~ twenty-ninth shall be deemed to occur on March ~~4~~ first. All applications for renewal of operators' licenses shall be made under the direct supervision of a uniformed member of the department and shall be approved by such uniformed member. The director may, ~~in his discretion~~, authorize the renewal of a valid license upon application without an examination provided that, a person holding such license has not more than three convictions of moving traffic violations during the previous two years and, provided that such person satisfactorily passes a vision test as prescribed by the department.

Sec. 45. Section three hundred twenty-one point one hundred ninety-seven (321.197), Code 1977, is amended to read as follows:

321.197 EXPIRATION OF CHAUFFEUR'S LICENSE. Every chauffeur's license issued hereunder shall expire every two or four years at the option of the applicant ~~thirty-days-after~~ on the licensee's birthday anniversary. A chauffeur's license may be renewed within thirty days after the applicant's license expiration date without written examination or penalty. A person shall not be considered to be driving with an invalid

license during a period of thirty days following the license expiration date. However, if the licensee is sixty-five years of age or older on the date of issuance of the license, such license shall be issued to be valid for two years. Persons whose birthdays occur on February ~~29~~ twenty-ninth shall be deemed to occur on March ~~4~~ first, for the purpose of this section. The department in its discretion may waive the examination of any such applicant previously licensed as a chauffeur under this chapter, provided that such person satisfactorily passes a vision test as prescribed by the department. All applications for the renewal of a chauffeur's license shall be made under the direct supervision of a uniformed member of the department and shall be approved by such uniformed member.

Sec. 46. Section three hundred twenty-one point two hundred sixteen (321.216), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. To obtain, possess or have in one's control or on one's premises blank motor vehicle license forms.

Sec. 47. Section three hundred twenty-one point three hundred forty-two (321.342), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department, city, or county shall be required to post the standard sign as prescribed by the manual on uniform traffic control devices adopted by the department pursuant to section three hundred twenty-one point two hundred fifty-two (321.252) of the Code in advance of each railroad grade crossing to warn the motorist that he or she is approaching a railroad grade crossing. Upon properly posting all railroad grade crossings within its jurisdiction and upon implementing the standards established in accordance with section three hundred seven point twenty-six (307.26) of the Code, the department, city, or county shall not have any other affirmative duty to warn a motor vehicle operator approaching or at the railroad grade crossing.

Sec. 48. Section three hundred twenty-one point three hundred fifty-four (321.354), Code 1977, is amended to read as follows:

321.354 STOPPING ON TRAVELED WAY. Upon any highway outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled part

of the highway when it is practical to stop, park, or so leave such vehicle off such part of said highway, but in every event a clear and unobstructed width of at least twenty feet of such part of the highway opposite such standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle be available from a distance of two hundred feet in each direction upon such highway; provided, however, school buses may stop on highway for receiving and discharging pupils and all other vehicles shall stop for school buses which are stopped to receive or discharge pupils, as provided in section 321.372. This section shall not apply to a vehicle making a turn as provided in section three hundred twenty-one point three hundred eleven (321.311) of the Code.

Sec. 49. Section three hundred twenty-one point four hundred forty-seven (321.447), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

No A person shall not operate any motor truck or truck tractor, except a motor vehicle with a combined gross weight of four tons or less upon a highway outside of a business or residence district at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicle a sufficient number, not less than three, of flares, red reflector electric lanterns, red reflectors, reflective triangles or other signals capable of continuously producing three warning lights each visible from a distance of at least five hundred feet for a period of at least eight hours, except that a motor vehicle transporting flammables shall carry red reflectors, red reflector electric lanterns or reflective triangles in place of the other signals above mentioned, and during daylight hours every truck, except a motor vehicle with a combined gross weight of four tons or less, shall carry a sufficient number of red flags, not less than three, unless equipped with three reflective triangles.

Sec. 50. Section three hundred twenty-one point four hundred fifty-four (321.454), Code 1977, is amended to read as follows:

321.454 WIDTH OF VEHICLES. The total outside width of any vehicle or the load thereon shall not exceed eight feet except that a bus having a total outside width not exceeding eight feet six inches, exclusive of safety equipment, shall

be exempt from the permit requirements of chapter three hundred twenty-one E (321E) of the Code and may be operated on the public highways of the state. However, if hay, straw or stover moved on any implement of husbandry and the total width of load of the implement of husbandry exceeds eight feet in width, the implement of husbandry shall not be subject to the permit requirements of chapter 321E. If hay, straw or stover is moved on any other vehicle subject to registration, such moves shall be subject to the permit requirements for transporting loads exceeding eight feet in width as required under chapter 321E.

Sec. 51. Section three hundred twenty-one point four hundred fifty-seven (321.457), subsections one (1) and two (2), Code 1977, are amended to read as follows:

1. No single truck, unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of ~~thirty-five~~ forty feet.

2. No single bus, unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of forty feet, ~~provided that a bus in excess of thirty-five feet in overall length shall not have less than three axes.~~

Sec. 52. Section three hundred twenty-one point four hundred sixty (321.460), Code 1977, is amended to read as follows:

321.460 SPILLING LOADS ON HIGHWAYS. ~~No~~ A vehicle shall not be driven or moved on any highway by any person unless such vehicle is so constructed or loaded or the load securely covered as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping ~~therefrom~~ or its load covering from dropping from the vehicle, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway. The provisions of this section shall not apply to vehicles loaded with hay or stover or the products listed in section three hundred twenty-one point four hundred sixty-six (321.466), unnumbered paragraphs six (6) and seven (7) of the Code.

Sec. 53. Section three hundred twenty-one point four hundred seventy-three (321.473), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department may issue annual special permits for the operation of compacted rubbish vehicles

and vehicles which transport compacted rubbish from a rubbish collection point to a landfill area exceeding the weight limitation of section three hundred twenty-one point four hundred sixty-three (321.463) of the Code, but not exceeding a rear axle gross weight for two axle vehicles of twenty-two thousand pounds for the period commencing July 1, 1978 and ending June 30, 1983 and twenty thousand pounds commencing July 1, 1983 and thereafter, and for tandem axle vehicles or transferable auxiliary axle vehicles not exceeding a gross weight on the rear axles of thirty-six thousand pounds. Annual special permits for the operation on secondary roads shall be approved by the county engineer. Annual special permits for a particular vehicle shall not be issued by the department unless prior approval is given by the county engineer of the county in which the vehicle will be operated. Annual special permits for operation on primary roads shall be approved by the state department of transportation. Compacted rubbish vehicles and vehicles which transport compacted rubbish from a rubbish collection point to a landfill area operated pursuant to an annual special permit shall be operated only over routes designated by the local authority. Annual special permits for a particular vehicle shall not be issued by the department unless approved by the local authority responsible for the roads over which the vehicle will be operated. Annual special permits approved by the issuing authority shall be issued upon payment of an annual fee, in addition to other registration fees imposed, of one hundred dollars to be paid to the department for all nongovernmental vehicles.

Sec. 54. Chapter three hundred twenty-one E (321E), Code 1977, is amended by adding the following new sections:

NEW SECTION. EXCESS SIZE DIVISIBLE LOAD PERMITS. Vehicles or a combination of vehicles with divisible loads may be moved on the highways of this state pursuant to a special permit issued for special or emergency situations by the department or local authorities subject to the discretion and judgment provided for in section three hundred twenty-one E point one (321E.1) of the Code. The combined gross weight or gross weight on any one axle or group of axles may exceed the limits established in section three hundred twenty-one point four hundred sixty-three (321.463) of the Code, subject to the limits and routes established by the issuing authority.

NEW SECTION. A copy of the permits issued by the state or county to move mobile homes shall be sent to the county treasurer of the county of final destination by the permit issuing officer. A one dollar fee shall be added to the permit charge to cover the costs of this service.

Sec. 55. Section three hundred twenty-one E point one (321E.1), Code 1977, is amended to read as follows:

321E.1 PERMITS BY DEPARTMENT. The department and local authorities may in their discretion and upon application and with good cause being shown therefor issue permits for the movement of construction machinery being temporarily moved on streets, roads or highways and for vehicles with indivisible loads carried thereon which exceed the maximum dimensions and weights specified in sections 321.452 to 321.466, but not to exceed the limitations imposed in sections 321E.1 to 321E.15 except as provided in section fifty-four (54) of this Act. Permits so issued may be single-trip permits or annual permits. All permits shall be in writing and shall be carried in the cab of the vehicle for which the permit has been issued and shall be available for inspection at all times. The vehicle and load for which the permit has been issued shall be open to inspection by any peace officer or to any authorized agent of any permit granting authority. When in the judgment of the issuing local authority in cities and counties the movement of a vehicle with an indivisible load or construction machinery which exceeds the maximum dimensions and weights will be unduly hazardous to public safety or will cause undue damage to streets, avenues, boulevards, thoroughfares, highways, curbs, sidewalks, trees, or other public or private property, the permit shall be denied and the reasons therefor endorsed upon the application. Permits issued by local authorities shall designate the days when and routes upon which loads and construction machinery may be moved within the county on other than primary roads.

Sec. 56. Section three hundred twenty-two point two (322.2), subsection four (4), Code 1977, is amended to read as follows:

4. "At retail" means to dispose of a motor vehicle to a person who may will devote it to a consumer use.

Sec. 57. Section three hundred twenty-five point one (325.1), Code 1977, is amended by adding the following new subsections:

NEW SUBSECTION. The term "carpool" means transportation of a group of at least two riders in a vehicle having a seating capacity for not more than eight passengers between a rider's or the owner-operator's residence or other designated location and a rider's or the owner-operator's place of employment or other common destination of the group, when the vehicle is driven by one of the members of the group.

NEW SUBSECTION. The term "vanpool" means transportation of a group of riders in a vehicle having a seating capacity for not less than eight passengers and not more than fifteen passengers between a rider's or the owner-operator's residence or other designated location and a rider's or the owner-operator's place of employment or other common destination of the group, when the vehicle is driven by one of the members of the group.

Sec. 58. Section three hundred twenty-five point six (325.6), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

It is hereby declared unlawful for any motor carrier, except a person operating a motor vehicle in a carpool or vanpool, to transport over a regular route or between fixed termini any person or property, for compensation, from any point or place in the state of Iowa to another point or place in said state irrespective of the route, highway or highways traversed, including the crossing of any state line of the state of Iowa, or the ticket or bill of lading issued and used for such transportation, without first having obtained from the board a certificate declaring that public convenience and necessity require such operation. No carrier of passengers shall operate as a charter carrier in this state unless already possessed of a certificate of convenience and necessity as a common carrier of passengers and operating in this state as such common carrier or possesses a certificate of convenience and necessity to engage in the business of a charter carrier.

Sec. 59. Section three hundred twenty-five point twenty-five (325.25), Code 1977, is amended to read as follows:

325.25 TRANSFER OF CERTIFICATE. No certificate of convenience and necessity shall be sold, transferred, leased, or assigned until the motor carrier shall have operated thereunder for at least ninety days continuous service, nor shall any contract or agreement with reference to or affect-

ing any such certificate be made except with the written approval of the board. Nor shall any person be permitted to take over any such certificate unless ~~he or it shall possess all the qualifications of and meet all the requirements and assume all the obligations imposed upon an original applicant~~ the board determines that such person is fit, willing and able to perform the operations authorized by the certificate and that such transfer is consistent with the public interest.

Sec. 60. Section three hundred twenty-six point thirteen (326.13), Code 1977, is amended to read as follows:

326.13 INFORMATION UNDER OATH. The department shall require fleet owners to submit under oath any information deemed necessary to carry out the provisions of this chapter. Information furnished under this chapter shall be forwarded to the director of the department by each fleet owner no later than ~~November 1 preceding each~~ January first of the current registration year.

Sec. 61. Section three hundred twenty-seven A point two (327A.2), Code 1977, is amended by adding the following new paragraph:

NEW PARAGRAPH. The board may allow the provision of temporary service for which there is an immediate and urgent need to point or points requested by the application for a certificate of public convenience and necessity upon consideration by the board and a finding that the point or points do not have liquid bulk carrier service capable of meeting such need or that a carrier is not currently serving those points. Upon meeting the requirements of this chapter and the rules of the board, such temporary authority, unless suspended or revoked for good cause, shall be valid for such time as the board shall specify but not to exceed one hundred twenty days. Granting temporary authority shall not create a presumption that the corresponding application will subsequently be granted.

Sec. 62. Section three hundred twenty-seven G point thirty-two (327G.32), Code 1977, is amended to read as follows:

327G.32 BLOCKING HIGHWAY CROSSING. A railroad corporation or its employees shall not operate any train in such a manner as to prevent vehicular use of any highway, street or alley for a period of time in excess of ten minutes except:

1. When necessary to comply with signals affecting the safety of the movement of trains.

2. When necessary to avoid striking any object or person on the track.

3. When the train is disabled.

~~4. When the train is in motion except while engaged in switching operations.~~

~~5. When there is no vehicular traffic waiting to use the crossing.~~

6. 4. When necessary to comply with governmental safety regulations including, but not limited to, speed ordinances and speed regulations.

Any officer or employee of a railroad corporation violating any provision of this section shall, upon conviction be subject to the penalty provided in section 327G.14. An employee shall not be guilty of such violation if his action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors. Such guilt shall then be with the railroad corporation.

The provisions of this section notwithstanding, a political subdivision may pass a resolution or ordinance regulating the length of time a specific crossing may be blocked if the political subdivision demonstrates such a resolution or ordinance is necessary for public safety or convenience. If such a resolution or ordinance is passed the political subdivision shall immediately within thirty days of the effective date of the resolution or ordinance notify the board and the railroad corporation using the crossing affected by the resolution or ordinance. The resolution or ordinance shall not become effective unless the board and the railroad corporation are notified within thirty days. The resolution or ordinance shall become effective thirty days after such notification unless a person files an objection to the resolution or ordinance with the board. If an objection is filed the board shall hold a hearing according to the rules established by the board. The board may disapprove the resolution or ordinance if public safety or convenience does not require such a resolution or ordinance. The resolution approved by the political subdivision shall be prima facie evidence that the resolution is adopted to preserve public safety or convenience.

The board when considering rebuttal evidence shall weigh the benefits accruing to the political subdivision as it bears to the general public use compared to the burden placed on

the railroad operation. Public safety or convenience may include, but shall not be limited to, high traffic density at a specific crossing of a main artery or interference with the flow of authorized emergency vehicles.

Political subdivisions shall notify the board within sixty days of the effective date of this Act, of each existing resolution or ordinance which does not conform with the provisions of this section. Political subdivisions not notifying the board of an existing resolution or ordinance during the calendar year beginning January 1, 1976 shall have an additional sixty days after the effective date of this Act to notify the board. Failure to do so shall render the resolution or ordinance void.

Such ordinances or resolutions may remain in effect until the board has acted upon each ordinance or resolution under the procedures specified in this section.

Sec. 63. Section three hundred twenty-one point seventy-five (321.75), Code 1977, is repealed effective July 1, 1977.

Sec. 64. Sections three hundred twenty-one point twenty-six (321.26), three hundred twenty-one point twenty-seven (321.27), three hundred twenty-one point thirty-four (321.34), subsection five (5), three hundred twenty-one point thirty-six (321.36), three hundred twenty-one point one hundred twenty-six (321.126), subsection two (2), and three hundred twenty-one point one hundred eighty-eight (321.188), Code 1977, are repealed.

Sec. 65. Sections one hundred thirty-five D point twenty-six (135D.26), subsection two (2), three hundred twenty-one point twenty-five (321.25), three hundred twenty-one point twenty-six (321.26), three hundred twenty-one point twenty-seven (321.27), three hundred twenty-one point thirty-four (321.34), subsections one (1), two (2), four (4), and five (5), three hundred twenty-one point thirty-five (321.35), three hundred twenty-one point thirty-six (321.36), three hundred twenty-one point thirty-nine (321.39), three hundred twenty-one point forty-seven (321.47), three hundred twenty-one point forty-eight (321.48), subsection one (1), three hundred twenty-one point fifty-one (321.51), subsections three (3), four (4), five (5), six (6) and seven (7), three hundred twenty-one point fifty-two (321.52), three hundred twenty-one point fifty-seven (321.57), three hundred twenty-one point fifty-eight (321.58), three hundred twenty-one point sixty

(321.60), three hundred twenty-one point one hundred five (321.105), unnumbered paragraph one (1), three hundred twenty-one point one hundred twenty-one (321.121), three hundred twenty-one point one hundred twenty-six (321.126), subsections one (1) and two (2), three hundred twenty-one point one hundred twenty-seven (321.127), three hundred twenty-one point one hundred sixty-six (321.166), and three hundred twenty-one point one hundred eighty-eight (321.188) of the Code as amended or repealed by this Act shall be effective December 1, 1978 for the calendar year beginning January 1, 1979.

Approved June 30, 1977

CHAPTER 104 TRAILER REGISTRATION FEES

S. F. 334

AN ACT relating to registration fees for motor trucks, truck tractors, road tractors, trailers and semitrailers, providing for an increase for special mobile equipment registration fees to five dollars, eliminating proration of trailer fees, providing for an additional registration fee for combinations of vehicles exceeding nineteen tons and not exceeding twenty-four tons and those exceeding twenty-four tons, providing a ten dollar registration fee for semitrailers, and a four or ten dollar registration fee for other trailers depending upon gross weight and striking certain subsections and making technical changes.

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

Section 1. Section three hundred twenty-one point one (321.1), subsection seventeen (17), Code 1977, is amended to read as follows:

17. "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including trailers and bulk spreaders which are not self-propelled having a gross weight of not more than ~~six~~ twelve tons used for the transportation of fertilizers and chemicals used for farm crop production, and other equipment used primarily for the application of fertilizers and chemicals in farm fields or for farm storage, but not including trucks mounted with applicators of such products, road construction or maintenance machinery and ditch-digging apparatus. The foregoing enumeration shall be deemed partial

and shall not operate to exclude other such vehicles which are within the general terms of this subsection; provided that nothing contained in this section shall be construed to include portable mills or corn shellers mounted upon a motor vehicle or semitrailer.

Sec. 2. Section three hundred twenty-one point twenty-one (321.21), subsection three (3), Code 1977, is amended to read as follows:

3. The department shall also issue special mobile equipment plates as applied for, which shall have displayed thereon the general distinguishing number assigned to the applicant. Each plate or pair of plates so issued shall have displayed thereon the words: Special Mobile Equipment. The fee for each plate or pair of special plates shall be ~~three~~ five dollars.

Sec. 3. Section three hundred twenty-one point thirty-four (321.34), subsection six (6), Code 1977, is amended to read as follows:

6. MULTIYEAR PLATES. In lieu of issuing annual registration plates for trailers and semitrailers, the county treasurer or department may issue a multiyear registration plate for a three-year period upon payment of the appropriate registration fee. ~~This section shall not apply to trailers and semitrailers registered pursuant to chapter 326. Fees from three-year payments shall not be reduced or prorated under the provisions of chapter three hundred twenty-six (326), of the Code.~~

Sec. 4. Section three hundred twenty-one point one hundred five (321.105), unnumbered paragraph four (4), Code 1977, is amended to read as follows:

In addition to the payment of an annual registration fee for each trailer and semitrailer to be issued an Iowa registration plate, an additional registration fee may be paid for a period of two subsequent registration years. ~~This section shall not apply to trailers and semitrailers registered pursuant to chapter 326.~~

Sec. 5. Section three hundred twenty-one point one hundred twenty-two (321.122), subsection one (1), Code 1977, is amended by adding the following new paragraphs:

NEW PARAGRAPH. For a combined gross weight exceeding nineteen tons but not exceeding twenty-four tons a fee of twenty dollars, which shall be in addition to the registration fee provided in this subsection.

NEW PARAGRAPH. For a combined gross weight exceeding twenty-four tons a fee of ninety dollars, which shall be in addition to the registration fee provided in this subsection.

Sec. 6. Section three hundred twenty-one point one hundred twenty-two (321.122), subsection two (2), Code 1977, is amended to read as follows:

2. For semitrailers the annual registration fee shall be:

~~For each semitrailer drawn by a truck, road tractor or truck tractor, with a combined gross weight of twelve tons or less, thirty dollars.~~

~~For each semitrailer drawn by a truck, road tractor or truck tractor, with a combined gross weight exceeding twelve tons, sixty dollars.~~ ten dollars which shall not be reduced or prorated under the provisions of chapter three hundred twenty-six (326) of the Code.

Sec. 7. Section three hundred twenty-one point one hundred twenty-three (321.123), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

~~All trailers and mobile homes except farm trailers and those registered as semitrailers under the provisions of section 324.422, unless otherwise provided in this section, shall be subject to a registration fee to be fixed in accordance with the following schedule, provided, however, trailers whose~~ of four dollars for trailers with a gross weight of one thousand pounds or less and ten dollars for other trailers. Trailers for which the empty weight is two thousand pounds or less shall be exempt from the certificate of title and lien provisions of this chapter. Fees collected under this section shall not be reduced or prorated under the provisions of chapter three hundred twenty-six (326), of the Code.

Sec. 8. Section three hundred twenty-one point one hundred twenty-three (321.123), subsections one (1) and two (2), Code 1977, are amended by striking the subsections.

Sec. 9. Section three hundred twenty-one point one hundred twenty-three (321.123), subsection four (4), Code 1977, is amended to read as follows:

4. Trailers and bulk spreaders which are not self-propelled having a gross weight of not more than ~~six~~ twelve tons used for the transportation of fertilizers and chemicals used for farm crop production, shall be subject to a registration fee of five dollars.

Sec. 10. The provision of this Act shall be effective November 1, 1977 for fees payable on or after November 1, 1977 for vehicle registration issued for the calendar year 1978.

Approved June 7, 1977

CHAPTER 105
LIMITED VEHICLE PERMITS

H. F. 437

AN ACT to permit local authorities to issue special permits for limited movement of vehicles on highways for which restrictions have been imposed and providing penalties for trucks and other commercial vehicles operating in violation of local ordinances or resolutions.

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

Section 1. Section three hundred twenty-one point four hundred seventy-three (321.473), Code 1977, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. Any person who violates the provisions of the ordinance or resolution shall, upon conviction or a plea of guilty, be subject to a fine determined by dividing the difference between the actual weight and the maximum weight established by the ordinance or resolution by one hundred, and multiplying the quotient by two dollars.

NEW UNNUMBERED PARAGRAPH. Local authorities may issue special permits, during periods such restrictions are in effect, to permit limited operation of vehicles upon specified routes with loads in excess of any restrictions imposed under this section, but not in excess of load restrictions imposed by any other provision of this chapter, and such authorities shall issue such permits upon a showing that there is a need to move to market farm produce or to move to any farm, feeds or fuel for home heating purposes.

Approved July 7, 1977

CHAPTER 106
TRANSIT SYSTEMS

H. F. 385

AN ACT to provide that Iowa urban transit systems be exempted from the tax imposed on motor fuel and special fuels and making the Act retroactive.

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

Section 1. Section three hundred twenty-four point three (324.3), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. Motor fuel used in the operation of an Iowa urban transit system. Any fuel sold to an Iowa urban transit system which is used for any purpose other than as specified in section three (3) of this Act shall not be exempt from the tax.

Sec. 2. Section three hundred twenty-four point thirty-five (324.35), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. No tax is imposed under this division on special fuel used in the operation of an Iowa urban transit system, except that any special fuel sold to an Iowa urban transit system which is used for any purpose other than as specified in section three (3) of this Act shall not be exempt from the tax.

Sec. 3. Section three hundred twenty-four point fifty-seven (324.57), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. An "Iowa urban transit system" is a system whereby motor buses are operated primarily upon the streets of cities for the transportation of passengers for an established fare and which accepts passengers who present themselves for transportation without discrimination up to the limit of the capacity of each motor bus. Privately-chartered bus services, motor carriers and interurban carriers subject to the jurisdiction of the Iowa department of transportation, school bus services and taxicabs shall not be construed to be an urban transit system nor a part of any such system.

Sec. 4. The provisions of this Act are retroactive to July 1, 1975 for motor fuel and special fuel purchased by an Iowa urban transit system and to this extent the provisions of this Act are retroactive.

Approved July 11, 1977

CHAPTER 107
INTERSTATE MOTOR VEHICLE PERMITS

H. F. 249

AN ACT relating to interstate motor vehicle permits, providing for permanent and single trip interstate permits and revising the reporting requirements from monthly filings to quarterly filings for interstate motor vehicle permit holders.

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

Section 1. Section three hundred twenty-four point fifty-four (324.54), Code 1977, is amended to read as follows:

324.54 FUEL TAX COMPUTATION--REFUND--REPORTING AND PAYMENT. Fuel tax liability under this division shall be computed on the total number of gallons of each kind of motor fuel and special fuel consumed in the operation in Iowa by commercial motor vehicles subject to this division at the same rate for each kind of fuel as would be applicable if taxed under division I or division II of this chapter. A refund against the fuel tax liability so computed shall be allowed, on excess Iowa motor fuel purchased, in the amount of fuel tax paid at the prevailing rate per gallon set out under division I or division II of this chapter on motor fuel and special fuel consumed by commercial motor vehicles, the operation of which is subject to this division.

Notwithstanding any provision of this chapter to the contrary, the director, upon application filed with the ~~motor vehicle-fuel-tax-division~~ department of revenue, not later than ~~ninety~~ thirty days after the last day of the ~~month~~ quarter in which the overpayment of Iowa fuel tax paid on excess purchases of motor fuel or special fuel was reported as provided in section 324.8, and which application is supported by such proof as the director may require, shall cause to be issued a warrant covering a refund of Iowa fuel tax paid on motor fuel or special fuel purchased in excess of the amount consumed by such commercial motor vehicles in their operation on the highways of this state.

Application for a refund of fuel tax under the provisions of this division must be made for each ~~individual-month~~ quarter in which the excess payment was reported, and will not be allowed unless the amount of fuel tax paid on the fuel purchased in this state, in excess of that consumed for highway operation in this state in the ~~month~~ quarter applied for,

is in an amount exceeding ten dollars. An application for a refund of excess Iowa fuel tax paid under the provisions of this division which is filed for any period or in any manner other than herein set out shall not be allowed.

To determine the amount of fuel taxes due under this division and to prevent the evasion thereof, the director shall require a ~~monthly~~ quarterly report on forms prescribed by the director. It shall be filed not later than the last day of the month following the ~~month~~ quarter reported, and each ~~month~~ quarter thereafter. These reports shall be required of all persons who have been issued a permit under this division and shall cover actual operation and fuel consumption in Iowa on the basis of the permit holder's average consumption of fuel in Iowa, determined by the total miles traveled and the total fuel purchased and consumed for highway use by the permittee's commercial motor vehicles in his entire operation in all states to establish an overall miles per gallon ratio, which ratio shall be used to compute the gallons used for the miles traveled in Iowa.

Sec. 2. Section three hundred twenty-four point eleven (324.11), subsection one (1), Code 1977, is amended to read as follows:

1. Any person operating as a common or contract carrier and any distributor who is also engaged in transportation within this state of motor fuel or special fuel for others, shall register with the department of revenue on or before the first day of the third calendar month which begins after the effective date of this division and currently thereafter as additional equipment is put to use, each vehicle used in aforesaid transportation in this state, except railroad, water-vessel or pipe-line equipment. The registration shall be on forms furnished by and shall contain such information as may reasonably be required by the department of revenue. A fee of ~~one-dollar~~ five dollars shall be paid to the department of revenue for original registration of each vehicle. The department of revenue shall furnish to the registrant for each vehicle registered suitable identification which shall be permanently attached to the vehicle and shall be available for inspection at all times. Currently as any vehicle is retired or its use for the transportation of motor fuel for others is discontinued, the registrant shall notify the department of revenue or at the direction of the department of revenue shall either surrender to the department of revenue

or destroy the vehicle identification issued under this section. Annually on or before the first day of July of each year, each carrier as aforesaid shall file with the department of revenue a statement showing each registered vehicle then in use for transportation of motor fuel for others.

Sec. 3. Section three hundred twenty-four point fifty-two (324.52), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

Any person who is unable to display either of the permits provided in section three hundred twenty-four point fifty-three (324.53) of the Code and brings into the state in the fuel supply tanks of a commercial motor vehicle more than thirty gallons of motor fuel or special fuel in violation of the provisions of the preceding paragraph is guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or shall be imprisoned in the county jail not more than thirty days.

Sec. 4. Section three hundred twenty-four point fifty-three (324.53), unnumbered paragraphs one (1) and three (3), Code 1977, are amended to read as follows:

The advance arrangements referred to in the preceding section shall include the procuring of a permanent interstate fuel permit or single trip interstate permit and may in the discretion of the department of revenue include the posting of a suitable indemnity bond in a sum to be fixed by the department of revenue to assure the required reporting, tax payments and the keeping of required records.

Permit A permanent permit may be obtained upon application to the department of revenue. The department of revenue shall charge a fee of ~~one-dollar~~ five dollars for each permit issued. The holder of a permanent permit under this division shall have the privilege of bringing into this state in the fuel supply tanks of commercial motor vehicles any amount of motor fuel or special fuel to be used in the operation of the vehicles and for that privilege shall pay Iowa motor fuel or special fuel taxes as provided in section 324.54. A single trip interstate permit as provided for in this section may be obtained from the department of revenue or the department of transportation. A fee of twelve dollars shall be charged for each individual single trip interstate permit issued. A single trip interstate permit shall be subject to the following provisions and limitations:

1. The permit shall be issued and be valid for seventy-

two consecutive hours, except in emergencies, or until the time of leaving the state, whichever first occurs.

2. The permit shall cover only one commercial motor vehicle and is not transferable.

3. Single trip interstate fuel permits may be made available from sources other than indicated in this section at the discretion of the director of revenue.

Sec. 5. This Act is effective January 1, 1978.

Approved June 30, 1977

CHAPTER 108
AIR CARRIER SERVICE

S. F. 377

AN ACT relating to the development of air carrier service in the state by the state department of transportation.

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

Section 1. Section three hundred twenty-eight point one (328.1), Code 1977, is amended by adding the following new subsections:

NEW SUBSECTION. "Air taxi operator" means an operator who engages in the air transportation of passengers, property, and mail by aircraft on public demand for compensation and does not directly or indirectly utilize aircraft with a capacity of more than thirty passengers or seventy-five hundred pounds maximum payload, unless exempted by the aeronautics division of the department.

NEW SUBSECTION. "Commuter air carrier" means an air taxi operator which operates not less than five round trips per week between two or more points and publishes flight schedules which specify the times, days of the week, and places between which such flights are performed or transports mail pursuant to a current contract with the United States postal service.

Sec. 2. Section three hundred twenty-eight point twelve (328.12), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. Commuter air carrier demonstration projects. The department may encourage the development of commuter air carrier service in the state by:

a. Recommending routes between cities that may support

such service.

b. Making available funding for demonstration projects from any federal funds made available to the state. Nothing in this subsection shall be construed to permit moneys appropriated to the state department of transportation to be expended to develop or assist in the development of commuter air carrier service in this state.

c. Establishing specifications, operational requirements, terms and conditions under which demonstration projects will be participated in by the state.

Approved July 12, 1977

CHAPTER 109 PUBLIC DEFENDERS

H. F. 279

AN ACT relating to the salaries of, and time devoted to office by, public defenders and assistant public defenders in certain counties.

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

Section 1. Section three hundred thirty-six A point five (336A.5), subsection one (1), Code 1977, is amended to read as follows:

1. The compensation of the public defender shall be fixed by the board(s) of supervisors. ~~The compensation shall not be more than that paid the highest paid county attorney of the county or counties the public defender serves.~~

Sec. 2. Section three hundred thirty-six A point eleven (336A.11), Code 1977, is amended to read as follows:

336A.11 PROHIBITED CONDUCT. No public defender or assistant public defender ~~who is subject to the preceding section~~ shall directly or indirectly refer any legal matter or civil or criminal litigation to any particular lawyer or lawyers or directly or indirectly recommend or suggest to any person the employment of any particular lawyer or lawyers to counsel in, conduct, defend, or prosecute any legal matter or litigation, if the county is or is likely to be a party thereto or have a substantial interest therein; or receive any direct or indirect fee or compensation for or in connection with any such referral, recommendation, or suggestion.

However, he or she may recommend a lawyer when requested to

do so by any court, governmental agency, or legal aid society.

Sec. 3. Section three hundred thirty-six A point ten (336A.10), Code 1977, is amended by striking that section and inserting in lieu thereof the following:

336A.10. The board(s) of supervisors of a county may require a public defender or assistant public defender to devote his or her full time to the discharge of his or her duties and not to directly or indirectly engage in the private practice of law except that he or she may be a member of a law partnership or a professional corporation on leave of absence.

Approved July 7, 1977

CHAPTER 110
DEPUTY COUNTY OFFICERS

H. F. 150

AN ACT to repeal provisions relating to the compensation of deputy county officers in certain counties.

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

Section 1. Section three hundred forty point eight (340.8), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

340.8 DEPUTY SHERIFFS.

1. Each deputy sheriff shall receive an annual salary as follows:

a. The first deputy sheriff, and the second deputy sheriff if a second deputy sheriff is required, shall receive an annual salary of not more than eighty-five percent of the amount of the salary of the sheriff, as fixed by the board of supervisors.

b. In counties over two hundred fifty thousand population where more than two deputies are required, said deputies shall be paid an amount not to exceed seventy-five percent of the annual salary of the sheriff.

c. All other deputy sheriffs shall receive an annual salary as fixed by the board of supervisors, but not to exceed the salaries of the first or second deputies.

2. Upon certification by the sheriff to the board of supervisors of the annual salary for each deputy as above provided, the board of supervisors may certify to the county

auditor of any such county the annual salary certified by the sheriff. The board of supervisors shall fix all compensation for extra help and clerks.

Sec. 2. Section three hundred forty point eighteen (340.18), Code 1977, is repealed.

Sec. 3. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Evening Democrat, a newspaper published in Fort Madison, Iowa, and in The Daily Gate City, a newspaper published in Keokuk, Iowa.

Approved April 1, 1977

I hereby certify that the foregoing Act, House File 150, was published in the Evening Democrat, Fort Madison, Iowa on April 6, 1977, and in The Daily Gate City, Keokuk, Iowa on April 7, 1977.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 111

COUNTY BUILDINGS USING FEDERAL FUNDS

S. F. 53

AN ACT relating to the expenditure of federal funds for county buildings or facilities.

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

Section 1. Section three hundred forty-five point one (345.1), Code 1977, is amended to read as follows:

345.1 EXPENDITURES--WHEN VOTE NECESSARY. The board of supervisors shall not order the erection of, or the building of an addition or extension to, or the remodeling or reconstruction or relocation and replacement of a courthouse, jail, county hospital, county care facility or any other county building or facility, except as otherwise provided, when the probable cost will exceed ten thousand dollars, nor the purchase of real estate for county purposes exceeding ten thousand dollars in value, until a proposition therefor shall have been first submitted to the qualified electors of the county, and voted for by a majority of all persons voting for and against such proposition at a general or special election, notice of the same being given as in other special elections. However, such proposition need not be submitted to the voters if any such erection, construction, remodeling, reconstruction, relocation and replacement, or purchase of real estate may be accomplished from funds on hand or from

federal revenue-sharing funds or federal matching funds and without the levy of additional taxes and if the probable cost of the entire project will not exceed one hundred thousand dollars in a county having a population of twenty-five thousand or less, one hundred fifty thousand dollars in counties having a population of more than twenty-five thousand but not more than fifty thousand, two hundred thousand dollars in counties having a population of more than fifty thousand but not more than one hundred thousand, two hundred fifty thousand dollars in counties having a population of more than one hundred thousand but not more than two hundred thousand, and five hundred thousand dollars in counties having a population of more than two hundred thousand. If a county project should be determined to cost in excess of the dollar limitation for the population category of such county, the proposition must be submitted to the qualified electors of the county without regard to the source from which such funds may be derived. However a proposition need not be submitted to the qualified electors to expend federal revenue-sharing funds for a mental health or mental retardation project, or when specific projects using federal funds other than federal revenue-sharing funds, not requiring any matching funds are approved for a county, or when a relocation and replacement is made necessary by the acquisition of county property for a federal or state project, and the cost of the relocation does not exceed the amount of the award of damages by the state or federal government. ~~When-the-probable-project-cost-exceeds-fifty-thousand-dollars,-the-board-shall-provide-notice-and-hold-a-public-hearing-on-the-project.~~ When the expenditures authorized in this section exceed ~~seventy-five~~ fifty thousand dollars and the proposition need not be submitted to the voters, the board of supervisors shall hold a public hearing on the proposition. Notice of the hearing shall be published at least two weeks prior to the hearing, in the newspaper published in the county having the largest circulation in the county. In determining whether the expenditure should be made, the board of supervisors shall give full consideration to the testimony given during the hearing.

Sec. 2. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Cedar Rapids Gazette, a newspaper published in

Cedar Rapids, Iowa, and in the Ames Daily Tribune, a newspaper published in Ames, Iowa.

Approved March 4, 1977

I hereby certify that the foregoing Act, Senate File 53, was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa on March 9, 1977, and in the Ames Daily Tribune, Ames, Iowa on March 8, 1977.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 112
COUNTY HEALTH CENTERS

S. F. 42

AN ACT relating to county health centers.

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

Section 1. Section three hundred forty-six A point two (346A.2), Code 1977, is amended to read as follows:

346A.2 AUTHORIZED IN CERTAIN COUNTIES. Subject to and in accordance with the provisions of this chapter, counties having a population over ~~one-hundred~~ seventy thousand, as determined by the last official United States census, are hereby authorized to undertake and carry out any project as hereinbefore defined, and the boards thereof are authorized to operate, control, maintain and manage health centers and additions thereto and facilities therefor. The boards thereof are further authorized to appoint such committees, groups, or operating boards as they may deem necessary and advisable to facilitate the operation and management of such health centers, additions and facilities. The board is further authorized to lease space in any health center to other public corporations, public agencies and private nonprofit agencies engaged in furnishing health, welfare and social services which lease shall be on such terms and conditions as the board may deem advisable. All contracts for the construction, reconstruction, completion, equipment, improvement, repair or remodeling of any buildings, additions or facilities shall be let in accordance with the provisions of section 332.7 and chapter 23. To pay the cost of operating, maintaining and managing a health center the board of any such county is authorized to levy an annual tax not exceeding fifty-four cents per thousand dollars of assessed value per annum on

all the taxable property in the county, said levy to be in addition to all other levies authorized by law for similar purposes.

Approved June 30, 1977

CHAPTER 113
JAIL ATTENDANT ON PREMISES

H. F. 101

AN ACT relating to the required presence of an attendant on the jail premise* when a prisoner is incarcerated.

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

Section 1. Section three hundred fifty-six point five (356.5), subsection six (6), Code 1977, is amended by striking the subsection and inserting in lieu thereof the following:

6. Keep a matron on the jail premises at all times during the incarceration of one or more female prisoners; keep either a jailer or matron on the premises at all times during the incarceration of one or more male prisoners, and make nighttime inspections while any prisoners are confined, or provide for incarceration in a jail which conforms to the provisions of this subsection.

Approved May 13, 1977

*According to enrolled ACT

CHAPTER 114
CITY DEVELOPMENT BOUNDARY ADJUSTMENT

S. F. 224

AN ACT relating to city development clarifying what the city clerk and city development board must file when a city is involved in a voluntary boundary adjustment or incorporation and adding a requirement for an agreement for maintenance of shared roads.

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

Section 1. Section three hundred sixty-eight point seven (368.7), Code 1977, is amended by striking unnumbered paragraph two (2) and inserting in lieu thereof the following:

An application for annexation of territory not within the

urbanized area of a city other than the city to which the annexation is directed must be approved by resolution of the council which receives the application. Upon receiving approval of the council, the city clerk shall file a copy of the resolution, map, and legal description of the territory involved with the state department of transportation. The city clerk shall also file a copy of the map and resolution with the county recorder, secretary of state, and the board. The annexation is completed upon acknowledgement by the board that it has received the map and resolution and a certification by the city clerk that copies of the map and resolution have been filed with the county recorder and secretary of state and that copies of the resolution, map, and legal description of the territory involved have been filed with the state department of transportation.

An application for annexation of territory within the urbanized area of a city other than the city to which the annexation is directed must be approved both by resolution of the council which receives the application and by the board. The annexation is completed when the board has filed copies of applicable portions of the proceedings as required by section three hundred sixty-eight point twenty (368.20), subsection two (2) of the Code.

Sec. 2. Section three hundred sixty-eight point eight (368.8), Code 1977, is amended to read as follows:

368.8 VOLUNTARY SEVERING OF TERRITORY. Any territory may be severed upon the unanimous consent of all owners of the territory and approval by resolution of the council of the city in which the territory is located. The council shall provide in the resolution for the equitable distribution of assets and equitable distribution and assumption of liabilities of the territory as between the city and the severed territory. The council city clerk shall file a copy of the resolution, and a map, with and a legal description of the territory involved with the state department of transportation. The city clerk shall also file a copy of the map and resolution with the county recorder, secretary of state, and the board. ~~The severance shall be~~ is ~~completed when the board has filed copies of the resolution and map as provided in section 368.20, subsection 2~~ upon acknowledgement by the board that it has received the map and resolution and a certification by the city clerk that copies of the map and resolution have been filed with the county recorder and secretary of state and

that copies of the resolution, map, and a legal description of the territory involved have been filed with the state department of transportation.

Sec. 3. Section three hundred sixty-eight point eleven (368.11), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. Plans shall include a formal agreement between affected municipal corporations and counties for the maintenance, improvement and traffic control of any shared roads involved in an incorporation or boundary adjustment.

Sec. 4. Section three hundred sixty-eight point twenty (368.20), subsection two (2), Code 1977, is amended to read as follows:

2. File with the secretary of state, the clerk of each city incorporated or involved in a boundary adjustment, and with the recorder of each county which contains a portion of any city or territory involved, copies of the proceedings including the original petition or plan and any amendments, the order of the board approving the petition or plan, proofs of service and publication of required notices, certification of the election result, and any other material deemed by the board to be of primary importance to the proceedings. Upon proper filing and expiration of time for appeal, or upon a subsequent date as provided in the proposal, the incorporation, discontinuance, or boundary adjustment is complete, except that if an appeal to any of the proceedings is pending, completion does not occur until the appeal is decided. ~~The clerk of each city incorporated or involved in a boundary adjustment board~~ shall also file with the state department of transportation ~~and with the city development board~~ a copy of the ~~plat map~~ and legal land description of each completed annexation incorporation or corporate boundary adjustment completed under sections three hundred sixty-eight point eleven (368.11) through three hundred sixty-eight point twenty-two (368.22) of the Code or approved annexation within an urbanized area.

Sec. 5. This Act is effective January 1, 1978.
Approved June 3, 1977

SENATE FILE 7

[Supplement to 67 G.A., 1977 Regular Session]

This bill (S.F. 7) as passed by the General Assembly was vetoed by the Governor and, therefore, was not included in the original printing of the Session Laws. However, an action challenging the constitutionality of the Governor's veto of S.F. 7 has been brought in the District Court of Iowa in and for Polk County, *Redmond, et al., v. Ray, et al.* No. C. E. 7-4045 and is pending at the time of this publication. In an interlocutory order dated October 11, 1977, the court ordered the inclusion of S.F. 7 in the form a Supplement in the Session Laws with an appropriate notice that the constitutionality of the veto is an issue currently pending in court.

An Act relating to contract and bidding procedures for the repair or construction of county buildings.

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

Section 1. Section three hundred thirty-two point seven (332.7), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

332.7 CONTRACT AND BID REQUIREMENTS--EMERGENCY REPAIRS.

1. If the probable cost of constructing or repairing a county building will exceed five thousand dollars, the county building shall be constructed or repaired only after bid proposals for the construction or repair have been invited by advertisement once each week for three consecutive weeks in all of the official newspapers of the county in which the work is to be done and under an express written contract. The detailed plans and specifications for such improvements shall be on file and open to public inspection in the office of the auditor of the county in which the work is to be done before advertisement for bids.

2. If the probable cost of constructing or repairing a county building will not exceed five thousand dollars, the county building shall be constructed or repaired under an express written contract awarded through the formal bidding procedures specified in subsection one (1) of this section or through informal bidding procedures by notifying in writing at least three qualified bidders at least two weeks before letting the contract, except for repairs specified in subsection three (3) of the section. The informal bids received and a statement of the reasons for use of the informal procedure and bid acceptance shall be entered in the minutes of the meeting of the board of supervisors at which such action is taken.

3. The provisions of subsections one (1) and two (2) of this section shall not apply to the repair costs of a county building which do not exceed five hundred dollars or to costs for emergency repairs not exceeding two thousand dollars which are necessary to prevent further damage to a building and which reasonably cannot be delayed in compliance with the time requirements of the formal or informal bidding and contracting procedures provided for in this section. However, the minutes of the meeting of the board of supervisors at which expenditures for emergency repairs are approved shall contain a statement explaining the need for emergency repairs and the reasons why the formal and informal bidding and contracting procedures specified in this section could not be followed.

Sec. 2. This Act is effective January 1, 1978.

~~Approved~~ *Disapproved* July 10, 1977

Robert D. Ray
ROBERT D. RAY
Governor

CHAPTER 115
CIVIL SERVICE LIST

H. F. 44

AN ACT relating to certification of more than ten persons who receive the highest standings on a city civil service examination in case of ties.

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

Section 1. Section four hundred point eleven (400.11), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The commission shall, within ninety days after the beginning of each competitive examination for original appointment or for promotion, certify to the city council a list of the names of the ten persons who qualify with the highest standing as a result of each examination for the position they seek to fill, or such number as may have qualified if less than ten, in the order of their standing, and all newly created offices or other vacancies in positions under civil service which shall occur before the beginning of the next examination for such positions shall be filled from said lists, or from the preferred list existing as provided for in case of diminution of employees, within thirty days. If a tie occurs in the examination scores which would qualify persons for the tenth position on the list, the list of the names of the persons who qualify with the highest standing as a result of each examination shall include all persons who qualify for the tenth position. Preference for temporary service in civil service positions shall be given those on such lists.

Sec. 2. This Act is effective January 1, 1978.

Approved April 4, 1977

CHAPTER 116
MUNICIPAL HOUSING LAW

H. F. 536

AN ACT to change the title of the low-rent housing law chapter of the Code to the municipal housing law.

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

Section 1. Section four hundred three A point one (403A.1), Code 1977, is amended to read as follows:

403A.1 SHORT TITLE. This chapter shall be known and may be cited as the "Low-Rent Municipal Housing Law."

Sec. 2. Section four hundred three A point two (403A.2), subsection seventeen (17), Code 1977, is amended to read as follows:

17. "Agency" or "low-rent municipal housing agency" shall mean a public agency created under the provisions of section 403A.5.

Sec. 3. Section four hundred three A point five (403A.5), Code 1977, is amended to read as follows:

403A.5 EXERCISE OF MUNICIPAL HOUSING POWERS--~~LOW-RENT MUNICIPAL HOUSING AGENCY~~. Any municipality may create, in such municipality, a public body corporate and politic to be known as the "Low-Rent Municipal Housing Agency" of such municipality except that such agency shall not transact any business or exercise its powers hereunder until or unless the local governing body has elected to exercise its municipal housing powers through such an agency as prescribed in this section.

If the low-rent municipal housing agency is authorized to transact business and exercise powers hereunder, the mayor, by and with the advice and consent of the local governing body, shall appoint a board of commissioners of the low-rent municipal housing agency which board shall consist of five commissioners. The term of office for three of ~~said the~~ the commissioners originally appointed shall be two years and the term of office for two of ~~said the~~ the commissioners originally appointed shall be one year. Thereafter the term of office for each commissioner shall be two years.

A commissioner shall receive no compensation for ~~his~~ services, but ~~he~~ shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of ~~his-duties~~ a duty. Each commissioner shall hold office until ~~his~~ a successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the municipality, and ~~such the~~ such the certificate shall be conclusive evidence of the due and proper appointment of ~~such the~~ such the commissioner.

The powers of a low-rent municipal housing agency shall be exercised by the commissioners ~~thereof~~. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency, and for all other purposes. Action may be taken by the agency

upon a vote of a majority of the commissioners present, unless in any case the bylaws shall require a larger number. Any persons may be appointed as commissioners if they reside within the area of operation of the agency, which area shall be coterminous with the area of operation of the municipality, and if they are otherwise eligible for such appointments under this chapter.

The mayor shall designate a chairman and vice-chairman from among the commissioners. An agency may employ an executive director, technical experts and such other agents and employees, permanent and temporary, as it may require, and the agency may determine their qualifications, duties and compensation. For such legal service as it may require, an agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this chapter shall file, with the local governing body, on or before September 30 of each year, a report of its activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expense as of the end of such fiscal year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the municipality, and that the report is available for inspection during business hours in the office of the city clerk and in the office of the agency.

For inefficiency, or neglect of duty, or misconduct in office, a commissioner may be removed by a majority vote of the governing body of the municipality only after a hearing before ~~said~~ the body, and after ~~he~~ the commissioner shall have been given a copy of the charges at least ten days prior to such hearing, and after ~~he~~ the commissioner shall have had an opportunity to be heard in person or by counsel.

A municipality may itself exercise the powers in connection with municipal housing as defined in this chapter, or may, if the local governing body by resolution determines such action to be in the public interest, elect to have such powers exercised by the ~~low-rent~~ municipal housing agency, if one exists or is subsequently established in the community. In the event the local governing body makes such determination, the ~~low-rent~~ municipal housing agency shall be vested with all of the ~~low-rent~~ municipal housing project powers in the same manner as though all such powers were conferred on such agency instead of the municipality. If the local governing

body does not elect to make such determination, the municipality in its discretion may exercise its ~~low-rent~~ municipal housing project powers through a board or commissioner, or through such officers of the municipality as the local governing body may by resolution determine.

A municipality or a "~~Low-Rent~~ Municipal Housing Agency" may not proceed with a housing project until a study or a report and recommendation on housing available within the community is made public by the municipality or agency and is included in its recommendations for a housing project. ~~Such recommendations~~ Recommendations must receive majority approval from the local governing body before proceeding on the housing project.

Sec. 4. Section four hundred three A point twenty-one (403A.21), subsection eight (8), Code 1977, is amended to read as follows:

8. Enter into agreements which may extend over any period, notwithstanding any provision or rule of law to the contrary with any municipality respecting action to be taken by such state public body pursuant to any of the powers granted by this chapter. If at any time title to, or possession of, any project is held by any public body or governmental agency authorized by law to engage in the development or administration of ~~low-rent~~ municipal housing or slum clearance projects, including any agency or instrumentality of the United States of America, the provisions of such agreements shall insure to the benefit of and may be enforced by such public body or governmental agency.

Sec. 5. Section four hundred three A point twenty-two (403A.22), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

No public official or employee of a municipality or board or commission thereof and no commissioner or employee of a ~~low-rent~~ municipal housing agency which has been vested with ~~low-rent~~ municipal housing project powers under section 403A.5, shall voluntarily acquire any personal interest, as hereinafter defined, whether direct or indirect, in any municipal housing project, or in any property included or planned to be included in any municipal housing project of such municipality, or in any contract or proposed contract in connection with such municipal housing project. Where such acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the local governing body, and such disclosure

shall be entered upon the minutes of the governing body. If any such official, commissioner or employee presently owns or controls, or has owned or controlled within the preceding two years, any interest, as hereinafter defined, whether direct or indirect, in any property which he-knows it is known is included or planned to be included in a municipal housing project, he the commissioner shall immediately disclose this fact in writing to the local governing body, and such disclosure shall be entered upon the minutes of the governing body; and any such official, commissioner or employee shall not participate in any action by the municipality, or board or commission thereof affecting such property, as the terms of such proscription are hereinafter defined. For the purposes of this section the following definitions and standards of construction shall apply:

Sec. 6. Section four hundred three A point twenty-two (403A.22), subsection two (2), Code 1977, is amended to read as follows:

2. Employment by a state public body, its agencies, and institutions or by any other person as defined in subsection 16 of section 403.17, having such an interest shall not be deemed an interest by such employee or of any ownership or control by such employee of interests of his employer. Such an employee may participate in a low-rent municipal housing project so long as any benefits of such participation accrue to the public generally, such participation affects all or a substantial portion of the properties included or planned to be included in such a project, or such participation promotes the public purposes of such project, and shall limit only that participation by an employee which directly or specifically affects property in which an employer of an employee has an interest.

Sec. 7. Section four hundred three A point twenty-eight (403A.28), Code 1977, is amended to read as follows:

403A.28 PUBLIC HEARING REQUIRED. The low-rent municipal housing agency shall not undertake any low-cost housing project until such time as a public hearing has been called, at which time the agency shall advise the public of the name of the proposed project, its location, the number of living units proposed and their approximate cost. Notice of the public hearing on the proposed project shall be published at least once in a newspaper of general circulation within the municipality, at least fifteen days prior to the date set for the hearing.

Sec. 8. This Act is effective January 1, 1978.
Approved June 24, 1977

CHAPTER 117
PLATTING OF LAND

S. F. 379

AN ACT relating to the platting of land.

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

Section 1. Section four hundred nine point one (409.1), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

409.1 SUBDIVISIONS OR ADDITIONS. Every ~~original~~ proprietor of any tract or parcel of land of forty acres or less or of more than forty acres if divided into parcels any of which are less than forty acres and every ~~original~~ proprietor of any tract or parcel of land of any size located within a city or within two miles of a city subject to the provisions of section 409.14, who shall subdivide the same into three or more parts, shall cause a registered land surveyor's plat of such subdivision, with references to known or permanent monuments, to be made by a registered land surveyor holding a certificate issued under the provisions of chapter 114, giving the bearing and distance from some corner of the subdivision to some corner of the congressional division of which it is a part, which shall accurately describe all the subdivisions thereof, numbering the same by progressive numbers, giving their dimensions by length and breadth, and the breadth and courses of all the streets and alleys established therein.

Sec. 2. Section four hundred nine point one (409.1), unnumbered paragraphs two (2) and three (3), Code 1977, are amended by striking the paragraphs.

Sec. 3. Section four hundred nine point nine (409.9), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Every plat shall be accompanied by a complete abstract of title and an opinion from an attorney at law showing that the fee title is in the proprietor and that the land platted is free from encumbrance, or is free from encumbrance other than that secured by the bond provided for in section 409.11,

and a certified statement from the treasurer of the county in which the land lies that it is free from taxes, and from the clerk of the district court that it is free from all judgments, attachments, mechanics' or other liens as appears by the record in his office, and from the recorder of the county that the title in fee is in such proprietor and that it is free from encumbrance or free from encumbrance other than that secured by the bond provided for in section 409.11, as shown by the records of his office; however, the opinion of the attorney or the certificate of the recorder may show a mortgage or encumbrance if the plat is accompanied by a consent to such platting by the holder of the mortgage or encumbrance and a release from the mortgage or encumbrance of all streets, easements and other areas to be conveyed or dedicated to the local governmental unit within which such land is located. Sections four hundred nine point ten (409.10) and four hundred nine point eleven (409.11) of the Code shall not apply if a mortgage or encumbrance is shown on the opinion of the attorney or the certificate of the recorder and a release from the mortgage or encumbrance is obtained in accordance with the foregoing sentence.

Sec. 4. Section four hundred nine point twelve (409.12), Code 1977, is amended to read as follows:

409.12 RECORD--FILING. The signed and acknowledged plat and the attorney's opinion, together with the certificates of the clerk, recorder, and treasurer, and the affidavit and bond, if any, together with the certificate of approval of the ~~council~~ local governing body, shall be entered of record in the proper record books in the office of the county recorder. When so entered, the plat only shall be entered of record in the offices of the county auditor and assessor and shall be of no validity until so filed, in those offices. A certified plat ~~certified~~ approved by the ~~council~~ local governing body shall supersede any plat recorded for assessment and taxation purposes ~~pursuant to section 409.4~~ and any plat so superseded shall be voided.

Sec. 5. Section four hundred nine point thirty (409.30), subsection three (3), Code 1977, is amended to read as follows:

3. Monuments other than the permanent control monuments required in subsection 1 of this section shall not be required to be established before the recording of the plat or the conveyancing of lands by reference to the plat if the registered land surveyor includes in the ~~certification of~~

surveyor's statement on the plat that the additional monuments required by this chapter or by any local ordinance shall be established before a ~~specified-future-date~~ date specified in the statement or within one year from the date the plat is signed by the registered land surveyor, whichever is earlier.

Sec. 6. Section four hundred nine point thirty-one (409.31), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. The plat shall contain a statement by a registered land surveyor that the plat was prepared by the surveyor or under the surveyor's direct personal supervision and shall be signed and dated by the surveyor and bear the surveyor's Iowa registration number or seal.

Sec. 7. Section four hundred nine point forty-three (409.43), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

409.43 PLAT CERTIFIED AND FILED--EFFECT. When the surveyor has completed the plat pursuant to the resurvey, he the surveyor shall attach ~~his certificate thereto, to the effect that it is a just, true, and accurate plat of said city, or addition so surveyed by him, which~~ a statement that the resurvey plat was prepared by the surveyor or under the surveyor's direct personal supervision and shall be signed by such surveyor, dated, and bear the surveyor's Iowa registration number or seal; and the resurvey plat shall be filed for record in the offices of the county recorder, county auditor and assessor, and from the date of such filing it shall be treated in all courts of this state as though the same had been made by the ~~original~~ proprietor thereof.

Sec. 8. Section four hundred forty-one point sixty-five (441.65), Code 1977, is amended to read as follows:

441.65 PLATTING FOR ASSESSMENT AND TAXATION BY AUDITOR. Whenever a lot or subdivision of land is owned by two or more persons in severalty, and the description of one or more of the different parts or parcels thereof cannot, in the judgment of the county auditor or the assessor, be made sufficiently certain and accurate for the purposes of assessment and taxation without noting the metes and bounds of the same, or whenever the ~~original~~ proprietor of any subdivision of land has sold or conveyed any part thereof, or invested the public with any rights therein, and has failed to file for record a plat as provided in chapter 409, the county auditor

by certified mail shall notify all of the owners, and demand compliance. If the owners fail to execute and file the plat within sixty days after the issuance of such notice to execute and file said plat for record, the auditor shall cause a plat to be made as the auditor deems appropriate in accordance with the provisions of chapter 409. The auditor may contract for the services of a registered land surveyor as necessary to comply with this section. Every conveyance of land in this state shall be deemed to be a warranty that the description therein contained is sufficiently definite and accurate to enable the auditor to enter the same on the plat book required to be kept; and when there is presented for entry on the transfer book any conveyance in which the description is not sufficiently definite and accurate, the auditor shall note such fact on the deed, with that of the entry for transfer, and shall notify the person presenting it that the land therein is not sufficiently described, and that it must be platted within sixty days thereafter. If the grantor in the conveyance shall neglect for sixty days thereafter to file for record a plat thereof, then the auditor shall proceed as is provided in this section, and cause the plat to be made in accordance with the provisions of chapter 409 and recorded in the office of the auditor, and the office of the county recorder, and in the office of the assessor.

Sec. 9. This Act is effective January 1, 1978.

Approved July 13, 1977

CHAPTER 118
RETIREMENT SYSTEMS FUNDS

H. F. 406

AN ACT relating to the investment of police and fire retirement system funds.

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

Section 1. Section four hundred ten point three (410.3), Code 1977, is amended to read as follows:

410.3 INVESTMENT OF SURPLUS. The boards shall have power to invest any surplus left in such funds, respectively, at the end of the fiscal year, but no part of the funds realized from any tax levy shall be used for any purpose other than the payment of pensions. Investments shall be ~~limited to~~

in interest-bearing bonds of, notes, certificates, or other evidences of indebtedness which are obligations of or guaranteed by the United States, or in interest-bearing bonds of the state of Iowa, of any county, township, or municipal corporation of the state of Iowa. All such securities shall be deposited with the treasurer of the boards of trustees for safekeeping.

Sec. 2. Section four hundred eleven point seven (411.7), subsection two (2), Code 1977, is amended to read as follows:

2. The city treasurer may invest at the direction of the respective boards of trustees such portion of the several funds created by this chapter as in the judgment of the respective boards are not needed for current payment of benefits under this chapter in interest-bearing securities, notes, certificates, bonds, or other evidences of indebtedness issued by the United States, or interest-bearing bonds issued by the state of Iowa, or make deposits of such funds in banks as provided in chapter 453, or in bonds issued by counties, school districts, or general obligation or limited levy bonds issued by municipal corporations in this state as authorized for investment by insurance companies under section 511.8 and subject to all limitations contained in said section. In the event of loss on the redemption or sale of securities, where invested as prescribed by law, neither the treasurer nor the trustees shall be personally liable, but such loss shall be charged against the retirement funds. The city treasurer may sell any securities in such funds and reinvest the proceeds in accordance with the direction of the respective boards of trustees when such action may be deemed advisable by the trustees for the protection of said funds or the preservation of the value of the investment.

Sec. 3. This Act is effective January 1, 1978.

Approved July 9, 1977

CHAPTER 119
FEDERAL TAX CONFORMATION

S. F. 32

AN ACT to conform the provisions of the individual and corporate income tax, the franchise tax, and the inheritance tax to the 1976 federal Tax Reform Act, providing penalties, and making the Act retroactive.

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

Section 1. Section four hundred twenty-two point four (422.4), subsection seventeen (17), Code 1977, is amended to read as follows:

17. "Internal Revenue Code of 1954" means the Internal Revenue Code of 1954, as amended to and including January 1, ~~1976~~ 1977.

Sec. 2. Section four hundred twenty-two point seven (422.7), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. Individual taxpayers and married taxpayers who file a joint federal income tax return and who elect to file a joint return, separate returns or separate filing on a combined return for Iowa income tax purposes, may avail themselves of the sick-pay exclusion and shall compute the amount of sick-pay exclusion subject to the limitations for joint federal income tax return filers provided by section one hundred five d (105(d)) of the Internal Revenue Code of 1954.

Sec. 3. Section four hundred twenty-two point seven (422.7), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. Add to the taxable income of trusts, that portion of trust income excluded from federal taxable income under section six hundred forty-one c (641(c)) of the Internal Revenue Code of 1954.

Sec. 4. Section four hundred twenty-two point nine (422.9), subsection two (2), Code 1977, is amended to read as follows:

2. The total of contributions, interest, taxes, medical expense, ~~child-care-expense~~, losses and miscellaneous expenses deductible for federal income tax purposes under the Internal Revenue Code of 1954, with the following adjustments:

Sec. 5. Section four hundred twenty-two point nine (422.9), subsection two (2), Code 1977, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. Add the amount of qualifying child and dependent care expenses subject to the same limitations provided by section forty-four A (44A) of the Internal Revenue Code of 1954. Married taxpayers need not file joint returns to qualify for this deduction.

Sec. 6. Section four hundred twenty-two point twelve (422.12), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

422.12 DEDUCTIONS FROM COMPUTED TAX. There shall be deducted from but not to exceed the tax, after the same shall have been computed as provided in this division, the following:

1. A personal exemption credit in the following amounts:
 - a. For a single individual, or a married person filing a separate return, fifteen dollars.
 - b. For a head of household, or a husband and wife filing a joint return, thirty dollars.
 - c. For each dependent, an additional ten dollars. As used in this section, the term "dependent" shall have the same meaning as provided by the Internal Revenue Code of 1954.
 - d. For a single individual, husband, wife or head of household, an additional exemption of fifteen dollars for each of said individuals who has attained the age of sixty-five years before the close of the tax year or on the first day following the end of the tax year.
 - e. For a single individual, husband, wife or head of household, an additional exemption of fifteen dollars for each of said individuals who is blind at the close of the tax year. For the purposes of this paragraph, an individual is blind only if the individual's central visual acuity does not exceed twenty-two hundredths in the better eye with correcting lenses, or if the individual's visual acuity is greater than twenty-two hundredths but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees.

For the purpose of this section, the determination of whether an individual is married shall be made as of the close of the individual's tax year unless the individual's spouse dies during the individual's tax year, in which case such determination shall be made as of the date of such death. An individual legally separated from his or her spouse under a decree of divorce or of separate maintenance shall not be considered as married.

2. A child and dependent care credit equal to five percent of the qualifying employment-related expenses and subject to the same limitations provided by section forty-four A (44A) of the Internal Revenue Code of 1954.

Married taxpayers electing to file separate returns or filing separately on a combined return must allocate the child and dependent care credit to each spouse in the proportion that his or her respective net income bears to the total

combined net income. Taxpayers affected by the allocation provisions of section four hundred twenty-two point eight (422.8) of the Code shall be permitted a deduction for the credit only in such amount as is fairly and equitably allocable to Iowa under rules prescribed by the director.

Sec. 7. Section four hundred twenty-two point sixteen (422.16), subsection thirteen (13), Code 1977, is amended by striking the subsection and inserting in lieu thereof the following:

13. The director shall enter into an agreement with the secretary of the treasury of the United States with respect to withholding of income tax as provided by this chapter, pursuant to an Act of Congress, section one thousand two hundred seven (1207) of the Tax Reform Act of 1976, Public Law ninety-four dash four hundred fifty-five (94-455), amending title five (5), section five thousand five hundred seventeen (5517) of the United States Code.

Sec. 8. Section four hundred twenty-two point twenty (422.20), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

422.20 INFORMATION CONFIDENTIAL--PENALTY.

1. It shall be unlawful for any officer or employee of the state to divulge or to make known in any manner whatever not provided by law to any person the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return, or to permit any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law any income return, or any part thereof or source of income, profits, losses, or expenditures appearing in any income return; and any person committing an offense against the foregoing provision shall be guilty of a serious misdemeanor. If the offender is an officer or employee of the state, such person shall also be dismissed from office or discharged from employment. Nothing herein shall prohibit turning over to duly authorized officers of the United States information and income returns pursuant to agreement between the director and the secretary of the treasury of the United States or the secretary's delegate.

2. It shall be unlawful for any officer, employee, or agent, or former officer, employee, or agent of the state

to disclose to any person, except as authorized in subsection one (1) of this section, any federal tax return or return information as defined in section six thousand one hundred three b (6103(b)) of the Internal Revenue Code of 1954. It shall further be unlawful for any person to whom any federal tax return or return information, as defined in section six thousand one hundred three b (6103(b)) of the Internal Revenue Code of 1954, is disclosed in a manner unauthorized by subsection one (1) of this section to thereafter print or publish in any manner not provided by law any such return or return information. Any person committing an offense against the foregoing provision shall be guilty of a serious misdemeanor.

Sec. 9. Section four hundred twenty-two point thirty-two (422.32), subsection four (4), Code 1977, is amended to read as follows:

4. "Internal Revenue Code of 1954" means the Internal Revenue Code of 1954, as amended to and including January 1, ~~1976~~ 1977.

Sec. 10. Section four hundred twenty-two point sixty-one (422.61), subsection four (4), Code 1977, is amended to read as follows:

4. "Net income" means the net income of the financial institution computed in accordance with section 422.35, with the exception that interest and dividends from federal securities shall not be subtracted and interest and dividends from evidences of indebtedness and securities of this state and its political subdivisions, exempt from federal income tax under the Internal Revenue Code of 1954 as amended to and including January 1, ~~1976~~ 1977, shall not be added.

Sec. 11. Section four hundred twenty-two point seventy-two (422.72), Code 1977, is amended to read as follows:

422.72 INFORMATION DEEMED CONFIDENTIAL.

1. It shall be unlawful for the director, or any person having an administrative duty under this chapter, or any officer or other employee of the state authorized by the director to examine returns, to divulge or to make known in any manner whatever, the business affairs, operations, or information obtained by an investigation under this chapter of records and equipment of any person or corporation visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return,

or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; provided, however, that the director may authorize examination of such returns ~~by other state officers, or~~, if a reciprocal arrangement exists, by tax officers of another state, or the federal government. This subsection shall prevail over the provisions of any general law of this state relating to public records.

2. Federal tax returns, copies of returns, and return information as defined in section six thousand one hundred three b (6103(b)) of the Internal Revenue Code of 1954, which are required to be filed with the department for the enforcement of the income tax laws of this state, shall be deemed and held as confidential by the department and subject to the disclosure limitations in subsection one (1) of this section.

2 3. Any person violating the provisions of ~~subsection~~ subsections one (1) and two (2) of this section shall be guilty of a serious misdemeanor.

Sec. 12. Section four hundred fifty point sixty-eight (450.68), Code 1977, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. Federal tax returns, copies of returns, and return information as defined in section six thousand one hundred three b (6103(b)) of the Internal Revenue Code, which are required to be filed with the department for the enforcement of the inheritance and estate tax laws of this state, shall be deemed and held as confidential by the department. However, such returns or return information, may be disclosed by the director to officers or employees of other state agencies, subject to the same confidentiality restrictions imposed on the officers and employees of the department.

NEW UNNUMBERED PARAGRAPH. It shall be unlawful for any present or former officer or employee of the state to disclose, except as provided by law, any return, return information or any other information deemed and held confidential under the provisions of this section. Any person violating the provisions of this section shall be guilty of a serious misdemeanor.

Sec. 13. Sections one (1), two (2), four (4), nine (9), and ten (10) of this Act are effective to January 1, 1976

for tax years beginning on or after January 1, 1976 and to this extent the provisions of sections one (1), two (2), four (4), nine (9), and ten (10) of this Act are retroactive.

Sec. 14. Section five (5) of this Act is effective to January 1, 1976 for tax years beginning on or after January 1, 1976 but before January 1, 1977 and ending prior to December 31, 1977 and to this extent the provisions of section five (5) of this Act are retroactive.

Sec. 15. Section six (6) of this Act is effective to January 1, 1977 for tax years beginning on or after January 1, 1977 and to this extent the provisions of section six (6) of this Act are retroactive.

Sec. 16. Section three (3) of this Act is effective to May 21, 1976 for transfers in trust made after May 21, 1976 and to this extent the provisions of section three (3) of this Act are retroactive.

Sec. 17. Sections eight (8), eleven (11), and twelve (12) of this Act are effective January 1, 1978 for tax years beginning on or after January 1, 1978.

Sec. 18. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in *The Waterloo Courier*, a newspaper published in Waterloo, Iowa, and in the *Cherokee Daily Times*, a newspaper published in Cherokee, Iowa.

Approved March 4, 1977

I hereby certify that the foregoing Act, Senate File 32, was published in *The Waterloo Courier*, Waterloo, Iowa on March 10, 1977, and in the *Cherokee Daily Times*, Cherokee, Iowa on March 9, 1977.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 120 MILITARY INCOME TAXED

S. F. 61

AN ACT providing for the taxation of active duty military income of Iowa residents and making the Act retroactive.

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

Section 1. Section four hundred twenty-two point five (422.5), unnumbered paragraph three (3), Code 1977, is amended to read as follows:

A resident of Iowa who is on active duty in the armed forces of the United States, as defined in Title 10, United

States Code, section 101, for more than six continuous months, shall not include any income received for such service performed on or after January 1, 1969, or prior to January 1, 1977, in computing the tax imposed by this section.

The taxes imposed under this Act shall be terminated upon either of two conditions:

1. When universal compulsory military service is reinstated by the United States Congress, or

2. When a state of war is declared to exist by the United States Congress.

Sec. 2. The provisions of this Act shall be retroactive to January 1, 1977, for tax years beginning on or after January 1, 1977, and to this extent the provisions of this Act are retroactive.

Sec. 3. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Winterset Madisonian, a newspaper published in Winterset, Iowa, and in The Decorah Journal, a newspaper published in Decorah, Iowa.

Approved March 14, 1977

I hereby certify that the foregoing Act, Senate File 61, was published in The Winterset Madisonian, Winterset, Iowa on March 16, 1977, and in The Decorah Journal, Decorah, Iowa on March 17, 1977.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 121

TAX LIENS

S. F. 314

AN ACT relating to the filing and extending of tax liens and the charging off of the underlying delinquent tax accounts.

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

Section 1. Section four hundred twenty-two point twenty-six (422.26), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

The lien aforesaid shall attach at the time the tax becomes due and payable and shall continue ~~until the liability for such amount is satisfied~~ for ten years from the time the lien attaches unless sooner released or otherwise discharged. The lien may, within ten years from the date the lien attaches, be extended by filing for record a notice with the appropriate county official of any county and from the time of such filing,

the lien shall be extended to the property in such county for ten years, unless sooner released or otherwise discharged, with no limit on the number of extensions. Liens having attached prior to January 1, 1969, will expire on January 1, 1979, unless extended by the director of the department of revenue. The director shall charge off any account whose lien is allowed to lapse and may charge off any account and release the corresponding lien before the lien has lapsed if the director determines under uniform rules prescribed by the director that the account is uncollectable or collection costs involved would not warrant collection of the amount due.

Sec. 2. This Act is effective January 1, 1978.

Approved May 12, 1977

CHAPTER 122

CORPORATE AND FINANCIAL INSTITUTION TAX

S. F. 140

AN ACT relating to the taxation of corporations and financial institutions to provide for the allocation of certain corporate income to this state for corporate income tax purposes, to require the filing of declarations of estimated tax and quarterly payments by corporations and financial institutions, creating a special reserve fund into which a portion of such payments are to be deposited, providing penalties, and making certain provisions of the Act retroactive.

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

Section 1. Section four hundred twenty-two point thirty-three (422.33), subsection one (1), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

If the trade or business of the corporation is carried on entirely within the state or if the trade or business consists of the operation of a farm and the property is located entirely within the state, the tax shall be imposed on the entire net income, but if such trade or business is carried on partly within and partly without the state or if the trade or business consists of the operation of a farm and the property is located partly within and partly without the state, the tax shall be imposed only on the portion of the net income reasonably attributable to the trade or business

within the state, said net income attributable to the state to be determined as follows:

Sec. 2. Sections three (3) through ten (10) of this Act shall be codified as a new division under chapter four hundred twenty-two (422) of the Code.

Sec. 3. NEW SECTION. DECLARATION AND PAYMENT OF ESTIMATED TAX. Every taxpayer subject to the tax imposed by sections four hundred twenty-two point thirty-three (422.33) and four hundred twenty-two point sixty (422.60) of the Code shall file a declaration of estimated tax for the taxable year if the amount of tax payable, less credits, can reasonably be expected to be more than one thousand dollars for the taxable year. For purposes of this division, "estimated tax" means the amount which the taxpayer estimates to be the tax due and payable under divisions three (III) or five (V) of chapter four hundred twenty-two (422) of the Code for the taxable year. If during the first quarter of the taxable year it is determined that the taxpayer's tax liability for the taxable year will exceed one thousand dollars, the declaration of estimated tax shall be filed on or before the last day of the fourth month of the taxable year. If after the last day of the third month and before the first day of the sixth month of the taxable year it is determined that the taxpayer's tax liability for the taxable year will exceed one thousand dollars, the declaration of estimated tax shall be filed on or before the last day of the sixth month of the taxable year. If after the last day of the fifth month and before the first day of the ninth month of the taxable year it is determined that the taxpayer's tax liability for the taxable year will exceed one thousand dollars, the declaration of estimated tax shall be filed on or before the last day of the ninth month of the taxable year. If after the last day of the eighth month and before the first day of the twelfth month of the taxable year it is determined that the taxpayer's tax liability for the taxable year will exceed one thousand dollars, the declaration of estimated tax shall be filed on or before the last day of the taxable year.

Sec. 4. NEW SECTION. PAYMENT OF ESTIMATED TAX. A taxpayer required to file a declaration of estimated tax under section three (3) of this Act shall pay the estimated tax in accordance with the following schedule:

1. If the declaration of estimated tax is filed on or before the last day of the fourth month of the taxable year,

the estimated tax shall be paid in four equal installments. The first installment shall be paid at the time of the filing of the declaration. The second and third installments shall be paid not later than the last day of the sixth and ninth months of the taxable year, and the final installment shall be paid on or before the last day of the taxable year.

2. If the declaration of estimated tax is timely filed after the last day of the fourth month but not later than the last day of the sixth month of the taxable year, the estimated tax shall be paid in three equal installments. The first installment shall be paid at the time of the filing of the declaration. The second installment shall be paid on or before the last day of the ninth month of the taxable year and the third installment shall be paid on or before the last day of the taxable year.

3. If the declaration of estimated tax is timely filed after the last day of the sixth month and not after the last day of the ninth month of the taxable year, the estimated tax shall be paid in two equal installments. The first installment shall be paid at the time of the filing of the declaration and the second installment shall be paid on or before the last day of the taxable year.

4. If the declaration of estimated tax is timely filed after the last day of the ninth month of the taxable year, the estimated tax shall be paid in full at the time of the filing of the declaration.

5. If the declaration of estimated tax is not filed as required under section three (3) of this Act, all installments of estimated tax which would have been payable on or before such time shall be paid at the time the declaration of estimated tax is filed. The remaining installments of estimated tax, if any, shall be paid at the time and in the amounts in which they would have been payable if the declaration had been timely filed.

If an amendment to a declaration is filed, the remaining installments shall be ratably adjusted to reflect the increase or decrease in the estimated tax by reason of such amendment.

Sec. 5. NEW SECTION. TRANSITIONAL PERIOD. There shall be a transitional period to permit each taxpayer subject to the tax imposed by sections four hundred twenty-two point thirty-three (422.33) and four hundred twenty-two point sixty (422.60) of the Code to adjust to the requirements of making

estimated tax payments.

1. For a taxable year beginning on or after July 1, 1977, and on or before June 30, 1978, only sixty percent of the estimated tax shall be required to be paid during the taxable year in accordance with the installment schedule in section four (4) of this Act. The remaining forty percent of the estimated tax shall be increased or decreased to reflect the actual tax due for the taxable year and shall be paid at the time of filing the final, completed return for the taxable year.

2. For a taxable year beginning on or after July 1, 1978, and on or before June 30, 1979, only eighty percent of the estimated tax shall be required to be paid during the taxable year in accordance with the installment schedule in section four (4) of this Act. The remaining twenty percent of the estimated tax shall be increased or decreased to reflect the actual tax due for the taxable year and shall be paid at the time of filing the final, completed return for the taxable year.

3. In the event the time for filing a tax return is extended for a taxable year listed in this section the remaining percentage of estimated tax due for that year shall be paid not later than the last day of the fourth month following the expiration of the taxable year.

Sec. 6. NEW SECTION. FAILURE TO PAY ESTIMATED TAX.

1. If the taxpayer submits an underpayment of the estimated tax, the taxpayer shall be subject to an underpayment penalty at the rate of three-fourths of one percent per month upon the amount of the underpayment for the period of the underpayment.

2. The amount of the underpayment shall be the excess of the amount of the installment which would be required to be paid if the estimated tax was equal to eighty percent of the tax shown on the return of the taxpayer for the taxable year over any amount of installments paid on or before the date prescribed for payment.

3. If the taxpayer did not file a return during the taxable year, the amount of the underpayment shall be equal to eighty percent of the taxpayer's tax liability for the taxable year over any amount of installments paid on or before the date prescribed for payment.

4. The period of the underpayment shall run from the date the installment was required to be paid to the last day of

the fourth month following the close of the taxable year or the date on which such portion is paid, whichever date first occurs.

5. A payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under subsection two (2) or three (3) of this section for such installment date.

Sec. 7. NEW SECTION. EXCEPTION TO PENALTY. The penalty for underpayment of any installment of estimated tax imposed under section six (6) of this Act shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax amount at least to one of the following:

1. The tax shown on the return of the taxpayer for the preceding taxable year, if a return showing a liability for tax was filed by the taxpayer for the preceding taxable year and such preceding year was a taxable year of twelve months.

2. An amount equal to the tax computed at the rates applicable to the taxable year but otherwise on the basis of the facts shown on the return of the taxpayer for, and the law applicable to, the preceding taxable year.

3. An amount equal to eighty percent of the tax for the taxable year computed by placing on an annualized basis the taxable income:

a. For the first three months of the taxable year if an installment is required to be paid in the fourth month;

b. For the first three months or for the first five months of the taxable year if an installment is required to be paid in the sixth month;

c. For the first six months or for the first eight months of the taxable year if an installment is required to be paid in the ninth month; and

d. For the first nine months or for the first eleven months of the taxable year if an installment is required to be paid in the twelfth month of the taxable year.

The taxable income shall be placed on an annualized basis by multiplying the taxable income as determined under this subsection by twelve and dividing the resulting amount by the number of months in the taxable year (three, five, six, eight, nine, or eleven months, as the case may be) referred

to in this subsection.

Sec. 8. NEW SECTION. PENALTY NOT SUBJECT TO WAIVER. The penalty imposed under section six (6) of this Act for underpayment of the estimated tax shall not be subject to the waiver provisions relating to reasonable cause.

Sec. 9. NEW SECTION. CREDIT FOR ESTIMATED TAX. Any amount of tax paid on a declaration of estimated tax shall be a credit against the amount of tax due on a final, completed return, and any overpayment of five dollars or more shall be refunded to the taxpayer and such return shall constitute a claim for refund for this purpose. Amounts less than five dollars shall be refunded to the taxpayer only upon written application in accordance with section four hundred twenty-two point seventy-three (422.73) of the Code, but only if such application is filed within twelve months after the due date for the return.

In lieu of claiming a refund, the taxpayer may elect to have the overpayment shown on its final, completed return for the taxable year credited to the tax liability for the following taxable year.

Sec. 10. NEW SECTION. ADMINISTRATION. A taxpayer having a taxable year of less than twelve months shall file a declaration of estimated tax under rules adopted by the director. The director shall adopt rules relating to the filing of amended declarations and payments of estimated tax by taxpayers having a taxable year of less than twelve months. The director shall also adopt rules to permit a taxpayer to amend a declaration of estimated tax.

Sec. 11. SPECIAL RESERVE FUND CREATED. The treasurer of state shall credit the first ten million dollars received after the effective date of this Act from the receipts resulting from the payments received upon the filing of declarations of estimated tax from corporations subject to the tax imposed under division three (III) of this chapter to the general fund of the state. After crediting the first ten million dollars received to the general fund of the state, the treasurer of state shall credit the next twenty-five million dollars received after the effective date of this Act from the receipts resulting from the payments received upon the filing of declarations of estimated tax from corporations subject to the tax imposed under division three (III) of this chapter to a special reserve fund, which is hereby created in the office of the treasurer of state.

Sec. 12. DUTY OF DIRECTOR OF REVENUE. Upon receipt of estimated tax payments from corporations and as soon as practical after the close of each calendar quarter, the director shall certify to the treasurer of state the amount collected.

Sec. 13. USE OF FUND. Moneys credited to the special reserve fund shall be used to pay claims approved by the director of revenue for refunds of income tax paid by corporations which claims are based upon the income allocation formula provided in section four hundred twenty-two point thirty-three (422.33) of the Code. Moneys credited to the special reserve fund shall be exempt from the provisions of section eight point thirty-nine (8.39) of the Code.

Sec. 14. TRANSFER OF FUNDS. When the governor determines that the need for the special reserve fund no longer exists, he shall direct the transfer of the moneys in the special reserve fund to the general fund.

Sec. 15. The provisions of section one (1) of this Act are retroactive to January 1, 1977 for tax years beginning on or after January 1, 1977 and to this extent the provisions of section one (1) of this Act are retroactive.

Sec. 16. The provisions of this Act, except the provisions of section one (1) of this Act, shall be effective for tax years beginning on or after July 1, 1977.

Sec. 17. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in *The Marion Sentinel*, a newspaper published in Marion, Iowa, and in the *Farmer-Labor Press*, a newspaper published in Council Bluffs, Iowa.

Approved June 17, 1977

I hereby certify that the foregoing Act, Senate File 140, was published in *The Marion Sentinel*, Marion, Iowa on June 30, 1977, and in the *Farmer-Labor Press*, Council Bluffs, Iowa on June 23, 1977.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 123

NATURAL RESOURCES COUNCIL

H. F. 277

AN ACT relating to the authority of the Iowa natural resources council.

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

Section 1. Section four hundred fifty-five A point eight (455A.8), Code 1977, is amended to read as follows:

455A.8 ORGANIZATION, MEETINGS AND RULES. The council shall organize by the election of a chairman and shall meet at the seat of government on the first Monday in the months of January, April, July and October, and at such other times and places as it may deem necessary. The chairman shall be elected annually at the meeting of the council in July. Meetings may be called by the chairman and shall be called by the chairman on the request of four members of the council. The majority of the council shall constitute a quorum and the concurrence of a majority of the council in any matter within their duties shall be required for its determination, provided that the public hearing on any matter within council duties may be conducted by less than a majority of the council or by an employee so designated by the council. The council shall adopt such rules pursuant to chapter seventeen A (17A) of the Code as it may deem necessary to transact its business and for the administration and exercise of its powers and duties. The council may further establish, modify or repeal rules specifying the conditions under which the water commissioner may authorize specific nonrecurring minor uses of water for periods not to exceed one year through registration.

Sec. 2. Section four hundred fifty-five A point fourteen (455A.14), Code 1977, is amended to read as follows:

455A.14 DEPARTMENTAL COOPERATION--INVESTIGATIONS.

1. The council may request and receive from any department, division, board, bureau, commission, public body, or agency of the state, or of any political subdivision thereof, or from any organization, incorporated or unincorporated, which has for its object the control or use of any of the water resources of the state, such assistance and data as will enable the council to properly carry out its activities and effectuate its purposes hereunder. The council shall reimburse such agencies for special expense resulting from expenditures not normally a part of the operating expenses of any such agency.

2. a. The With the written consent of the owner or occupant, the council, its agents and other employees may enter upon any lands or waters in the state for the purpose of making any investigation, examination, or survey contemplated by this chapter.

Sec. 3. Section four hundred fifty-five A point fourteen (455A.14), subsection two (2), Code 1977, is amended by adding the following new paragraphs:

NEW PARAGRAPH. If the owner or occupant of any property refuses admittance, or if prior to such refusal the director demonstrates the necessity for a warrant, the director may make application under oath to the district court of the county in which the property is located for the issuance of a search warrant.

NEW PARAGRAPH. In the application the director shall state that an inspection or survey of the premises designated in the application may result in evidence tending to reveal the existence of violations of the provisions of this chapter, any rule, order or permit issued by the council. The application shall describe the area or premises to be inspected or surveyed, give the date of the last inspection if known, give the date and time of the proposed inspection or survey, declare the need for such inspection or survey, recite that notice of desire to make an inspection or survey has been given to affected persons and that admission was refused if that be the fact, and state that the inspection or survey has no purpose other than to carry out the purpose of the statute or rule pursuant to which inspection or survey is to be made.

NEW PARAGRAPH. The court may issue a search warrant, after examination of the applicant and any witnesses, if the court is satisfied that there is probable cause to believe the existence of the allegations contained in the application.

NEW PARAGRAPH. In making investigations, examinations or surveys pursuant to the authority of this subsection, the director must execute the warrant in a reasonable manner within ten days after its date of issuance.

Sec. 4. Section four hundred fifty-five A point twenty (455A.20), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

If the water commissioner at the first hearing or the council at the hearing on appeal shall determine after due investigation that such diversion, storage or withdrawal will not be detrimental to the public interests, including drainage and levee districts, or to the interests of property owners with prior or superior rights who might be affected, the water commissioner following the first hearing, or the council following the hearing on appeal shall grant a permit for such

diversion, storage or withdrawal. Judicial review of such action is available in accordance with the terms of the Iowa administrative procedure Act and section 455A.37. Permits may be granted for any period of time but not to exceed ten years except for the storage of water which may be granted for the life of the structure unless withdrawn for good cause. Permits may be granted which provide for less diversion, storage, or withdrawal of waters than set forth in the application. Permits may be extended by the water commissioner for a period of not more than ninety days during the pendency of an application for renewal. Any permit granted shall remain as an appurtenance of the land described therein through the date specified in such permit and any extension thereof or such earlier date as the permit or any extension thereof is revoked or canceled under the provisions of section 455A.28.

Sec. 5. Section four hundred fifty-five A point twenty-one (455A.21), Code 1977, is amended to read as follows:

455A.21 PRIORITY OF PERMITS. In the consideration of applications for permits, priority will be given to persons in the order applications are received. However, persons who have made diversion or withdrawal of water for a beneficial use prior to May 16, 1957, will be accorded priority according to the actual date of said diversion or withdrawal. The water commissioner or the council on appeal shall exercise their judgment on the duration and frequency of withdrawal and the quantity of water for which a permit may be granted. The use of water for ordinary household purposes, for poultry, livestock and domestic animals shall have priority over other uses. Any person with an existing irrigation system in use prior to May 16, 1957, shall be issued a permit to continue, unless by the use thereof some other riparian user is damaged. In the consideration of applications for permits by regulated users, the declared policies and principles of beneficial use, as set forth in this chapter, shall be the standard for the determination of the disposition of the applications for said permits. Nothing in this chapter shall impair the vested right of any person. Prior orders of the council shall not be invalidated by the provisions of sections 455A.19 to 455A.32.

Sec. 6. Section four hundred fifty-five A point thirty-three (455A.33), Code 1977, is amended by adding the following new paragraph:

NEW PARAGRAPH. The council may require, as a condition

of an approval order or permit granted pursuant to this chapter or chapter four hundred sixty-nine (469) of the Code, the furnishing of a performance bond with good and sufficient surety, conditioned upon the full compliance with the provisions of such order or permit and the rules of the council. In determining the need for and amount of bond, the council shall give consideration to the hazard posed by the construction and maintenance of the approved works and the protection of the health, safety and welfare of the people of the state. This subsection shall not apply to orders or permits granted to a governmental entity.

Sec. 7. The natural resources council and the Iowa geological survey may jointly determine by resolution that special irrigation permits may be issued for withdrawal of water from the alluvial aquifers of the flood plains of that portion of streams bordering the state of Iowa. The council may determine by rule special limitations and observation and monitoring requirements for each special permit.

Sec. 8. APPLICATION FOR SPECIAL PERMITS. Application and payment of the fee for special permits shall be in accordance with the provisions of sections four hundred fifty-five A point nineteen (455A.19), subsection one (1), and four hundred fifty-five A point nineteen (455A.19), subsection five (5) of the Code, respectively. Upon receipt of the application and fee, the commissioner shall cause notice of the application to be published in a newspaper of general circulation in the county where the permit is sought. The special permit shall be issued by the commissioner two weeks from the date of publication, unless written objection to the application is filed with the commissioner before that date, in which case the hearing procedures of section four hundred fifty-five A point nineteen (455A.19) of the Code, shall be followed. Special permits shall be issued for a period not to exceed one year.

Sec. 9. Section four hundred fifty-five A point twenty (455A.20), Code 1977, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. Until the council adopts a statewide water plan, all new water permits issued for irrigation purposes shall not exceed one year and all renewals thereof shall also be limited to one year. The preceding limitation shall not apply to the renewal or extension of any valid water permit granted prior to the effective date

of this Act. If it is determined, through monitoring of the permitted withdrawal, that it will endanger the present or future availability of groundwater said permits may be modified or canceled under the provisions of section four hundred fifty-five A point twenty-eight (455A.28) of the Code.

NEW UNNUMBERED PARAGRAPH. When permits are modified or canceled, priority for permits shall be given to applicants or permit holders who utilize such water for agriculture research. Nothing in this paragraph shall give priority to such applicants or permit holders in preference to those classes granted priority under section four hundred fifty-five A point twenty-one (455A.21) of the Code.

Sec. 10. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Coon Rapids Enterprise, a newspaper published in Coon Rapids, Iowa, and in the Evening Democrat, a newspaper published in Fort Madison, Iowa.

Approved April 29, 1977

I hereby certify that the foregoing Act, House File 277, was published in the Coon Rapids Enterprise, Coon Rapids, Iowa on May 5, 1977, and in the Evening Democrat, Fort Madison, Iowa on May 5, 1977.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 124

ELECTRIC POWER GENERATING

H. F. 569

AN ACT providing for the issuance by the department of environmental quality of conditional permits for certain electric power generating facilities.

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

Section 1. Section four hundred fifty-five B point twelve (455B.12), subsection ten (10), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Require, by rules, notice of the construction or the installation of any equipment which may cause or contribute to air pollution, and the submission of plans and specifications to the department, or such other information deemed necessary, for the installation of equipment from which air contaminants may be emitted to the atmosphere and related control equipment. The rules relating to a conditional permit for an electric power generating facility subject to chapter

four hundred seventy-six A (476A) of the Code shall allow the submission of engineering descriptions, flow diagrams and schematics that quantitatively and qualitatively identify emission streams and alternative control equipment that will provide compliance with emission standards. Such rules shall not specify any particular method to be used to reduce undesirable levels of emissions, nor type, design, or method of installation of any equipment to be used to reduce such levels of emissions, nor the type, design, or method of installation or type of construction of any manufacturing processes or kinds of equipment, nor specify the kind or composition of fuels permitted to be sold, stored, or used.

Sec. 2. Section four hundred fifty-five B point thirteen (455B.13), subsection three (3), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Grant, modify, or deny permits for the installation of new equipment capable of emitting air contaminants to produce air pollution and for related control equipment, and conditional permits for electric power generating facilities subject to chapter four hundred seventy-six A (476A) of the Code, subject to the rules adopted by the commission. The department shall furnish necessary application forms for such permits.

Sec. 3. Section four hundred fifty-five B point thirteen (455B.13), subsection three (3), Code 1977, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. All applications for conditional permits shall be subject to such notice and opportunity for public participation as may be consistent with chapter four hundred seventy-six A (476A) of the Code or any agreement pursuant thereto under chapter twenty-eight E (28E) of the Code. The applicant or intervenor may appeal to the commission from the denial of a conditional permit or any of its conditions. For the purposes of chapter four hundred seventy-six A (476A) of the Code, the issuance or denial of a conditional permit by the executive director or by the commission upon appeal shall be a determination that the electric power generating facility does or does not meet the permit and licensing requirements of the commission. The issuance of a conditional permit shall not relieve the applicant of the responsibility to submit final and detailed construction plans and drawings and an application for a construction permit for control equipment that will meet the

emission limitations established in the conditional permit.

Sec. 4. Section four hundred fifty-five B point twenty-six (455B.26), Code 1977, is amended to read as follows:

455B.26 FAILURE--PROCEDURE. Upon failure of the executive director to take action within sixty days after an application for installation permit or variance, or upon failure of the commission to enter a final order or determination within sixty days after the final argument in a public hearing, the person seeking such action shall be entitled to treat such failure to act as a grant of the requested permit or variance, or of a finding favorable to the respondent in a public hearing, as the case may be. This section shall not apply to an application for a conditional permit for an electric power generating facility subject to chapter four hundred seventy-six A (476A) of the Code.

Sec. 5. Section four hundred fifty-five B point thirty-two (455B.32), subsection three (3), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

Establish, modify or repeal rules relating to the location, construction, operation, and maintenance of disposal systems and public water supply systems and specifying the conditions under which the executive director shall issue, revoke, suspend, modify or deny permits for the operation, installation, construction, addition to or modification of any disposal system or public water supply system, or for the discharge of any pollutant or for the disposal of water wastes resulting from poultry and livestock operations. The rules specifying the conditions under which the executive director shall issue permits for the construction of an electric power generating facility subject to chapter four hundred seventy-six A (476A) of the Code shall provide for issuing a conditional permit upon the submission of engineering descriptions, flow diagrams and schematics that qualitatively and quantitatively identify effluent streams and alternative disposal systems that will provide compliance with effluent standards or limitations.

Sec. 6. Section four hundred fifty-five B point thirty-three (455B.33), subsection four (4), Code 1977, is amended by adding the following new paragraph:

NEW PARAGRAPH. The executive director shall also issue or deny conditional permits for the construction of disposal systems for electric power generating facilities subject to chapter four hundred seventy-six A (476A) of the Code. All

applications for conditional permits shall be subject to such notice and opportunity for public participation as may be required by the commission and as may be consistent with chapter four hundred seventy-six A (476A) of the Code and any agreement pursuant thereto under chapter twenty-eight E (28E) of the Code. The applicant or an intervenor may appeal to the commission from the denial of a conditional permit or any of its conditions. For the purposes of chapter four hundred seventy-six A (476A) of the Code, the issuance or denial of a conditional permit by the executive director or the commission upon appeal shall be a determination that the electric power generating facility does or does not meet the permit and licensing requirements of the commission. The issuance of a conditional permit shall not relieve the applicant of the responsibility to submit final and detailed construction plans and drawing and an application for a construction permit for a disposal system that will meet the effluent limitations in the conditional permit.

Approved July 7, 1977

CHAPTER 125
HAZARDOUS SUBSTANCES

H. F. 490

AN ACT relating to the control, abatement and prevention of hazardous conditions by the department of environmental quality, and providing a penalty.

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

Section 1. NEW SECTION. DEFINITIONS. As used in this Act unless the context otherwise requires:

1. "Hazardous substance" means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. "Hazardous substance" may include any hazardous waste identified or listed by the administrator of the United States environmental protection agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section three hundred seven (307) of the federal Water Pollution Control Act as amended to January 1, 1977 or any

hazardous substance designated under section three hundred eleven (311) of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the secretary of transportation under the Hazardous Materials Transportation Act.

2. "Hazardous condition" means any situation involving the actual, imminent or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the state or into the atmosphere which creates an immediate or potential danger to the public health or safety.

3. "Toxic" means causing or producing a dangerous physiological, anatomic, or biochemical change in a biological system.

4. "Corrosive" means causing or producing visible destruction or irreversible alterations in human skin tissue at the site of contact, or in the case of leakage of a hazardous substance from its packaging, causing or producing a severe destruction or erosion of other materials through chemical processes.

5. "Irritant" means a substance causing or producing dangerous or intensely irritating fumes upon contact with fire or when exposed to air.

6. "Department" means the department of environmental quality.

7. "Commission" means the solid waste disposal commission of the department.

8. "Executive director" means the executive director of the department of environmental quality or a designee.

Sec. 2. NEW SECTION. ADMINISTRATIVE AGENCY. The department shall be the agency of the state to prevent, abate, and control the exposure of the citizens of the state to hazardous conditions as defined in this Act.

Sec. 3. NEW SECTION. POWERS AND DUTIES OF COMMISSION. The commission shall:

1. Establish such rules pursuant to the provisions of chapter seventeen A (17A) of the Code as are necessary to protect the public from unnecessary exposure to hazardous substances.

2. Develop a comprehensive plan for the prevention, abatement and control of hazardous conditions within the state.

Sec. 4. NEW SECTION. POWERS AND DUTIES OF THE EXECUTIVE DIRECTOR. The executive director shall:

1. Provide technical advice and assistance to other state agencies, to political subdivisions of the state and to other persons upon request for the control, abatement, and prevention of hazardous conditions.

2. Collect and disseminate such information, publish such guidelines or reports, and conduct such educational programs deemed necessary to implement the provisions of this Act. Educational programs may be conducted in cooperation with other public or private agencies through agreements concluded pursuant to chapter twenty-eight E (28E) of the Code.

3. Exercise such other powers consistent with the Code and the provisions of this Act as the commission may direct.

Sec. 5. NEW SECTION. STATE HAZARDOUS CONDITION CONTINGENCY PLAN. All public agencies, as defined in chapter twenty-eight E (28E) of the Code, shall cooperate in the development and implementation of a state hazardous condition contingency plan. The plan shall detail the manner in which public agencies shall participate in the response to a hazardous condition. The department may enter into agreements, subject to section four hundred fifty-five B point seven (455B.7) of the Code, with any state agency or unit of local government or with the federal government, as necessary to develop and implement the plan. The plan shall be coordinated with the office of disaster services and any joint county-municipal disaster services and emergency planning administrations established pursuant to chapter twenty-nine C (29C) of the Code.

Sec. 6. NEW SECTION. NOTIFICATION OF SPILLS. Any person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the department, the local police department, or the office of the sheriff of the affected county of the occurrence of a hazardous condition as soon as possible but not later than six hours after the onset of the hazardous condition or discovery of the hazardous condition. A sheriff or police chief who has been notified of a hazardous condition shall immediately notify the department. Persons violating this section shall be subject to a civil penalty of not more than five hundred dollars.

Sec. 7. NEW SECTION. REMOVAL OF HAZARDOUS SUBSTANCES.

1. When any hazardous condition exists, the executive director may remove or provide for the removal and disposal of the hazardous substance at any time, unless the executive director determines such removal will be properly and promptly

accomplished by the owner or operator of the vessel, vehicle, container, pipeline or other facility.

2. The executive director may use any resources available under the hazardous condition contingency plan to provide for the removal of hazardous substances. If the executive director finds that public agencies cannot provide the necessary labor or equipment or if the executive director determines that emergency conditions exist, the executive director may contract with any private person or agency for removal of the hazardous substance. In those cases where equipment or services are obtained from any public or private person or agency under emergency conditions, section four hundred fifty-five B point seven (455B.7), subsection five (5) of the Code shall not apply.

Sec. 8. NEW SECTION. INJUNCTIONS AND EMERGENCY ORDERS.

1. If it is determined by the executive director that an emergency exists respecting any matter affecting or likely to affect the public health, the executive director may issue any order necessary to terminate the emergency without notice and without hearing. Any such order shall be binding and effective immediately and until such order is modified or vacated at a contested case hearing before the commission or by a court.

2. The executive director or the commission may request that the attorney general institute legal proceedings for a temporary or permanent injunction pursuant to section eleven (11) of this Act for purposes of enforcing an emergency order.

Sec. 9. NEW SECTION. JUDICIAL REVIEW. Judicial review of any order or other action of the commission or of the executive director may be sought in accordance with the terms of chapter seventeen A (17A) of the Code. Notwithstanding the provisions of chapter seventeen A (17A) of the Code, petitions for judicial review may be filed in the district court of the county in which the alleged hazardous condition occurred.

Sec. 10. NEW SECTION. JURISDICTION LIMITED. Nothing contained in this Act shall be deemed to grant to the department any authority or jurisdiction under this Act with respect to the following:

1. Hazardous conditions existing solely within and which will probably continue to exist solely within commercial and industrial plants, works, or shops under the jurisdiction of chapters eighty-eight (88) and ninety-one (91) of the Code.

2. Relations between employers and employees with respect to hazardous conditions except that where such hazardous conditions extend to or affect areas within the scope of the authority granted by this Act, the department may take any action consistent with this Act to abate such hazardous condition.

3. The storage, transportation, handling, or use of inflammable liquids, combustibles and explosives control over which is exercised by the state fire marshal under chapter one hundred (100) of the Code.

4. The storage, transportation, handling or use of pesticides over which control is exercised by the state secretary of agriculture under chapter two hundred six (206) of the Code, except when spillage of pesticides creates a hazardous condition.

5. The storage, transportation, handling or use of fertilizers over which control is exercised by the state secretary of agriculture under chapter two hundred (200) of the Code, except when spillage of fertilizers creates a hazardous condition.

6. Hazardous air contaminants under the jurisdiction of the air quality commission under division two (II) of chapter four hundred fifty-five B (455B) of the Code and toxic pollutants and hazardous substances under the jurisdiction of the water quality commission under division three (III) of chapter four hundred fifty-five B (455B) of the Code.

Sec. 11. NEW SECTION. DUTIES OF ATTORNEY GENERAL.

1. The attorney general shall, at the request of the department, institute any legal proceedings, including an action for an injunction or temporary injunction, necessary to obtain compliance with the provisions of this Act. In any legal proceedings any previous findings of fact of the executive director or the commission after due notice and hearing shall be conclusive if supported by substantial evidence in the record when the record is viewed as a whole.

2. The attorney general shall, at the request of the executive director, take appropriate action against the owner or operator of any vehicle, storage or manufacturing facility, vessel, or other source of a hazardous substance to recover funds expended by the department for the elimination of a hazardous condition. All such moneys collected shall be credited to the general fund of the state.

Sec. 12. The Code editor shall codify this Act as a new part in division four (IV) of chapter four hundred fifty-five B (455B) of the Code.

Approved June 7, 1977

CHAPTER 126
BUSINESS CORPORATIONS

S. F. 238

AN ACT relating to business corporations.

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

Section 1. Section four hundred ninety-six A point two (496A.2), subsection fourteen (14), Code 1977, is amended to read as follows:

14. "Nonadmitted organization" means any corporation, bank, trust company, mutual savings bank, savings and loan association, national banking association or insurance company which is organized under ~~the laws of another~~ laws other than the laws of this state and which is not entitled under this chapter to procure a certificate of authority to transact business in this state.

Sec. 2. Section four hundred ninety-six A point thirty-two (496A.32), unnumbered paragraph three (3), Code 1977, is amended to read as follows:

~~Neither treasury shares nor, unless the articles of incorporation otherwise provide,~~ shares held by another corporation if a majority of the shares entitled to vote for the election of directors of such other corporation is held by the corporation, shall be voted at any meeting or counted in determining the total number of outstanding shares at any given time.

Sec. 3. Section four hundred ninety-six A point thirty-two (496A.32), Code 1977, is amended by striking unnumbered paragraph eleven (11).

Sec. 4. Section four hundred ninety-six A point thirty-seven (496A.37), Code 1977, is amended to read as follows:

496A.37 VACANCIES. ~~Unless otherwise provided in the articles of incorporation or the bylaws, any~~ Any vacancy occurring* in the board of directors ~~and any directorship to be filled by reason of an increase in the number of directors~~

* According to enrolled Act

may be filled by the affirmative vote of a majority of the ~~remaining~~ directors ~~then-in-office, even-if~~ though less than a quorum of the board of directors. ~~Unless-otherwise-provided in-the-articles-of-incorporation-or-the-bylaws, a~~ A director ~~se~~ elected to fill a vacancy shall be elected for the unexpired term of his or her predecessor in office ~~or-the-full-term of-such-new-directorship~~. Any directorship to be filled by reason of an increase in the number of directors may be filled by the board of directors for a term of office continuing only until the next election of directors by the shareholders.

Sec. 5. This Act is effective January 1, 1978.

Approved July 5, 1977

CHAPTER 127

CORPORATIONS CHANGE TO CO-OPERATIVES

H. F. 338

AN ACT to provide that corporations organized under chapter four hundred ninety-one (491) or chapter four hundred ninety-six A (496A) of the Code may elect to become cooperative associations under chapter four hundred ninety-nine (499) of the Code.

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

Section 1. Chapter four hundred ninety-nine (499), Code 1977, is amended by adding sections two (2) through six (6) of this Act.

Sec. 2. NEW SECTION. CONVERSION TO CHAPTER FOUR HUNDRED NINETY-NINE (499) COOPERATIVE ASSOCIATION. A corporation organized under chapter four hundred ninety-one (491) or chapter four hundred ninety-six A (496A) of the Code may become a cooperative association under chapter four hundred ninety-nine (499) of the Code when authorized in the following manner:

1. The board of directors shall adopt a resolution recommending that the corporation be converted to a cooperative association under chapter four hundred ninety-nine (499) of the Code. This resolution shall include proposed amendments to the corporation's articles of incorporation which amendments are necessary or desirable so the corporation may conform to the structure and organization required of cooperative associations regulated by chapter four hundred ninety-nine (499) of the Code. The resolution shall also direct that

the question of the conversion be submitted to a vote at a meeting of shareholders. The shareholder meeting may be either an annual or a special meeting.

2. Written or printed notice of the shareholder meeting shall be delivered either personally or by mail not less than twenty days before the meeting to each shareholder of record. The notice shall state the place, day, hour and purpose of the meeting. A copy and summary of the plan of conversion including a copy and summary of proposed amendments to the articles of incorporation shall be included in or enclosed with the notice.

3. At the shareholder meeting a vote of the shareholders entitled to vote shall be taken on the resolution including the proposed article changes to convert the corporation. The plan of conversion shall be adopted upon receiving the affirmative vote of the holders of at least two-thirds of the outstanding shares of the corporation which shares were entitled to vote at such meeting, unless any class of shares is entitled to vote as a class. In the event any class of shares is entitled to vote as a class, the resolution shall require for its adoption the affirmative vote of the holders of at least a majority of the outstanding shares of each class entitled to vote as a class thereon and two-thirds of the total outstanding shares entitled to vote at the meeting.

4. Upon shareholder approval, the plan of conversion and article amendments shall be executed on behalf of the corporation by its president or a vice president and by its secretary or an assistant secretary, and shall be verified by one of the officers signing a statement, which statement shall set forth:

- a. The name of the corporation.
- b. A copy of the plan of conversion adopted by the shareholders including the amended articles of incorporation.
- c. The number of shares of stock outstanding; the number of shares entitled to vote; if the shares of any class were entitled to vote as a class; the designation of each class and the number of shares of that class entitled to vote.
- d. The number of shares voted for and against the plan of conversion, respectively. If the shares of any class were entitled to vote as a class, the number of shares of each class that voted for and against the plan, respectively.

Sec. 3. NEW SECTION. FILING OF CONVERSION PLAN AND NEW ARTICLES. A duly executed and acknowledged copy of the

articles of incorporation as amended of the converted corporation shall be forwarded to the secretary of state for filing and recording. Upon approving the articles and payment of fees as provided in section four hundred ninety-nine point forty-five (499.45) of the Code, the secretary of state shall issue a new certificate of incorporation and shall forward the articles to the county recorder of the county where the newly converted association has its principal place of business. Upon the issuance of the new certificate of incorporation the converted corporation's chapter four hundred ninety-one (491) or chapter four hundred ninety-six A (496A) character shall cease and the chapter four hundred ninety-nine (499) existence shall begin unless the certificate in conformity with the amended articles of incorporation provides that it shall become effective on a stated day not more than ninety days in the future. In the event the articles indicate a future effective date, the conversion shall become effective on the day stated without further action by either the corporation or secretary of state.

Sec. 4. NEW SECTION. NOTICE. Notice of the corporation's conversion to a chapter four hundred ninety-nine (499) cooperative association shall be given as provided in sections four hundred ninety-one point seventeen (491.17) and four hundred ninety-one point eighteen (491.18) of the Code. Included in the notice shall be a brief explanation that the corporation has changed its corporate form to a chapter four hundred ninety-nine (499) cooperative association.

Sec. 5. NEW SECTION. EFFECT OF CONVERSION. When the conversion to a chapter four hundred ninety-nine (499) cooperative association has become effected:

1. The converted corporation shall be subject to all the duties and liabilities of a cooperative association under chapter four hundred ninety-nine (499) of the Code as if the corporation was initially organized under chapter four hundred ninety-nine (499) of the Code.

2. The converted corporation shall possess all the rights, privileges, immunities and franchises inuring to it before the conversion except those which the corporation possessed only because it was incorporated under chapter four hundred ninety-one (491) or chapter four hundred ninety-six A (496A) of the Code. The converted corporation shall possess all property, real, personal and mixed and all debts due on whatever account, including subscriptions to shares, and all other choses in action, and every other interest belonging

or due to or vesting in the corporation. These property rights shall be taken and deemed to be transferred to and vested in the converted corporation without further action. Title to any real estate, or any interest therein, vested in any such corporation shall not revert or be in any way impaired by reason of such conversion.

3. The converted corporation shall be responsible and liable for all the liabilities and obligations incurred while it was organized under chapter four hundred ninety-one (491) or chapter four hundred ninety-six A (496A) of the Code. Any claim existing or action or proceeding pending by or against any such corporation may be prosecuted to judgment as if the conversion had not taken place, or the new cooperative association may be substituted in its place. The rights of creditors and liens upon the property of the converted corporation shall not be impaired by the conversion.

Sec. 6. NEW SECTION. RIGHTS OF DISSENTING SHAREHOLDERS.

1. A shareholder of a corporation whose board of directors adopted a resolution recommending conversion to a cooperative association shall be entitled to the dissenting shareholder's rights pursuant to this section if the shareholder does the following:

- a. Files with the corporation a written objection to the resolution prior to or at the shareholder meeting at which the conversion resolution is submitted to vote, and
- b. Refrains from voting in favor of the conversion resolution, and
- c. Within twenty days after the shareholder vote, makes a written demand on the corporation for a payment of the fair value of his or her shares as of the day prior to the date on which the shareholder vote was taken approving the conversion. This demand shall state the number and class of the shares owned by the dissenting shareholder.

2. Upon the surrender of the shareholder's certificate or certificates representing the shares, the converted corporation shall pay the shareholder who complied with subsection one (1) of this section, the fair value for the shares. Any shareholder failing to comply with subsection one (1) of this section shall be presumed to have consented to the conversion and shall be bound by the terms of the conversion.

3. If within thirty days after the shareholder vote, the value of the dissenting shareholder's shares is agreed upon

by the dissenting shareholder and the corporation, payment for those shares shall be made within ninety days after the shareholder vote, upon the surrender of the shareholder's certificate or certificates representing the shares. Upon payment of the agreed value the dissenting shareholder shall cease to have any interest in the shares or in the converted corporation.

4. If within thirty days after the shareholder vote, the value of the dissenting shareholder's shares is not agreed upon by the dissenting shareholder and the corporation, the dissenting shareholder may within sixty days after the expiration of this thirty-day period, file a petition in the district court of the district in which is located the registered office or principal place of business of the converted corporation. This petition shall ask for a finding and determination of the fair value of these shares and the dissenting shareholder shall be entitled to judgment against the converted corporation for the amount of the fair value of the shares valued at the day prior to the date on which the shareholder vote was taken approving the conversion. The dissenting shareholder shall also be entitled to interest at the legal rate from the date of such judgment. The action, if filed, shall be prosecuted as an equitable action and the practice and procedure shall conform to the practice and procedure in equity cases.

The court's judgment shall be payable only upon and simultaneously with the surrender to the converted corporation of the certificate or certificates representing the shares. Upon payment of the judgment, the dissenting shareholder shall cease to have any interest in such shares, or in the converted corporation. Unless the dissenting shareholder shall file such petition within the time specified, such shareholder and all persons claiming under the shareholder shall be presumed to have approved and ratified the conversion resolution and shall be bound by its terms.

5. The right of a dissenting shareholder to be paid the fair value of his or her shares as herein provided shall cease if and when the corporation shall abandon the plan of conversion.

6. Shares acquired by the corporation pursuant to the payment of the agreed value or pursuant to payment of a judgment entered into pursuant to this section may be held and disposed of by the corporation as it may see fit.

Sec. 7. Chapter four hundred ninety-one (491), Code 1977,

is amended by adding the following new section:

NEW SECTION. CONVERSION TO COOPERATIVE ASSOCIATION. A corporation incorporated under this chapter may become a cooperative association under chapter four hundred ninety-nine (499) of the Code by complying with the procedures established in sections one (1) through six (6) of this Act.

Sec. 8. Chapter four hundred ninety-six A (496A), Code 1977, is amended by adding the following new section:

NEW SECTION. CONVERSION TO COOPERATIVE ASSOCIATION. A corporation incorporated under this chapter may become a cooperative association under chapter four hundred ninety-nine (499) of the Code by complying with the procedures established in sections one (1) through six (6) of this Act.

Sec. 9. The provisions of this Act are repealed effective July 1, 1979.

Approved July 9, 1977

CHAPTER 128 NONPROFIT CORPORATIONS

S. F. 239

AN ACT relating to nonprofit corporations.

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

Section 1. Section five hundred four point three (504.3), Code 1977, is amended to read as follows:

504.3 EXISTING CORPORATIONS--REINCORPORATION. Any corporation not for pecuniary profit, incorporated in the state prior to July 4, 1943, which may seek to reincorporate or renew its corporate existence, shall proceed in the same manner as provided in section ~~504.4~~ five hundred four point eighteen (504.18) of the Code.

Sec. 2. Section five hundred four point eighteen (504.18), Code 1977, is amended to read as follows:

504.18 REINCORPORATION ~~AFTER-EXPIRATION-OF-TERM.~~ The trustees, directors, or members of any corporation organized under this chapter may reincorporate the corporation, and all the property and rights of the corporation shall vest in the corporation as reincorporated. When the term of incorporation of a corporation organized under this chapter has expired, but the organization has continued to act as

such corporation, the trustees, directors, or members thereof of that corporation may reincorporate, and the property and rights therein of the corporation shall vest in the reincorporation for the use and benefit of all of the shareholders in the original corporation. Any corporation reincorporating on or after January 1, 1978, shall be governed by the provisions of chapter five hundred four A (504A) of the Code. The corporation shall reincorporate in the same manner as though voluntarily electing to adopt the provisions of chapter five hundred four A (504A) of the Code in accordance with section five hundred four A point one hundred (504A.100) of the Code pertaining to domestic corporations organized under chapter five hundred four (504) of the Code.

Sec. 3. Section five hundred four A point one hundred (504A.100), Code 1977, subsection one (1), is amended to read as follows:

1. Except for this subsection, this chapter shall not apply to or affect corporations subject to the provisions of chapters ~~474, 176, 482, 494, 494, 495, 496A, 497, 498, 499, 499A, 500, 503, 506, 508, 510, or 512, 514, 515, 518A, 519, 533, or 534~~ and state banks organized under chapter 524. Such corporations shall continue to be governed by all laws of this state heretofore applicable thereto and as the same may hereafter be amended. This chapter shall not be construed as in derogation of or as a limitation on the powers to which such corporations may be entitled.

Sec. 4. Section five hundred four point seventeen (504.17), Code 1977, is repealed.

Sec. 5. This Act is effective January 1, 1978.

Approved July 5, 1977

CHAPTER 129
CORPORATION CONFERENCES

S. F. 5

AN ACT to provide for board of directors meetings of nonprofit corporations by conference telephone or similar communications equipment.

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

Section 1. Section five hundred four A point twenty-two (504A.22), Code 1977, is amended by adding the following new

unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Unless otherwise restricted by the articles of incorporation or bylaws, members of the board of directors of any corporation, or any committee designated by the board of directors, may participate in a meeting of the board or committee by conference telephone or similar communications equipment. All persons participating in the meeting shall be able to hear each other, and participation in a meeting pursuant to this provision shall constitute presence in person at the meeting. Records of the meeting shall be kept as required in section five hundred four A point twenty-five (504A.25) of the Code.

Approved June 29, 1977

CHAPTER 130

CREDIT LIFE AND ACCIDENT INSURANCE

S. F. 180

AN ACT relating to the regulation of premium rates for credit life and credit accident and health insurance.

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

Section 1. Section five hundred nine point seventeen (509.17), subsection three (3), Code 1977, is amended to read as follows:

3. The commissioner shall, after a public hearing, approve a reasonable charge or premium for credit accident and health insurance as he the commissioner deems appropriate and necessary for the implementation of this section. A charge or premium of not more than ~~seventy-five~~ sixty-five cents per annum per one hundred dollars of the initial amount of decreasing term credit life insurance, or its actuarial equivalent for credit life insurance written on other than the decreasing term basis, shall be conclusively presumed to meet the requirements of this section.

Approved June 3, 1977

CHAPTER 131
IOWA INSURANCE GUARANTY ASSOCIATION

S. F. 170

AN ACT correcting certain erroneous amendments contained in chapter one thousand two hundred ten (1210) of the Acts of the Sixty-sixth General Assembly relating to the Iowa Insurance Guaranty Association.

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

Section 1. Section five hundred fifteen B point fifteen (515B.15), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

515B.15 STAY OF PROCEEDINGS. All proceedings to which the insolvent insurer is a party or in which it is obligated to defend a party shall be stayed from the date of the insolvency to and including the date set as the deadline for the filing of claims against the insolvent insurer or its receiver. However, upon application, the court having jurisdiction of the receivership, may lengthen or shorten the period, either as to all claims or as to any particular claim.

Sec. 2. Section five hundred fifteen B point sixteen (515B.16), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

515B.16 ACTIONS AGAINST THE ASSOCIATION. Actions against the association shall be brought against it in its own name in the Polk county district court. Service of original notice in actions against the association may be made on any officer thereof or upon the commissioner of insurance on its behalf. The commissioner shall promptly transmit any notice so served upon him to the association.

Sec. 3. The provisions of sections one (1) and two (2) of this Act are retroactive to July 1, 1976.

Approved May 18, 1977

CHAPTER 132
INSURANCE AGENTS

S. F. 65

AN ACT relating to the privileges of licensed insurance agents.

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

Section 1. Section five hundred twenty-two point one (522.1), Code 1977, is amended by adding the following new paragraph:

NEW PARAGRAPH. This section shall not prohibit a licensed agent from placing actual or proposed insurance business of his customers or potential customers with other licensed agents if the reason is lack of capacity, restrictive markets or any other legitimate business reason and if such placement of business does not adversely affect the insured customer.

Approved June 3, 1977

CHAPTER 133

SAVINGS AND LOAN ASSOCIATIONS

S. F. 119

AN ACT relating to the regulation of savings and loan associations.

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

Section 1. Section five hundred thirty-four point two (534.2), subsection fourteen (14), Code 1977, is amended to read as follows:

14. "Real estate loan" shall mean any loan or other obligation secured by real estate, whether in fee or in a leasehold extending or renewable automatically for a period of at least fifty years or ten years beyond the maturity date of the loan.

Sec. 2. Section five hundred thirty-four point twenty-one (534.21), subsection twelve (12), Code 1977, is amended to read as follows:

12. LOANS ON LEASEHOLD. An association may also make loans on leasehold interests, under the same terms as above provided for other loans, if said leasehold interest extends or is automatically renewable at the option of the holder, ~~or~~ at the option of the association, for a period of at least fifty years from the date the loan is executed but or at least ten years beyond the maturity date of the loan ~~and provided further that, in event of default, the real estate described in such leasehold interest could be subjected to the satisfaction of the debt with the same priority.~~

Sec. 3. Section five hundred thirty-four point twelve

(534.12), subsection one (1), Code 1977, is amended to read as follows:

1. VOTING. Each member shall have one vote for each one hundred dollars of net equity above share loans in his or her share account owned and held by him or her at any election, and may vote the same by proxy, but no person shall vote more than ten percent of the savings liability at the time of said election excepting that proxies held and voted by an individual member or a proxy committee shall not be included in said ten percent limitation. Every proxy shall be in writing and shall, unless otherwise specified in the proxy, continue in force for eleven months from the date thereof. No proxies shall be voted at any meeting unless such proxies have been on file with the secretary of the association for verification at least five days before the date of the meeting. Anyone depositing or transferring savings as collateral security shall be deemed the owner of such share account within the meaning of this section. Notice of the regular annual meeting of members of an association shall be given by publishing said notice in a newspaper of general circulation in the county in which the office of said association is located at least thirty days before the date set for said annual meeting. Proxies may be revoked by any member upon written notice to the secretary of an association; by execution of a written proxy to another agent; or by personal attendance by the member at the members' meetings. Each member as defined by section 534.2, subsection 8, shall, regardless of shares, be entitled to at least one vote at any members' meeting.

Sec. 4. Section five hundred thirty-four point nineteen (534.19), subsection nine (9), Code 1977, is amended to read as follows:

9. SERVICING LOANS. To service mortgages and real estate contracts subject to such regulations and restrictions as may be prescribed by the supervisor, ~~provided such mortgages originally are made by such association and subsequently sold. The maximum principal amount of mortgages thus serviced by an association at any one time shall not exceed twenty-five percent of the amount of the savings liability of such association; -- To service contracts for sale of real estate, provided that one of the parties to said contract is a member of the servicing association and that such association shall not undertake in connection with such servicing to be responsible for more than bookkeeping or other perfunctory~~

~~services-in-connection-here-with-~~

Sec. 5. Section five hundred thirty-four point twenty-one (534.21), subsection two (2), Code 1977, is amended to read as follows:

2. TERMS OF LOANS. All installment loans shall be repayable within thirty years or, if an insured or guaranteed loan, within the period acceptable to the insuring or guaranteeing agency. Loans of any type that such an association may make on a monthly installment basis may also be made without full amortization of principal; provided, that except for insured or guaranteed loans, interest shall be payable at least semiannually and any such loan may be made for an amount not in excess of fifty seventy percent of the value and for a term of not more than five three years. ~~And provided further, that if the members have authorized loans to be made without full amortization up to such higher percentage such loans may be made for an amount not in excess of sixty percent of the value and for a term of not more than three years. And provided further, that if the members have authorized loans to be made without full amortization up to such higher percentage such~~ Such loans, if made, for the purpose of construction, may be made for an amount not in excess of eighty percent of the value and for a term of not more than eighteen months. A construction loan may be combined with an installment loan in one note, provided the total term does not exceed thirty-one years and six months. Loans, other than home loans, may be made on a monthly installment basis with a final principal payment in an amount larger than preceding principal payments. Loans with principal and interest payments less than monthly but at least annually may be made with the same terms as monthly installment loans for an amount not in excess of eighty percent of value.

Sec. 6. Section five hundred thirty-four point twenty-one (534.21), subsections three (3) and four (4), Code 1977, are amended to read as follows:

3. HOME LOANS. Every such association may originate and make first mortgage amortized real estate loans ~~for not to exceed fifty thousand dollars~~ secured by home property situated within the regular lending area. ~~Home loans may be made in excess of the fifty thousand dollar limitation when made under the forty percent of assets lending power hereinafter set out-~~

4. OTHER LOANS. Every such association may use an

aggregate amount not exceeding forty percent of the assets at the time of such use, or a larger amount with the approval of the supervisor, to make loans as follows:

~~a. -- Home loans, which are either direct-reduction home loans or not, but which exceed fifty thousand dollars each, regardless of where the home property securing the loan is situated.~~

b a. Home loans of any amount, which are direct-reduction home loans, but which are secured by home property situated beyond the regular lending area.

e b. Home loans of any amount which are not direct-reduction home loans, regardless of where the home property securing the loan is situated.

d c. Other real estate loans, whether amortized or unamortized, regardless of amount thereof or location of real estate securing the loan.

e d. First mortgage loans insured by an instrumentality of the United States government or first mortgage loans insured by an approved mortgage insurance company doing business in the state of Iowa shall be exempt from the provisions of the forty percent of assets lending power.

This power is herein referred to as the "forty percent of assets lending power." A subsequent reduction of savings liability shall not affect in any way outstanding loans made under the forty percent of assets lending power.

Sec. 7. Section five hundred thirty-four point twenty-one (534.21), subsection ten (10), Code 1977, is amended to read as follows:

10. ADVANCE INTEREST ON PREPAYMENTS. Real estate loans on one to four family dwellings may be repaid in part or in full at any time, excepting that the association may charge not to exceed six months advance interest on that part of the aggregate amount of all prepayments made on such loan in any twelve-month period which exceeds twenty percent of the original principal amount of the loan; and may charge any negotiated rate ~~net-to-exceed-three-percent-of-the-original-principal-for-prepayment~~ on other loans ~~during-the-first-three-years-of-said-loans,-after-which-time-the-association-may-charge-as-above-provided-for-on-one-to-four-family-dwellings.~~

Sec. 8. Section five hundred thirty-four point forty-three (534.43), Code 1977, is amended to read as follows:

534.43 RESERVE FOR CONTINGENCIES. As of June 30 thirtieth and December 31 thirty-first of each year, before declaring

any dividends, the board of directors shall transfer and credit to a general reserve account an amount equivalent to not less than two percent of the net earnings of the association for the preceding six months, called the "accounting period", such transfers to be made at the end of each six months accounting period, until such general reserve account is equal to at least five percent of the total amount paid in by members and credited on share accounts. The above action shall be taken March ~~31~~ thirty-first, June ~~30~~ thirtieth, September ~~30~~ thirtieth and December ~~31~~ thirty-first of each year and the dividends and reserve periods correspondingly adjusted if dividends are paid quarterly. If at any time thereafter such general reserve account shall on account of losses be reduced to less than five percent of the amount paid in and credited on share accounts, such transfers and credits thereto shall be resumed and continued until such reserve is again equal to at least five percent of the total amount paid in and credited on share accounts of members. The reserve account so established shall at all times be maintained and used for the sole purpose of absorbing losses incurred by the association and for no other purposes. An association may establish such other and additional special reserves as may be ordered by its board of directors. An association as an optional method may close its books on a fiscal year base with one transfer to reserves at the conclusion of the fiscal year. Except as permitted by the federal savings and loan insurance corporation or when the general reserve account is in excess of five percent of total savings, the percent of the general reserve account to total savings shall not be reduced due to an increase in savings.

Sec. 9. Section five hundred thirty-four point forty-eight (534.48), Code 1977, is amended to read as follows:

534.48 FOREIGN ASSOCIATIONS. If any foreign building and loan or savings and loan association, as in this chapter defined, desires to transact business within this state, it shall furnish to the state executive council a certified copy of its articles of incorporation, or charter and bylaws, and a certified copy of the state laws under which it is organized, together with a report for the year next preceding, verified by its president, vice president, secretary, and at least three directors, which report shall show:

1. The amount of its authorized savings liability and the par value of its shares, if any.

2. The increase in savings liability.
3. The withdrawal from savings liability during the year.
4. The amount of savings liability in force at the end of the year.
5. A detailed statement of all funds received during the year and all disbursements.
6. The salaries paid each of its officers.
7. A detailed statement of its assets and liabilities at the end of such year and the nature thereof.
8. Any The requirements of section five hundred thirty-four point three (534.3), subsection three (3), paragraph a, of the Code for a domestic association desiring to establish an office and any other matters of fact which the council may require.

As used in this section, to transact business shall mean to have an office, agency or agent in this state.

Sec. 10. Section five hundred thirty-four point sixty-two (534.62), Code 1977, is amended to read as follows:

534.62 DISCRIMINATION IN FOREIGN STATES. When by the laws of any other state, territory, country or nation, or by the decision or rulings of the appropriate and proper officers thereof, any greater taxes, fines, penalties, licenses, fees, deposits of money or other securities, or other obligations or prohibitions, are demanded of building and loan or savings and loan associations of this state, as a condition to be complied with before doing business or granting loans in this that state, so long as such laws continue in force, the same requirements, obligations, and prohibitions of whatever kind shall be imposed on all building and loan or savings and loan associations of such other state, territory, country or nation doing business in this state, and upon their agents. It is hereby made the duty of the auditor of state to enforce the provisions of this section.

Sec. 11. This Act is effective January 1, 1978.

Approved May 12, 1977

CHAPTER 134
UNIFORM COMMERCIAL CODE

H. F. 358

AN ACT to amend the uniform commercial code to increase the time for filing a purchase money security interest in certain collateral.

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

Section 1. Section five hundred fifty-four point nine thousand three hundred one (554.9301), subsection two (2), Code 1977, is amended to read as follows:

2. If the secured party files with respect to a purchase money security interest before or within ~~ten~~ twenty days after the debtor receives possession of the collateral, he or she takes priority over the rights of a transferee in bulk or of a lien creditor which arise between the time the security interest attaches and the time of filing.

Sec. 2. Section five hundred fifty-four point nine thousand three hundred twelve (554.9312), subsection four (4), Code 1977, is amended to read as follows:

4. A purchase money security interest in collateral other than inventory has priority over a conflicting security interest in the same collateral or its proceeds if the purchase money security interest is perfected at the time the debtor receives possession of the collateral or within ~~ten~~ twenty days thereafter.

Sec. 3. This Act is effective January 1, 1978.

Approved June 29, 1977

CHAPTER 135
SCHOOL SALES LEGALIZED

H. F. 305

AN ACT relating to legalizing the sale of real estate by school districts.

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

Section 1. Section five hundred eighty-nine point twenty-five (589.25), Code 1977, is amended to read as follows:

589.25 SALES OF REAL ESTATE BY SCHOOL DISTRICT. All deeds and conveyances of land made by or purporting to be made by

any school district or by the board of directors of any school district prior to July 4, ~~1943~~ 1960, and placed of record prior to July 4, ~~1943~~ 1960, which deeds or conveyances purport to sustain the record title, are hereby legalized and made valid, even though the record fails to show that all necessary steps in the sale and deeding of the property were complied with. Such deeds and conveyances are legalized and made valid and effectual, as fully and completely as if the record showed that all provisions of law had been complied with, and that the said sales had been duly authorized by the electors of the school district.

Approved June 30, 1977

CHAPTER 136
CHANGE OF NAMES

H. F. 85

AN ACT relating to the number of times a person may change his or her name.

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

Section 1. Chapter five hundred ninety-five (595), Code 1977, is amended by adding the following new section:

NEW SECTION. Upon marriage either party may request a name change to that of the other party or to some other surname mutually agreed upon by the parties. The names used on the marriage license shall become the legal names of the parties to the marriage. The marriage license shall contain a statement that when a name change is requested and affixed to the marriage license, the new name is the legal name of the requesting party. If the parties request a name change, the parties shall submit to the court the information required by section six hundred seventy-four point two (674.2) of the Code, and upon solemnization of the marriage, the clerk of court shall send a certified copy of the marriage license to the recorder's office in every county in this state where real property is owned by either of the parties. An individual can, however, have only one legal name at any one time.

Sec. 2. Section six hundred seventy-four point six (674.6), Code 1977, is amended to read as follows:

674.6 SPOUSE MUST JOIN. If the petitioner is married, ~~his-or-her~~ the spouse must join in the petition or file ~~his~~

~~or her~~ written consent with the petition.

If the petitioner has a minor child, the petition shall state this fact and shall state all the information about the child that is required of a petitioner in section 674.2. If the minor child is fourteen years of age or older ~~he shall file his,~~ the child's written consent to the change of name of that child is required.

If the petitioner includes a minor child under fourteen in the petition filed in accordance with this chapter, both parents as stated on the birth certificate of the minor child shall file their written consent for the name change. If both parents do not file their consent, the court shall decide the appropriateness of the change of the minor child's name.

Sec. 3. Section six hundred seventy-four point seven (674.7), Code 1977, is amended to read as follows:

674.7 COPY TO STATE DEPARTMENT. When the court grants a decree of change of name, the clerk of the court shall ~~mail a certified copy to the state registrar of vital statistics of the state department of health and~~ furnish the petitioner with a certified copy of the decree and mail an abstract of a decree requiring a name change to be reflected on a birth certificate to the state registrar of vital statistics of the state department of health on a form provided by the state registrar.

Sec. 4. Section six hundred seventy-four point thirteen (674.13), Code 1977, is amended to read as follows:

674.13 FURTHER CHANGE BARRED. No person shall change his or her name more than once under the provisions of this chapter unless just cause is shown. However, a person may change his or her name back to the name appearing on his or her original birth certificate after each decree dissolving a marriage is entered, or a person may request a name change to a legal name previously acquired in a former marriage.

Sec. 5. Section six hundred seventy-four point twelve (674.12), Code 1977, is repealed.

Sec. 6. This Act is effective January 1, 1978.

Approved July 7, 1977

CHAPTER 137
MARRIAGE DISSOLUTION VENUE

H. F. 281

AN ACT to clarify jurisdiction and venue provisions in cases of dissolution of marriage.

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

Section 1. Section five hundred ninety-eight point two (598.2), Code 1977, is amended to read as follows:

598.2 JURISDICTION. The district court ~~in the county where either party resides~~ has original jurisdiction of the subject matter of this chapter. Venue shall be in the county where either party resides.

Sec. 2. Section five hundred ninety-eight point five (598.5), subsections one (1) and three (3), Code 1977, are amended to read as follows:

1. State the name ~~and~~, address and county of residence of the petitioner and his or her attorney.
3. State the name ~~and~~, address and county of residence, if known, of the respondent.

Sec. 3. Section one (1) of this Act shall operate retroactively for the purpose of validating a dissolution entered into in good faith by the parties.

Sec. 4. This Act is effective January 1, 1978.

Approved April 25, 1977

CHAPTER 138
CHILD CUSTODY

H. F. 287

AN ACT relating to child custody in dissolution of marriage cases.

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

Section 1. Section five hundred ninety-eight point twenty-one (598.21), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

When a dissolution of marriage is decreed, the court may make such order in relation to the children, property, parties, and the maintenance of the parties as shall be justified. The order may include provision for joint custody of the children by the parties.

Approved June 29, 1977

CHAPTER 139
CHILD CUSTODY JURISDICTION—UNIFORM ACT

S. F. 274

AN ACT relating to uniform child-custody jurisdiction.

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

Section 1. NEW SECTION. LEGISLATIVE INTENT. The general purposes of this Act are to:

1. Avoid jurisdictional competition and conflict with courts of other states in matters of child custody, which have in the past resulted in the shifting of children from state to state with harmful effects on their wellbeing.
2. Promote cooperation with the courts of other states to the end that a custody decree is rendered in the state which can best decide the case in the interest of the child.
3. Assure that litigation concerning the custody of a child takes place ordinarily in the state with which the child and the family have the closest connection and where significant evidence concerning the child's care, protection, training, and personal relationships is most readily available, and that courts of this state decline the exercise of jurisdiction when the child and the family have a closer connection with another state.
4. Discourage continuing controversies over child custody, in the interest of greater stability of home environment and of secure family relationships for the child.
5. Deter abductions and other unilateral removals of children undertaken to obtain custody awards.
6. Avoid relitigation of custody decisions of other states in this state insofar as feasible.
7. Facilitate the enforcement of custody decrees of other states.
8. Promote and expand the exchange of information and other forms of mutual assistance between the courts of this state and those of other states concerned with the same child.

9. Make uniform the law of those states which enact it.

This Act shall be construed to promote the general purposes stated in this section.

Sec. 2. NEW SECTION. DEFINITIONS. As used in this Act, unless the context otherwise requires:

1. "Contestant" means a person, including a parent, who claims a right to custody or visitation rights with respect to a child.

2. "Custody determination" means a court decision and court orders and instructions providing for the custody of a child, including visitation rights; it does not include a decision relating to child support or any other monetary obligation of any person.

3. "Custody proceeding" includes proceedings in which a custody determination is one of several issues, such as an action for divorce or separation, and includes child neglect and dependency proceedings.

4. "Decree" or "custody decree" means a custody determination contained in a judicial decree or order made in a custody proceeding, and includes an initial decree and a modification decree.

5. "Home state" means the state in which the child, immediately preceding the time involved, lived with the child's parents, a parent, or a person acting as parent, for at least six consecutive months, and in the case of a child less than six months old the state in which the child lived from birth with any of the persons mentioned. Periods of temporary absence of any of the named persons are counted as part of the six-month or other period.

6. "Initial decree" means the first custody decree concerning a particular child.

7. "Modification decree" means a custody decree which modifies or replaces a prior decree, whether made by the court which rendered the prior decree or by another court.

8. "Physical custody" means actual possession and control of a child.

9. "Person acting as parent" means a person, other than a parent, who has physical custody of a child and who has either been awarded custody by a court or claims a right to custody.

10. "State" means any state, territory, or possession of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

Sec. 3. NEW SECTION. JURISDICTION.

1. A court of this state which is competent to decide child custody matters has jurisdiction to make a child-custody determination by initial or modification decree if:

a. This state is the home state of the child at the time of commencement of the proceeding, or had been the child's home state within six months before commencement of the proceeding and the child is absent from this state because of removal or retention by a person claiming custody or for other reasons, and a parent or person acting as parent continues to live in this state; or

b. It is in the best interest of the child that a court of this state assume jurisdiction because the child and the child's parents, or the child and at least one contestant, have a significant connection with this state, and there is available in this state substantial evidence concerning the child's present or future care, protection, training, and personal relationships; or

c. The child is physically present in this state, and the child has been abandoned or it is necessary in an emergency to protect the child because the child has been subjected to or threatened with mistreatment or abuse or is otherwise neglected or dependent; or

d. It appears that no other state would have jurisdiction under prerequisites substantially in accordance with paragraphs a, b, or c, or another state has declined to exercise jurisdiction on the ground that this state is the more appropriate forum to determine the custody of the child, and it is in the best interest of the child that this court assume jurisdiction.

2. Except under paragraphs c and d of subsection one (1) of this section, physical presence in this state of the child, or of the child and one of the contestants, is not alone sufficient to confer jurisdiction on a court of this state to make a child-custody determination.

3. Physical presence of the child, while desirable, is not a prerequisite for jurisdiction to determine custody.

Sec. 4. NEW SECTION. NOTICE--TO WHOM. Before making a decree under this Act, reasonable notice and opportunity to be heard shall be given to the contestants, any parent whose parental rights have not been previously terminated, and any person who has physical custody of the child. If

any of these persons is outside this state, notice and opportunity to be heard shall be given pursuant to section five (5) of this Act.

Sec. 5. NEW SECTION. NOTICE--METHODS. Notice required for the exercise of jurisdiction over a person outside this state shall be given in a manner reasonably calculated to give actual notice, and may be:

1. By personal delivery outside this state in the manner prescribed for service of process within this state;
2. In the manner prescribed by the law of the place in which the service is made for service of process in that place in an action in any of its courts of general jurisdiction;
3. By publication and mailing in accordance with Iowa rules of civil procedure, rules sixty (60) through sixty-three (63); or
4. As directed by the court.

Notice under this section shall be served, mailed, delivered, or last published at least twenty days before any hearing in this state.

Proof of service outside this state may be made by affidavit of the individual who made the service, or in the manner prescribed by the law of this state, the order pursuant to which the service is made, or the law of the place in which the service is made.

Notice is not required if a person submits to the jurisdiction of the court.

Sec. 6. NEW SECTION. JURISDICTION WITHHELD. A court of this state shall not exercise its jurisdiction under this Act if at the time of filing the petition a proceeding concerning the custody of the child was pending in a court of another state exercising jurisdiction substantially in conformity with this Act, unless the proceeding is stayed by the court of the other state because this state is a more appropriate forum or for other reasons.

Before hearing the petition in a custody proceeding, the court shall examine the pleadings and other information supplied by the parties under section nine (9) of this Act and shall consult the child-custody registry established under section sixteen (16) of this Act concerning the pendency of proceedings with respect to the child in other states. If the court has reason to believe that proceedings may be pending in another state it shall direct an inquiry to the state court

administrator or other appropriate official of the other state.

If the court is informed during the course of the proceeding that a proceeding concerning the custody of the child was pending in another state before the court assumed jurisdiction, it shall stay the proceeding and communicate with the court in which the other proceeding is pending, to the end that the issue may be litigated in the more appropriate forum and that information may be exchanged in accordance with sections nineteen (19) through twenty-two (22) of this Act. If a court of this state has made a custody decree before being informed of a pending proceeding in a court of another state, it shall immediately inform that court of the fact. If the court is informed that a proceeding was commenced in another state after it assumed jurisdiction, it shall likewise inform the other court, to the end that the issues may be litigated in the more appropriate forum.

Sec. 7. NEW SECTION. INCONVENIENT FORUM.

1. A court which has jurisdiction under this Act to make an initial or modification decree may decline to exercise its jurisdiction any time before making a decree if it finds that it is an inconvenient forum to make a custody determination under the circumstances of the case, and that a court of another state is a more appropriate forum.

2. A finding of inconvenient forum may be made upon the court's own motion or upon motion of a party or a guardian ad litem or other representative of the child.

3. In determining if it is an inconvenient forum, the court shall consider if it is in the interest of the child that another state assume jurisdiction. For this purpose it may take into account the following factors, among others:

a. Whether another state is or recently was the child's home state.

b. Whether another state has a closer connection with the child and the child's family or with the child and one or more of the contestants.

c. Whether substantial evidence concerning the child's present or future care, protection, training, and personal relationships is more readily available in another state.

d. Whether the parties have agreed on another forum which is no less appropriate.

e. Whether the exercise of jurisdiction by a court of this state would contravene any of the purposes stated in section one (1) of this Act.

4. Before determining whether to decline or retain jurisdiction, the court may communicate with a court of another state and exchange information pertinent to the assumption of jurisdiction by either court, with a view to assuring that jurisdiction will be exercised by the more appropriate court and that a forum will be available to the parties.

5. If the court finds that it is an inconvenient forum and that a court of another state is a more appropriate forum, it may dismiss the proceedings, or it may stay the proceedings upon condition that a custody proceeding be promptly commenced in another named state, or upon any other conditions which may be just and proper, including the condition that a moving party give consent and submit to the jurisdiction of the other forum.

6. The court may decline to exercise its jurisdiction under this Act if a custody determination is incidental to an action for divorce or another proceeding, while retaining jurisdiction over the divorce or other proceeding.

7. If it appears to the court that it is clearly an inappropriate forum, it may require the party who commenced the proceedings to pay, in addition to the costs of the proceedings in this state, necessary travel and other expenses, including attorneys' fees, incurred by other parties or their witnesses. Payment is to be made to the clerk of the court for remittance to the proper party.

8. Upon dismissal or stay of proceedings under this section, the court shall inform the court found to be the more appropriate forum of this fact, or if the court which would have jurisdiction in the other state is not known, shall transmit the information to the court administrator or other appropriate official for forwarding to the appropriate court.

9. Any communication received from another state informing this state of a finding of inconvenient forum because a court of this state is the more appropriate forum shall be filed in the custody registry of the appropriate court. Upon assuming jurisdiction, the court of this state shall inform the original court of this fact.

Sec. 8. NEW SECTION. JURISDICTION DECLINED BY REASON OF CONDUCT.

1. If the petitioner for an initial decree has wrongfully taken the child from another state or has engaged in similar reprehensible conduct, the court may decline to exercise jurisdiction if this is just and proper under the circumstances.

2. Unless required in the interest of the child, the court shall not exercise its jurisdiction to modify a custody decree of another state if the petitioner, without consent of the person entitled to custody, has improperly removed the child from the physical custody of the person entitled to custody or has improperly retained the child after a visit or other temporary relinquishment of physical custody. If the petitioner has violated any other provision of a custody decree of another state, the court may decline to exercise its jurisdiction if this is just and proper under the circumstances.

3. In appropriate cases a court dismissing a petition under this section may charge the petitioner with necessary travel and other expenses, including attorneys' fees, incurred by other parties or their witnesses.

Sec. 9. NEW SECTION. INFORMATION SUBMITTED TO COURT.

1. Every party in a custody proceeding, in that party's first pleading or in an affidavit attached to that pleading, shall give information under oath as to the child's present address, the places where the child has lived within the last five years, and the names and present addresses of the persons with whom the child has lived during that period. In this pleading or affidavit every party shall further declare under oath whether he or she:

a. Has participated as a party, witness or in any other capacity, in any other litigation concerning the custody of the same child in this or any other state.

b. Has information of any custody proceeding concerning the child pending in a court of this or any other state.

c. Knows of any person not a party to the proceedings who has physical custody of the child or claims to have custody or visitation rights with respect to the child.

2. If the declaration as to any of the above items is in the affirmative the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and as to other matters pertinent to the court's jurisdiction and the disposition of the case.

3. Each party has a continuing duty to inform the court of any custody proceeding concerning the child in this or any other state, of which that party obtained information during this proceeding.

Sec. 10. NEW SECTION. ADDITIONAL PARTIES. If the court learns from information furnished by the parties pursuant to section nine (9) of this Act, or from other sources, that a person not a party to the custody proceeding has physical custody of the child or claims to have custody or visitation rights with respect to the child, it shall order that person to be joined as a party and to be duly notified of the pendency of the proceeding and of that person's joinder as a party. If the person joined as a party is outside this state, he or she shall be served with process or otherwise notified in accordance with section five (5) of this Act.

Sec. 11. NEW SECTION. APPEARANCE.

1. The court may order any party to the proceeding who is in this state to appear personally before the court. If that party has physical custody of the child, the court may order that person to appear personally with the child.

2. If a party to the proceeding whose presence is desired by the court is outside this state with or without the child, the court may order that the notice given under section five (5) of this Act include a statement directing that party to appear personally with or without the child, and declaring that failure to appear may result in a decision adverse to that party.

3. If a party to the proceeding who is outside this state is directed to appear or desires to appear personally before the court with or without the child, the court may require another party to pay to the clerk of the court travel and other necessary expenses of the party so appearing and of the child, if this is just and proper under the circumstances.

Sec. 12. NEW SECTION. EFFECT OF CUSTODY DECREE. A custody decree rendered by a court of this state which had jurisdiction under section three (3) of this Act binds all parties who have been served in this state or notified in accordance with section five (5) of this Act, or who have submitted to the jurisdiction of the court, and who have been given an opportunity to be heard. As to these parties the custody decree is conclusive as to all issues of law and fact decided and as to the custody determination made, unless and until that determination is modified pursuant to law.

Sec. 13. NEW SECTION. OUT-OF-STATE CUSTODY DECREE. The courts of this state shall recognize and enforce an initial or modification decree of a court of another state which had assumed jurisdiction under statutory provisions substantially in accordance with this Act, or which was made under factual circumstances meeting the jurisdictional standards of this Act, so long as this decree has not been modified in accordance with jurisdictional standards substantially similar to those of this Act.

Sec. 14. NEW SECTION. MODIFICATION OF CUSTODY DECREE OF ANOTHER STATE. If a court of another state has made a custody decree, a court of this state shall not modify that decree unless it appears to the court of this state that the court which rendered the decree does not now have jurisdiction under jurisdictional prerequisites substantially in accordance with this Act, or has declined to assume jurisdiction to modify the decree, and the court of this state has jurisdiction.

If a court of this state is authorized under this section and section eight (8) of this Act to modify a custody decree of another state, it shall give due consideration to the transcript of the record and other documents of all previous proceedings submitted to it in accordance with section twenty-two (22) of this Act.

Sec. 15. NEW SECTION. FILING AND ENFORCEMENT OF OUT-OF-STATE DECREES. A certified copy of a custody decree of another state may be filed in the office of the clerk of any district court of this state. The clerk shall treat the decree in the same manner as a custody decree of the district court of this state. A custody decree so filed has the same effect and shall be enforced in like manner as a custody decree rendered by a court of this state.

A person violating a custody decree of another state, which makes it necessary to enforce the decree in this state, may be required to pay necessary travel and other expenses, including attorney's fees, incurred by the party entitled to the custody or by that party's witnesses.

Sec. 16. NEW SECTION. REGISTRY OF OUT-OF-STATE DECREES. The clerk of each district court shall maintain a registry in which shall be entered the following:

1. Certified copies of custody decrees of other states received for filing.

2. Communications as to the pendency of custody proceedings in other states.

3. Communications concerning a finding of inconvenient forum by a court of another state.

4. Other communications or documents concerning custody proceedings in another state which may affect the jurisdiction of a court of this state or the disposition to be made by it in a custody proceeding.

Sec. 17. NEW SECTION. CERTIFIED COPIES. The clerk of the district court of this state, at the request of the court of another state or at the request of any person who is affected by or has a legitimate interest in a custody decree, shall certify and forward a copy of the decree to that court or person.

Sec. 18. NEW SECTION. TAKING TESTIMONY IN ANOTHER STATE. In addition to other procedural devices available to a party, any party to the proceeding or a guardian ad litem or other representative of the child may adduce testimony of witnesses, including parties and the child, by deposition or otherwise, in another state. The court on its own motion may direct that the testimony of a person be taken in another state and may prescribe the manner in which and the terms upon which the testimony shall be taken.

Sec. 19. NEW SECTION. HEARINGS IN ANOTHER STATE. A court of this state may request the appropriate court of another state to hold a hearing to adduce evidence, to order a party to produce or give evidence under other procedures of that state, or to have social studies made with respect to the custody of a child involved in proceedings pending in the court of this state; and to forward to the court of this state certified copies of the transcript of the record of the hearing, the evidence otherwise adduced, or any social studies prepared in compliance with the request. The cost of the services may be assessed against the parties or, if necessary, ordered paid by the county.

A court of this state may request the appropriate court of another state to order a party to custody proceedings pending in the court of this state to appear in the proceedings, and if that party has physical custody of the child, to appear with the child. The request may state that travel and other necessary expenses of the party and of the child whose appearance is desired will be assessed against another party or will otherwise be paid.

Sec. 20. NEW SECTION. ASSISTANCE TO COURTS OF OTHER STATES. Upon request of the court of another state, the courts of this state which are competent to hear custody matters may order a person in this state to appear at a hearing to adduce evidence or to produce or give evidence under other procedures available in this state, or may order social studies to be made for use in a custody proceeding in another state. A certified copy of the transcript of the record of the hearing or the evidence otherwise adduced, and any social studies prepared, shall be forwarded by the clerk of the court to the requesting court.

A person within this state may voluntarily give testimony or a statement in this state for use in a custody proceeding outside this state.

Upon request of the court of another state, a competent court of this state may order a person in this state to appear alone or with the child in a custody proceeding in another state. The court may condition compliance with the request upon assurance by the other state that state travel and other necessary expenses will be advanced or reimbursed.

Sec. 21. NEW SECTION. PRESERVATION OF DOCUMENTS. In any custody proceeding in this state, the court shall preserve the pleadings, orders and decrees, and any record that has been made of its hearings, social studies, and other pertinent documents until the child reaches eighteen years of age. Upon appropriate request of the court of another state, the court shall forward to the other court certified copies of any or all of such documents.

Sec. 22. NEW SECTION. REQUEST FOR RECORDS. If a custody decree has been rendered in another state concerning a child involved in a custody proceeding pending in a court of this state, the court of this state upon taking jurisdiction of the case shall request of the court of the other state a certified copy of the transcript of any court record and other documents mentioned in section twenty-one (21) of this Act.

Sec. 23. NEW SECTION. INTERNATIONAL APPLICATION. The general policies of this Act extend to the international area. The provisions of this Act relating to the recognition and enforcement of custody decrees of other states apply to custody decrees and decrees involving legal institutions similar in nature to custody institutions rendered by appropriate authorities of other nations, if reasonable notice and opportunity to be heard were given to all affected persons.

Sec. 24. NEW SECTION. JUDICIAL PRIORITY. Upon the request of a party to a custody proceeding which raises a question of existence or exercise of jurisdiction under this Act, the case shall be given calendar priority and handled expeditiously.

Sec. 25. NEW SECTION. SHORT TITLE. This Act may be cited as the "Uniform Child Custody Jurisdiction Act".

Sec. 26. Section five hundred ninety-seven point fifteen (597.15), Code 1977, is amended to read as follows:

597.15 CUSTODY OF CHILDREN. If the husband abandons the wife she is entitled to the custody of the minor children, unless the district court, upon application for that purpose, shall otherwise direct, or unless a custody decree is entered in accordance with the provisions of this Act.

Sec. 27. Section five hundred ninety-eight point twenty-one (598.21), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

When a dissolution of marriage is decreed, the court may make such order in relation to the children, property, parties, and the maintenance of the parties as shall be justified. Orders relating to custody of children shall be subject to the provisions of this Act.

Approved June 10, 1977

CHAPTER 140

ADOPTION AND PARENTAL RIGHTS

S. F. 363

AN ACT to make technical corrections and to clarify language in the adoption laws and the termination of parental rights laws, and to permit waiver of investigations in cases of adoptions by stepparents or relatives, to allow an investigator to make investigations for interstate or interagency placements, to change the time for giving notice of an adoption hearing from sixty days to twenty days before the hearing date, to eliminate the requirement for formal notice to the department and to the petitioner and the petitioner's spouse, to give the court discretion in the matter of opening records to an adult adopted person who has an adopted minor sibling, to codify provisions relating to access to adoption records which were passed by the 1976 session of the General Assembly, to provide that consents to adoption obtained prior to January 1, 1977 shall be unaffected by the termination requirements which become effective on that date, to eliminate the requirement of "disinterest" on the part of persons witnessing releases of custody, and to state two new grounds for termination of parental rights.

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

Section 1. Section six hundred point two (600.2), subsection two (2), Code 1977, is amended to read as follows:

2. "Investigator" means a natural person who is certified or approved, by the department as being capable of conducting an investigation under section 600.8.

Sec. 2. Section six hundred point three (600.3), subsection two (2), Code 1977, is amended by striking the subsection and inserting in lieu thereof the following:

2. An adoption petition shall not be filed until a termination of parental rights has been accomplished except in the following circumstances:

- a. The person to be adopted is an adult.
- b. The parent's spouse is the adoption petitioner.

For the purposes of this subsection, a consent to adopt recognized by the courts of another jurisdiction in the United States and obtained from a resident of that jurisdiction shall be accepted in this state in lieu of a termination of parental rights proceeding.

Sec. 3. Section six hundred point five (600.5), subsections four (4), five (5), and ten (10), Code 1977, are amended to read as follows:

4. The name, residence, and domicile of any guardian, or custodian, or guardian ad litem for of the person to be adopted and the name, residence, and domicile of that person's guardian ad litem if one is appointed for the adoption proceedings.

5. The name, residence, and domicile of the petitioner, if this is not required to be stated under subsection 4 of this section, and the date or expected date on which the person to be adopted, if a minor, began or begins will begin living with the petitioner.

10. When and where termination of parental rights pertaining to the person to be adopted have has occurred, if termination was required under section 600.3.

Sec. 4. Section six hundred point eight (600.8), subsection two (2), paragraph a, Code 1977, is amended to read as follows:

a. A preplacement investigation and report of the investigation shall be completed and the prospective adoption petitioner approved for a placement by the person making the investigation prior to any agency or independent placement of a minor person in the petitioner's home in anticipation of an ensuing adoption. A report of a preplacement investigation that has approved a prospective adoption petitioner for a

placement shall not authorize placement of a minor person with that petitioner after one year from the date of the report's issuance. However, if the prospective adoption petitioner is a stepparent or a relative within the fourth degree of consanguinity who has assumed custody of a minor person to be adopted, a preplacement investigation of this petitioner and a report of the investigation may be completed at a time established by the court or may be waived as provided in section six (6)* of this Act. ~~Also, any investigation and report required under this subsection may be waived by the court if the prospective adoption petitioner is a stepparent or a relative to the person to be adopted within the fourth degree of consanguinity.~~

Sec. 5. Section six hundred point eight (600.8), subsection three (3), Code 1977, is amended by striking the subsection and inserting in lieu thereof the following:

3. The department, an agency or an investigator shall conduct all investigations and reports required under subsection two (2) of this section.

Sec. 6. Section six hundred point eight (600.8), subsections eight (8) and ten (10), Code 1977, are amended to read as follows:

8. Any person designated to make an investigation and report under this section may request an agency or state agency, within or ~~without~~ outside this state, to conduct a portion of the investigation or the report, as may be appropriate, and to file a supplemental report of such investigation or report with the court.

In the case of the adoption of a minor person by a person domiciled or residing in any other jurisdiction of the United States, any investigation or report required under this section which has been conducted pursuant to the standards of that other jurisdiction shall be recognized in this state.

10. The department or an agency or investigator may conduct any investigations required for an interstate or interagency placement.

Any interstate investigations or placements shall follow the procedures and regulations under the interstate compact on the placement of children. Such investigations and placements shall be in compliance with the laws of the states involved.

Sec. 7. Section six hundred point eight (600.8), Code 1977, is amended by adding the following new subsection:

*Section seven (7) probably intended

NEW SUBSECTION. Any investigation and report required under subsection one (1) of this section may be waived by the court if the adoption petitioner is a stepparent of or is related within the fourth degree of consanguinity to the person to be adopted.

Sec. 8. Section six hundred point eleven (600.11), subsection two (2), Code 1977, is amended to read as follows:

2. At least ~~sixty~~ twenty days before the adoption hearing, a copy of the petition and its attachments and a notice of the adoption hearing shall be given by the adoption petitioner to:

a. A guardian, guardian ad litem if appointed for the adoption proceedings, and custodian of, and any person in a parent-child relationship with the person to be adopted.

b. The person to be adopted who is an adult.

~~c. --The department--~~

~~d~~ c. Any person who is designated to make an investigation and report under section 600.8.

e d. Any other person who is required to consent under section 600.7.

Nothing in this subsection shall require the petitioner to give notice to self or to petitioner's spouse.

A duplicate copy of the petition and its attachments shall be mailed to the department by the clerk of court at the time the petition is filed.

Sec. 9. Section six hundred point eleven (600.11), subsection three (3), Code 1977, is amended to read as follows:

3. A notice of the adoption hearing shall state the time, place, and purpose of the hearing and shall be ~~given according to the appropriate~~ served in accordance with rule fifty-six (56), subsection one (1), of the rules of civil procedure. Proof of the giving of notice shall be filed with the court prior to the adoption hearing ~~and approved by the court prior to issuance of an adoption decree under section 600.13.~~

Acceptance of service by the party being given notice shall satisfy the requirements of this subsection.

Sec. 10. Section six hundred point thirteen (600.13), subsection one (1), unnumbered paragraph one (1), and subsections two (2), three (3) and five (5) Code 1977, are amended to read as follows:

At the conclusion of the adoption hearing, the court ~~either~~ shall:

2. An interlocutory adoption decree automatically becomes a final adoption decree at a date specified by the court in the interlocutory adoption decree, which date shall not

be less than one hundred eighty days nor more than three hundred sixty days from the date the interlocutory decree is issued. However, an interlocutory adoption decree may be vacated ~~sooner than~~ prior to the date specified ~~in~~ for it ~~by the court for good cause shown~~ to become final. Also, the court may provide in the interlocutory adoption decree for further observation, investigation, and report of the conditions of and the relationships between the adoption petitioner and the person petitioned to be adopted.

3. ~~Except as enumerated in subsection 2, an interlocutory adoption decree shall have the same legal effect as a final adoption decree.~~ If an interlocutory adoption decree is vacated under subsection 2, it shall be void from the date of issuance and the rights, duties, and liabilities of all persons affected by it shall, unless they have become vested, be governed accordingly. Upon vacation of an interlocutory adoption decree, the court shall proceed under the provisions of subsection 1, paragraph "c".

5. An interlocutory or a final adoption decree shall be entered with the clerk of the court. Such decree shall set forth any facts of the adoption petition which have been proven to the satisfaction of the court and any other facts considered to be relevant by the court and shall grant the adoption petition. If so designated in the adoption decree, the name of the adopted person shall be changed by issuance of that decree. The clerk of the court shall, within thirty days of issuance, deliver one certified copy of any adoption decree to the petitioner, one copy of any adoption ~~abstract~~ decree to the department and any agency or person making an independent placement who placed a minor person for adoption, and one certification of adoption as prescribed in section 144.19 to the state registrar of vital statistics. Upon receipt of the certification, the state registrar shall prepare a new birth certificate pursuant to section 144.23 and deliver to the parents named in the decree and any adult person adopted by the decree a copy of the new birth certificate. The parents shall pay the fee prescribed in section 144.46. If the person adopted was born outside the state, the state registrar shall forward the certification of adoption to the appropriate agency in the state of birth. A copy of any interlocutory adoption decree vacation shall be delivered and another birth certificate shall be prepared in the same manner as a certification of adoption is delivered and the birth certificate was originally prepared.

Sec. 11. Section six hundred point fifteen (600.15), sub-

section one (1), Code 1977, is amended by striking the subsection and inserting in lieu thereof the following:

1. a. A decree establishing a parent-child relationship by adoption which is issued pursuant to due process of law by a court of any other jurisdiction in or outside the United States shall be recognized in this state.

b. A decree terminating a parent-child relationship which is issued pursuant to due process of law by a court of any other jurisdiction in the United States shall be recognized in this state.

c. A document certified by the department as being proper evidence of termination of parental rights in a jurisdiction outside the United States shall be recognized in this state.

Sec. 12. Section six hundred point sixteen (600.16), subsection one (1), paragraph b, Code 1977, is amended by striking the paragraph and inserting in lieu thereof the following:

b. The adopted person, provided that person is an adult at the time the request for information is made.

Sec. 13. Section six hundred point sixteen (600.16), subsection two (2), Code 1977, is amended to read as follows:

2. The permanent termination of parental rights record of the juvenile court under chapter 600A and the permanent adoption record of the court shall be sealed by the clerk of the juvenile court and the clerk of court, as appropriate, when they are complete and after the time for appeal has expired. All papers and records pertaining to a termination of parental rights under chapter 600A and to an adoption, whether a part of the permanent termination and adoption records of the juvenile court and of the court or on file with a guardian, guardian ad litem, custodian, person who placed a minor person, or the department shall not be open to inspection and the identity of the natural parents of an adopted person shall not be revealed. However, an agency involved in placement shall contact the adopting parents or the adult adopted child regarding eligibility of the adopted child for benefits based on entitlement of benefits or inheritance from the terminated natural parents. Also, the clerk of the court shall, upon application to and order of the court for good cause shown, open the permanent adoption record of the court for the adopted person who is an adult and reveal the names of either or both of the natural parents. A natural parent may file an affidavit requesting that the court reveal or not reveal the parent's name. The court shall

consider any such affidavit in determining whether there is good cause to order opening of the records. If the adopted person who applies for revelation of the natural parents' name has a sibling who is a minor and who has been adopted by the same parents, the court ~~shall~~ may deny such application on the grounds that revelation to the applicant may also indirectly and harmfully permit the same revelation to the applicant's minor sibling. To facilitate the natural parents in filing such affidavit, the department shall, upon request of such parent, file an affidavit in the court in which the adoption records have been sealed.

Sec. 14. Chapter six hundred (600), Code 1977, is amended by adding the following new sections:

NEW SECTION. The department may allow access to adoption records held by it or an agency if:

- a. The records were compiled prior to January 1, 1977;
- b. The identity of the natural parents of the adopted person is concealed from the person gaining access to the records; and,
- c. The person gaining access to the records uses them solely for the purposes of conducting a legitimate research project or of treating a patient in a medical facility.

NEW SECTION. A termination of parental rights proceeding or an adoption proceeding pending on January 1, 1977, or a release of parental rights or affidavit of consent or consent to adopt properly given prior to January 1, 1977 shall not be affected by the provisions of chapter one thousand two hundred twenty-nine (1229), Acts of the Sixty-sixth General Assembly, 1976 Session.

Sec. 15. Section six hundred A point two (600A.2), subsection seven (7), Code 1977, is amended by striking paragraph b.

Sec. 16. Section six hundred A point two (600A.2), subsections sixteen (16) and seventeen (17), Code 1977, are amended to read as follows:

16. "To abandon a minor child" means to permanently relinquish or surrender, without reference to any particular person, the parental rights, duties, or privileges inherent in the parent-child relationship. The term includes both the intention to abandon and the acts by which the intention is evidenced. The term does not require that the relinquishment or surrender be over ~~a long~~ any particular period of time.

17. "Independent placement" means placement for purposes of adoption of a minor ~~person-by-a-person, other than an~~

~~agency,~~ in the home of a proposed adoptive parent in-anticipation-of-an-ensuing-adeption by a person who is not the proposed adoptive parent and who is not acting on behalf of the department or of a child placing agency.

Sec. 17. Section six hundred A point four (600A.4), subsection one (1), and subsection two (2), paragraph e, Code 1977, are amended to read as follows:

1. A parent shall not permanently alter the parent-child relationship, except as ordered by a juvenile court or court. However, custody of a minor child may be assumed by a step-parent or a relative of that child within the fourth degree of consanguinity or transferred by an acceptance of a release of custody. A person who assumes custody or who an agency which accepts a release of custody under this section becomes, upon assumption or acceptance, the custodian of the minor child.

e. Shall be witnessed by two ~~disinterested~~ persons familiar with the parent-child relationship.

Sec. 18. Section six hundred A point four (600A.4), subsection two (2), paragraph h, Code 1977, is amended by striking the paragraph and inserting in lieu thereof the following:

h. Shall state the purpose of the release, shall indicate that if it is not revoked it may be grounds for termination, and shall fully inform the signing parent of the manner in which a revocation of the release may be sought.

Sec. 19. Section six hundred A point four (600A.4), subsection three (3), Code 1977, is amended to read as follows:

3. Notwithstanding the provisions of subsection 2, an agency or a person making an independent placement may assume custody of a minor child upon the signature of the one living parent who has possession of the minor child if the agency or a person making an independent placement immediately petitions the juvenile court designated in section 600A.5 to be appointed custodian and otherwise petitions, either in the same petition or within a reasonable time in a separate petition, for termination of parental rights under section 600A.5. Upon the custody petition, the juvenile court may appoint a guardian as well as a custodian. ~~A-nonsigning parent-may-be-heard-on-the-custody-petition-at-the-hearing on-termination-of-parental-rights-provided-in-section-600A.6.~~

Sec. 20. Section six hundred A point four (600A.4), subsection four (4), Code 1977, is amended to read as follows:

~~4. A parent who signs a release of custody may petition, within the time prior to the hearing on termination of parental rights, or may request, at the hearing on termination of parental rights, the juvenile court designated in section 600A.5, to order the release revoked. If, within ninety-six hours of signing the release a parent petitions to have the release revoked, the juvenile court shall order the release revoked. Otherwise, the juvenile court shall order the release revoked only upon clear and convincing evidence that good cause exists for revocation.~~ Either a parent who has signed a release of custody, or a nonsigning parent, may, at any time prior to the entry of an order terminating parental rights, request the juvenile court designated in section six hundred A point five (600A.5) of the Code to order the revocation of any release of custody previously executed by either parent. If such request is by a signing parent, and is within ninety-six hours of the time such parent signed a release of custody, the juvenile court shall order the release revoked. Otherwise, the juvenile court shall order the release or releases revoked only upon clear and convincing evidence that good cause exists for revocation. Good cause for revocation includes but is not limited to a showing that the release was obtained by fraud, coercion, or misrepresentation of law or fact which was material to its execution. In determining whether good cause, other than fraud, coercion or misrepresentation, exists for revocation, the juvenile court shall give paramount consideration to the best interests of the child and due consideration to the interests of the parents of the child and of any person standing in the place of the parents.

Sec. 21. Section six hundred A point five (600A.5), subsection two (2), Code 1977, is amended to read as follows:

2. A petition for termination of parental rights shall be filed with the juvenile court in the county in which the guardian or custodian of the child resides or the child, the natural mother or the pregnant woman is domiciled. However, if a juvenile court has made an order pertaining to a minor child under section 232.33 and that order is still in force, the petition shall be filed with that juvenile court.

Sec. 22. Section six hundred A point six (600A.6), subsections one (1), two (2), four (4), five (5), six (6) and seven (7), Code 1977, are amended to read as follows:

1. A termination of parental rights shall, unless provided otherwise in this section, be ~~effectuated~~ ordered only after notice has been served on all necessary parties and these parties have been given an opportunity to be heard before the juvenile court except that notice need not be served on the petitioner or on any necessary party who is spouse of the petitioner. ~~A-"necessary~~ "Necessary party" includes means any person whose name, residence, and domicile ~~is~~ are required to be included on the petition under section 600A.5, subsection 3, paragraphs "a" and "b". ~~---However, a-"necessary-party"-does not-include~~ except a natural parent who has been adjudicated ~~to-have-raped~~ convicted of having sexually abused the other natural parent while not cohabiting with that parent as husband and wife, thereby producing the birth of the child ~~designated in-section-600A.57-subsection-37-paragraph-"a"~~ who is the subject of the termination proceedings.

2. Prior to the service of notice on the necessary parties, the juvenile court shall appoint a guardian ad litem for a minor child if the child does not have a guardian ~~or-guardian ad-litem~~ or if the interests of the guardian ~~or-guardian-ad litem~~ conflict with the interests of the child. Such guardian ad litem shall be a necessary party under subsection 1 of this section.

4. A necessary party whose identity and location or ~~last location~~ address is known shall be served ~~by-notice-personally delivered~~ in accordance with rule fifty-six (56), subsection one (1), of the rules of civil procedure or sent by ~~restricted~~ certified mail restricted delivery, whichever is determined to be the most effective means of notification. Such notice shall be ~~made~~ served according to the rules of civil procedure relating to an original notice where not inconsistent with the provisions of this section. Notice ~~by-personal-delivery~~ pursuant to rule fifty-six (56), subsection one (1), of the rules of civil procedure shall be served not less than seven days prior to the hearing on termination of parental rights. Notice by ~~restricted~~ certified mail restricted delivery shall be sent not less than fourteen days prior to the hearing on termination of parental rights. A notice by ~~restricted~~ certified mail restricted delivery which is refused by the necessary party being noticed shall be sufficient notice to that party under this section.

Acceptance of notice by the necessary party shall satisfy the requirements of this subsection.

5. A necessary party whose identity is known but whose location or ~~last-location~~ address is unknown may be served by published notice. Such notice shall be served according to the rules of civil procedure relating to an original notice where not inconsistent with the provisions of this section. In addition to the requirements of subsection 3, such notice shall include only the name of the unlocated necessary party being noticed. Notice by publication shall be published once a week for two consecutive weeks, the last publication to be not less than seven days prior to the hearing on termination of parental rights.

6. The juvenile court shall require that every reasonable effort is made to identify, locate, and notice an unidentified ~~and-unlocated~~ necessary party. A reasonable effort to notice ~~this-necessary~~ such party shall not be by published notice which includes the name of any identified necessary party. If the juvenile court reasonably concludes, upon a proper showing, that the identity and location of the necessary party has not been determined, the juvenile court shall, upon proper findings and order entered of record, dispense with notice to this necessary party.

7. Proof of service of notice in the manner prescribed shall be filed with the juvenile court prior to the hearing on termination of parental rights ~~and-approved-by-the-juvenile-court-prior-to-issuance-of-a-termination-order-under-section-600A-8.~~

Sec. 23. Section six hundred A point seven (600A.7), subsections one (1) and two (2), Code 1977, are amended to read as follows:

1. The hearing on termination of parental rights shall be conducted in accordance ~~to~~ with the provisions of sections 232.27, 232.28, 232.30, and 232.32 and otherwise in accordance with the rules of civil procedure. Such hearing shall be held ~~not-less~~ no earlier than one week after the child is born.

2. Relevant information, including that contained in reports, studies or examinations and testified to by interested persons, may be admitted into evidence at the hearing and relied upon to the extent of its probative value. When such information is so admitted, the person ~~spensering~~ submitting it or testifying shall be subject to both direct and cross-examination by a necessary party.

Sec. 24. Section six hundred A point seven (600A.7), Code 1977, is amended by striking subsection three (3).

Sec. 25. Section six hundred A point eight (600A.8), subsection seven (7), Code 1977, is amended to read as follows:

7. A parent has been ordered to contribute to the support of the child or financially aid in the child's birth and has failed to do so without good cause. ~~This subsection shall not be construed so as to state a grounds for termination of parental rights of a noncustodial parent if that parent has not been ordered to or cannot financially contribute to the support of the child or aid in the child's birth.~~

Sec. 26. Section six hundred A point eight (600A.8), Code 1977, is amended by adding the following new subsections:

NEW SUBSECTION. A parent does not object to the termination after having been given proper notice and the opportunity to object.

NEW SUBSECTION. A parent does not object to the termination although every reasonable effort has been made to identify, locate and give notice to that parent as required in section six hundred A point six (600A.6) of the Code.

Sec. 27. Section six hundred A point nine (600A.9), Code 1977, is amended to read as follows:

600A.9 TERMINATION FINDINGS AND ORDER--VACATION OF ORDER.

1. Subsequent to the hearing on termination of parental rights, the juvenile court shall make a finding of facts and shall ~~order that either:~~

a. ~~The Order the petition be dismissed; or,~~

b. ~~The petition should not be granted at that time, but that conditions indicating that the child is in need of assistance exist, and an order to that effect is issued pursuant to section 232.33, or, Find that the petition should not be granted but that the child is a child in need of assistance as defined in section two hundred thirty-two point two (232.2), subsection thirteen (13) of the Code and shall issue an order pursuant to section two hundred thirty-two point thirty-three (232.33) of the Code; or,~~

c. ~~The Order the petition be granted.~~ The juvenile court shall appoint a guardian and a custodian or a guardian only. An order issued under this paragraph shall include the finding of facts. ~~This finding shall enumerate the factual basis which indicates that the parent-child relationship should be terminated and shall specify how this finding applies to the grounds upon which the termination is ordered.~~

Such finding shall specify the factual basis for terminating the parent-child relationship and shall specify the ground or grounds upon which the termination is ordered.

2. If an order is issued under subsection 1, paragraph "c" of this section, the juvenile court shall retain jurisdiction to change a guardian or custodian and to allow a terminated parent to request vacation of the termination order if:

~~a. The~~ the child is not on placement for adoption or a petition for adoption of the child is not on file, ~~and~~

~~b. The guardian consents in writing to the vacation.~~
The juvenile court shall grant the vacation request only if it is in the best interest of the child.

3. A copy of any ~~findings of fact and~~ order made under this section shall be sent by the clerk of the juvenile court to:

- a. The department.
- b. The petitioner.
- c. The parents whose rights have been terminated if they request such copies.
- d. Any guardian, custodian, or guardian ad litem of the child.

Approved June 29, 1977

CHAPTER 141 PUBLIC TRANSIT PROGRAMS

H. F. 546

AN ACT relating to public transit programs by providing technical and financial assistance to political subdivisions and public and private providers of transportation services and providing for the receipt and disbursement of federal and private assistance for such programs.

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

Section 1. Section six hundred one J point four (601J.4), subsections one (1) and two (2), Code 1977, are amended to read as follows:

1. The department shall compile and maintain current information on available and pending federal, state, local, and private aid effecting urban and rural public transit programs. ~~Public and private providers applying for aid shall furnish a copy of any application for federal or private,~~

private, and private nonprofit organizations applying for or receiving federal, state or local aid for providing transit services shall provide a copy of their fiscal year operating budget annually prior to December first depicting funds to be used for public transit programs and such other information as the department may require pursuant-to-rule prior to receiving any federal or state funds or any aid from a political subdivision of the state. The operating budget shall list all of the funding sources of the organization along with the listing of funds expended by that organization during the preceding fiscal year. The department, in cooperation with the regional planning agencies as the responsible agency for annual updating the regional transit development programs, shall compile this information annually. Any state agency or organization administering funds for transit services is required to submit all funding requests through the regional and state clearinghouse and the state department of transportation. Any organization receiving federal, state or local aid to provide or contract for transit services, except public school transportation, must be in compliance with the state transit plan.

2. Upon request, the department shall provide assistance to political subdivisions for federal aid applications for urban and rural public transit program aid. The department, in cooperation with the regional planning agencies, shall maintain current information reflecting the amount of federal, state and local, and private aid received by political subdivisions of the state the public and private nonprofit organizations providing public transit services and the purpose for which such aid is received. The department shall annually prepare a report to be submitted to the general assembly, the office for planning and programming, and to the governor, prior to February 4 first of each year, stating the receipts and disbursements made during the preceding fiscal year and the adequacy of programs financed by federal, state, local, and private aid in the state. The department shall analyze the programs financed and recommend to political subdivisions methods of avoiding duplication and increasing the efficacy of programs financed.

Approved July 11, 1977

CHAPTER 142
DISTRICT COURT CLERK

H. F. 267

AN ACT relating to the investment of certain funds in the custody of the clerk of the district court.

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

Section 1. Chapter six hundred six (606), Code 1977, is amended by adding the following new section:

NEW SECTION. INVESTMENT OF NONPUBLIC FUNDS. The clerk of the district court may invest any money which is paid to the clerk to be paid to any other person in a savings account of any supervised financial organization as defined in section five hundred thirty-seven point one thousand three hundred one (537.1301), subsection forty-two (42) of the Code except a supervised financial institution organized under and holding an authorization certificate issued pursuant to chapter five hundred thirty-three (533) of the Code. The provisions of chapter four hundred fifty-three (453) of the Code relating to the deposit and investment of public funds shall apply to the deposit and investment of such money except that any supervised financial organization may be designated as a depository and the money shall be available upon demand. The interest earnings shall be credited to the general fund of the county.

Sec. 2. This Act is effective January 1, 1978.

Approved June 30, 1977

CHAPTER 143
NOTICE OF LEGAL ACTION WITH SECRETARY OF STATE

H. F. 77

AN ACT relating to the time when an action is deemed to have been commenced for purposes of section six hundred seventeen point three (617.3) of the Code.

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

Section 1. Section six hundred seventeen point three (617.3), unnumbered paragraph five (5), Code 1977, is repealed.

Approved April 1, 1977

CHAPTER 144
EQUITABLE ACTIONS—APPEAL

S. F. 36

AN ACT correcting an erroneous correlating amendment contained in chapter twelve hundred forty-one (1241) of the Acts of the Sixty-sixth General Assembly.

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

Section 1. Section six hundred twenty-four point four (624.4), Code 1977, is amended to read as follows:

624.4 EQUITABLE ACTIONS--EVIDENCE ON APPEAL. The evidence in actions cognizable in equity shall be presented on appeal to the appellate court, which shall try such causes anew. However, upon ~~certiorari~~ to further review by the supreme court of equity actions heard by the court of appeals the review may be limited in scope as provided in the rules of appellate procedure.

Approved April 15, 1977

CHAPTER 145
DECEDENT'S PROPERTY DISPOSITION

S. F. 280

AN ACT relating to the disposition of a decedent's property.

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

Section 1. Section six hundred thirty-three point one hundred eighteen (633.118), Code 1977, is amended to read as follows:

633.118 ATTORNEY APPOINTED FOR PERSONS NOT REPRESENTED. At or before the hearing in any proceedings under this Code, where all the parties interested in the estate are required to be notified thereof, the court, in its discretion, may appoint some competent attorney to represent any interested person who has been served with notice and who is otherwise unrepresented. The appointment of an attorney under the provisions of this section, shall be in lieu of appointment of a guardian ad litem provided for in the rules of civil procedure.

Sec. 2. Section six hundred thirty-three point two hundred seventy-nine (633.279), Code 1977, is amended by strik-

ing subsection two (2) and inserting in lieu thereof the following:

2. SELF-PROVED WILL. An attested will may be made self-proved at the time of its execution, or at any subsequent date, by the acknowledgement thereof by the testator and the affidavits of the witnesses, each made before a person authorized to administer oaths and take acknowledgments under the laws of this state, and evidenced by such person's certificate, under seal, attached or annexed to the will, in form and content substantially as follows:

Affidavit

State of _____ ss

County of _____

We, the undersigned, _____, _____ and _____, the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, declare to the undersigned authority that said instrument is the testator's will and that the testator willingly signed and executed such instrument, or expressly directed another to sign the same in the presence of the witnesses, as a free and voluntary act for the purposes therein expressed; that said witnesses, and each of them, declare to the undersigned authority that such will was executed and acknowledged by the testator as the testator's will in their presence and that they, in the testator's presence, at the testator's request, and in the presence of each other, did subscribe their names thereto as attesting witnesses on the date of the date of such will; and that the testator, at the time of the execution of such instrument, was of full age and of sound mind and that the witnesses were sixteen years of age or older and otherwise competent to be witnesses.

Testator

Witness

Witness

Subscribed, sworn and acknowledged before me by _____, the testator; and subscribed and sworn before me by _____ and _____, witnesses, this _____ day of _____, 19__.

(Seal)

Notary Public, or other officer
authorized to take and certify
acknowledgements and administer
oaths

A self-proved will shall constitute proof of due execution of such instrument as required by section six hundred thirty-three point two hundred ninety-three (633.293) of the Code and may be admitted to probate without testimony of witnesses.

Sec. 3. Section six hundred thirty-three point four hundred thirty-seven (633.437), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

633.437 CONTRARY PROVISION AS TO ABATEMENT.

1. When provisions of the will, trust or other testamentary instrument of the decedent provide explicitly for an order of abatement contrary to the provisions of section six hundred thirty-three point four hundred thirty-six (633.436) of the Code, the provisions of the will or other testamentary instrument shall determine the order of abatement.

2. Except as provided in subsection one (1) of this section, if the provisions of the will, the testamentary plan, or the express or the implied purpose of the devise would be defeated by the order of abatement as provided in section six hundred thirty-three point four hundred thirty-six (633.436) of the Code, then upon application to the court by a fiduciary or a distributee, and after notice to all interested parties, the court shall determine the order for abatement of the shares of distributees in such other manner as may be found necessary to give effect to the intention of the testator. In order to change the order of abatement as provided in section six hundred thirty-three point four hundred thirty-six (633.436) of the Code, it will be necessary for the court to find it clear and convincing that the provisions of the will, the testamentary plan, or the express or implied purpose of the devise would be defeated by the order of abatement stated in section six hundred thirty-three point four hundred thirty-six (633.436) of the Code.

Sec. 4. Section six hundred thirty-three point four hundred seventy-nine (633.479), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. An order approving the final report and discharging the personal representative shall not be required if all distributees otherwise entitled to notice are adults, under no legal disability, have signed waivers

of notice as provided in section six hundred thirty-three point four hundred seventy-eight (633.478) of the Code, have signed statements of consent agreeing that the prayer of the final report shall constitute an order approving the final report and discharging the personal representative, and if such statements of consent are dated not more than thirty days prior to the date of the final report, and if compliance with the provisions of sections four hundred twenty-two point twenty-seven (422.27), four hundred fifty point fifty-eight (450.58), and six hundred thirty-three point four hundred seventy-four (633.474), of the Code, have been fulfilled and receipts and certificates are on file. In such instances final order shall not be required and the prayer of the final report shall be considered as granted and shall have the same force and effect as an order of discharge of the personal representative and an order approving the final report. The clerk shall comply with section six hundred thirty-three point four hundred eighty (633.480) of the Code with respect to issuing a change of title.

Sec. 5. Section six hundred thirty-three point seven hundred four (633.704), subsection two (2), paragraph a, Code 1977, is amended to read as follows:

a. TIME OF FILING. The disclaimer instrument shall be filed within ~~six~~ nine months after the date of ~~the second publication of the notice to creditors~~ death of the decedent or prior to the approval of the final report, whichever occurs first, or within ~~six~~ nine months after the death of the donee of the power, as the case may be, or if the taker of the property or interest is not then finally ascertained or ~~his~~ the taker's interest has not become indefeasibly fixed both in quality and in quantity, then not later than two months after the event when the taker has become finally ascertained and ~~his~~ the taker's interest has become indefeasibly fixed both in quality and in quantity.

Sec. 6. This Act is effective January 1, 1978.

Approved July 9, 1977

CHAPTER 146
PROBATE INVENTORY

S. F. 52

AN ACT relating to the inventory and reports to be made by the personal representative as required by the provisions of the probate code.

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

Section 1. Section six hundred thirty-three point three hundred sixty-one (633.361), Code 1977, is amended by striking subsection fourteen (14) and inserting in lieu thereof the following:

14. In estates of decedents dying on or after January 1, 1977, a statement as to whether or not there is any property not therein inventoried required to be reported for federal estate and gift tax purposes, and specifically,

a. The amount of gifts made after September 8, 1976, and prior to January 1, 1977, and the amount of specific gift tax exemption taken; and

b. The amount of gifts exceeding three thousand dollars per donee made after December 31, 1976, and more than three years prior to the date of death, and the amount of unified credit claimed; and

c. The amount of gifts made within the three years prior to the date of death and the amount of unified credit claimed.

Sec. 2. Section six hundred thirty-three point four hundred seventy-seven (633.477), subsection ten (10), Code 1977, is amended to read as follows:

10. A statement as to whether or not all statutory requirements pertaining to taxes have been complied with and a statement as to whether the federal estate tax due has been paid and whether a lien continues to exist for any deferred federal estate tax.

Sec. 3. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Quad-City Times, a newspaper published in Davenport, Iowa, and in the Fort Dodge Messenger, a newspaper published in Fort Dodge, Iowa.

Approved April 21, 1977

I hereby certify that the foregoing Act, Senate File 52, was published in the Quad-City Times, Davenport, Iowa on April 27, 1977, and in the Fort Dodge Messenger, Fort Dodge, Iowa on April 26, 1977

MELVIN D. SYNHORST, *Secretary of State*

**AMENDMENTS TO THE
IOWA CRIMINAL CODE
(EFFECTIVE JANUARY 1, 1978)**

CHAPTER 147
CRIMINAL CODE AMENDMENTS

S. F. 318

AN ACT making technical changes of a corrective nature to the criminal code revision.

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

Section 1. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one (1), sections one hundred seven (107), two hundred three (203), three hundred four (304), three hundred five (305), four hundred eight (408), five hundred two (502), seven hundred eight (708), seven hundred nine (709), and seven hundred eleven (711), division eight (VIII), sections nine hundred four (904), nine hundred nine (909), one thousand four hundred one (1401), one thousand four hundred two (1402), one thousand four hundred seven (1407), one thousand four hundred eight (1408), division fourteen (XIV), sections one thousand five hundred one (1501), one thousand six hundred seven (1607), one thousand nine hundred one (1901), one thousand nine hundred six (1906), two thousand four hundred eight (2408), two thousand four hundred nine (2409), two thousand six hundred two (2602), two thousand six hundred four (2604), two thousand six hundred six (2606), and two thousand eight hundred one (2801), are amended by sections two (2) through twenty-eight (28) of this Act as follows:

Sec. 2. Section one hundred seven (107):

SEC. 107. NEW SECTION. FELONY DEFINED AND CLASSIFIED. A public offense is a felony of a particular class, when the statute defining the crime declares it to be a felony. Felonies are class A felonies, class B felonies, class C felonies, and class D felonies. Where the statute defining the offense declares it to be a felony, but does not state

what class of felony it is ~~not~~ provide for a specific penalty, ~~such that~~ felony shall be a class D felony.

Sec. 3. Section two hundred three (203):

SEC. 203. NEW SECTION. ANIMAL. An animal is ~~any~~ a nonhuman, vertebrate.

Sec. 4. Section three hundred four (304), unnumbered paragraph one (1):

An employer, or ~~his~~ an employer's agent, officer, director, or employee who supervises or directs the work of other employees, is guilty of the same public offense committed by an employee acting under ~~his~~ the employer's control, supervision, or direction in any of the following cases:

Sec. 5. Section three hundred five (305), unnumbered paragraph one (1):

A public or private corporation, partnership, or other voluntary association shall ~~be guilty of a public offense~~ have the same level of culpability as an individual committing the crime when any of the following is true:

Sec. 6. Section four hundred eight (408):

SEC. 408. NEW SECTION. ESCAPE FROM PLACE OF CONFINEMENT. A correctional officer or peace officer is justified in using reasonable force, including deadly force, which is necessary to prevent the escape of any person from any jail, penal institution, correctional facility, or similar place of confinement, or place of trial or other judicial proceeding, or to prevent the escape from custody of any person who is being transported from any such place of confinement, trial or judicial proceeding to any other such place, except that deadly force may not be used to prevent the escape of one who the correctional officer or peace officer knows or should know is confined on a charge or conviction of a any class of misdemeanor.

Sec. 7. Section five hundred two (502):

SEC. 502. NEW SECTION. RENUNCIATION. It is a defense to a prosecution for solicitation that the defendant, after soliciting another person to commit a felony or aggravated misdemeanor, persuaded the person not to do so or otherwise prevented the commission of the offense, under circumstances manifesting a complete and voluntary renunciation of the defendant's criminal intent. A renunciation is not "voluntary and complete" if it is motivated in whole or in part by (a) the person's belief that circumstances exist which increase the possibility of detection or apprehension of the defendant

or another or which makes more difficult the consummation of the offense or (b) the person's decision to postpone the offense until another time or to substitute another victim or another but similar objective.

Sec. 8. Section seven hundred eight (708), headnote:

~~NONCONSENSUAL~~ NONCONSENSUAL TERMINATION.

Sec. 9. Section seven hundred nine (709), headnote:

~~HOMICIDE~~ MURDER OF FETUS ABORTED ALIVE.

Sec. 10. Section seven hundred eleven (711):

SEC. 711. NEW SECTION. ATTEMPT TO COMMIT HOMICIDE MURDER.

A person commits a class C felony when, with the intent to cause the death of any person and not under circumstances which would justify the person's actions, the person does any act by which he or she expects to set in motion a force or chain of events which will cause or result in the death of such other person.

It is not a defense to an indictment for attempt to commit homicide murder that the acts proved could not have caused the death of any person, provided that the actor intended to cause the death of some person by so acting, and the actor's expectations were not unreasonable in the light of the facts known to the actor.

Sec. 11. Division eight (VIII), title:

~~ASSAULT AND BATTERY~~

Sec. 12. Section nine hundred four (904), subsection four (4), is amended by striking unnumbered paragraph three (3).

Sec. 13. Section nine hundred nine (909), subsection two (2):

2. The person knows or reasonably should know that his the act is offensive to the viewer.

Sec. 14. Section one thousand four hundred one (1401), subsections six (6), seven (7), and eight (8):

6. Makes, utters, draws, delivers, or gives any check, draft, or written order on any bank, person or corporation, and obtains property or service in exchange therefor, if the person knows that such check, draft or written order will not be paid when presented.

Whenever the drawee of such instrument has refused payment because of insufficient funds, and the maker has not paid the holder of the instrument the amount due thereon within ten days of the maker's receipt of notice from the holder that payment has been refused by the drawee, the court or jury may infer from such facts that the maker knew that the

instrument would not be paid on presentation. Notice of refusal of payment shall be by certified mail, or by personal service in the manner prescribed for serving original notices.

7. Whenever the drawee of such instrument has refused payment because the maker has no account with the drawee, the court or jury may infer from such fact that the maker knew that the instrument would not be paid on presentation.

§ 7. Any act that is declared to be theft by any provision of the Code.

Sec. 15. Section one thousand four hundred two (1402), subsection two (2):

2. The theft of any property not exceeding five ~~thousand~~ hundred dollars in value by one who has before been twice convicted of theft, or the theft by any other person of property exceeding five hundred dollars but not exceeding five thousand dollars in value or theft of a motor vehicle as defined in chapter three hundred twenty-one (321) of the Code, irrespective of value, is theft in the second degree. Theft in the second degree is a class D felony.

Sec. 16. Section one thousand four hundred seven (1407):

SEC. 1407. NEW SECTION. OPERATING VEHICLE WITHOUT OWNER'S CONSENT. Any person who shall take possession or control of any railroad vehicle, or any self-propelled vehicle, aircraft, or motor boat, the property of another, without the consent of the owner of such, but without the intent to permanently deprive the owner thereof, shall be guilty of an aggravated misdemeanor. A violation of this section may be proved as a lesser included offense on an indictment or information charging theft.

Sec. 17. Section one thousand four hundred eight (1408), subsection seven (7):

7. Manufactures, sells, or keeps for sale any token or device suitable for the operation of a coin-operated device or vending machine, with the intent that such token or device may be so used, or with the representation that they can be so used; provided, that the owner or operator of any coin-operated device or vending machine may sell slugs or tokens for use in his or her own devices.

Sec. 18. Division fourteen (XIV) is amended by adding the following new section:

NEW SECTION. REPRODUCTION OF SOUND RECORDINGS.

1. Except as provided in subsection three (3), it is unlawful for a person knowingly to:

a. Transfer or cause to be transferred any sounds recorded on a phonograph record, disc, wire, tape, film or other article without the consent of the owner; or

b. Sell; distribute; circulate; offer for sale, distribution or circulation; possess for the purpose of sale, distribution or circulation; or cause to be sold, distributed, circulated; offered for sale, distribution or circulation; or possessed for sale, distribution or circulation, any article or device on which sounds have been transferred without the consent of the person who owns the master phonograph record, master disc, master tape or other device or article from which the sounds are derived.

2. It is unlawful for a person to sell, distribute, circulate, offer for sale, distribution or circulation or possess for the purposes of sale, distribution or circulation, any phonograph record, disc, wire, tape, film or other article on which sounds have been transferred unless the phonograph record, disc, wire, tape, film or other article bears the actual name and address of the transferor of the sounds in a prominent place on its outside face or package.

3. This section does not apply to a person who transfers or causes to be transferred sounds intended for or in connection with radio or television broadcast transmission or related uses, synchronized sound tracks of motion pictures or sound tracks recorded for synchronizing with motion pictures, for archival purposes or for the personal use of the person transferring or causing the transfer and without any compensation being derived by the person from the transfer.

4. A person who violates the provisions of this section is guilty of theft.

Sec. 19. Section one thousand five hundred one (1501), subsection one (1):

1. A check, bill note, draft, bond receipt, or any writing which ostensibly evidences an obligation of, or surrender of right or claim by, the person who has purportedly executed it or authorized its execution. ~~Writing~~ Writing includes printing or any other method of recording information, money, coins, tokens, stamps, seals, credit cards, badges, trademarks, and other symbols of value, right, privilege, or identification.

Sec. 20. Section one thousand six hundred seven (1607), subsection two (2), paragraph a:

a. Entering upon or in property without justification or without the implied or actual permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, ~~without justification, or without the implied or actual permission of the owner, lessee, or person in lawful possession.~~

Sec. 21. Section one thousand nine hundred one (1901):

SECTION 1901. NEW SECTION. INTERFERENCE WITH OFFICIAL ACTS. A person who knowingly resists or obstructs anyone known by the person to be a peace officer in the performance of any act which is within the scope of the officer's lawful duty or authority, or who knowingly resists or obstructs the service or execution by any authorized person of any civil or criminal process or order of any court, commits a simple misdemeanor. If a person commits an interference with official acts, as defined in this section, and in so doing he purposely inflicts or attempts to inflict serious injury, or displays a dangerous weapon, or is armed with a firearm, he that person commits an aggravated misdemeanor.

Sec. 22. Section one thousand nine hundred six (1906), unnumbered paragraph one (1):

Any person who introduces into any detention facility or correctional institution any weapon, explosive or incendiary substance, rope, ladder, or any instrument or device by which he that person intends to facilitate the escape of any prisoner, or any person who, not being authorized by law, knowingly causes any such weapon, explosive or incendiary substance, rope, ladder, instrument or device to come into the possession of any prisoner, commits the crime of assisting a prisoner to escape which is subject to the following penalties:

Sec. 23. Section two thousand four hundred eight (2408), subsections five (5) and six (6):

5. The issuing officer reasonably determines from competent evidence that the applicant does not constitute a danger to ~~himself or others~~ any person.

6. He The person has never been convicted of any crime defined in division eight (VIII) of this Act chapter, except "assault" as defined in section eight hundred one (801) of this Act chapter and "harrassment" as defined in section eight hundred ~~eight-(808)~~ seven (807) of this Act chapter.

Sec. 24. Section two thousand four hundred nine (2409):

SEC. 2409. NEW SECTION. APPLICATION. No person shall be issued a permit to carry weapons unless the person has completed and signed an application on a form to be prescribed and published by the commissioner of public safety. The application shall state the full name, social security number, residence, and age of the applicant, and shall state whether the applicant has ever been convicted of a felony, whether the person is addicted to the use of alcohol or any controlled substance, and whether he the person has any history of mental illness or repeated acts of violence. Any person who knowingly makes a false statement on such application commits an aggravated misdemeanor.

Sec. 25. Section two thousand six hundred two (2602):

SEC. 2602. NEW SECTION. INCEST. A person, except a child as defined in this Aet chapter, who has sexual intercourse with any person whom he or she knows to be related to him or her, either legitimately or illegitimately, as an ancestor, descendant, brother or sister of the whole or half blood, aunt, uncle, niece, or nephew, commits incest. Incest is a class D felony.

Sec. 26. Section two thousand six hundred four (2604):

SEC. 2604. NEW SECTION. HUSBAND OR WIFE MAY BE WITNESS. In all prosecutions under ~~section~~ sections two thousand six hundred three (2603), two thousand six hundred five (2605), or two thousand six hundred six (2606) of this Aet chapter, the husband or wife shall be a competent witness for the state and may testify to any relevant acts or communications between them, anything in previous statutes to the contrary notwithstanding, provided, however, that no husband or wife shall be called or compelled to testify against the other under section two thousand six hundred three (2603), two thousand six hundred five (2605), or two thousand six hundred six (2606) of this Aet chapter except upon consent of such witness.

Sec. 27. Section two thousand six hundred six (2606):

SEC. 2606. NEW SECTION. WANTON NEGLECT OF A CHILD MINOR. A person who is the parent or adoptive parent or any person having custody of any child-under-the-age-of-eighteen-years minor commits wanton neglect of a child minor when the person does any of the following:

1. The person knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare of such ~~child~~ minor.

A parent or adoptive parent or person having custody who provides his or her minor child exclusively with nonmedical treatment by a religious method of healing permitted under the laws of this state shall not, for this reason alone, be considered in violation of this subsection.

2. The person abandons such ~~child~~ minor to fend for himself or herself, knowing that the ~~child~~ minor is unable to do so.

Wanton neglect of a ~~child~~ minor is a serious misdemeanor.

Sec. 28. Section two thousand eight hundred one (2801), subsection seven (7):

7. "Sex act" means any sexual contact, actual or simulated, either natural or deviate, between two or more persons, or between a person and an animal, by penetration of the penis into the vagina or anus, or by contact between the mouth or tongue and genitalia or anus, or by contact between a finger of one person and the genitalia ~~or~~ of another person or by use of artificial sexual organs or substitutes therefor in contact with the genitalia or anus.

Sec. 29. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter two (2), sections one hundred four (104), three hundred one (301), three hundred three (303), four hundred two (402), four hundred six (406), four hundred eight (408), four hundred nine (409), four hundred twenty-two (422), four hundred twenty-five (425), four hundred twenty-six (426), five hundred five (505), seven hundred two (702), seven hundred five (705), eight hundred one (801), eight hundred three (803), and eight hundred four (804), division ten (X), sections one thousand one hundred two (1102), one thousand one hundred three (1103), one thousand one hundred six (1106), one thousand one hundred eight (1108), one thousand two hundred two (1202), and one thousand two hundred three (1203), section one thousand three hundred two (1302), Rule fifty-three (53), division fourteen (XIV), sections one thousand four hundred one (1401), one thousand four hundred two (1402), one thousand four hundred three (1403), one thousand four hundred four (1404), one thousand four hundred five (1405), one thousand four hundred six (1406), one thousand four hundred seven (1407), one thousand four hundred nine (1409), one thousand four hundred ten (1410), one thousand four hundred eleven (1411), one

thousand four hundred fifteen (1415), one thousand four hundred seventeen (1417), one thousand four hundred nineteen (1419), one thousand four hundred twenty (1420), one thousand four hundred twenty-two (1422), one thousand four hundred twenty-three (1423), one thousand four hundred twenty-four (1424), one thousand four hundred twenty-five (1425), one thousand four hundred twenty-six (1426), one thousand four hundred twenty-seven (1427), one thousand five hundred seven (1507), one thousand six hundred four (1604), and one thousand nine hundred one (1901), are amended by sections thirty (30) through seventy-eight (78) of this Act as follows:

Sec. 30. Section one hundred four (104), subsection seven (7), paragraphs b, c, and f:

b. Marshals and policemen of cities ~~and towns~~.

c. ~~Special agents appointed by the commissioner of public safety and~~ Peace officer members of the department of public safety, ~~except members of the clerical force,~~ as defined in ~~section ninety-seven-A-point-one-(97A.1), subsection two-(2) chapter eighty (80)~~ of the Code.

~~f. Employees of the director of the department of general services pursuant to section eighteen-point-twelve-(18.12) subsection two-(2) of the Code.~~

Sec. 31. Section one hundred four (104), by adding the following new subsection:

NEW SUBSECTION. "Indictable offense" means an offense other than a simple misdemeanor.

Sec. 32. Section three hundred one (301), subsection one (1), unnumbered paragraph one (1), and subsection two (2):

1. A person is subject to prosecution in this state for an offense which the person commits within or outside this state, by the person's own conduct or that of another for which he or she is legally accountable, if:

2. An offense may be committed partly within this state if conduct which is an element of the offense, or a result which constitutes an element of the offense, occurs within this state. If the body of a ~~homicide~~ murder victim is found within the state, the death is presumed to have occurred within the state.

Sec. 33. Section three hundred three (303), by striking subsection five (5) and inserting in lieu thereof the following:

5. If the offense is a traffic offense or a scheduled offense under section seven hundred fifty-three point fifteen

(753.15) of the Code, section seven hundred fifty-three point twenty (753.20) of the Code shall apply.

Sec. 34. Section four hundred two (402):

SEC. 402. NEW SECTION. CONTENTS OF ARREST WARRANT. The warrant must be directed to any peace officer in the state; give the name of the defendant, if known, to the magistrate; if unknown, may designate "name unknown"; and must state by name or general description an offense which authorizes a warrant to issue, the date of issuing it, the county, or city or town where issued, and be signed by the magistrate with the magistrate's name of office.

Sec. 35. Section four hundred six (406):

SEC. 406. NEW SECTION. PERSONS AUTHORIZED TO MAKE AN ARREST. An arrest pursuant to a warrant may shall be made only by a peace officer; in other cases, an arrest may be made by a peace officer or by a private person as provided in this division.

Sec. 36. Section four hundred eight (408), unnumbered paragraph two (2):

At the time of the ~~arrest~~ arrest, the law enforcement officer shall inform the person of:

Sec. 37. Section four hundred nine (409):

SEC. 409. NEW SECTION. INITIAL APPEARANCE OF ARRESTED MATERIAL WITNESS BEFORE MAGISTRATE--~~ARREST-OF-MATERIAL-WITNESS~~. The officer shall, without unnecessary delay, take the person arrested pursuant to section four hundred eight (408) of this chapter before the nearest and or most accessible magistrate to the place where the arrest occurred.

At the appearance before the magistrate, the law enforcement officer shall make a showing to the magistrate, by sworn affidavit, that probable cause exists to believe that a person is a necessary and material witness to a felony and that such person might be unavailable for service of a subpoena. The magistrate may order the person released pursuant to chapter two (2), section one thousand one hundred two (1102) of this Act.

Sec. 38. Section four hundred twenty-two (422):

SEC. 422. NEW SECTION. INITIAL APPEARANCE BEFORE MAGISTRATE--ARREST BY WARRANT.

1. Any person arrested in obedience to a warrant shall, without unnecessary delay, be taken before the nearest and or most accessible magistrate to the place where the arrest occurred, and the officer must at the same time deliver to

the magistrate the warrant, with the officer's return thereon endorsed and subscribed by the officer with his or her official title.

2. Where the offense ~~be~~ is bailable, the magistrate shall fix bail giving due consideration to the bail endorsed on the warrant or other conditions stipulated on the warrant for the defendant's appearance in the court which issued the warrant; if such person is not released on bail, the magistrate must redeliver the warrant to the officer, ~~the warrant~~ and the officer shall retain custody of the arrested person until his or her removal to appear before the magistrate who issued the warrant.

3. If the magistrate who issued the warrant is absent or unable to act, the arrested person shall be taken to the nearest ~~and~~ or most accessible magistrate in the judicial district where the offense occurred, and all documents on which the warrant was issued must be sent to such magistrate, or if they cannot be procured, the informant and his or her witnesses must be subpoenaed to make new affidavits.

Sec. 39. Section four hundred twenty-five (425):

SEC. 425. NEW SECTION. BAIL--DISCHARGE. Any magistrate ~~or clerk~~ who receives bail as provided for in sections four hundred twenty-two (422), subsection two (2), and four hundred twenty-three (423), subsection two (2), of this division shall endorse, on the order of commitment or on the warrant, an order for the discharge from custody of the arrested person, who shall forthwith be discharged, and shall transmit by mail, or otherwise, as soon as it can be conveniently done, to the court at which the person is bound to appear, the affidavits, order of commitment or warrant, and discharge, together with the undertaking of bail.

Sec. 40. Section four hundred twenty-six (426):

SEC. 426. NEW SECTION. OFFICER'S RETURN. In all cases, the peace officer, when he or she takes a person committed to the officer under an order as provided in this division before a magistrate ~~or clerk of the district court~~, either for the purpose of giving bail, if bail be taken, or for trial or preliminary examination, must make his or her return on such order, and sign such return with his or her name of office, and deliver the same to the magistrate ~~or clerk~~.

Sec. 41. Section five hundred five (505):

SEC. 505. NEW SECTION. FAILURE TO APPEAR.

†: Any person who willfully fails to appear in court as specified by the citation shall be guilty of a simple misdemeanor. Where a defendant fails to make a required court appearance, the court shall issue an arrest warrant for the offense of failure to appear, and shall forward the warrant and the original citation to the clerk. The clerk shall enter a transfer to the issuing agency on the docket, and shall return the warrant with the original citation attached to the law enforcement agency which issued the original citation for enforcement of the warrant. Upon arrest of the defendant, the warrant and the original citation shall be returned to the court, and the offenses shall be heard and disposed of simultaneously. ~~This subsection shall not apply in any case in which the citation alleges a simple misdemeanor and in which the person cited has submitted bond as provided in subsection two-(2) of this section.~~

~~2:--In the case of a citation which alleges the commission of a simple misdemeanor and in which the person cited has submitted an appearance bond in the form of cash, check, or guaranteed arrest bond certificate as defined in section three hundred twenty one point one-(321.1) of the Code, the court shall not issue an arrest warrant for failure to appear, but shall order a forfeiture of the bond as provided in subsection four-(4) of section one thousand one hundred six-(1106) of chapter two-(2) of this Act.~~

Sec. 42. Section seven hundred two (702):

SEC. 702. NEW SECTION. FORM OF THE SUMMONS. The summons may be in substantially the following form:

County of _____ (as the case may be.)

"In the name of the people of the State of Iowa:

"To the (naming the corporation) _

"You are hereby summoned to appear before me, at (naming the place) on (specifying the day and hour)_, to answer a charge made against you, upon the complaint of A.B., for (designating the offense, generally.)

"Dated at the city (or town) of _____, the _____ day of _____, _____.

G. H. Magistrate"

(or as the case may be.)

Sec. 43. Section seven hundred five (705), subsection one (1):

1. The clerk of the court wherein such indictment is found or the information filed, or the judge, must issue a summons signed by him or her with his or her name of office, requiring such corporation to appear and plead to the indictment, at a time and place to be specified in such summons, such time to be not less than twenty days after the issue thereof.

The summons may be substantially in the following form:

District Court, _____ County.

The People of the State of Iowa

vs.

The A. B. Company,

You are hereby summoned to appear in this court at (naming the place) on (stating the day and hour), and plead to an indictment filed against you by the grand jury of this county, on the ____ day of _____, charging you with the crime of (Designating the offense, generally), and in case of your failure to so appear and answer, judgment will be pronounced against you.

Dated at the city ~~(or-town)~~ of _____,
the ____ day of _____, _____.

C.D.,

Clerk of the District Court.

(or by order of the court)

Sec. 44. Section eight hundred one (801), subsection one (1):

1. "Search warrant" means an order in writing pursuant to the requirements of section eight hundred three (803) of this chapter, in the name of the state, signed by a magistrate, and directed to a peace officer commanding him or her to search a person, premises, or thing.

Sec. 45. Section eight hundred three (803):

SEC. 803. NEW SECTION. APPLICATION FOR SEARCH WARRANTS. Any person may make application for the issuance of a search warrant by submitting before any magistrate a written application, supported by the person's oath or affirmation, and setting forth therein facts, information, and circumstances tending to establish sufficient grounds for granting the application, and probable cause for believing that such grounds exist. The application shall describe the person, place, or thing to be searched and the property to be

seized with such specificity so as to enable an independent reasonable man with reasonable effort to ascertain and identify such person, place, or thing. If the magistrate thereafter issues the search warrant, the magistrate shall endorse on the application the name and address of all persons upon whose sworn testimony the magistrate relied to issue such warrant together with the abstract of each witness' testimony, or his or her affidavit. However, if the grounds for issuance ~~is~~ are supplied by an informant, the magistrate shall identify only the peace officer to whom the information was given. The magistrate may in his or her discretion require that any witness upon whom the applicant relies for information ~~to~~ appear personally and be examined concerning such information.

Sec. 46. Section eight hundred four (804):

SEC. 804. NEW SECTION. ISSUANCE. Upon a finding of probable cause for grounds to issue a search warrant, the magistrate shall issue a warrant, signed by the magistrate with his or her name of office, directed to any authorized person peace officer, commanding ~~the person that~~ peace officer forthwith to search the named person, place, or thing within the state for the property specified, and to bring any property seized before the magistrate.

Sec. 47. Division ten (X), title:

~~LINEUP-AND~~ NONTESTIMONIAL IDENTIFICATION

Sec. 48. Section one thousand one hundred two (1102), subsection six (6), paragraphs a and b:

a. A defendant who is detained, or whose release on a condition requiring the defendant to return to custody after specified hours is continued, after review of the defendant's application pursuant to subsections three (3) or five (5) of this section, by a magistrate, other than a district ~~court~~ judge or district associate judge having original jurisdiction of the offense with which ~~he~~ the defendant is charged, may make application to a district ~~court~~ judge or district associate judge having jurisdiction to amend the order. Said motion shall be promptly set for hearing and a record made thereof.

b. In any case in which a court denied a motion under paragraph a of this subsection to amend an order imposing conditions of release, or a defendant is detained after conditions of release have been imposed or amended upon such a motion, an appeal may be taken ~~to the supreme court~~ from the district court. The appeal shall be determined summarily,

without briefs, on the record made. However, the defendant may elect to file briefs and may be heard in oral argument, in which case the prosecution shall have a right to respond as in an ordinary appeal from a criminal conviction. The supreme appellate court may, on its own motion, order the parties to submit briefs and set the time in which such briefs shall be filed. Any order so appealed shall be affirmed if it is supported by the proceeding below. If the order is not so supported, the court may remand the case for a further hearing, or may, with or without additional evidence, order the defendant released pursuant to subsection one (1) of this section.

Sec. 49. Section one thousand one hundred three (1103), subsection one (1):

1. Insurance companies doing business in this state under the provisions of section five hundred fifteen point forty-eight (515.48), subsection two (2) of the Code, may act as surety. Resident property owners of property which is located within the state, and which is worth the amount specified in the undertaking, may act as surety, and must in all cases justify by an affidavit taken before an officer authorized to administer oaths that such surety possesses such qualifications.

Sec. 50. Section one thousand one hundred six (1106), subsections one (1), three (3), and four (4):

1. A defendant released pursuant to this division shall appear at arraignment, trial, judgment, or such other proceedings where the defendant's appearance is required. If the defendant fails to appear at the time and place when his or her personal appearance is lawfully required, or to surrender himself or herself in execution of the judgment, the court must direct an entry of such failure to be made of record, and the undertaking of the defendant's bail, or the money deposited, is thereupon forfeited. As a part of such entry, except as provided in rule ~~forty-three-(43)~~ fifty-three (53), rules of criminal procedure, the court shall direct the sheriff of the county to give ten days' notice in writing to the defendant and his or her sureties to appear and show cause, if any, why judgment should not be entered for the amount of such bail. If such appearance is not made, judgment shall be entered by the court. If such appearance is made, the court shall set the case down for immediate hearing as an ordinary action.

3. The court may, upon application, set aside such judgment if, within sixty days from the date thereof, the defendant shall voluntarily surrender himself or herself to the sheriff of the county, or his or her bondsmen sureties shall, at their own expense, deliver the defendant to the custody of the sheriff. Such judgment shall not be set aside, however, unless as a condition precedent thereto, the defendant and the defendant's sureties shall have paid all costs and expenses incurred in connection therewith.

~~4. The provisions of subsections one (1), two (2) and three (3) of this section shall not apply to a case in which a simple misdemeanor is charged by police citation pursuant to section five hundred five (505) of chapter two (2) of this Act or by uniform citation and complaint pursuant to section seven hundred fifty-three point fifteen (753.15) of the Code, and in which the defendant has submitted appearance bond in the form of cash, check, or guaranteed arrest bond certificate as defined in section three hundred twenty-one point one (321.1) of the Code. Where a defendant fails to appear as required in such a case, the court shall enter a judgment of forfeiture of the bond which shall be final upon entry and shall not be set aside.~~

Sec. 51. Section one thousand one hundred eight (1108):

SEC. 1108. NEW SECTION. SURRENDER OF DEFENDANT.

1. At any time before the forfeiture of ~~the defendant's~~ the undertaking, the ~~bail~~ surety may surrender the defendant, or the defendant may surrender himself or herself, to the officer to whose custody the defendant was committed at the time of giving bail, and such officer shall detain the defendant as upon a commitment and must, upon such surrender and the receipt of a certified copy of the undertaking of bail, acknowledge the surrender by a certificate in writing.

2. Upon the filing of the undertaking and the certificate of the officer, or the certificate of the officer alone if money has been deposited instead of bail, the court or clerk shall immediately order return of the money deposited to the person who deposited the same, or order an exoneration of the bondsmen surety.

3. For the purpose of surrendering the defendant, the ~~bail~~ surety, at any time before finally charged and at any place within the state, may arrest the defendant, or, by a written authority endorsed on a certified copy of the

undertaking, may empower any person of suitable age and discretion to do so.

Sec. 52. Section one thousand two hundred two (1202), subsection three (3):

3. The person shall be entitled to representation by counsel, including appointed counsel for indigent persons, and shall be entitled to the right of cross-examination and to present information, to testify, and to present witnesses in his or her own behalf.

Sec. 53. Section one thousand two hundred three (1203):

SECTION 1203. NEW SECTION. MENTAL INCOMPETENCY OF ACCUSED. If at any stage of a criminal proceeding it reasonably appears that the defendant is suffering from a mental disorder which prevents him or her from appreciating the charge ~~against him~~, understanding the proceedings, or assisting effectively in ~~his~~ the defense, further proceedings must be suspended and a hearing had upon that question.

Sec. 54. Section one thousand three hundred two (1302), Rule fifty-three (53):

Rule 53. FORFEITURE OF COLLATERAL IN LIEU OF APPEARANCE. In a specified simple misdemeanor other than one charged upon a uniform citation and complaint a court may accept a forfeiture of collateral security in lieu of appearance, as a proper disposition of a case, ~~except for nonscheduled traffic violations~~. Each judicial district, by action of a majority of the district judges, may determine the misdemeanors subject to such disposition and promulgate by rule a list of same and disseminate to all magistrates in the district. A copy of such rule shall be transmitted to the clerk of the supreme court. Prior to termination of the case by forfeiture under this rule, the defendant must execute a written request for same. Unless vacated upon application within thirty days of the forfeiture, such forfeiture shall constitute a conviction in satisfaction.

In the event a simple misdemeanor is charged upon the uniform citation and complaint defined in section seven hundred fifty-three point thirteen (753.13) of the Code and the defendant either has submitted unsecured appearance bond as provided in that section or has submitted bail as provided in subsection three (3) of section seven hundred fifty-three point sixteen (753.16) of the Code, the court may enter a conviction pursuant to his or her written appearance and may enter a judgment of forfeiture of the collateral in

satisfaction of the judgment and sentence; provided that if the defendant submitted unsecured appearance bond or if bail remains uncollected, execution may issue upon the judgment of the court at any time after entry of the judgment.

Sec. 55. Division fourteen (XIV), title:

APPEALS IN-THE-SUPREME-COURT FROM THE DISTRICT COURT

Sec. 56. Section one thousand four hundred one (1401):

SECTION 1401. NEW SECTION. DEFINITION OF APPEAL AND DISCRETIONARY REVIEW. For the purposes of this division, unless the context otherwise requires:

1. "Appeal" is the right of both the defendant and the state to have specified actions of the ~~lower~~ district court considered by ~~the-supreme~~ an appellate court.

2. "Discretionary review" is the process by which the ~~supreme~~ an appellate court may exercise its discretion, in like manner as under the rules pertaining to interlocutory appeals and certiorari in civil cases, to review specified matters not subject to appeal as a matter of right. The supreme court may adopt additional rules to control access to discretionary review.

Sec. 57. Section one thousand four hundred two (1402):

SEC. 1402. NEW SECTION. PARTIES--HOW DESIGNATED ON APPEAL. The party seeking review shall be known as the appellant and the adverse party as the appellee, but the title of the action shall not be changed from that in the district court ~~below~~.

Sec. 58. Section one thousand four hundred three (1403):

SEC. 1403. NEW SECTION. APPEALS IN CASES INVOLVING MORE THAN ONE DEFENDANT. When defendants are tried jointly, they may seek discretionary review or may appeal separately or they may join. The ~~supreme~~ appellate court may, in the interest of justice, consolidate appeals or applications for discretionary review.

Sec. 59. Section one thousand four hundred four (1404):

SEC. 1404. NEW SECTION. PERFECTION OF AN APPEAL AND APPLICATION FOR DISCRETIONARY REVIEW. An appeal is perfected by filing a written notice within sixty days after judgment or order with the clerk of the district court wherein the judgment or order was issued. Application for discretionary review is made by filing a written notice within ten days after judgment or order with the clerk of the district court wherein the judgment or order was issued.

Sec. 60. Section one thousand four hundred five (1405), subsection one (1), unnumbered paragraph one (1):

Appeal Right of appeal is granted the state from:

Sec. 61. Section one thousand four hundred six (1406), subsection one (1), unnumbered paragraph one (1) and paragraph b:

Appeal Right of appeal is granted the defendant from:

b. An order for the commitment of the defendant for insanity or drug addiction, ~~or an order for the indeterminate commitment of the defendant as a mentally disordered sex offender.~~

Sec. 62. Section one thousand four hundred seven (1407):

SEC. 1407. NEW SECTION. DUTY OF CLERK WHEN APPEAL IS PERFECTED OR APPLICATION MADE. When an appeal or an application for discretionary review is filed, the clerk of the court in which the judgment or order was rendered shall:

1. Immediately prepare and transmit to the adverse party and his or her attorney of record, and if the defendant is the moving party, to the attorney general and the clerk of the supreme appellate court, a true copy of the notice of appeal or application, together with the date of filing.

2. Immediately prepare and transmit to the clerk of the supreme appellate court and the attorney general a transcript of all record entries relevant to the appeal or application, together with copies of all papers in the case on file in the clerk's office, except those returned by the examining magistrate on the preliminary examination, all duly certified under seal of his or her court.

Sec. 63. Section one thousand four hundred nine (1409):

SEC. 1409. NEW SECTION. INDIGENT'S RIGHT TO TRANSCRIPT ON APPEAL. If a defendant in a criminal cause has perfected an appeal from a judgment against him or her and shall satisfy the judge of the ~~lower~~ district court that he or she is indigent, such judge may order the transcript made at the expense of the county where the defendant was tried. When an attorney of record is representing such indigent, said attorney shall make application to the ~~lower~~ district court for the transcript.

Sec. 64. Section one thousand four hundred ten (1410):

SEC. 1410. NEW SECTION. INDIGENT'S APPLICATION FOR TRANSCRIPT IN OTHER CASES. If a defendant in a criminal cause has been granted discretionary review from an action of a ~~lower the~~ district court ~~by the supreme court~~ and the supreme appellate court deems a transcript or portions thereof are necessary to proper review of the question or questions raised, the ~~judge of the lower~~ district court shall order the

transcript made at the expense of the county where the defendant was tried, if the defendant is indigent.

Sec. 65. Section one thousand four hundred eleven (1411):

SEC. 1411. NEW SECTION. INDIGENT'S RIGHT TO COUNSEL.

An indigent defendant is entitled to appointed counsel on the appeal of all indictable offenses. Such appointment is subject to ~~the rules and regulations which are or may be promulgated by~~ of the supreme court ~~of the state~~.

Sec. 66. Section one thousand four hundred fifteen (1415):

SEC. 1415. NEW SECTION. APPEALS AND APPLICATIONS, WHEN

DOCKETED, WHEN DETERMINED. When a proper appeal is perfected in a criminal case and the clerk's transcript of the record as required by section one thousand four hundred seven (1407) of this division is filed in the supreme appellate court, the cause shall be docketed. Such causes shall take precedence over other business, and the supreme appellate court shall hear and determine appeals in criminal actions at the earliest time it may be done considering the rights of parties and proper administration of justice. A similar rule shall apply to applications for discretionary review.

Sec. 67. Section one thousand four hundred seventeen (1417):

SEC. 1417. NEW SECTION. PERSONAL APPEARANCE OF THE

DEFENDANT. The personal appearance of the defendant in the supreme appellate court on the trial of an appeal, or upon the hearing of a matter of discretionary review, is in no case necessary.

Sec. 68. Section one thousand four hundred nineteen (1419):

SEC. 1419. NEW SECTION. HEARING IN THE SUPREME APPELLATE

COURT, RULES OF PROCEDURE. The record and case shall be presented to the supreme appellate court as provided ~~by its rules in the rules of appellate procedure;~~ and the provisions of law in civil procedure relating to the filing of decisions and opinions of the supreme appellate court shall apply in such cases.

Sec. 69. Section one thousand four hundred twenty (1420):

SEC. 1420. NEW SECTION. DECISIONS ON APPEALS OR

APPLICATIONS BY DEFENDANT. An appeal or application taken by the defendant shall not be dismissed for an informality or defect in taking it if corrected as directed by the supreme appellate court. The supreme appellate court, after an examination of the entire record, may dispose of the case by affirmation, reversal or modification of the ~~lower~~ district

court judgment. It may also dismiss the appeal or application if it determines that there has been no substantial miscarriage of justice, and no violation of the rights of the accused, and that the arguments do not present definite grounds for a hearing. The supreme appellate court may also order a new trial, or reduce the punishment, but cannot increase it.

Sec. 70. Section one thousand four hundred twenty-two (1422):

SEC. 1422. NEW SECTION. REVERSAL--EFFECT. If a judgment against the defendant is reversed, such reversal shall be deemed an order for a new trial, unless the supreme appellate court shall direct a different disposition. In reversing the case, the supreme appellate court may direct that the defendant be discharged and the defendant's bail exonerated, or if money is deposited instead, that it be returned to the defendant.

Sec. 71. Section one thousand four hundred twenty-three (1423):

SEC. 1423. NEW SECTION. AFFIRMANCE--EFFECT. On a judgment of affirmance against the defendant, the original judgment shall be carried into execution as the supreme appellate court shall direct.

Sec. 72. Section one thousand four hundred twenty-four (1424):

SEC. 1424. NEW SECTION. DECISION RECORDED AND TRANSMITTED. The decision of the supreme appellate court with any opinion filed or judgment rendered must be recorded by its clerk. After the expiration of the period allowed for a rehearing, or as ordered by the court or provided by its rules, a certified copy of the decision and opinion shall be transmitted to the clerk of the trial district court, filed and entered of record by the clerk.

Sec. 73. Section one thousand four hundred twenty-five (1425):

SEC. 1425. NEW SECTION. JURISDICTION OF APPELLATE COURT CEASES AFTER JUDGMENT. The jurisdiction of the supreme appellate court shall cease after the certified copy of the decision and opinion is transmitted to the clerk of the trial district court. All proceedings for executing the judgment shall be had in the trial district court or by its clerk.

Sec. 74. Section one thousand four hundred twenty-six (1426):

SEC. 1426. NEW SECTION. JUDGMENT ENFORCED. Unless some proceeding in the district court is directed, ~~a copy~~ copies of the judgment of the ~~trial~~ district court and of the decision on appeal or review, or a copy of the judgment and decision on appeal or review, certified by the clerk of the ~~trial~~ district court, shall be delivered to the sheriff or proper officer as an execution. He shall be authorized to execute the judgment of the court, or take any legal measures required to bring the action to a conclusion.

Sec. 75. Section one thousand four hundred twenty-seven (1427):

SEC. 1427. NEW SECTION. TIME OF CONFINEMENT DEDUCTED. A defendant, confined during the pendency of an unsuccessful review or appeal, or convicted at a new trial ordered by the supreme appellate court, shall have the period of his or her former confinement deducted from the period of confinement fixed on the last verdict of conviction by the district court.

Sec. 76. Section one thousand five hundred seven (1507):

SEC. 1507. NEW SECTION. FEES TO ATTORNEYS. An attorney appointed by the court to represent any person charged with a crime in this state shall be entitled to a reasonable compensation which shall be the ordinary and customary charges for like services in the community to be decided in each case by the district ~~court~~ judge, including such sum or sums as the court may determine are necessary for investigation in the interests of justice and in the event of appeal the cost of obtaining the transcript of the trial and the printing of the trial record and necessary briefs in behalf of the defendant. Such attorney need not follow the case into another county or into the supreme appellate court unless so directed by the court at the request of the defendant, where grounds for further litigation are not capricious or unreasonable, but if such attorney does so his or her fee shall be determined accordingly. Only one attorney fee shall be so awarded in any one case except that in class A felony cases, two may be authorized.

Sec. 77. Section one thousand six hundred four (1604):

SEC. 1604. NEW SECTION. TRIAL OF FORMER JEOPARDY ISSUE. When the defendant's only plea to the indictment is a former conviction or acquittal, the order of trial prescribed in rule eighteen (18), rules of criminal procedure, shall be reversed, and the defendant shall first offer ~~his~~ the evidence in support of ~~his~~ the defense.

Sec. 78. Section one thousand nine hundred one (1901), subsection two (2):

2. A judge of a court of record in the other state certifies under the seal of such court that there is a criminal action pending in such court or that a grand jury investigation has commenced; that a person residing or physically present within this state is a material witness in such action or grand jury investigation; and that ~~his~~ the person's presence will be required for a number of days which shall be specified in such certification.

Sec. 79. Chapter two (2) is amended by adding the following new section to division five (V):

SEC. ____ . NEW SECTION. OTHER CITATION FORMS. The provisions of sections three hundred twenty-one point four hundred eighty-five (321.485) through three hundred twenty-one point four hundred eighty-seven (321.487) of the Code shall govern with respect to offenses charged in the manner provided in section three hundred twenty-one point four hundred eighty-five (321.485) of the Code. The provisions of chapter seven hundred fifty-three (753) of the Code shall govern with respect to offenses chargeable upon a uniform citation and complaint.

Sec. 80. Chapter two (2) is amended by adding the following new section to division eleven (XI):

SEC. ____ . NEW SECTION. FORFEITURE OF APPEARANCE BOND. Sections one thousand one hundred six (1106), one thousand one hundred seven (1107), and one thousand one hundred eight (1108) of this chapter shall not apply in a case where a scheduled offense is charged upon a uniform citation and complaint and where the defendant has submitted an unsecured appearance bond or has submitted bail in the form of cash, check, credit card as provided in section seven hundred fifty-three point twenty-one (753.21) of the Code, or guaranteed arrest bond certificate as defined in section three hundred twenty-one point one (321.1) of the Code. When a defendant fails to appear as required in such cases, the court shall enter a judgment of forfeiture of the bond or bail. The judgment shall be final upon entry and shall not be set aside.

Sec. 81. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), sections one hundred two (102), one hundred five (105), three hundred three (303), six hundred four (604), six hundred eight (608), six hundred fourteen (614), seven hundred two (702), seven hundred three (703), seven hundred

seven (707), seven hundred eight (708), eight hundred five (805), eight hundred six (806), and eight hundred eight (808), are amended by sections eighty-two (82) through ninety-four (94) of this Act as follows:

Sec. 82. Section one hundred two (102), unnumbered paragraph one (1):

Upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction of any public offense may be rendered, the court shall receive from the state and from the defendant any information which may be offered which is relevant to the question of sentencing. The court may consider information from other sources, ~~and if the offense is a felony, shall order that a presentence investigation be made. If the offense is not a felony, the court may, in its discretion, order that a presentence investigation be made whenever the maximum period of confinement which may be imposed is in excess of thirty days.~~ The court shall order a presentence investigation when the offense is a class B, class C, or class D felony. The court may order a presentence investigation when the offense is an aggravated or serious misdemeanor.

Sec. 83. Section one hundred five (105), subsection two (2):

2. If the defendant is ~~neither a dangerous offender nor an incorrigible~~ not an habitual offender as defined by ~~sections section~~ section two hundred eight (208) ~~and two hundred ten (210)~~ of this chapter, the court may pronounce judgment and impose a fine.

Sec. 84. Section three hundred three (303):

SEC. 303. NEW SECTION. WORK-RELEASE. The court may direct that a prisoner, sentenced to confinement for ninety days or less, or a prisoner who has served all but ninety days or less of his or her sentence, be released from custody during specified hours, as provided by sections three hundred fifty-six point twenty-six (356.26) through three hundred fifty-six point ~~thirty-six (356.36)~~ thirty-five (356.35) of the Code.

Sec. 85. Section six hundred four (604):

SEC. 604. NEW SECTION. PAROLE PROCEDURE. Within one year after the commitment of any person other than a class A felon to the custody of the director of the division of adult corrections, a member of the board shall interview the person. Thereafter, at regular intervals, not to exceed one

year, the board shall interview the person and consider his or her prospects for parole. At such time, the board shall consider all pertinent information regarding this person, including the circumstances of the person's offense, any presentence report which may be available, the previous social history and criminal record of such person, the person's conduct, employment and attitude in prison, and the reports of such physical and mental examinations as have been made. If the person who is under consideration for parole is serving a sentence for conviction of a felony and has a criminal record of one or more prior convictions for a forcible felony or a crime of a similar gravity in this or any other state, parole shall be denied unless the defendant has served at least one-half of the maximum term of his or her sentence. Every person while on parole shall be under the supervision of the department of social services, which shall prescribe regulations for governing persons on parole. The board may adopt ~~such~~ other rules not inconsistent with the above as it may deem proper or necessary for the performance of its functions.

Sec. 86. Section six hundred eight (608), headnote:
CLOTHING, TRANSPORTATION, AND MONEY.

Sec. 87. Section six hundred fourteen (614):

SEC. 614. NEW SECTION. PAROLE TIME COUNTED. The time when a prisoner is on parole from the institution shall be held to apply upon the sentence against the parolee even if the parole is subsequently revoked, except that the time when the parolee is in violation of the terms of ~~his~~ the parole agreement shall not apply upon the sentence.

The time when a prisoner is absent from the institution by reason of an escape shall not apply upon the sentence against the prisoner.

Sec. 88. Section seven hundred two (702), subsection one (1), is amended by striking paragraph b.

Sec. 89. Section seven hundred three (703):

SEC. 703. NEW SECTION. DEFERRED JUDGMENT DOCKET. Any deferment of judgment under ~~this-subsection~~ section seven hundred two (702) of this chapter shall be reported promptly to the supreme court administrator who shall maintain a permanent record thereof including the name of the defendant, the district court docket number, the nature of the offense, and the date of the deferment. Before granting deferment in any case, the court shall request of the supreme court

administrator a search of the deferred judgment docket and shall consider any prior record of a deferment of judgment against the defendant. The permanent record provided for in this ~~subsection~~ section shall constitute a confidential record exempted from public access under section sixty-eight A point seven (68A.7) of the Code and shall be available only to justices of the supreme court, judges of the court of appeals, district judges, district associate judges, and judicial magistrates requesting information pursuant to this ~~subsection~~ section.

Sec. 90. Section seven hundred seven (707), subsection three (3), unnumbered paragraph two (2):

In each case wherein the court shall order said person committed to the custody, care, and supervision of the probation and parole service, the clerk of the district court shall at once furnish the chief parole officer with certified copies of the indictment or information, the minutes of testimony attached thereto, the judgment entry if judgment is not deferred, and the original mittimus. The county attorney shall at once advise the chief parole officer, by letter, that the defendant has been placed under the supervision of the probation and parole service and give to the chief parole officer a detailed statement of the facts and circumstances surrounding the crime committed and the record and history of the defendant as may be known to the county attorney. If the defendant is confined in the county jail at the time of sentence, the court may order the defendant held until arrangements are made by the probation and parole service for the defendant's employment and he or she has signed the necessary probation papers. If the defendant is not confined in the county jail at the time of sentence, the court may order the defendant to remain in the county wherein the defendant has been convicted and sentenced and report to the sheriff as to his or her whereabouts.

Sec. 91. Section seven hundred eight (708):

SEC. 708. NEW SECTION. DISCHARGE FROM PROBATION. At any time that the court determines that the purposes of probation have been fulfilled, the court may order the discharge of any person from probation. At the expiration of the period of probation, in cases where the court fixes the term of probation, the court shall order the discharge of such person from probation, and the court shall forward to the governor a recommendation for or against restoration of citi-

zenship rights to such person. A person who has been discharged from probation shall no longer be held to answer for his or her offense. Upon discharge from probation, if judgment has been deferred under section seven hundred two (702) of this division, the court's criminal record with reference to the deferred judgment shall be expunged. The record maintained by the supreme court administrator as required by section seven hundred three (703) of this division shall not be expunged. The court's record shall never not be expunged in any other circumstances except-as-provided in-section-six-hundred-two-point-fifteen-(692-15)-of-the-Code.

Sec. 92. Section eight hundred five (805):

SEC. 805. NEW SECTION. WAIVER OF PROBABLE CAUSE HEARING. The alleged parole violator may waive the probable cause hearing, in which event the magistrate shall proceed as upon a finding of probable cause. Before accepting a waiver of hearing, the magistrate shall inform the alleged violator of the charge against-him-or-her, of the alleged violator's right to a hearing to determine whether there is probable cause to believe that he-or-she-has-violated-his-or-her parole has been violated, and that if the alleged-violator-waives the hearing that-he-or-she is waived, the alleged violator will be committed to the custody of the department of social services without further proceedings, to await the determination of his-future-status-by the parole board. The magistrate shall make a verbatim record of the proceedings in which the hearing is waived.

Sec. 93. Section eight hundred six (806):

SEC. 806. NEW SECTION. DISPOSITION BY MAGISTRATE. If it appears from the evidence that there is no probable cause to believe that the arrested person has violated the conditions of his-or-her parole, the magistrate shall order the arrested person to be released from custody and continued on parole. If it appears that there is probable cause to believe that the arrested person has violated the conditions of his-or-her parole, the magistrate shall commit the arrested person to the custody of the department of social services, and the procedure prescribed in section one hundred seven (107) of this chapter shall apply to such commitment; or the magistrate may admit the arrested person to bail as provided in section eight hundred two (802) of this chapter. The magistrate shall make a summary of the testimony and other evidence considered by-the-liaison-officer and a statement of the facts relied

on ~~by-the-liaison-officer~~ as a basis for ~~his-or-her~~ the finding of probable cause or no probable cause, and shall without delay forward them together with all documents relating to the matter to the executive secretary of the parole board. If the alleged parole violator has waived the probable cause hearing, the verbatim record of that proceeding shall be forwarded in lieu of the summary of evidence and statement of facts.

Sec. 94. Section eight hundred eight (808):

SEC. 808. NEW SECTION. PROCEEDING WITHOUT ARREST. The board of parole may receive from a parole officer a charge or complaint of parole violation against any parolee and may proceed to a hearing on such charge in any case where the alleged violator has not been arrested or has been arrested and discharged by the magistrate on a finding of no probable cause. The presence of the alleged violator at such hearing shall be secured by summons. A statement of the charge against the alleged violator shall accompany the summons, and ~~his-or-her~~ the parole officer shall give the alleged violator such assistance as ~~he-or-she-may-need~~ is needed to get to the place of the hearing. Travel expenses, if any, shall be paid by the board. If ~~he-or-she~~ the alleged violator fails without good cause to appear as commanded by the summons, such failure shall be considered a violation of the parole, and the board may proceed to revoke ~~his-or-her~~ parole. If the parole is revoked, the board shall issue a warrant for ~~his-or-her~~ the person's arrest and return to the custody of the department of social services. Upon his or her return to custody, the board shall, upon request, give ~~him-or-her~~ the person an opportunity to present any matters in defense or mitigation of ~~his~~ the conduct ~~if-he-so-requests~~.

Sec. 95. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), sections seventy-eight (78), one hundred forty (140), two hundred thirty-one (231), two hundred forty-two (242), two hundred eighty-one (281), three hundred twenty-nine (329), three hundred seventy-eight (378), four hundred ninety-one (491), five hundred sixteen (516), five hundred seventeen (517), five hundred eighteen (518), five hundred nineteen (519), and five hundred twenty-five (525), are amended by sections ninety-seven (97) through one hundred three (103), and sections one hundred five (105) through one hundred eleven (111) of this Act as follows:

Sec. 96. Section ninety-nine B point eleven (99B.11), subsection two (2), Code 1977, is amended by adding the following new paragraph:

NEW PARAGRAPH. Cribbage, bridge, chess, checkers, dominoes, pinochle and similar contests, leagues or tournaments. The provisions of this paragraph are retroactive to August 15, 1975.

Sec. 97. Section seventy-eight (78), amending section one hundred three A point twenty-one (103A.21), subsection two (2), unnumbered paragraph two (2) of the 1975 Code:

Violations of this section shall be simple misdemeanors, ~~and magistrates¹ and district associate judges¹ courts shall have exclusive jurisdiction to originally hear and determine charges of violations.~~

Sec. 98. Section one hundred forty (140), amending section one hundred thirty-five C point twenty-one (135C.21) of the 1975 Code is amended by striking the section and inserting in lieu thereof the following:

SEC. 140. Section one hundred thirty-five C point twenty-one (135C.21), subsections one (1) and two (2), Code 1977, are amended to read as follows:

1. Any person establishing, conducting, managing, or operating any health care facility without a license shall be guilty of a serious misdemeanor ~~and upon conviction thereof shall be fined not less than one hundred dollars nor more than one thousand dollars or be imprisoned in the county jail for not more than six months, or both.~~ Each day of continuing violation after conviction or notice from the department by certified mail of a violation shall be considered a separate offense or chargeable offense. Any such person establishing, conducting, managing or operating any health care facility without a license may be by any court of competent jurisdiction temporarily or permanently restrained therefrom in any action brought by the state.

2. Any person who prevents or interferes with or attempts to impede in any way any duly authorized representative of the department or of any of the agencies referred to in section 135C.17 in the lawful enforcement of this chapter or of the rules adopted pursuant to it is guilty of a simple misdemeanor ~~and upon conviction shall be subject to a fine of not less than fifty nor more than five hundred dollars or imprisonment in the county jail for not more than ninety days or both.~~

As used in this subsection, lawful enforcement includes but is not limited to:

Sec. 99. Section two hundred thirty-one (231), amending section two hundred four point four hundred ten (204.410) of the 1975 Code:

SEC. 231. Section two hundred four point four hundred ten (204.410), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

204.410 ACCOMMODATION OFFENSE. In a prosecution for unlawful delivery or possession with intent to deliver a controlled substance, if the prosecution proves that the defendant violated the provisions of section two hundred four point four hundred one (204.401), subsection one (1), of the Code, but fails to prove that the defendant delivered or possessed with intent to deliver the controlled substance for the purpose of making a profit, the defendant shall be guilty of an accommodation offense and shall be sentenced as if ~~he had been~~ convicted of a violation of section two hundred four point four hundred one (204.401), subsection three (3) of the Code. An accommodation offense may be proved as an included offense under a charge of delivering or possessing with the intent to deliver a controlled ~~substance~~ substance in violation of section two hundred four point four hundred one (204.401), subsection one (1), of the Code.

The effective date of this section shall be July 1, 1976.

Sec. 100. Section two hundred forty-two (242), amending section two hundred seventeen point fourteen (217.14), subsection seven (7), unnumbered paragraph two (2) of the 1975 Code:

SEC. 242. Section two hundred seventeen point fourteen (217.14), subsection seven (7), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

The commissioner of social services may establish for any inmate sentenced pursuant to chapter three (3), section two hundred ~~two-(202)~~ three (203) of this Act a furlough program under which inmates sentenced to and confined in an institution under the jurisdiction of the department of social services may be temporarily released. Furloughs for a period not to exceed fourteen days may be granted when an immediate member of the inmate's family is seriously ill or has died, when an inmate is to be interviewed by a prospective employer, or when an inmate is authorized to participate in a training program not available within the institution. Furloughs for

a period not to exceed fourteen days may also be granted in order to allow the inmate to participate in programs or activities that serve rehabilitative objectives. The commissioner of social services shall promulgate rules and regulations to carry out the provisions of this paragraph.

Sec. 101. Section two hundred eighty-one (281), amending section three hundred twenty-one point two hundred eighteen (321.218) of the 1975 Code:

SEC. 281. Section three hundred twenty-one point two hundred eighteen (321.218), Code 1975, is amended to read as follows:

321.218 DRIVING WHILE LICENSE DENIED, SUSPENDED OR REVOKED. Any person whose operator's or chauffeur's license or driving privilege, has been denied, canceled, suspended or revoked as provided in this chapter, and who drives any motor vehicle upon the highways of this state while such license or privilege is denied, canceled, suspended, or revoked, is guilty of a simple misdemeanor. The sentence imposed under this section shall not be suspended by the court, notwithstanding the provisions of chapter three (3), section ~~789A-4~~ seven hundred two (702) of this Act or any other provision of statute. The department, upon receiving the record of the conviction of any person under this section upon a charge of driving a motor vehicle while the license of such person was suspended or revoked, shall extend the period of suspension or revocation for an additional like period, and the department shall not issue a new license during such additional period.

Sec. 102. Section three hundred twenty-nine (329), amending section three hundred fifty-six A point three (356A.3) of the 1975 Code:

SEC. 329. Section three hundred fifty-six A point three (356A.3), Code 1975, is amended to read as follows:

356A.3 ALTERNATIVE CONFINEMENT OF PRISONERS. Any ~~muni-~~ ~~cipal-or~~ district court judge may sentence and commit a person to a facility established and maintained pursuant to section 356A.1 or 356A.2 instead of the county jail. A district court judge may order the transfer of a person sentenced and committed to the county jail to such a facility upon his or her own motion, the motion of the sentenced and committed person, or the motion of the sheriff. The original order of commitment or the order of transfer to the facility shall set forth the terms and conditions of the ~~detention~~ detention

or commitment; that the detained or committed person shall abide by the terms and conditions of this chapter and the rules ~~and regulations~~ of the facility to which committed or transferred. The order shall be read to the detained, committed or transferred person in open court. The committing court or a district ~~court~~ judge may order any person who has been detained, committed, or transferred to such a facility to be transferred to the county jail if, upon hearing, the court determines such person has been refractory, or disorderly, has willfully destroyed or injured any property in the facility, or has violated any of the terms and conditions of the order of detention, commitment, or transfer or the provisions of this chapter or the rules ~~and regulations~~ of the facility wherein the person was detained or committed. Any violations of the order of detention, commitment, or transfer shall further be punished as contempt of court pursuant to chapter 665. The provisions of chapter one (1), section one thousand nine hundred four (1904) of this Act shall be applicable to any person detained, committed, or transferred to a facility established and maintained pursuant to this chapter. The county or city to which the cause originally belonged shall be liable for the expense of the original detention, commitment, or transfer and the subsequent expenses of maintaining such person in the facility. The county's expense shall be levied and paid out of the court expense fund pursuant to section 444.10.

Sec. 103. Section three hundred seventy-eight (378), amending section four hundred seventy-seven point fifteen (477.15) of the 1975 Code, is amended by striking section three hundred seventy-eight (378) and inserting in lieu thereof the following:

SEC. 378. Section three hundred twenty-seven F point nine (327F.9), Code 1977, is amended to read as follows:

327F.9 VIOLATIONS. Any railroad corporation operating a train or engine using any freight car, caboose, or other car contrary to the provisions of sections 327F.6 and 327F.7 shall be guilty of a public offense and shall be subject to a fine of not less than five hundred nor more than one thousand dollars for each and every offense, and moneys so collected shall be credited to the railroad assistance fund.

Sec. 104. Section six hundred two point forty-two (602.42), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. A member of a judicial magistrate nominating commission shall be reimbursed for actual and necessary expenses reasonably incurred in the performance of official duties. Reimbursements shall be payable out of the court expense fund of the county in which the member serves, upon certification of such expenses to the county auditor by the district court clerk. Each judicial district may make rules under rule three hundred seventy-two (372) of the rules of civil procedure to provide for the administration of this subsection.

Sec. 105. Section four hundred ninety-one (491), amending section six hundred seven point two (607.2) of the 1975 Code:

SEC. 491. Section six hundred seven point two (607.2), Code 1975, is amended by striking ~~subsections-three-(3),-four-(4),-five-(5),-and~~ subsection six (6).

Sec. 106. Chapter four (4) is amended by striking section five hundred sixteen (516) and inserting in lieu thereof the following:

SEC. 516. Section seven hundred fifty-three point thirteen (753.13), Code 1977, and the division title immediately preceding that section are amended by striking those provisions and inserting in lieu thereof the following:

TRAFFIC AND SCHEDULED VIOLATIONS

753.13 UNIFORM CITATION AND COMPLAINT.

1. a. The commissioner of public safety and the state conservation director, acting jointly, shall adopt a uniform, combined citation and complaint which shall be used for charging all traffic violations in Iowa under state law or local regulation or ordinance, and which shall be used for charging all other violations which are designated by section seven hundred fifty-three point fifteen (753.15) of the Code to be scheduled violations. This subsection shall not be deemed to prevent the charging of any of those violations by information, by private complaint filed under the provisions of division four (IV) of chapter two (2) of this Act, or by a simple notice of fine where permitted by subsection one (1) of section three hundred twenty-one point two hundred thirty-six (321.236) of the Code. Each uniform citation and complaint shall be serially numbered and shall be in quintuplicate, and the officer shall deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant, and a copy to the law enforcement agency of the officer. The court shall forward the copy of

the uniform citation and complaint in accordance with section three hundred twenty-one point two hundred seven (321.207) of the Code when applicable. The uniform citation and complaint shall contain spaces for the parties names; the address of the alleged offender; the registration number of the offender's vehicle; the information required by section five hundred two (502) of chapter two (2) of this Act; a promise to appear as provided in section five hundred three (503) of chapter two (2) of this Act and a place where the cited person may sign the promise to appear; a list of the scheduled fines prescribed by section seven hundred fifty-three point fifteen (753.15) of the Code, either separately or by group, and a statement that the court costs in scheduled offense cases, whether or not a court appearance is required or is demanded, shall be five dollars; a brief explanation of sections seven hundred fifty-three point sixteen (753.16) and seven hundred fifty-three point seventeen (753.17) of the Code; a space where the defendant may sign an admission of the violation when permitted by section seven hundred fifty-three point sixteen (753.16) of the Code; and the uniform citation and complaint shall require that the defendant appear before a court at a specified time and place. The uniform citation and complaint also may contain a space for the imprint of a credit card, and may contain any other information which the commissioner of public safety and the state conservation director may determine.

b. The uniform citation and complaint shall contain the following statement with a space immediately below it for the signature of the person being charged:

"I hereby give my unsecured appearance bond in the amount of _____ dollars and enter my written appearance. I agree that if I fail to appear in person or by counsel to defend against the offense charged in this citation the court is authorized to enter a conviction and render judgment against me for the amount of my appearance bond in satisfaction of the penalty plus court costs."

c. Unless the officer issuing the citation arrests the alleged offender, or permits admission or requires submission of bail as provided in subsection three (3) of section seven hundred fifty-three point sixteen (753.16) of the Code, the officer shall enter in the blank contained in the statement required by paragraph a of this subsection one of the following

amounts and shall require the person to sign the written appearance:

(1) If the offense is one to which a scheduled fine is applicable, an amount equal to one and one-half times the scheduled fine plus five dollars costs; or

(2) If the offense is one for which a court appearance is mandatory, the amount of one hundred dollars plus five dollars costs.

d. The written appearance defined in paragraph b of this subsection shall not be used for any offense other than a simple misdemeanor.

2. In addition to those violations which are required by subsection one (1) of this section to be charged upon a uniform citation and complaint, a violation of chapter three hundred twenty-one (321) of the Code which is punishable as a simple, serious, or aggravated misdemeanor may be charged upon a uniform citation and complaint, whether or not the alleged offender is arrested by the officer making the charge.

3. Supplies of the uniform citation and complaint for municipal corporations and county agencies shall be paid for out of the court expense fund of the county. Supplies of the uniform citation and complaint for all other agencies shall be paid for out of the budget of the agency concerned.

4. The uniform citation and complaint shall contain a place for the verification of the officer issuing the complaint. The complaint may be verified before the chief officer of the law enforcement agency, or his or her designee, and the chief officer of each law enforcement agency of the state is authorized to designate specific individuals to administer oaths and certify verifications.

5. The commissioner of public safety and the state conservation director, acting jointly, shall design and publish a compendium of scheduled violations and scheduled fines, containing other information which they deem appropriate, and shall distribute copies to all courts and law enforcement officers and agencies of the state upon request. The cost of the publication shall be paid out of the budget of the department of public safety and out of the budget of the state conservation commission, each budget being liable for half of those costs. Copies shall be made available to individuals upon request, and a charge may be collected which does not exceed the cost of printing.

6. Nothing contained in this section shall be deemed to invalidate forms of uniform citation and complaint in existence prior to January 1, 1978. Existing forms may be used until supplies are exhausted.

Sec. 107. Section five hundred seventeen (517), amending section seven hundred fifty-three point fourteen (753.14), subsection two (2) of the 1975 Code:

2. COLLECTION BOXES. The chief judge of the district may permit the maintenance of locked collection boxes to be used at weigh stations. Such boxes shall be used solely for the deposit of fines and costs received upon written admissions of those scheduled violations applicable to commercial carriers. The collection boxes shall remain locked at all times and shall be opened only by the clerk of the district court or his or her designee. The chief judge of the district may prescribe procedures for the system and may discontinue its use if necessary.

Sec. 108. Section five hundred eighteen (518), amending section seven hundred fifty-three point fifteen (753.15) of the 1975 Code, is amended by striking unnumbered paragraph one (1) and inserting in lieu thereof the following:

SEC. 518. Section seven hundred fifty-three point fifteen (753.15), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

Sec. 109. Section five hundred eighteen (518), subsection one (1) and subsection two (2), paragraphs b, k, l and n, amending section seven hundred fifty-three point fifteen (753.15) of the 1975 Code:

1. Except as otherwise indicated, violations of sections of the Code specified in this section shall be scheduled violations, and the scheduled fine for each of those violations shall be as provided in this section, whether the violation is of state law or of county resolution or city ordinance.

b. For registration violations under sections three hundred twenty-one point seventeen (321.17), three hundred twenty-one point thirty-two (321.32), three hundred twenty-one point thirty-four (321.34), three hundred twenty-one point thirty-seven (321.37), three hundred twenty-one point thirty-eight (321.38), three hundred twenty-one point forty-one (321.41), ~~three-hundred-twenty-one-point-ninety-eight-(321.98)~~ and three hundred twenty-one point one hundred ninety (321.190) of the Code, the scheduled fine is five dollars. For violations of section three hundred twenty-one point one hundred ninety

(321.190) of the Code, the case shall be dismissed without imposition of fine or costs if a license valid at the time of the issuance of the citation is presented by the defendant to the magistrate or scheduled violations office.

k. For violations of traffic signs and signals, and for failure to obey an officer under sections three hundred twenty-one point two hundred twenty-nine (321.229), three hundred twenty-one point two hundred thirty-six (321.236), subsections two (2), and six (6), three hundred twenty-one point two hundred fifty-six (321.256), three hundred twenty-one point two hundred fifty-seven (321.257), subsections two (2) and three (3), three hundred twenty-one point two hundred fifty-eight (321.258), three hundred twenty-one point two hundred ninety-four (321.294), three hundred twenty-one point three hundred four (321.304), subsection three (3), three hundred twenty-one point three hundred twenty-two (321.322), three hundred twenty-one point three hundred forty-one (321.341), three hundred twenty-one point three hundred forty-two (321.342), three hundred twenty-one point three hundred forty-three (321.343), and three hundred twenty-one point three hundred forty-five (321.345) of the Code, the scheduled fine is twenty dollars.

l. For height, weight, length, width and load violations and towed vehicle violations under sections three hundred twenty-one point three hundred nine (321.309), three hundred twenty-one point three hundred ten (321.310), three hundred twenty-one point three hundred eighty-one (321.381), three hundred twenty-one point three hundred ninety-four (321.394), three hundred twenty-one point four hundred thirty-seven (321.437), three hundred twenty-one point four hundred fifty-four (321.454), three hundred twenty-one point four hundred fifty-five (321.455), three hundred twenty-one point four hundred fifty-six (321.456), three hundred twenty-one point four hundred fifty-seven (321.457), three hundred twenty-one point four hundred fifty-eight (321.458), three hundred twenty-one point four hundred sixty-one (321.461), three hundred twenty-one point four hundred sixty-two (321.462), and three hundred twenty-one point four hundred seventy-four (321.474) of the Code, the scheduled fine is twenty-five dollars. For weight violations under sections three hundred twenty-one point four hundred fifty-nine (321.459) and three hundred twenty-one point four hundred sixty-six (321.466) of the Code,

the scheduled fine is twenty dollars for each two thousand pounds or fraction thereof of overweight.

n. For violation of intrastate hauling on foreign registration under sections three hundred twenty-one point fifty-four (321.54) and three hundred twenty-one point fifty-five (321.55) of the Code; use of registration under section three hundred twenty-one point ninety-nine (321.99) of the Code; and display of registration or plates under section three hundred twenty-one point ninety-eight (321.98) of the Code, the scheduled fine is twenty dollars.

For no evidence or improper evidence of intrastate authority carried or displayed under section three hundred twenty-five point thirty-four (325.34); operation of vehicle by an unqualified driver under sections three hundred twenty-five point thirty-four (325.34) and three hundred twenty-seven point twenty-two (327.22); and operating a vehicle in violation of maximum hours of service or failure to maintain and display evidence of hours of service under sections three hundred twenty-five point thirty-four (325.34) and three hundred twenty-seven point twenty-two (327.22) of the Code, the scheduled fine is twenty-five dollars.

For no or improper carrier identification markings under section three hundred twenty-seven B point one (327B.1) of the Code, the scheduled fine is fifteen dollars.

For no or improper evidence of interstate authority carried or displayed under section three hundred twenty-seven B point one (327B.1) of the Code, the scheduled fine is one hundred dollars.

Sec. 110. Section five hundred nineteen (519), amending section seven hundred fifty-three point sixteen (753.16) of the Code is amended by striking the section and inserting in lieu thereof the following:

SEC. 519. Section seven hundred fifty-three point sixteen (753.16), subsections one (1), two (2), and three (3), Code 1977, are amended to read as follows:

1. In cases of scheduled violations, the defendant, before the time specified in the citation and complaint for appearance before the court, may sign the admission of violation on the citation and complaint and deliver or mail the citation and complaint, together with the minimum fine for the violation, plus five dollars costs, to a ~~traffic~~ scheduled violations office in the county. The office shall, if the offense is a moving violation under chapter three hundred twenty-one

(321) of the Code, forward a copy of the citation and complaint and admission to the ~~commissioner-of-public-safety~~ department of transportation as required by section 321.207. Thereupon the defendant shall not be required to appear before the court. The admission shall constitute a conviction.

2. A defendant charged with a scheduled violation by information may obtain two copies of the information from the court and, before the time he or she is required to appear before the court, deliver or mail such copies, together with his or her admission, fine, and five dollars costs, to the traffic scheduled violations office in the county. The procedure, fine, and costs shall be the same as when the charge is by citation and complaint, with the admission and the number of the defendant's operator's or chauffeur's license placed upon the information when the violation involves the use of a motor vehicle.

3. When section 753.15 and this section are applicable but the officer does not deem it advisable to release the defendant and no court in the county is in session:

a. If the defendant wishes to admit the violation, the officer may release the defendant upon observing ~~him~~ the person mail the citation and complaint, admission, and minimum fine, together with five dollars costs, to a traffic violations office in the county, in an envelope furnished by the officer. The admission shall constitute a conviction and judgment in the amount of the scheduled fine plus five dollars costs. The officer may allow the defendant to use a credit card pursuant to rules adopted pursuant to section 753.21 by the department of public safety or to mail a check in the proper amount in lieu of cash. If the check is not paid by the drawee for any reason, the defendant may be held in contempt of court. The officer shall advise the defendant of the penalty for nonpayment of the check.

b. If the defendant does not comply with paragraph "a" of this subsection, the officer may release the defendant upon observing him mail to a court in the county the citation and complaint and one and one-half times the minimum fine together with five dollars costs, or in lieu of one and one-half times the fine and the costs, a guaranteed arrest bond certificate as provided in section 321.1, subsection 71, as bail together with the following statement signed by the defendant:

"I agree that either (1) I will appear pursuant to this citation or (2) if I do not ~~so~~ appear ~~the-amount-deposited as-bail-will-be- forfeited~~ in person or by counsel to defend against the offense charged in this citation the court is authorized to enter a conviction and render judgment against me for the amount of one and one-half times the scheduled fine plus five dollars costs."

c. If the defendant does not comply with paragraph "a" or "b", or in any event when section ~~755.4~~ four hundred seven (407) of chapter two (2) of this Act is applicable, the officer may arrest and confine the defendant if authorized by the latter section, and proceed with him according to ~~chapter 757-or-758~~ division four (IV) of chapter two (2) of this Act.

Sec. 111. Section five hundred twenty-five (525):

SEC. 525. Sections one hundred point thirty-seven (100.37), two hundred forty-five point fourteen (245.14), two hundred forty-six point nine (246.9), two hundred forty-six point ten (246.10), two hundred forty-six point twenty-three (246.23), two hundred forty-six point forty-four (246.44), two hundred forty-seven point one (247.1), two hundred forty-seven point two (247.2), two hundred forty-seven point three (247.3), two hundred forty-seven point four (247.4), two hundred forty-seven point five (247.5), two hundred forty-seven point six (247.6), two hundred forty-seven point seven (247.7), two hundred forty-seven point eight (247.8), two hundred forty-seven point nine (247.9), two hundred forty-seven point ten (247.10), two hundred forty-seven point eleven (247.11), two hundred forty-seven point twelve (247.12), two hundred forty-seven point thirteen (247.13), two hundred forty-seven point fourteen (247.14), two hundred forty-seven point fifteen (247.15), ~~two-hundred-forty-seven-point-sixteen (247.16)~~, two hundred forty-seven point seventeen (247.17), two hundred forty-seven point eighteen (247.18), two hundred forty-seven point nineteen (247.19), two hundred forty-seven point twenty-four (247.24), two hundred forty-seven point twenty-five (247.25), two hundred forty-seven point twenty-six (247.26), two hundred forty-seven point twenty-seven (247.27), two hundred forty-seven point twenty-eight (247.28), two hundred forty-seven point thirty-three (247.33), two hundred forty-seven A point six (247A.6), two hundred fifty-two point nineteen (252.19), two hundred eighty-seven point four (287.4), two hundred ninety-nine point twelve (299.12), three hundred twenty-one point seventy-six (321.76), three

hundred twenty-one point seventy-seven (321.77), three hundred twenty-one point eighty (321.80), three hundred twenty-one point eighty-two (321.82), three hundred twenty-one point eighty-three (321.83), three hundred thirty-four point four (334.4), three hundred thirty-eight point ten (338.10), three hundred forty-three point six (343.6), three hundred fifty-six point thirty-six (356.36), four hundred forty-one point fifty-three (441.53), four hundred fifty-four point twenty-seven (454.27), four hundred seventy-four point forty-one (474.41), ~~four-hundred-seventy-seven-point-fifty-eight (477.58)~~, ~~four-hundred-seventy-seven-point-fifty-nine-(477.59)~~, ~~four-hundred-seventy-seven-point-sixty-(477.60)~~, ~~four-hundred-seventy-nine-point-nineteen-(479.19)~~, ~~four-hundred-seventy-nine-point-one-hundred-nine-(479.109)~~, ~~four-hundred-seventy-nine-point-one-hundred-ten-(479.110)~~, ~~four-hundred-seventy-nine-point-one-hundred-eleven-(479.111)~~, ~~four-hundred-seventy-nine-point-one-hundred-twelve-(479.112)~~, ~~four-hundred-seventy-nine-point-one-hundred-thirteen-(479.113)~~, ~~four-hundred-seventy-nine-point-one-hundred-fourteen-(479.114)~~, ~~four-hundred-seventy-nine-point-one-hundred-fifteen-(479.115)~~, five hundred eleven point nineteen (511.19), five hundred fifty-two point three (552.3), six hundred two point fifteen (602.15), seven hundred thirteen point one (713.1), seven hundred thirteen point two (713.2), seven hundred thirteen point three (713.3), seven hundred thirteen point four (713.4), seven hundred thirteen point five (713.5), seven hundred thirteen point six (713.6), seven hundred thirteen point seven (713.7), seven hundred thirteen point eight (713.8), seven hundred thirteen point nine (713.9), seven hundred thirteen point ten (713.10), seven hundred thirteen point eleven (713.11), seven hundred thirteen point twelve (713.12), seven hundred thirteen point thirteen (713.13), seven hundred thirteen point fourteen (713.14), seven hundred thirteen point fifteen (713.15), seven hundred thirteen point sixteen (713.16), seven hundred thirteen point twenty-two (713.22), seven hundred thirteen point twenty-three (713.23), seven hundred thirteen point twenty-six (713.26), seven hundred thirteen point twenty-seven (713.27), seven hundred thirteen point twenty-eight (713.28), seven hundred thirteen point twenty-nine (713.29), seven hundred thirteen point thirty (713.30), seven hundred thirteen point thirty-one (713.31), seven hundred thirteen point thirty-two (713.32), seven hundred thirteen point thirty-three (713.33), seven hundred thirteen point thirty-four (713.34), seven

hundred thirteen point thirty-five (713.35), seven hundred thirteen point thirty-six (713.36), seven hundred thirteen point thirty-seven (713.37), seven hundred thirteen point thirty-eight (713.38), seven hundred thirteen point thirty-nine (713.39), seven hundred thirteen point forty (713.40), seven hundred thirteen point forty-one (713.41), seven hundred thirteen point forty-two (713.42), seven hundred thirteen point forty-three (713.43), seven hundred forty point one (740.1), seven hundred forty point two (740.2), seven hundred forty point three (740.3), seven hundred forty point four (740.4), seven hundred forty point five (740.5), seven hundred forty point six (740.6), seven hundred forty point seven (740.7), seven hundred forty point eight (740.8), seven hundred forty point nine (740.9), seven hundred forty point ten (740.10), seven hundred forty point eleven (740.11), seven hundred forty point twelve (740.12), seven hundred forty point nineteen (740.19), seven hundred forty point twenty (740.20), seven hundred fifty-three point one (753.1), seven hundred fifty-three point two (753.2), seven hundred fifty-three point three (753.3), seven hundred fifty-three point four (753.4), seven hundred fifty-three point five (753.5), seven hundred fifty-three point six (753.6), seven hundred fifty-three point seven (753.7), seven hundred fifty-three point eight (753.8), and seven hundred fifty-three point nine (753.9), Code 1975, are repealed.

Sec. 112. Chapter four (4) is amended by adding the following section after section four (4):

SEC. _____. Section eighteen point five (18.5), Code 1977, is amended to read as follows:

18.5 PROHIBITED INTERESTS. The director shall not have any pecuniary interest, directly or indirectly, in any contract for supplies furnished to the state, or in any business enterprise involving any expenditure by the state. A violation of the provisions of this section shall be a serious misdemeanor, and on conviction thereof the director shall be ~~fined-in-a-sum-not-exceeding-one-thousand-dollars-and~~ removed from office in addition to any other penalty.

Sec. 113. Chapter four (4) is amended by adding the following section after section twenty-five (25):

SEC. _____. Section fifty-six point twenty-nine (56.29), subsection five (5), Code 1977, is amended to read as follows:

5. Any person convicted of a violation of any of the provisions of this section shall be ~~subject-to-imprisonment~~

~~in-the-county-jail-for-not-more-than-one-year-and-by-a-fine
not-to-exceed-one-thousand-dollars~~ guilty of a serious
misdemeanor.

Sec. 114. Chapter four (4) is amended by adding the following section after section twenty-eight (28):

SEC. ____ . Section sixty-eight B point eight (68B.8), Code 1977, is amended to read as follows:

68B.8 ADDITIONAL PENALTY. In addition to any penalty contained in any other provision of law, any a person who knowingly and intentionally violates the provisions of section 68B.3 through 68B.6 and this section shall be guilty of a serious misdemeanor and may be suspended from his or her position.

Sec. 115. Chapter four (4) is amended by adding the following section after section thirty-eight (38):

SEC. ____ . Section eighty-three A point thirteen (83A.13), subsection four (4), Code 1977, is amended to read as follows:

4. A person who falsifies information required to be submitted under this section shall be guilty of a simple misdemeanor ~~and-upon-conviction-shall-be-punished-by-a-fine
not-to-exceed-one-hundred-dollars-or-by-imprisonment-for-a
period-not-to-exceed-thirty-days-or-be-punished-by-both-such
fine-and-imprisonment.~~

Sec. 116. Chapter four (4) is amended by adding the following sections after section sixty-nine (69):

SEC. ____ . Section ninety-nine B point two (99B.2), subsection three (3), Code 1977, is amended to read as follows:

3. Each licensee required by subsection 2 to maintain records shall submit quarterly reports to the department on forms furnished by the department. The reports shall contain a compilation of the information required to be recorded by subsection 2, and shall include all of the transactions occurring during the three-month period for which the report is submitted. Failure to submit the quarterly reports shall constitute grounds for revocation of the license. Willful failure to submit quarterly reports is a serious misdemeanor.

SEC. ____ . Section ninety-nine B point six (99B.6), subsection one (1), paragraph k, Code 1977, is amended to read as follows:

k. No person under the age of eighteen years may participate in the gambling except pursuant to sections 99B.3, 99B.4, 99B.5 and 99B.7. Any licensee knowingly allowing a person under the age of eighteen to participate in the gambling

prohibited by this paragraph or any person knowingly participating in such gambling with a person under the age of eighteen, shall be guilty of a simple misdemeanor and, upon conviction, be punished by imprisonment in the county jail for not more than thirty days and a fine of not more than one hundred dollars or both.

SEC. _____. Section ninety-nine B point six (99B.6), subsection four (4), Code 1977, is amended to read as follows:

4. The holder of a license issued pursuant to this section and every agent of that licensee who is required by the licensee to exercise control over the use of the premises who knowingly permits or engages in acts or omissions which constitute a violation of subsection 1 commits a serious misdemeanor. A licensee has knowledge of acts or omissions if any agent of the licensee has knowledge of those acts or omissions.

SEC. _____. Section ninety-nine B point nine (99B.9), subsection four (4), Code 1977, is amended to read as follows:

4. The holder of a license issued pursuant to this section and every agent of that licensee who is required by the licensee to exercise control over the use of the premises who knowingly permits acts or omissions which constitute a violation of subsection 1 commits a serious misdemeanor. A licensee has knowledge of acts or omissions if any agent of the licensee has knowledge of those acts or omissions.

SEC. _____. Section ninety-nine B point fifteen (99B.15), Code 1977, is amended to read as follows:

99B.15 APPLICABILITY OF CHAPTER. It is the intent and purpose of this chapter to authorize gambling in this state only to the extent specifically permitted by a section of this chapter. Except as otherwise provided in this chapter, the knowing failure of any person to comply with the limitations imposed by this chapter constitutes unlawful gambling, a serious misdemeanor, which is punishable as provided in chapter 726.

SEC. _____. Section ninety-nine B point sixteen (99B.16), Code 1977, is amended to read as follows:

99B.16 FAILURE TO MAINTAIN OR SUBMIT RECORDS. A licensee who willfully fails to maintain the records when required by section 99B.2, or who willfully fails to submit records when required by that section commits a serious misdemeanor punishable by imprisonment in the county jail for not more

~~than one year, or by a fine of not more than one thousand dollars, or by both imprisonment and fine.~~

Sec. 117. Chapter four (4) is amended by adding the following section after section ninety (90):

SEC. _____. Section one hundred nine A point ten (109A.10), Code 1977, is amended to read as follows:

109A.10 PENALTIES. Whoever violates any of the provisions of this chapter shall be ~~finned not less than ten dollars nor more than one hundred dollars or be imprisoned in the county jail not more than thirty days~~ guilty of a simple misdemeanor.

Sec. 118. Chapter four (4) is amended by adding the following section after section ninety-four (94):

SEC. _____. Section one hundred ten B point six (110B.6), Code 1977, is amended to read as follows:

110B.6 PENALTY. Any person violating any of the provisions of this chapter shall be guilty of a simple misdemeanor ~~and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars or imprisoned in the county jail for not more than thirty days.~~

Sec. 119. Chapter four (4) is amended by adding the following sections after section one hundred ninety (190):

SEC. _____. Section one hundred seventy-two A point ten (172A.10), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

Any person convicted of violating any provision of this chapter shall be ~~punished by a fine of not less than five hundred dollars nor more than two thousand five hundred dollars, or by imprisonment in the county jail for not more than six months, or by both fine and imprisonment~~ guilty of a serious misdemeanor.

SEC. _____. Section one hundred seventy-two B point six (172B.6), Code 1977, is amended to read as follows:

172B.6 OFFENSES AND PENALTIES.

1. A person who is convicted of violating section 172B.2 ~~may be sentenced to a fine not to exceed one hundred dollars, or to imprisonment in the county jail for a period not to exceed thirty days, or both the fine and imprisonment~~ shall be guilty of a simple misdemeanor.

2. A person who makes or utters a transportation certificate with knowledge that some or all of the information contained in the certificate is false, or a person who alters, forges, or counterfeits a transportation certificate, or the receipt prescribed in section 172B.4, commits a ~~public offense~~

~~and-upon-conviction-may-be-sentenced-to-a-term-in-the-state penitentiary-not-to-exceed-ten-years,-to-a-fine-not-to-exceed five-thousand-dollars,-or-to-both-the-fine-and-imprisonment class C felony.~~

Sec. 120. Chapter four (4) is amended by adding the following section after section two hundred (200):

SEC. _____. Section one hundred eighty-five C point thirty-one (185C.31), Code 1977, is amended to read as follows:

185C.31 PENALTY. It is a simple misdemeanor for any person to willfully violate any provision of this chapter or for any person to willfully render or furnish a false or fraudulent report, statement, or record required by the secretary.

Sec. 121. Chapter four (4) is amended by adding the following section after section two hundred twenty-six (226):

SEC. _____. Section two hundred four point four hundred one (204.401), subsection three (3), Code 1977, is amended to read as follows:

3. It is unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a serious misdemeanor~~,-and-upon-conviction-shall be-punished-by-imprisonment-in-the-county-jail-for-not-to exceed-one-year,-or-by-a-fine-of-not-more-than-one-thousand dollars,-or-both-such-imprisonment-and-fine.~~ If the controlled substance is marijuana, the punishment shall be by imprisonment in the county jail for not more than six months or by a fine of not more than one thousand dollars, or by both such fine and imprisonment. All or any part of a sentence imposed pursuant to this section may be suspended and the person placed upon probation upon such terms and conditions as the court may impose including the active participation by such person in a drug treatment, rehabilitation or education program approved by the court.

Sec. 122. Chapter four (4) is amended by adding the following section after section two hundred fifty (250):

SEC. _____. Section two hundred thirty-seven A point nineteen (237A.19), Code 1977, is amended to read as follows:

237A.19 PENALTY. A person who establishes, conducts, manages, or operates a center without a license shall be

guilty of a serious misdemeanor. Each day of continuing violation after conviction, or notice from the department by certified mail of the violation, shall be considered a separate offense.

Sec. 123. Chapter four (4) is amended by adding the following section after section two hundred fifty-seven (257):

SEC. _____. Section two hundred fifty-two B point ten (252B.10), subsection one (1), Code 1977, is amended to read as follows:

1. Any person who willfully requests, obtains, or seeks to obtain paternity determination and support collection data available under section 252B.9 under false pretenses, or who willfully communicates or seeks to communicate such data to any agency or person except in accordance with this chapter, shall ~~upon conviction, for each such offense be punished by a fine of not more than one thousand dollars or by imprisonment in the state penitentiary for not more than two years, or by both fine and imprisonment~~ be guilty of an aggravated misdemeanor. Any person who knowingly, but without criminal purposes, communicates or seeks to communicate paternity determination and support collection data except in accordance with this chapter shall ~~for each such offense be fined not more than one hundred dollars or be imprisoned not more than ten days~~ be guilty of a simple misdemeanor.

Sec. 124. Chapter four (4) is amended by adding the following section after section two hundred seventy-eight (278):

SEC. _____. Section three hundred twenty-one point one hundred ninety (321.190), subsection two (2), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

It is a simple misdemeanor, punishable as provided in section 321.482, for any person:

Sec. 125. Chapter four (4) is amended by adding the following section after section two hundred eighty-one (281):

SEC. _____. Section three hundred twenty-one point two hundred sixty-six (321.266), subsection four (4), Code 1977, is amended to read as follows:

4. Any carrier transporting hazardous materials by rail, air, water, or upon a public highway in this state, in the case of an accident involving the transportation of hazardous materials, shall immediately notify the police radio broadcasting system established by the commissioner of public safety pursuant to section 750.1 or shall notify a peace

officer of the county, township, or municipality in which the accident occurs. When a local law enforcement agency is informed of the accident, the agency shall notify the Iowa highway safety patrol. For purposes of this section "hazardous substances" shall mean hazardous substances as defined in the federal Transportation Safety Act of 1974 (Public Law 93-633, section 103). A person who violates any provision of this subsection shall, upon conviction, be guilty of a serious misdemeanor.

Sec. 126. Chapter four (4) is amended by adding the following sections after section two hundred ninety (290):

SEC. ____ . Section three hundred twenty-one point four hundred eighty-five (321.485), Code 1977, is amended to read as follows:

321.485 NOTICE TO APPEAR--PROMISE TO APPEAR.

1. Except-as-provided-in-sections-753-43-to-753-207-when-ever Whenever a peace officer has reasonable cause to believe that a person has violated any provision of this chapter punishable as a simple, serious, or aggravated misdemeanor, such officer may:

‡ a. Immediately arrest such person and take him or her before a magistrate; or

‡ b. Without arresting the person, either

a- (1) Prepare a written citation to appear in court containing the name and address of such person, the operator or chauffeur license number, if any, the registration number, if any, of his or her vehicle, the offense charged, and the time when and place where such person shall appear in court; or

b- (2) Prepare a memorandum of the alleged traffic violation containing the name and address of such person, the registration number, if any, of his or her vehicle, the offense alleged to have been committed, and such other information as may be prescribed by the commissioner of public safety with the concurrence of the director.

2. If the officer prepares either a citation or a memorandum as provided in this section, the alleged offender shall be requested to sign it. If the person signs, the person may be released without arrest. In case a citation is issued, the signing shall constitute a written promise to appear as stated in the citation. A copy of the citation shall be presented to the person named therein. If a memorandum is prepared, the original shall be retained by

the officer, and a copy shall be sent to the department, and a copy shall be presented to the person named therein.

3. For preparing the summons or memorandum referred to in ~~paragraphs "a" or "b" of this subsection~~ section, there shall be charged to the person named in the summons or memorandum, upon his conviction, a fee of two dollars. The fee shall be assessed as part of the court costs and shall be paid into the general fund of the county.

4. The number of copies and the form of the citations and memorandums authorized by this section shall be as prescribed by the commissioner of public safety with the concurrence of the director.

5. This section shall not apply to a traffic offense which must be charged upon a uniform citation and complaint as provided in section seven hundred fifty-three point thirteen (753.13) of the Code.

SEC. ____ . Section three hundred twenty-one point four hundred eighty-six (321.486), Code 1977, is amended to read as follows:

321.486 ~~PROMISE-TO-APPEAR--GUARANTEED-ARREST-BOND-CERTIFICATE~~ AUTHORIZED BOND FORMS. ~~In-lieu-of-bail-the-magistrate-may-release-the-arraigned-person-upon-his-written-promise-to-appear-in-court-for-trial-at-time-and-place-designated-by-such-magistrate.~~

When bond or bail is required under section one thousand one hundred two (1102) of chapter two (2) of this Act to guarantee appearance for any offense charged under this chapter, the following nonexclusive forms shall be permitted subject to the following limitations:

1. A current guaranteed arrest bond certificate as defined in section 321.1, subsection 71 shall be considered sufficient surety if the defendant is charged with an offense where the penalty does not exceed two hundred dollars.

2. A valid credit card, as defined in section 537.1301, subsection 17, may be used and shall be sufficient surety when the defendant is charged with any scheduled offense under section 753.15. The defendant may use a credit card for bail purposes only in accordance with rules of the department of public safety adopted pursuant to chapter 17A.

~~If-the-officer-prepares-either-a-citation-or-a-memorandum-as-provided-in-section-321.485,-the-alleged-offender-shall-be-requested-to-sign-the-same,-and-if-he-does-sign-may-be-released-without-arrest.--In-case-a-citation-is-issued,-the~~

~~signing shall constitute a written promise to appear as stated in said citation. A copy of the citation shall be presented to the person named therein. If memorandum is prepared, the original shall be retained by the officer, a copy sent to the department, and a copy presented to the person named therein.~~

Sec. 127. Chapter four (4) is amended by adding the following section after section three hundred fifty-two (352):

SEC. _____. Section four hundred twenty-five point thirty-six (425.36), Code 1977, is amended to read as follows:

425.36 DISCRIMINATION IN RENTALS OR RENT CHARGES. Discrimination by a landlord in the rental of or in rent charges for a homestead because the tenant has received or is eligible for reimbursement under this division is a simple misdemeanor ~~and the punishment shall be the same as provided in section 425.29.~~

Sec. 128. Chapter four (4) is amended by adding the following section after section three hundred seventy-seven (377):

SEC. _____. Section four hundred seventy-six A point fourteen (476A.14), subsection three (3), Code 1977, is amended to read as follows:

3. Persons convicted of violating any provision of this chapter shall be guilty of a simple misdemeanor ~~and shall be fined not more than one hundred dollars or be imprisoned for not more than thirty days.~~

Sec. 129. Chapter four (4) is amended by adding the following section after section four hundred six (406):

SEC. _____. Section five hundred two point six hundred five (502.605), subsection one (1), Code 1977, is amended to read as follows:

1. Any person who willfully and knowingly violates any provision of this chapter, or any rule or order under this chapter, shall ~~upon conviction be fined not more than five thousand dollars or imprisoned not more than three years, or both~~ be guilty of a class D felony.

Sec. 130. Chapter four (4) is amended by adding the following section after section four hundred seventy-one (471):

SEC. _____. Section five hundred fifty-three point fourteen (553.14), Code 1977, is amended to read as follows:

553.14 CRIMINAL PENALTIES. A person or a natural person having substantial control over an enterprise who knowingly

and willfully engages in conduct prohibited by this chapter shall be, ~~upon conviction, fined not to exceed twenty-five thousand dollars, imprisoned in the county jail for not more than six months or both so fined and imprisoned~~ guilty of a serious misdemeanor.

Sec. 131. Chapter four (4) is amended by adding the following sections after section four hundred eighty-three (483):

SEC. _____. Section six hundred point eight (600.8), subsection eleven (11), Code 1977, is amended to read as follows:

11. Any person who assists in or impedes the placement or adoption of a minor person in violation of the provisions of this section shall be, upon conviction, guilty of a simple misdemeanor, ~~and shall be fined not more than one hundred dollars or imprisoned in the county jail for not more than thirty days.~~

SEC. _____. Section six hundred point nine (600.9), subsection two (2), Code 1977, is amended to read as follows:

12. A natural parent shall not receive any thing of value as a result of the natural parent's child or former child being placed with and adopted by another person, unless that thing of value is commensurate with some necessary service provided the natural parent in relation to childbirth, child raising, or delivering the child for adoption. Any person assisting in any way with the placement or adoption of a minor person shall not charge a fee which is more than usual, necessary, and commensurate with the services rendered. If the natural parent receives any prohibited thing of value, if a person gives a prohibited thing of value, or if a person charges a prohibited fee under this subsection, each such person shall be, upon conviction, guilty of a simple misdemeanor, ~~and shall be fined not more than one hundred dollars or imprisoned in the county jail for not more than thirty days.~~

Sec. 132. Chapter four (4) is amended by adding the following section after section four hundred eighty-four (484):

SEC. _____. Section six hundred point sixteen (600.16), subsection four (4), Code 1977, is amended to read as follows:

4. Any person, other than the adopting parents or the adopted person, who discloses information in violation of the provisions of this section shall be, upon conviction, guilty of a simple misdemeanor, ~~and shall be fined not more than one hundred dollars or imprisoned in the county jail for not more than thirty days.~~

Sec. 133. Chapter four (4) is amended by adding the following sections after section five hundred five (505):

SEC. ____ . Section seven hundred twenty-six point one (726.1), Code 1977, is amended to read as follows:

726.1 KEEPING GAMBLING HOUSES. Any person who keeps a house, shop, or place resorted to for the purpose of gambling, or permits any person in any house, shop, or other place under his or her control or care to conduct bookmaking or to play at cards, dice, faro, roulette, equality, punchboard, slot machine or other game for money or other thing, commits a serious misdemeanor.

SEC. ____ . Section seven hundred twenty-six point three (726.3), Code 1977, is amended to read as follows:

726.3 GAMING AND BETTING--PENALTY. Any person who participates in any game for any sum of money or other property of any value, or who makes any bet or wager for money or other property of value, or who engages in bookmaking commits a serious misdemeanor.

Sec. 134. Chapter four (4) is amended by adding the following sections after section five hundred six (506):

SEC. ____ . Section seven hundred twenty-six point eight (726.8), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

If any person make or aid in making or establishing, or advertise or make public any scheme for any lottery; or advertise, offer for sale, sell, negotiate, dispose of, purchase, or receive any ticket or part of a ticket in any lottery or number thereof; or have in his or her possession any ticket, part of a ticket, or paper purporting to be the number of any ticket of any lottery, with the intent to sell or dispose of the same on his or her own account or as the agent of another, the person commits a serious misdemeanor.

SEC. ____ . Section seven hundred twenty-six point fourteen (726.14), Code 1977, is amended to read as follows:

726.14 PENALTY. A person who commits an offense declared in this chapter or chapter 99B to be a misdemeanor shall be ~~subject to imprisonment in the county jail for a period not exceeding one year, or to a fine not exceeding one thousand dollars, or to both fine and imprisonment~~ guilty of a serious misdemeanor.

SEC. ____ . Section seven hundred twenty-six point fifteen (726.15), Code 1977, is amended to read as follows:

726.15 PROTECTION MONEY PROHIBITED. Any officer or employee of this state, or of a county, city, or judicial district who asks for, receives or collects any money or other consideration for and with the understanding that the officer or employee will aid, exempt, or otherwise protect another person from detection, arrest or conviction of any violation of this chapter or chapter 99B commits ~~a felony punishable by a fine not to exceed five thousand dollars or by imprisonment for a term not to exceed two years, or by both fine and imprisonment~~ an aggravated misdemeanor.

SEC. _____. Section seven hundred twenty-six point sixteen (726.16), Code 1977, is amended to read as follows:

726.16 COLLECTION SERVICE PROHIBITED. Any person who knowingly offers, gives or sells his or her services for use in collecting or enforcing any debt arising from gambling, whether or not lawful gambling, commits ~~a felony punishable by a fine not to exceed five thousand dollars or by imprisonment for a term not to exceed two years, or by both fine and imprisonment~~ an aggravated misdemeanor.

Sec. 135. Chapter four (4) is amended by adding the following section after section five hundred seven (507):

SEC. _____. Section seven hundred forty point twenty-two (740.22), Code 1977, is amended to read as follows:

740.22 PUNISHMENT. A violation of section ~~740.20 or~~ 740.21 shall be ~~punishable as a~~ serious misdemeanor.

Sec. 136. Chapter one thousand two hundred forty-two (1242), Acts of the Sixty-sixth General Assembly, 1976 Session, section one (1), codified as section seven hundred thirty-two point twenty-five (732.25) in the 1977 Code, is amended to read as follows:

SECTION 1. NEW SECTION. PAY TOILETS. No person shall make a charge or require any special device, key or slug for the use of a toilet located in a room provided for use of the public. Violation of this Act is a simple misdemeanor.

The Code editor shall codify this section in chapter one hundred thirty-five (135) of the Code.

Sec. 137. Section three hundred twenty-one point two hundred eighteen (321.218), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

Any person operating a motorized bicycle on the highways of the state not possessed of an operator's or chauffeur's license valid for operation of motorcycles or a valid motorized bicycle license, shall, upon conviction, be guilty of a simple

~~misdemeanor and punished by a fine of not less than five nor more than fifty dollars.~~

Sec. 138. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter two (2), section four hundred twenty-nine (429), is repealed.

Sec. 139. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), sections forty-six (46), forty-seven (47), three hundred eighty-two (382), four hundred two (402), four hundred three (403), four hundred four (404), four hundred five (405), four hundred six (406), four hundred eighty-three (483), and four hundred eighty-four (484), are repealed.

Sec. 140. Sections three hundred thirty-nine point five (339.5) and seven hundred thirteen point forty-five (713.45), Code 1977, are repealed.

Sec. 141. This Act is effective on the date set forth in chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), section five hundred twenty-nine (529).

Approved July 10, 1977

CHAPTER 148

CRIMINAL CODE REVISION

S. F. 349

AN ACT to clarify and change the feticide provisions of the criminal code revision to conform to a recent United States Supreme Court decision.

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

Section 1. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one (1), is amended by adding the following new section after section two hundred nineteen (219):

SEC. __. NEW SECTION. VIABILITY. Viability is that stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by natural or artificial life support systems. The time when viability is achieved may vary with each pregnancy, and the determination of whether a particular fetus is viable is a matter of responsible medical judgment.

Sec. 2. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one (1), section seven hundred seven (707), is amended to read as follows:

SEC. 707. NEW SECTION. FETICIDE. Any person who intentionally terminates a human pregnancy after the end of the second trimester of the pregnancy where death of the fetus results commits feticide. Feticide is a class C felony.

Any person who attempts to intentionally terminate a human pregnancy after the end of the second trimester of the pregnancy where death of the fetus does not result commits attempted feticide. Attempted feticide is a class D felony.

This section shall not apply to the termination of a human pregnancy performed by a physician licensed in this state to practice medicine or surgery when in the best clinical judgment of the physician the termination is performed to preserve the life or health of the pregnant person or of the fetus and every reasonable medical effort not inconsistent with preserving the life of the pregnant person is made to preserve the life of the a viable fetus.

Any person who terminates a human pregnancy who is not a person licensed to practice medicine and surgery under the provisions of chapter one hundred forty-eight (148) of the Code, or an osteopathic physician and surgeon licensed to practice osteopathic medicine and surgery under the provisions of chapter one hundred fifty A (150A) of the Code, commits a class C felony.

Sec. 3. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one (1), section seven hundred nine (709), is amended to read as follows:

SEC. 709. NEW SECTION. ~~HOMICIDE~~ MURDER OF FETUS ABORTED ALIVE. A person who intentionally kills a viable fetus aborted alive ~~after-the-twentieth-week-of-pregnancy~~ shall be guilty of a class B felony.

Sec. 4. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one (1), section seven hundred ten (710), is amended to read as follows:

SEC. 710. NEW SECTION. DUTY TO PRESERVE THE LIFE OF THE FETUS. ~~After-the-twentieth-week-of-pregnancy,-a~~ A person who performs or induces a termination of a human pregnancy and who willfully fails to exercise that degree of professional

skill, care, and diligence available to preserve the life and health of a viable fetus ~~showing-significant, -sustainable vital-signs~~ shall be guilty of a serious misdemeanor.

Sec. 5. This Act is effective on the date set forth in chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), section five hundred twenty-nine (529).

Approved June 17, 1977

CHAPTER 149

ASSISTANCE LAWS--FRAUDULENT PRACTICES

S. F. 297

AN ACT relating to fraudulent practices and appropriating funds for the enforcement of aid to dependent children, medical assistance, and supplemental assistance laws.

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

Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1977 and ending June 30, 1978 to the following named agencies, the following amounts or so much as is necessary, to be used for the purposes designated:

1977-1978
Fiscal Year

1. DEPARTMENT OF SOCIAL SERVICES--STATE ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes to match federal funds on an equal basis for the purposes of enforcing sections two hundred thirty-nine point fourteen (239.14), two hundred forty-nine point eleven (249.11), and two hundred forty-nine A point seven (249A.7) of the Code in cooperation with the division of criminal investigation and bureau of identification of the department of public safety..... \$ 66,500

2. DEPARTMENT OF PUBLIC SAFETY--DIVISION OF CRIMINAL INVESTIGATION AND BUREAU OF IDENTIFICATION

For law enforcement equipment required to carry out enforcement of laws as provided in subsection one (1) of this section..... \$ 41,500

Sec. 2.

1. It is the intent of the general assembly that violations of law relating to aid to dependent children, medical assistance, and supplemental assistance shall be prosecuted by county attorneys. Area prosecutors of the office of the attorney general shall provide such assistance in prosecution as may be required. It is the intent of the general assembly that the first priority for investigation and prosecution for which funds are provided by this Act shall be for fraudulent claims or practices by health care vendors and providers.

2. Funds appropriated by this Act shall be in addition to any other funds appropriated for the purposes provided for in this Act.

Sec. 3. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one (1), section one thousand four hundred eight (1408), unnumbered paragraph one (1), is amended to read as follows:

A person who does any of the following acts is guilty of a fraudulent practice. ~~A fraudulent practice is an aggravated misdemeanor.~~

Sec. 4. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one (1), Division fourteen (XIV), is amended by adding the following new sections after section one thousand four hundred eight (1408):

SEC. 1409. NEW SECTION. FRAUDULENT PRACTICE IN THE FIRST DEGREE. Fraudulent practice in the first degree is a fraudulent practice where the amount of money or value of property involved exceeds five thousand dollars.

Fraudulent practice in the first degree is a class C felony.

SEC. 1410. NEW SECTION. FRAUDULENT PRACTICE IN THE SECOND DEGREE. Fraudulent practice in the second degree is the following:

1. A fraudulent practice where the amount of money or value of property or services involved exceeds five hundred dollars but does not exceed five thousand dollars.

2. A fraudulent practice where the amount of money or value of property or services involved does not exceed five hundred dollars by one who has been convicted of a fraudulent practice twice before.

Fraudulent practice in the second degree is a class D felony.

SEC. 1411. NEW SECTION. FRAUDULENT PRACTICE IN THE THIRD DEGREE. Fraudulent practice in the third degree is the following:

1. A fraudulent practice where the amount of money or value of property or service involved exceeds one hundred dollars but does not exceed five hundred dollars.

2. A fraudulent practice as set forth in subsections two (2), eight (8), and nine (9) of section one-thousand four hundred eight (1408) of this chapter.

3. A fraudulent practice where it is not possible to determine an amount of money or value of property and service involved.

Fraudulent practice in the third degree is an aggravated misdemeanor.

SEC. 1412. NEW SECTION. FRAUDULENT PRACTICE IN THE FOURTH DEGREE. Fraudulent practice in the fourth degree is a fraudulent practice where the amount of money or value of property or services involved exceeds fifty dollars but does not exceed one hundred dollars.

Fraudulent practice in the fourth degree is a serious misdemeanor.

SEC. 1413. NEW SECTION. FRAUDULENT PRACTICE IN THE FIFTH DEGREE. Fraudulent practice in the fifth degree is a fraudulent practice where the amount of money or value of property or services involved does not exceed fifty dollars.

Fraudulent practice in the fifth degree is a simple misdemeanor.

SEC. 1414. NEW SECTION. VALUE FOR PURPOSES OF FRAUDULENT PRACTICES. The value of property or service is its normal market or exchange value, if any, within the community at the time the fraudulent practice is committed.

If money or property or service is obtained by a series of acts from the same person or location, or from different

persons by a series of acts which occur in approximately the same location or time period so that the fraudulent practices are attributable to a single scheme, plan, or conspiracy, such acts may be considered as a single fraudulent practice and the value may be the total value of all money, property, and service involved.

Sec. 5. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), section two hundred fifty-six (256), amending section two hundred forty-nine point eleven (249.11), Code 1975, is amended to read as follows:

SEC. 256. Section two hundred forty-nine point eleven (249.11), Code 1975, is amended to read as follows:

249.11 FRAUD. Any person who obtains assistance under this chapter by misrepresentation or by failure with fraudulent intent to bring forth all of the facts required of an applicant for assistance under this chapter, or any person who shall knowingly make false statements concerning an applicant's eligibility for assistance under this chapter, is guilty of a ~~simple-misdemeanor~~ fraudulent practice.

Sec. 6. Section two hundred forty-nine A point seven (249A.7), Code 1977, is amended to read as follows:

249A.7 PENALTY. Any ~~person who shall-obtain~~ obtains assistance or payments for medical assistance under this chapter by misrepresentation or failure, with fraudulent intent, to bring forth all the facts required of an applicant for aid under the provisions of this chapter and ~~any~~ a person who ~~shall~~ knowingly ~~make~~ makes false statements concerning the applicant's eligibility for aid under this chapter shall be guilty of a ~~misdemeanor, punishable-as-such~~ fraudulent practice.

Sec. 7. Sections three (3) through seven (7) of this Act are effective on the date set forth in chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), section five hundred twenty-nine (529).

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

Approved July 10, 1977

CHAPTER 150
OFFENSIVE WEAPONS IN MUSEUMS

S. F. 251

AN ACT amending the criminal code revision to allow museums to possess offensive weapons solely as relics.

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

Section 1. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one (1), section two thousand four hundred two (2402), is amended by adding the following new subsection:

NEW SUBSECTION. Any museum or similar place which possesses, solely as relics, offensive weapons which are rendered permanently unfit for use.

Sec. 2. This Act is effective on the date set forth in chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), section five hundred twenty-nine (529).

Approved June 30, 1977

CHAPTER 151
WEAPONS PERMITS

S. F. 195

AN ACT increasing fees for permits to carry weapons.

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

Section 1. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one (1), section two thousand four hundred ten (2410), is amended to read as follows:

SEC. 2410. NEW SECTION. ISSUANCE OF PERMIT. Applications for permits to carry weapons shall be made to the sheriff of the county in which the applicant resides. Applications from persons who are nonresidents of the state, or whose need to go armed arises out of employment by the state, shall be made to the commissioner of public safety. In either case, the issuance of the permit shall be by and at the discretion of the sheriff or commissioner, who shall, before issuing the permit, determine that the requirements of sections two thousand four hundred five (2405) through two thousand four

hundred nine (2409), inclusive, of this division have been satisfied. However, the training program requirements in section two thousand four hundred seven (2407) of this division may be waived for renewal permits. The issuing officer shall collect a fee of ~~three~~ five dollars, except from a duly appointed peace officer, for each permit issued. Renewal permits shall be issued for a fee of ~~one-dollar~~ two dollars. The issuing officer shall notify the commissioner of public safety of the issuance of any permit at least monthly and forward to the commissioner an amount equal to two dollars for each permit issued and one dollar for each renewal permit issued. All such fees received by the commissioner shall be paid to the treasurer of state and deposited in the operating account of the department of public safety to offset the cost of administering this division. Any unspent balance as of June thirtieth of each year shall revert to the general fund as provided by section eight point thirty-three (8.33) of the Code.

Sec. 2. This Act is effective on the date set forth in chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), section five hundred twenty-nine (529).

Approved July 8, 1977

CHAPTER 152
CRIMINAL ARREST

S. F. 355

AN ACT changing the criminal code provision on use of deadly force in making an arrest to conform to a recent decision of the United States court of appeals for the eighth circuit.

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

Section 1. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter two (2), section four hundred eleven (411), unnumbered paragraph one (1), is amended to read as follows:

A peace officer, while making a lawful arrest, is justified in the use of any force which the peace officer reasonably believes to be necessary to effect the arrest or to defend any person from bodily harm while making the arrest. However, the ~~peace-officer-is-justified-in-using-deadly-force-only-when-he-or-she-reasonably-believes-that-such-force-is~~

~~necessary-to-prevent-death-or-serious-injury-to-any-person,~~
~~or-when-the-peace-officer-reasonably-believes-that-the-per-~~
~~son-being-arrested-has-committed-a-felony~~ use of deadly force
is only justified when a person cannot be captured any other
way and either

1. The person has used or threatened to use deadly force
in committing a felony or

2. The peace officer reasonably believes the person would
use deadly force against any person unless immediately appre-
hended.

Sec. 2. This Act is effective on the date set forth in chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), section five hundred twenty-nine (529).

Approved July 13, 1977

CHAPTER 153
RULES OF CRIMINAL PROCEDURE

S. F. 289

AN ACT to propose changes in the rules of criminal procedure.

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

Section 1. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter two (2), section one thousand three hundred one (1301), rules one (1) through twenty-six (26) and rules twenty-nine (29) and thirty-one (31) are amended by sections two (2) through eighty (80) of this Act as follows:

Sec. 2. Rule one (1), subsection one (1):

Rule 1. SCOPE OF RULES AND DEFINITIONS.

1. SCOPE. The rules in this section provide procedures ~~for-indictable-criminal-cases~~ applicable to indictable offenses.

Sec. 3. Rule one (1), subsection two (2), paragraph b is amended to read as follows:

b. "Judicial officer" means justices of the supreme court, justices* of the court of appeals, and committing magistrates.

Sec. 4. Rule two (2), subsection two (2):

2. STATEMENT BY THE MAGISTRATE. The magistrate shall inform a defendant who appears before the magistrate after arrest, complaint, summons, or citation of the complaint against the defendant, of the defendant's right to retain counsel, of the defendant's right to request the ~~assignment~~ appointment of counsel if the defendant is unable by reason of indigency to obtain counsel, of the general circumstances under which the defendant may secure pretrial release, of the defendant's right to review of any conditions imposed on the defendant's release and shall provide the defendant with a copy of the complaint. The magistrate shall also inform the defendant that he or she is not required to make a statement and that any statement made by the defendant may

*See Code §684.34

be used against him or her. The magistrate shall allow the defendant reasonable time and opportunity to consult counsel.

Sec. 5. Rule two (2), subsection three (3):

3. COUNSEL. ~~From a list approved by the district court judge, the~~ The magistrate shall have authority to appoint counsel to represent the defendant in the event the defendant requests representation by counsel and is entitled to same. Counsel will be assigned to assist the defendant only upon a showing as required in section three hundred thirty-six A point four (336A.4) of the Code. Counsel so appointed may make application in the district court for compensation for such services.

Sec. 6. Rule two (2), subsection four (4), paragraph a:

a. PRELIMINARY HEARING. The magistrate shall inform the defendant that he or she is entitled to a preliminary hearing unless the defendant is indicted by a grand jury or a ~~true~~ trial information is filed against the defendant or unless he or she waives the preliminary hearing in writing or on the record. If the defendant waives preliminary hearing, the magistrate shall order the defendant held to answer in further proceedings. If the defendant does not waive the preliminary hearing, the magistrate shall schedule a preliminary hearing and inform the defendant of the date of the preliminary hearing. Such hearing shall be held within a reasonable time but in any event not later than ten days following the initial appearance if the defendant is in custody and no later than twenty days if he or she is not in custody. Upon showing of good cause, the time limits specified in this paragraph may be extended by the magistrate.

Sec. 7. Rule two (2), subsection four (4), paragraph c:

c. CONSTITUTIONAL OBJECTIONS. Rules excluding evidence on the ground that it was acquired by unlawful means are not applicable. Motions to suppress must be made to the trial court as provided in rule ~~eleven-((+))~~ ten (10), subsection two (2).

Sec. 8. Rule three (3), subsection two (2), paragraph b, subparagraph three (3), part (a):

(a) The juror is a ~~prosecutor~~ complainant upon a charge against the defendant.

Sec. 9. Rule three (3), subsection two (2), paragraph b, subparagraph three (3), part (b); subsection four (4), paragraphs h and i; and subsection four (4), paragraph j, unnumbered paragraph one (1):

(b) The juror has formed or expressed such an opinion as to the guilt or innocence of the defendant as would prevent the juror from rendering a true ~~verdict~~ indictment upon the evidence submitted.

h. REFUSAL OF WITNESS TO TESTIFY. When a witness under examination before the grand jury refuses to testify or to answer a question ~~put-to-him-or-her~~, it shall proceed with the witness before a district ~~court~~ judge, and the foreman shall then distinctly state before a district ~~court~~ judge the question and the refusal of the witness, and if upon hearing the witness the court ~~shall-decide~~ decides that the witness is bound to testify or answer the question propounded, the judge shall inquire of the witness if he or she persists in his or her refusal, and, if he or she does, shall proceed with the witness as in cases of similar refusal in open court.

i. EFFECT OF REFUSAL TO INDICT. If, upon investigation, the grand jury refuses to find an indictment against one charged with a public offense, it shall return all papers to the clerk, with an endorsement thereon, signed by the foreman, to the effect that the charge is ignored. Thereupon, the district ~~court~~ judge must order the discharge of the defendant from custody if in jail, and the exoneration of bail if bail be given. Upon good cause shown, the district ~~court~~ judge may direct that the charge again be submitted to the grand jury. Such ignoring of the charge does not prevent the cause from being submitted to another grand jury as the court may direct; but without such direction, it cannot be again be submitted.

The grand jury shall inquire into all indictable offenses brought before it which may be tried within the county, and present them to the court by indictment. The grand jury shall meet at times specified by order of a district judge. In addition to those times, the grand jury shall meet at the request of the county attorney or upon the request of a majority of the grand jurors.

Sec. 10. Rule three (3), subsection four (4), paragraph d:

d. SECRECY OF PROCEEDINGS. Every member of the grand jury, and its clerks and bailiffs, shall keep secret the proceedings of that body and the testimony given before it, except as provided in rule thirteen (13). No such person shall disclose the fact that an indictment has been found except when necessary for the issuance and execution of a

warrant or summons, and such duty of nondisclosure shall continue until the indicted person has been arrested. The county prosecuting attorney shall be allowed to appear before the grand jury on his or her own request for the purpose of giving information or for the purpose of examining witnesses, and the grand jury may at all reasonable times ask the advice of the county prosecuting attorney or the court. However, neither the county prosecuting attorney nor any other officer or person except the grand jury may be present when the grand jury is voting upon the finding of an indictment.

Sec. 11. Rule three (3), subsection four (4), paragraph e:

e. SECURING WITNESSES AND RECORDS. The clerk of the court must, when required by the foreman of the grand jury or county prosecuting attorney, issue subpoenas for witnesses to appear before the grand jury. The grand jury is entitled to free access at all reasonable times to county institutions and places of confinement, and to the examination without charge of all public records within the county.

Sec. 12. Rule four (4), subsection six (6), paragraph b:

b. COPY TO DEFENSE. Such minutes of evidence shall not be open for the inspection of any person except the judge of the court, the county prosecuting attorney, or the defendant and his or her counsel. The clerk of the court must, on demand made, furnish the defendant or his or her counsel a copy thereof without charge.

Sec. 13. Rule four (4), subsection eight (8), paragraph d:

d. CONTINUANCE. ~~No~~ When an application for amendment is sustained, no continuance or delay in trial shall be granted because of such amendment unless it appears that defendant should have additional time to prepare because of such amendment.

Sec. 14. Rule five (5), subsection one (1) is amended by striking that subsection and inserting in lieu thereof the following:

1. PROSECUTION ON INFORMATION. All indictable offenses may be prosecuted by a trial information. An information charging a person with an indictable offense may be filed with the clerk of the district court at any time, whether or not the grand jury is in session. The county attorney shall have the sole authority to file such a trial information

unless that authority is specifically granted to other prosecuting attorneys by statute.

Sec. 15. Rule five (5), subsections two (2), four (4) and five (5):

2. ENDORSEMENT. An information shall be endorsed "a true information" and shall be signed by the prosecuting attorney ~~or in his or her name by an assistant prosecuting attorney.~~

4. APPROVAL BY JUDGE. Prior to the filing of the information, a district judge ~~or~~, district associate judge or magistrate having jurisdiction of the offense must approve the information by a finding that the evidence contained in the information and the minutes of testimony, if unexplained, would warrant a conviction by the trial jury. If not approved, the charge may be presented to the grand jury for consideration. At any time after judicial approval of an information, and prior to the commencement of trial, the court, on its own motion, may order said information set aside and said case submitted to the grand jury.

5. INDICTMENT RULES APPLICABLE. The information shall be drawn and construed, in matters of substance, as indictments are required to be drawn and construed. The term "indictment" embraces the trial information, and all provisions of law applying to prosecutions on indictments apply also to informations, except where otherwise provided for by statute or in these rules, or when the context requires otherwise.

Sec. 16. Rule six (6), subsections one (1), two (2), and three (3):

1. MULTIPLE OFFENSES. When the conduct of a defendant may establish the commission of more than one public offense arising out of the same transaction or occurrence, the defendant may be prosecuted for each of such offenses. Each of such offenses may be alleged and prosecuted as separate counts in a single complaint, information or indictment, unless, for good cause shown, the trial court in its discretion determines otherwise. Where the public offense which is alleged carries with it certain lesser included offenses, the latter should not be charged, and it is sufficient to charge that the accused committed the public major offense.

2. PROSECUTION AND JUDGMENT. Upon prosecution for a crime public offense, the defendant may be convicted of either the crime public offense charged or an included crime offense, but not both.

3. DUTY OF COURT TO INSTRUCT. In cases where the ~~crime~~ public offense charged may include some lesser ~~crime~~ offense it is the duty of the trial court to instruct the jury, not only as to the ~~crime~~ public offense charged but as to all lesser ~~crimes~~ offenses of which the accused might be found guilty under the indictment and upon the evidence adduced, even though such instructions have not been requested ~~or have been objected to~~.

Sec. 17. Rule seven (7), subsection two (2), paragraph b:

b. SUMMONS. The summons shall be in the form described in section four hundred two (402) of this chapter, except that it shall be signed by the clerk. A summons to a corporation shall be in the form prescribed in section seven hundred five (705) of this chapter.

Sec. 18. Rule seven (7), subsection three (3), paragraph a:

a. EXECUTION OR SERVICE. The warrant shall be executed or the summons served as provided in division four (IV) of this chapter. ~~A summons to a corporation shall be in the form prescribed in section seven hundred five (705) of this chapter.~~ Upon the return of an indictment or upon the filing of a trial information against a person confined in any penal institution, the court to which such indictment is returned may enter an order directing that such person be produced before it for trial. The sheriff shall execute such order by serving a copy thereof on the warden having such accused person in custody and thereupon such person shall be delivered to such sheriff and conveyed to the place of trial.

Sec. 19. Rule eight (8), subsection one (1), unnumbered paragraphs one (1) and two (2):

Arraignment shall be conducted in open court ~~without unnecessary delay~~ as soon as practicable. If the defendant appears for arraignment without counsel, the defendant must, before proceeding therewith, be informed by the court of ~~his or her~~ the right thereto, and be asked if he or she desires counsel; and if he or she does, and is unable by reason of indigency to employ any, the court must ~~assign the defendant~~ appoint defense counsel, who shall have free access to the defendant at all reasonable hours. ~~Where the defendant makes an informed waiver of counsel, the court in its discretion may assign standby counsel to assist the accused.~~ Arraignment shall consist of reading the indictment to the defendant or

stating to the defendant the substance of the charge and calling on ~~on~~ the defendant to plead thereto. The defendant shall be given a copy of the indictment or information before he or she is called upon to plead.

The defendant must be informed that if the name by which he or she is indicted or informed against is not his or her true name, he or she must then declare what his or her true name is, or be proceeded against by the name in the indictment, ~~and asking the defendant what he or she answers to the indictment.~~ If the defendant gives no other name or gives his or her true name, the defendant is thereafter precluded from objecting to the indictment or information upon the ground of being therein improperly named. If the defendant alleges that another name is his or her true name, the court must direct an entry thereof in the minutes of the arraignment, and the subsequent proceedings on the indictment shall be had against the defendant by that name, and the indictment amended accordingly.

Sec. 20. Rule eight (8), subsection two (2), paragraph a:

a. IN GENERAL. A defendant may plead guilty, or not guilty, ~~not guilty by reason of insanity, not triable by reason of present insanity, or a former judgment of conviction or acquittal of the offense charged.~~ If the defendant fails or refuses to plead at arraignment, or if the court refuses to accept a guilty plea, the court shall enter a plea of not guilty. At any time before judgment, the court may permit a guilty plea to be withdrawn and ~~other plea or pleas~~ a not guilty plea substituted. ~~A defendant who does not plead guilty may enter one or more of the other pleas.~~

Sec. 21. Rule eight (8), subsection two (2), paragraph b:

b. PLEAS OF GUILTY. The court may refuse to accept a plea of guilty, and shall not accept such plea without first addressing the defendant personally and determining that the plea is made voluntarily and intelligently and has a factual basis. ~~The defendant shall be informed of the following:~~

Before accepting a plea of guilty, the court must address the defendant personally in open court and inform the defendant of, and determine that the defendant understands, the following:

(1) The nature of the charge to which the plea is offered.

(2) The mandatory minimum punishment, if any, and the maximum possible punishment provided by the statute defining the offense to which the plea is offered.

(3) That the defendant has the right to ~~plead not guilty, or to persist in that plea if it has already been made, or to plead guilty~~ be tried by a jury, and at such trial has the right to assistance of counsel, the right to confront and cross-examine witnesses against him or her, and the right not to be compelled to incriminate himself or herself.

(4) That if the defendant pleads guilty there will not be a further trial of any kind, so that by pleading guilty he the defendant waives the right to a trial ~~by jury or otherwise and the right to be confronted with the witnesses against him or her.~~

~~The court shall accept the guilty plea only after determining that the defendant understands these matters, that the plea is voluntary, and that there is a factual basis for same.~~

Sec. 22. Rule eight (8), subsection two (2), by adding the following new paragraph:

c. INQUIRY REGARDING PLEA AGREEMENT. The court shall also inquire as to whether the defendant's willingness to plead guilty results from prior discussions between the attorney for the state and the defendant or the defendant's attorney. The terms of any plea agreement shall be disclosed of record as provided in rule nine (9), subsection two (2) of the rules of criminal procedure.

Sec. 23. Rule eight (8), subsection three (3):

3. RECORD OF PROCEEDINGS. A verbatim record of the proceedings at which the defendant enters a plea shall be made ~~and, if there is a plea of guilty, the record shall include, without limitation, the court's advice to the defendant, the inquiry into the voluntariness of the plea including any plea agreement.~~

Sec. 24. Rule nine (9), subsections one (1) through four (4):

1. IN GENERAL. The prosecuting attorney and the attorney for the defendant may engage in discussions with a view toward reaching an agreement that, upon the entering of a plea of guilty to a charged offense or to a lesser or related offense, ~~the prosecuting attorney will move for dismissal of other charges, or will recommend or not oppose the imposition of~~

~~a-particular-sentence, or will do both~~ make a charging or sentencing concession.

2. ADVISING COURT OF AGREEMENT. If a plea agreement has been reached by the parties ~~which contemplates entry of a plea of guilty in the expectation that a specific sentence will be imposed or that other charges before the court will be dismissed,~~ the court shall require the disclosure of the agreement in open court at the time the plea is offered. Thereupon, if the agreement requires concurrence of the court, the court may accept or reject the agreement, or may defer its decision as to acceptance or rejection until receipt of a presentence report.

3. ACCEPTANCE OF PLEA AGREEMENT. ~~If~~ When the court's concurrence is required, and the court accepts the plea agreement, the court shall inform the defendant that it will embody in the judgment and sentence the disposition provided for in the plea agreement or another disposition more favorable to the defendant than that provided for in the plea agreement.

4. REJECTION OF PLEA AGREEMENT. If the court refuses to be bound by or rejects the plea agreement, the court shall inform the parties of this fact, ~~advise the defendant personally in open court that the court is not bound by the plea agreement,~~ afford the defendant the opportunity to then withdraw his or her plea, and advise the defendant that if he or she persists in his or her guilty plea the disposition of the case may be less favorable to the defendant than that contemplated by the plea agreement.

Sec. 25. Rule ten (10), subsection two (2), paragraph c:

c. Motions to suppress evidence on the ground that it was illegally obtained including, but not limited to, motions on any ground listed in rule eleven (11) of the rules of criminal procedure.

Sec. 26. Rule ten (10), subsection two (2), by adding the following new lettered paragraphs:

NEW PARAGRAPH. Motions for change of venue or change of judge.

NEW PARAGRAPH. Motion in limine.

Sec. 27. Rule ten (10), subsections three (3), four (4) and five (5):

3. EFFECT OF FAILURE TO RAISE DEFENSES OR OBJECTIONS. Failure of the defendant to timely raise defenses or objections or to make requests which must be made prior to trial under

this rule shall constitute waiver thereof, but the court for good cause shown, upon-motion-supported-by-affidavit, may grant relief from such waiver.

4. TIME OF FILING. Motions hereunder, except a motion for a bill of particulars ~~or a change of venue,~~ shall be filed either within thirty days after arraignment or prior to the impaneling of the trial jury, whichever event occurs earlier, unless the period for filing is extended by the court for good cause shown.

5. BILL OF PARTICULARS. When an indictment or information charges an offense in accordance with this rule but fails to specify the particulars of the offense sufficiently to fairly enable the defendant to prepare his or her defense, the court may, on written motion of the defendant, require the county prosecuting attorney to furnish the defendant with a bill of particulars containing such particulars as may be necessary for the preparation of the defense. A motion for a bill of particulars may be made any time prior to or within ten days after arraignment unless the time be extended by the court for good cause shown. A plea of not guilty at arraignment does not waive the right to move for a bill of particulars if such motion is timely filed within this rule. The county prosecuting attorney may furnish a bill of particulars on the county prosecuting attorney's own motion, or the court may order a bill of particulars without motion. Supplemental bills of particulars may be likewise ordered by the court or voluntarily furnished, or a new bill may be substituted for a bill already furnished. At the trial the state's evidence shall be confined to the particulars of the bill or bills.

Sec. 28. Rule ten (10), subsection six (6), paragraph a:

6. DISMISSING INDICTMENT OR INFORMATION.

a. IN GENERAL. If it appears from the bill of particulars furnished pursuant to this rule that the particulars stated do not constitute the offense charged in the indictment or information, or that the defendant did not commit that offense or that a prosecution for that offense is barred by the statute of limitations, the court may and on motion of defendant shall dismiss the indictment or information unless the county prosecuting attorney shall furnish another bill of particulars which so states the particulars as to ~~show that the particulars constitute the offense charged in the indictment or information~~

~~and that the offense was committed by the defendant and that it is not barred by the statute of limitations~~ cure the defect.

Sec. 29. Rule ten (10), subsection six (6), paragraph c, subparagraph three (3):

(3) When the information has not been approved as required under rule five (5), subsection four (4).

Sec. 30. Rule ten (10), subsections seven (7) and eight (8):

7. EFFECT OF DETERMINATION. If the court grants a motion based on a defect in the institution of the prosecution or in the indictment or information, it may also order that the defendant be held in custody or that the defendant's bail be continued for a specified period pending the filing of a new indictment or information if the same was dismissed by the court, or the amendment of any such pleading if the defect is subject to correction by amendment. The new information or indictment must be filed within ~~thirty~~ twenty days of the dismissal of the original indictment or information ~~and the defendant must be brought to trial within the time limits specified in rule twenty-seven (27), rules of criminal procedure. The ninety day period under rule twenty-seven (27), subsection two (2), paragraph b for bringing a defendant to trial shall commence anew with the filing of the new indictment or information.~~

8. RULING ON MOTION. A pretrial motion shall be determined ~~before trial~~ without unreasonable delay. Where factual issues are involved in determining a motion, the court shall state its essential findings on the record.

Sec. 31. Rule ten (10), subsection nine (9), paragraphs a through c, by striking the subsection title and the paragraphs and inserting in lieu thereof the following:

9. MOTION FOR CHANGE OF VENUE OR CHANGE OF JUDGE.

a. FORM OF MOTION. A motion for change of venue or change of judge shall be verified on information and belief by the movant.

b. VENUE. If the court is satisfied from a motion for change of venue and evidence adduced in support thereof that such prejudice exists in the county in which the trial is to be had that there is a substantial likelihood a fair and impartial trial cannot be had there, the court shall transfer the proceeding to another county in which no such situation exists.

c. CHANGE OF JUDGE. If the court is satisfied from a motion for change of judge and evidence is adduced in support thereof that prejudice of the judge exists, the chief judge of the district shall name a new presiding judge. The trial need not be moved to a different county.

Sec. 32. Rule ten (10), subsection nine (9), paragraph d:

d. PROCEEDINGS ON TRANSFER. When a transfer of the case is ordered to another county the clerk shall transmit to the clerk of the court to which the proceeding is transferred all papers in the proceeding or duplicates thereof and any bail taken, and the prosecution shall continue in that county. If the defendant is in custody, the court may order the defendant to be delivered to the sheriff of the county to which transfer of the case is allowed, and upon such delivery with a certified copy of the order therefor, the sheriff last mentioned must receive and detain the defendant. All expenses attendant upon the change of venue and trial, including the costs of keeping the defendant, which shall be allowed by the court trying the case, may be recovered by the county to which the case is transferred from the county in which the prosecution was commenced. The ~~county~~ prosecuting attorney in the original county shall be responsible for the prosecution in such other county.

Sec. 33. Rule ten (10), subsection ten (10), paragraph a, subparagraph one (1):

(1) NOTICE. A defendant who intends to offer evidence of an alibi defense shall, within the time provided for the making of pretrial motions or at such later time as the court shall direct, ~~inform the attorney for the government of such intention and~~ file such written notice of such intention. The notice shall state the specific place or places at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom the defendant intends to rely to establish such alibi. In the event that a defendant shall file such notice the prosecuting attorney for the government shall file and serve upon the defendant written notice of the names and addresses of the witnesses the government state proposes to offer in rebuttal to discredit the defendant's alibi. Such service notice shall be completed filed not less than five ten days after receipt filing of defendant's witness list, or within such other time as the court may direct. ~~If either party~~

~~shall fail to abide by the time periods heretofore described, the proponent must move the court for leave to introduce such evidence, showing diligence supported by affidavit.~~

Sec. 34. Rule ten (10), subsection ten (10), paragraph a, subparagraph two (2), by striking the subparagraph and inserting in lieu thereof the following:

(2) FAILURE TO COMPLY. If either party shall fail to abide by the time periods heretofore described, such party may not offer evidence on the issue of alibi without leave of court for good cause shown. In granting leave, the court may impose terms and conditions including a delay or continuance of trial. The right of a defendant to give evidence of alibi in his own testimony is not limited by the provisions of this rule.

Sec. 35. Rule ten (10), subsection ten (10), paragraph b, subparagraphs one (1) and two (2), by amending the paragraph title and subparagraph one (1), and by striking subparagraph two (2):

b. INSANITY AND DIMINISHED RESPONSIBILITY.

(1) DEFENSE OF INSANITY AND DIMINISHED RESPONSIBILITY.

If a defendant intends to rely upon the defense of insanity or diminished responsibility at the time of the alleged crime, the defendant shall, within the time provided for the filing of pretrial motions ~~or at such later time as the court may direct, inform the attorney for the government of such intention and file such notice~~ file written notice of such intention. The court may for good cause shown allow late filing of the notice or grant additional time to the parties to prepare for trial or make such other order as may be appropriate.

Sec. 36. Rule ten (10), subsection ten (10), paragraph b, subparagraph three (3), by striking the subparagraph and inserting in lieu thereof the following:

(3) STATE'S RIGHT TO EXPERT EXAMINATION. Where a defendant has given notice of the use of the defense of insanity or diminished responsibility and intends to call an expert witness or witnesses on that issue at trial the defendant shall within the time provided for the filing of pretrial motions file written notice of the name of each such witness. Upon such notice or as otherwise appropriate the court may upon application order the examination of the defendant by a state-named expert or experts whose names shall be disclosed to the defendant prior to examination.

Sec. 37. Rule eleven (11), headnote, is amended to read as follows:

Rule 11. SUPPRESSION OF EVIDENCE OBTAINED BY AN UNLAWFUL SEARCH AND SEIZURE.

Sec. 38. Rule twelve (12), subsection one (1), unnumbered paragraph one (1):

A defendant in a criminal case, ~~either after preliminary information, indictment, or information,~~ may examine all witnesses listed by the state on the indictment or information or notice of additional witnesses, conditionally or on notice or commission, in the same manner and with like effect and with the same limitations as in civil actions except as otherwise provided by statute and these rules. Depositions before indictment or trial information is filed may only be had with leave of court.

Sec. 39. Rule thirteen (13), subsections one (1), two (2), three (3), and four (4):

1. WITNESSES EXAMINED BY THE PROSECUTING ATTORNEY. When a witness subpoenaed by the prosecuting attorney pursuant to rule five (5) is summoned by the prosecuting attorney after complaint, indictment or information, the defendant shall have a right to be present and have the opportunity to cross-examine any witnesses whose appearance before the county attorney is required by this rule.

2. DISCLOSURE OF EVIDENCE BY THE ~~GOVERNMENT~~ STATE UPON DEFENSE MOTION OR REQUEST.

a. DISCLOSURE REQUIRED UPON REQUEST.

(1) Upon pretrial motion of a defendant the court shall order the attorney for the government state to permit the defendant to inspect and copy or photograph: Any relevant written or recorded statements made by the defendant or copies thereof, within the possession, custody or control of the government state, unless same shall have been included with the minutes of evidence accompanying the indictment or information; the substance of any oral statement made by the defendant which the government state intends to offer in evidence at the trial, including any voice recording of same; and the transcript or record of testimony of the defendant before a grand jury, whether or not the government state intends to offer same in evidence upon trial.

(2) When two or more defendants are jointly charged, upon motion of any defendant the court shall order the attorney for the government state to permit the defendant to inspect

and copy or photograph any written or recorded statement of a codefendant which the government state intends to offer in evidence at the trial, and the substance of any oral statement which the government state intends to offer in evidence at the trial made by a codefendant whether before or after arrest in response to interrogation by any person known to the codefendant to be a government state agent.

(3) Upon motion of the defendant, the court shall order the government state to furnish to defendant such copy of the defendant's prior criminal record, if any, as is then available to the government state.

b. DISCRETIONARY DISCOVERY.

(1) Upon motion of the defendant the court may order the attorney for the government state to permit the defendant to inspect, and where appropriate, to subject to scientific tests, items seized by the government state in connection with the alleged crime. The court may further allow the defendant to inspect and copy books, papers, documents, statements, photographs or tangible objects which are within the possession, custody or control of the government state, and which are material to the preparation of his or her defense, or are intended for use by the government state as evidence at the trial, or were obtained from or belong to the defendant.

(2) Upon motion of a defendant the court may order the attorney for the government state to permit the defendant to inspect and copy or photograph any results or reports of physical or mental examinations, and of scientific tests or experiments, made in connection with the particular case, or copies thereof, within the possession, custody or control of the government state.

3. DISCLOSURE OF EVIDENCE BY THE DEFENDANT.

a. DOCUMENTS AND TANGIBLE OBJECTS. If the court grants the relief sought by the defendant under subdivision subsection two (2), paragraph b, subparagraph one (1), of this rule, the court may, upon motion of the government state, order the defendant to permit the government state to inspect and copy books, papers, documents, statements other than those of the accused, photographs or tangible objects which are not privileged and are within the possession, custody or control of the defendant and which the defendant intends to introduce in evidence at trial.

b. REPORTS OF EXAMINATIONS AND TESTS. If the court grants relief sought by the defendant under ~~subdivision~~ subsection two (2), paragraph b, subparagraph one (1), of this rule, the court may, upon motion of the government state, order the defendant to permit the government state to inspect and copy the results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, within the possession or control of the defendant and which the defendant intends to introduce in evidence at the trial or which were prepared by a witness whom the defendant intends to call at the trial when such results or reports relate to his or her testimony.

c. TIME OF MOTION. A motion for the relief provided under ~~subdivision-two-(2)~~ subsection three (3) of this rule shall be made, if at all, within five days after any order granting similar relief to the defendant.

¶ 4. FAILURE TO EMPLOY EVIDENCE. When evidence intended for use and furnished under this rule is not actually employed at the trial, that fact shall not be commented upon at trial.

* 5. CONTINUING DUTY TO DISCLOSE. If, subsequent to compliance with an order issued pursuant to this rule, either party discovers additional evidence, or decides to use evidence which is additional to that originally intended for use, and such additional evidence is subject to discovery under this rule, the party shall promptly ~~notify-the-other-party~~ file written notice of the existence of the additional evidence to allow the other party to make an appropriate motion for additional discovery.

Sec. 40. Rule thirteen (13), subsection five (5), paragraph a, subparagraph four (4), by striking the subparagraph.

Sec. 41. Rule thirteen (13), subsection five (5), paragraph c:

c. FAILURE TO COMPLY. If at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with this rule or with an order issued pursuant to this rule, the court may upon timely application order such party to permit the discovery or inspection, grant a continuance, or prohibit the party from introducing any evidence not disclosed, or it may enter such other order as it deems just under the circumstances.

Sec. 42. Rule fourteen (14), subsections two (2) and three (3):

2. FOR PRODUCTION OF DOCUMENTS--DUCES TECUM. A subpoena may contain a clause directing the witness to bring with him or her any book, writing, or other thing under the witness' control which he or she is bound by law to produce as evidence. The court on motion may quash dismiss or modify the subpoena if compliance would be unreasonable or oppressive.

3. SERVICE. A subpoena may be served in any part of the state. It may be served by any adult person. A peace officer making service in a criminal case must serve without delay in his or her county, or city, ~~or town~~ any subpoena delivered to him or her for service and make a written return stating the time, place, and manner of service. When service is made by other than a peace officer, proof thereof shall be by affidavit. Service is made by showing the original to the witness and delivering a copy to him or her. ~~If a witness conceals himself or herself to avoid service of a subpoena, the officer may break open doors or windows for the purpose of making service.~~

Sec. 43. Rule fifteen (15), subsection one (1):

1. WHEN HELD. Where a plea of ~~other than~~ not guilty to an indictment or trial information is entered on behalf of the defendant, the court may order all parties to the action to appear before it for a conference to consider such matters as will promote a fair and expeditious trial.

Sec. 44. Rule sixteen (16):

Rule 16. TRIAL BY JURY OR COURT.

1. TRIAL BY COURT ALLOWED. Cases required to be tried by jury shall be so tried unless the defendant waives a jury trial ~~in writing~~ in a reported proceeding in open court.

2. FINDINGS. In a case tried without a jury the court shall ~~make a general finding. Where requested by any party before or during trial, the court shall~~ find the facts specially and in writing on the record, separately stating its conclusions of law and directing an appropriate judgment. ~~A request for findings is not a condition precedent for review of the judgment.~~

Sec. 45. Rule seventeen (17), subsection two (2), head-note:

2. ~~COMPLETION~~ DEPLETION OF PANEL.

Sec. 46. Rule seventeen (17), subsection five (5), paragraph m:

m. Because the juror is defendant in a similar indictment, or complainant ~~or private prosecutor~~ against the defendant or any other person indicted for a similar offense.

Sec. 47. Rule seventeen (17), subsection six (6):

6. EXAMINATION OF JURORS. Upon examination the jurors shall be sworn. If an individual juror is challenged, the juror may be examined as a witness to prove or disprove the challenge, and must answer every question pertinent to the inquiry thereon, but the juror's answer shall not afterwards be testimony against him or her. Other witnesses may also be examined on either side. The rules of evidence applicable to the trial of other issues shall govern the admission or exclusion of testimony on the trial of the challenge, and the court shall determine the law and the ~~fact~~ facts, and must allow or disallow the challenge.

Sec. 48. Rule seventeen (17), subsection ten (10):

10. PEREMPTORY CHALLENGES--NUMBER. If the offense charged in the indictment or information is ~~or may be punishable with imprisonment for life~~ a class A felony, the state and defendant shall each have the right to peremptorily challenge eight jurors and shall strike two jurors.

If the offense charged be a any other felony, the state and the defendant shall each have the right to peremptorily challenge four jurors and shall strike two jurors.

If the offense charged be is a misdemeanor, the state and the defendant shall each have the right to peremptorily challenge two jurors and shall strike two jurors.

Sec. 49. Rule seventeen (17), subsection twelve (12):

12. MULTIPLE DEFENDANTS. In a case where two or more than one defendant is defendants are tried, each defendant shall have one-half the number of challenges allowed in subdivision eleven (11) of this rule. The state shall be limited to the challenges and strikes specified in subdivision eleven (11). The defendants collectively shall be limited to two strikes.

Sec. 50. Rule eighteen (18), subsection one (1), paragraph a, subparagraph one (1):

(1) READING INDICTMENT AND PLEA. The clerk or prosecuting attorney must read the indictment or the supplemental indictment, ~~as required under the provision of the Code appropriate,~~ and state the defendant's plea to the jury.

Sec. 51. Rule eighteen (18), subsection one (1), paragraph b:

b. ORDER OF ARGUMENT--ARGUMENTS. When the evidence is concluded, unless the case is submitted to the jury on both sides without argument, the prosecuting attorney must commence,

the defendant follow by one or two counsel, at the defendant's option, unless the court permits the defendant to be heard by a larger number, and the prosecuting attorney conclude, confining himself to a response to the arguments of the defendant's counsel. Where two or more defendants are on trial for the same offense, they may be heard by one counsel each.

Sec. 52. Rule eighteen (18), subsections two (2), three (3) and four (4):

2. ADVANCE NOTICE OF EVIDENCE SUPPORTING INDICTMENTS OR INFORMATIONS. The prosecuting attorney, in offering trial evidence in support of an indictment, shall not be permitted to introduce any witness the minutes of whose testimony was not presented with the indictment to the court; in the case of informations, a witness may testify in support thereof if the witness' identity and a minute of the witness' evidence has been given pursuant to these rules. However, these provisions are subject to the following exception: Additional witnesses in support of the indictment or trial information may be presented by the prosecuting attorney if he or she has given the defendant's attorney of record, or the defendant if he or she has no attorney, a minute of such witness' testimony, at least seven ten days before the commencement of the trial.

3. FAILURE TO GIVE NOTICE. Whenever the prosecuting attorney desires to ~~introduce-evidence~~ call witnesses to support the indictment, of which he or she shall not have given seven ten days' notice because of insufficient time therefor since the prosecutor learned said evidence testimony could be obtained, the prosecutor may move the court for leave to introduce such evidence testimony, giving the same particulars as in the former case, and showing diligence, supported by affidavit or other evidence. Except where the evidence testimony goes to merely formal matters, if the court sustains said motion, the defendant shall elect whether said cause shall be continued on his motion, or the witness shall then testify. If said defendant shall not elect to have said cause continued, the prosecuting attorney may examine said witness in the same manner and with the same effect as though seven ten days' notice had been given defendant or the defendant's attorney as hereinbefore provided, except the prosecuting attorney, in the examination of witnesses, shall

be strictly confined to the matters set out in his or her motion.

4. REPORTING OF TRIAL. All the provisions relating to mode and manner of the trial of civil actions, report thereof, translation of the shorthand reporter's notes, the making of such reports and translation of the record, and in all other respects, apply to the trial of criminal actions. Upon request of any party, final arguments shall be reported.

Sec. 53. Rule eighteen (18), subsection five (5), paragraphs a, d, f, and g:

a. VIEW.

(1) WHEN TAKEN. When Upon motion made, when the court is of the opinion that it is proper, the jury should may view the place in-which where the offense is charged to have been committed, or in-which where any other material fact occurred. ~~†~~ The court may order the jury to be conducted in a body, in the custody of proper officers, to the place, which shall be shown them by a person appointed by the court for that purpose.

(2) ATTENDING OFFICERS. The officers must be sworn to suffer no person to speak to or communicate with the jury on any subject connected with the trial, or to do so themselves, except the person appointed by the court for that purpose, and that only to show the place to be viewed, and to return them into court without unnecessary unreasonable delay at a specified time.

d. ADMONITION TO JURORS. The jury, whether permitted to separate or kept together in charge of sworn officers, must be admonished by the court that it is their duty not to permit any person to speak to or communicate with them on any subject connected with the trial, and that any and all attempts to do so should be immediately reported by them to the court, and that they should not converse among themselves on any subject connected with the trial, or form or express an opinion thereon, until the cause is finally submitted to them, that they should not make an unauthorized visit to the scene of the alleged offense, and that they should refrain from conducting any unauthorized experiments or tests relating to the alleged offense. Said admonition must be given or referred to by the court at each adjournment during the progress of the trial previous to the final submission of the cause to the jury.

f. INSTRUCTIONS. Upon the conclusion of the arguments, the court shall charge the jury in writing, without oral explanation or qualification, stating the law of the case. The rules relating to the instruction of juries in civil cases shall be applicable to the trial of criminal prosecutions. After hearing the charge, the jury ~~may either decide in court or shall~~ retire for deliberation.

g. REPORT FOR INFORMATION. After the jury has retired for deliberation, if there be any disagreement as to any part of the testimony, or if it desires to be informed on any point of law arising in the cause, it must require the officer to conduct it into court, and, upon its being brought in, the information required may be given, in the discretion of the trial court. Where further information as to the testimony which was given at trial is taken by the jury, this shall be accomplished by the court reporter or other appropriate official reading from the reporter's notes. Where the court gives the jury additional instructions, this shall appear of record. Provided, that the procedures described in this section shall take place in the presence of defendant and counsel for the defense and prosecution, or after oral notice to the county attorney and defendant's counsel and provision of an opportunity to same to be present unless such presence is waived.

Sec. 54. Rule eighteen (18), subsection six (6), paragraphs a, b and c:

a. ILLNESS OF JURORS AND OTHER CASES. The court may discharge a jury because of any accident or calamity requiring it, or by consent of all parties, or when on an amendment a continuance is ordered, or if they have deliberated until it satisfactorily appears that they cannot agree. The case shall be retried ~~immediately or at a future time, as the court directs~~ within ninety days unless good cause for further delay is shown.

b. LACK OF JURISDICTION; NO OFFENSE CHARGED. The court may also discharge the jury ~~where~~ when it appears that it has no jurisdiction of the offense, or that the facts as charged in the indictment do not constitute an offense punishable by law.

c. CRIME COMMITTED IN ANOTHER STATE. If the jury be discharged because the court ~~has not~~ lacks jurisdiction of the offense charged in the indictment, the offense being committed out of the jurisdiction of this state, the defendant must

be discharged, or ordered to be retained in custody a reasonable time until the prosecuting attorney shall have a reasonable opportunity to inform the chief executive of the state in which the offense was committed of the facts, and for said officer to require the delivery of the offender.

Sec. 55. Rule eighteen (18), subsection seven (7), paragraph c:

c. ADJOURNMENTS DECLARED BY TRIAL COURT. While the jury is absent, the court may adjourn from time to time ~~as to~~ for other business, but it shall be nevertheless deemed open for every purpose connected with the cause submitted to the jury until a verdict is rendered or the jury is discharged.

Sec. 56. Rule eighteen (18), subsection eight (8), paragraph a:

a. MOTION BEFORE SUBMISSION TO JURY. The court on motion of a defendant or ~~of~~ on its own motion shall order the entry of judgment of acquittal of one or more offenses charged in the indictment after the evidence on either side is closed if the evidence is insufficient to sustain a conviction of such offense or offenses. If a defendant's motion for judgment of acquittal at the close of the evidence offered by the prosecuting attorney is not granted, the defendant may offer evidence without having waived his or her right to rely on such motion.

Sec. 57. Rule eighteen (18), subsection nine (9):

9. TRIAL OF QUESTIONS INVOLVING PRIOR CONVICTIONS. After conviction of the primary or current offense, but prior to pronouncement of sentence, if the indictment or information alleges one or more prior convictions which by the Code subjects the offender to an increased sentence, the offender shall have the opportunity in open court to affirm or deny that he or she is identical with the person previously convicted, or that he or she was not represented by counsel and did not waive counsel. If the offender denies he or she is the person previously convicted, sentence shall be postponed for such time as to permit a trial before a jury on the issue of the offender's identity with the person previously convicted. Other objections shall be heard and determined by the court, and these other objections shall be asserted prior to trial of the substantive offense in the manner presented in rule ten (10). On the issue of identity, the court may in its discretion reconvene the jury which heard the current offense or dismiss that jury and submit the issue

to another jury to be later impaneled. If the offender is found by the jury to be the person previously convicted, or if the offender acknowledged that he or she is such person, the offender shall be sentenced as prescribed in the Code.

Sec. 58. Rule nineteen (19), subsection three (3), paragraph a:

a. Before any witness shall be compelled to answer or to produce evidence in any judicial proceeding after having asserted that such answer or evidence would tend to render him or her criminally liable, incriminate him or her or violate his or her right to remain silent, the witness must knowingly waive his right or: *

Sec. 59. Rule nineteen (19), subsection three (3), paragraph a, subparagraph one (1), unnumbered part one (1):

A county attorney or the attorney general must file with a district ~~court~~ judge ~~or-district-associate-judge~~ a verified application setting forth that:

Sec. 60. Rule nineteen (19), subsection three (3), paragraph b:

b. A complete verbatim transcript of testimony given pursuant to an order of immunity shall be made and filed with the application and the order of court. The application, order granting immunity and all transcripts filed shall be sealed upon motion of the defendant, county attorney, or attorney general and shall be opened only by order of the court. This section shall not bar the use of the transcript as evidence in any proceeding except the transcript shall not be used in any proceeding against the witness ~~himself~~ except for perjury or contempt.

Sec. 61. Rule twenty (20), subsection one (1):

1. RULES. The rules of evidence prescribed in civil procedure shall apply to criminal proceedings as far as applicable and not inconsistent with the provisions of ~~this-rule~~ statutes and these rules.

Sec. 62. Rule twenty (20), by striking subsection five (5).

Sec. 63. Rule twenty (20), subsection six (6), unnumbered paragraphs one (1) and three (3):

6. EVIDENCE OF PAST SEXUAL CONDUCT IN TRIALS OF SEXUAL ABUSE. In prosecutions for the crime of sexual abuse, evidence of the prosecuting witness' previous sexual conduct shall not be admitted, nor reference made thereto in the presence of the jury, except as provided herein. Evidence of the

*No apparent change

prosecuting witness' previous sexual conduct shall be admissible upon appropriate order of the court if the defendant shall make application to the court ~~before or during the~~ not later than five days before trial.

In no event shall such evidence of previous sexual conduct of the prosecuting witness committed more than one year prior to the date of the alleged crime be admissible upon the trial, except previous sexual conduct with the defendant. Nothing in this ~~section~~ rule shall limit the right of either the state or the accused to impeach credibility by the showing of prior felony convictions which are otherwise admissible.

Sec. 64. Rule twenty-one (21), subsection one (1):

1. FORM OF VERDICTS. In open court the jury must render a verdict of "guilty", which imports a conviction, or "not guilty" or "not guilty by reason of insanity" or "not guilty by reason of diminished responsibility" which imports acquittal, on the material allegations in the charge, ~~however, upon a plea of former conviction or acquittal of the same offense, it shall be "for the state" or "for the defendant"~~. The jury shall return a verdict determining the degree of guilt in cases submitted to determine the grade of the offense.

Sec. 65. Rule twenty-one (21), subsection eight (8):

8. ACQUITTAL ON GROUND OF ~~MENTAL ILLNESS~~ INSANITY OR DIMINISHED RESPONSIBILITY; COMMITMENT. If the defense is ~~mental illness~~ insanity or diminished responsibility of the defendant, the jury must be instructed, if it acquits the defendant on that ground, to state that fact in its verdict. Upon hearing, the court may thereupon, if the defendant is found to be dangerous to the public peace and safety, order the defendant committed to one of the mental health institutes or the Iowa security medical facility, or retained in custody, until he or she demonstrates good mental health and is considered no longer dangerous to the public peace and safety or to himself.

Sec. 66. Rule twenty-two (22), subsection three (3), paragraph d:

d. JUDGMENT ENTERED. If no sufficient cause is shown why judgment should not be pronounced, and none appears to the court upon the record, judgment shall be rendered. Prior to such rendition, counsel for the defendant, and the defendant personally, shall be allowed to address the court where either wishes to make a statement in mitigation of punishment. In every case the court shall include in the judgment entry the

number of the particular section of the Code under which the defendant is sentenced. The court shall state on the record its reason for selecting the particular sentence.

Sec. 67. Rule twenty-two (22), subsection three (3), paragraph e:

e. NOTIFICATION OF RIGHT TO APPEAL. After imposing sentence in a case, the court shall advise the defendant of his or her statutory right to appeal as provided in rule fifteen point one (15.1) of the rules of the supreme court.

Sec. 68. Rule twenty-two (22), subsection three (3), by striking paragraph g.

Sec. 69. Rule twenty-three (23), subsection two (2), paragraph b, subparagraphs one (1) and eight (8) and subsection four (4), paragraphs d and e:

(1) When the trial has been held in the absence of the defendant, in cases where such presence is required by law, except as provided in rule twenty-five (25) of the rules of criminal procedure.

(8) When the defendant has discovered important and material evidence in his or her favor since the verdict, which the defendant could not with reasonable diligence have discovered and produced at the trial. A motion based upon this ground may shall be made without unreasonable delay and, in any event, within two years after final judgment, but such motion may be considered thereafter upon a showing of good cause. When a motion for a new trial is made upon the ground of newly discovered evidence, the defendant must produce at the hearing, in support thereof, the affidavits or testimony of the witnesses by whom such evidence is expected to be given, and if time is required by the defendant to procure such affidavits or testimony, the court may postpone the hearing of the motion for such length of time as, under all circumstances of the case, may be reasonable.

d. CUSTODY PENDING APPELLATE DETERMINATION. Pending determination by the supreme appellate court of such appeal, the trial court shall determine whether the defendant shall remain in custody, or whether, if in custody, the defendant should be released on bail or his or her own recognizance. Where the trial court has arrested judgment and an appeal is taken by the state, and it further appears to the trial court that there is no evidence sufficient to charge the defendant with an offense, the defendant shall not be held in custody.

e. REINSTATEMENT OF VERDICT. In the event the supreme appellate court reverses the order of the trial court arresting judgment or granting a new trial, it shall order that the verdict be reinstated, unless the supreme appellate court finds other errors, in which event it may order that the verdict be set aside and a new trial be granted.

Sec. 70. Rule twenty-three (23), subsection two (2), paragraph d:

d. EFFECT OF A NEW TRIAL. ~~The-granting-of~~ Upon a new trial ~~places-the-parties-in-the-same-position-as-if-no-trial-had-been-had,-all-the-testimony-must-be-produced-anew-and,~~ the former verdict cannot be used or referred to either in evidence or argument.

Sec. 71. Rule twenty-three (23), subsection four (4), paragraph a:

a. EXTENSIONS. The time for filing motions for new trial or in arrest of judgment may be extended to such further time as the court may fix ~~during-the-six-day-period.~~

Sec. 72. Rule twenty-three (23), subsection four (4), paragraph e:

e. REINSTATEMENT OF VERDICT. In the event the supreme court reverses the order of the trial court arresting judgment or granting a new trial, it shall order that the verdict be reinstated, unless the supreme court finds other reversible errors, in which event it may ~~order-that-the-verdict-be-set-aside-and-a-new-trial-be-granted~~ enter an appropriate different order.

Sec. 73. Rule twenty-three (23), subsection five (5), paragraph a:

a. TIME WHEN CORRECTION OF SENTENCE MAY BE MADE. The court may correct an illegal sentence at any time ~~and-may-correct-a-sentence-imposed-in-an-illegal-manner-within-one-hundred-twenty-days-after-receipt-by-the-court-of-a-mandate-issued-upon-affirmance-of-the-judgment-or-dismissal-of-the-appeal.~~

Sec. 74. Rule twenty-four (24), subsection one (1), paragraph e and subsection two (2), paragraph a:

e. EXECUTION IN OTHER CASES. When the judgment is for the abatement or removal of a nuisance, or for anything other than confinement or payment of money by the defendant, an execution consisting of a certified copy of the entry of such judgment, delivered to the sheriff of the proper county, shall authorize and require the sheriff to execute such judgement

judgment, and he or she shall return the same, with the sheriff's doings under the same thereon endorsed, to the clerk of the court in which the judgment was rendered, within a time specified by the court but not exceeding seventy days after the date of the certificate of such certified copy.

a. CONFINEMENT. A sentence of confinement shall be stayed if an appeal is taken and the defendant is released pending disposition of appeal pursuant to chapter two (2), division fourteen (XIV) of this Act.

Sec. 75. Rule twenty-five (25), subsection four (4), by striking paragraph a, and by relettering the remaining paragraphs.

Sec. 76. Rule twenty-five (25), subsection four (4), paragraph c:

c. When a magistrate reasonably believes a person who is present in the courtroom ~~is supposed by a magistrate to have upon his or her person~~ has a weapon in his or her possession, the magistrate ~~or judge~~ may direct that such person be searched, and any weapon be retained subject to order of the court.

Sec. 77. Rule twenty-six (26):

Rule 26. RIGHT TO ASSIGNED APPOINTED COUNSEL.

1. REPRESENTATION. Every defendant who is an indigent as defined in section three hundred thirty-six A point four (336A.4) of the Code shall be entitled to have counsel ~~assigned~~ appointed to represent him or her at every stage of the proceedings from the defendant's initial appearance before the magistrate or the court through appeal, including probation and parole revocation hearings, unless the defendant waives such appointment.

2. COMPENSATION. When counsel is ~~assigned~~ appointed to represent an indigent defendant, ~~or to serve as standby counsel as provided in rule eight (8)~~, compensation shall be paid as directed in division fifteen (XV) of this chapter.

Sec. 78. Rule twenty-nine (29), by striking subsection one (1) and inserting in lieu thereof the following:

1. DISTRICT COURT PRACTICE RULES. The supreme court and district court shall have authority to adopt rules governing practice in the district court which are not inconsistent with these rules and applicable statutes.

Sec. 79. Section one thousand three hundred one (1301) is amended by striking rule thirty-one (31).

Sec. 80. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter two (2), section one thousand three hundred two (1302), rules thirty-three (33), thirty-four (34), thirty-six (36), thirty-nine (39), forty-two (42), forty-eight (48), and fifty-three (53) through fifty-six (56) are amended by sections eighty-one (81) through ninety (90) of this Act as follows:

Sec. 81. Rule thirty-three (33):

Rule 33. ~~APPLICABILITY OF DISTRICT-COURT RULES~~ INDICTABLE OFFENSE RULES. Procedures not provided for herein shall be governed by the provisions of these rules which are by their nature applicable relating to trial of indictable offenses, and by the statutes of the state of Iowa.

Sec. 82. Rule thirty-four (34):

Rule 34. TO WHOM TRIED. Judicial magistrates and district associate judges ~~must~~ may hear, try and determine ~~all~~ simple misdemeanors. District judges may transfer any simple misdemeanors pending before them to the nearest judicial magistrate or district associate judge.

Sec. 83. Rule thirty-six (36), subsection three (3):

3. A ~~brief-and~~ concise statement of the act or acts constituting the offense, including the time and place of its commission as near as may be, and identifying by number the provision of law alleged to be violated.

Sec. 84. Rule thirty-nine (39):

Rule 39. ARREST. The officer who receives the warrant shall arrest the defendant and bring the defendant before the magistrate without unnecessary delay or serve ~~that the~~ citation in the manner provided in chapter two (2), division ~~five-(5)~~ four (IV) of this Act.

Sec. 85. Rule forty-two (42), subsection three (3), unnumbered paragraph two (2):

In ~~appropriate~~ cases where the defendant faces the possibility of imprisonment, the court shall appoint counsel for an indigent defendant in accordance with procedures established under rule two (2), ~~subdivision~~ subsection three (3) of the rules of criminal procedure. The magistrate shall allow the defendant reasonable time and opportunity to consult with counsel, in the event the defendant expresses a desire to do so.

Sec. 86. Rule forty-eight (48), subsection nine (9):

9. ~~RECORD. Upon the trial, the judicial magistrate shall make minutes of the testimony of each witness and append the~~

~~exhibits or copies thereof.~~ The proceedings upon trial shall not be reported, unless a party provides a reporter at such party's expense. By agreement of the parties the magistrate may cause the proceedings upon trial to be reported electronically. If the proceedings are being electronically recorded both parties shall be notified in advance of that recording. If the defendant is indigent and requests that the proceedings upon trial be reported, the judicial magistrate shall cause them to be reported by a reporter, or electronically, at public expense. If the proceedings are not reported electronically, the judicial magistrate shall make minutes of the testimony of each witness and append the exhibits or copies thereof. If the proceedings have been reported electronically the recording shall be retained under the jurisdiction of the magistrate and upon request shall be transcribed only by a person designated by the court under the supervision of the magistrate. The transcription shall be provided anyone requesting ~~same~~ it upon payment of actual cost of transcription or to an indigent defendant as herein above provided.

Sec. 87. Rule fifty-four (54), subsection one (1):

1. NOTICE OF APPEAL. An appeal may be taken by the plaintiff only upon a finding of invalidity of an ordinance or statute. In all other cases, an appeal may only be taken by the defendant and only upon a judgment of conviction. Execution of the judgment shall be stayed upon the filing with the clerk of the district court an appeal bond with surety approved by the clerk, in the sum specified in the judgment. The defendant may take an appeal, by giving notice orally to the magistrate that he or she appeals, or by delivering to the magistrate not later than ten days thereafter, a written notice of the defendant's appeal, and in either case the magistrate must make an entry on its docket of the giving of such notice. Payment of fine or service of a sentence of imprisonment does not waive the right to appeal, nor render the appeal moot. When an appeal is taken, the magistrate shall forward to the appropriate district court clerk a copy of the docket entries in the magistrate's court, together with copies of the complaint, warrant, motions, pleadings, the magistrate's minutes of the witness' testimony and the exhibits or copies thereof and all other papers in the case. A district judge shall promptly hear the appeal upon the record thus filed without further evidence if the

original action was tried by a district judge, district associate judge, or magistrate appointed under sections six hundred two point fifty-one (602.51) or six hundred two point fifty-nine (602.59) of the Code unless the district court judge hearing the appeal either upon application of any party or on the district judge's own motion orders the appeal heard de novo on the grounds the record is inadequate. If the original action was tried by a magistrate appointed under sections six hundred two point fifty (602.50) or six hundred two point fifty-eight (602.58) of the Code, the district judge shall promptly hear the appeal de novo. Within ten days after an appeal is taken, unless extended by order of a district judge or by stipulation of the parties, any party may file with the clerk, as a part of the record, a transcript of the official report, if any, and, in the event the report was made electronically, the tape or other medium on which the proceedings were preserved. If the original action was tried before a district judge acting as a judicial magistrate, the appeal shall be to a different district judge. The judge shall decide the appeal without regard to technicalities or defects. Judgment shall be rendered as though the case were being originally tried. The right to further appeal is governed by division fourteen (XIV), section one thousand four hundred six (1406).

Sec. 88. Rule fifty-four (54), by striking subsection four (4).

Sec. 89. Rule fifty-five (55):

Rule 55. NEW TRIAL. The magistrate, on motion of a defendant, may grant a new trial pursuant to the grounds set forth in rule twenty-three (23) of the rules of criminal procedure, except that a motion for a new trial based on newly discovered evidence must be made within six months after the final judgment. ~~A motion for a new trial based on the ground of newly discovered evidence may be made only before or within thirty days after final judgment.~~ A motion for a new trial based on any other grounds shall be made within seven days after a finding of guilty or within such further time as the court may fix during the seven-day period.

Sec. 90. Rule fifty-six (56):

Rule 56. CORRECTION OR REDUCTION OF SENTENCE. The magistrate may correct an illegal sentence at any time and may correct a sentence imposed in an illegal manner within the time provided herein for the reduction of sentence. The

magistrate may reduce a sentence within ten days after the sentence is imposed or within ten days after the receipt by the magistrate of a mandate issued upon affirmance of the judgment or dismissal of the appeal, or within ten days after entry of any order or judgment of the supreme appellate court denying review of, or having the effect of upholding, a judgment of conviction. The court may also reduce a sentence upon revocation of probation as provided by law.

Sec. 91. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter two (2), forms one (1) through ten (10) and A through D are amended by sections ninety-two (92) through one hundred five (105) of this Act as follows:

Sec. 92. Form one (1), heading:

FORM 1
SEARCH WARRANT

State of Iowa
County of _____
Criminal Case No. _____

Sec. 93. Form two (2):

FORM 2
ARREST WARRANT ON A COMPLAINT

State of Iowa
County of _____
Criminal Case No. _____

To any peace officer of the state:

Complaint upon oath or affirmation having been this day filed with me, charging that the crime (naming it) has been committed and accusing A _____ B _____ thereof:

You are commanded forthwith to arrest the said A _____ B _____ and bring such person before me at (naming the place), or, in case of my absence or inability to act, before the nearest or most accessible magistrate in this county, without unnecessary delay.

Dated at _____ this _____ day of _____, _____.

C _____ D _____
(with official title)

Sec. 94. Form three (3), heading:

FORM 3

ARREST WARRANT AFTER INDICTMENT OR INFORMATION

State of Iowa

County of _____

Criminal Case No.

Sec. 95. Form four (4), heading:

FORM 4

ARREST WARRANT WHEN DEFENDANT FAILS TO APPEAR FOR SENTENCING

State of Iowa

County of _____

Criminal Case No.

Sec. 96. Form five (5), heading:

FORM 5

BAIL BOND

State of Iowa

County of _____

Criminal Case No.

Sec. 97. Form six (6), heading:

FORM 6

ORDER FOR DISCHARGE OF DEFENDANT UPON BAIL

State of Iowa

County of _____

Criminal Case No.

Sec. 98. Form seven (7), heading:

FORM 7

ORDER FOR DISCHARGE OF DEFENDANT UPON BAIL: ANOTHER FORM

(For endorsement on warrant or order of commitment)

State of Iowa

County of _____

Criminal Case No.

Sec. 99. Form eight (8), heading:

FORM 8

TRIAL INFORMATION

(also designated County Attorney's Information)

IN THE DISTRICT COURT OF _____ COUNTY

STATE OF IOWA

vs.

INFORMATION

A _____ B _____

Criminal Case No.

Sec. 100. Form nine (9), heading:

FORM 9

GENERAL INDICTMENT FORM

IN THE DISTRICT COURT OF IOWA IN AND FOR _____ COUNTY
STATE OF IOWA

vs.

INDICTMENT

A _____ B _____

Criminal Case No. _____

Sec. 101. Form ten (10), unnumbered paragraphs seventeen (17), thirty-one (31), thirty-five (35), forty-nine (49), fifty-one (51), and sixty-two (62):

Driving under suspension: A.B. operated a motor vehicle while his or her license was (under suspension) (revoked).

Homicide Murder: A.B. committed homicide murder in the _____ degree, resulting in the death of C.D.

Indecent exposure: A.B. indecently exposed himself or herself to C.D.

Prostitution: A.B. committed prostitution by offering his/her his or her services for sale (or selling his or her services) as a partner in a sex act; A.B. purchased (or offered to purchase) C.D.'s services as a partner in a sex act.

~~Reckless-endangerment:--A.B.--recklessly-endangered-human life-or-safety--(thereby-seriously-injuring-C.D.)-~~

A similar short form indictment may be used for offenses not appearing in this table, provided it complies with the requirements of rule four (4), subsection seven (7) ~~Iowa-Rules of-Criminal-Procedure~~ rules of criminal procedure.

Sec. 102. Form A:

FORM A

COMPLAINT

State of Iowa Before (Judge, Magistrate) _____
County of _____ ~~(insert-name-of-lower-court-judge or-magistrate)~~

Criminal Case No. _____

State of Iowa

vs.

A _____ B _____, Defendant

The defendant is accused of the crime of (here name the offense and ~~provide-numerical-designation~~ code or ordinance section), in that the defendant on the _____ day of _____, _____, at the _____ (here locate the city, or township where the offense occurred),

in _____ county, did (state the acts or omissions constituting the offense).

/s/ _____

Sec. 103. Form B:

FORM B

CONSENT TO FORFEITURE OF COLLATERAL AS DISPOSITION OF MISDEMEANOR

State of Iowa

County of _____

Criminal Case No. _____

I, the undersigned, agree to have the amount of \$ _____ forfeited as a fine and my case terminated. I do this with the following understanding:

1. I have been charged with the offense of _____ (here name the offense and provide-numerical-designation code or ordinance section).

2. I understand my rights, including my right to trial before the court on such charge, and voluntarily waive same, understanding that forfeiture of the aforesaid amount terminates my right to a trial and constitutes a conviction of the offense charged.

(Signature of defendant)

Sec. 104. Form C, heading:

FORM C

NOTICE OF APPEAL TO A DISTRICT COURT JUDGE FROM A JUDGMENT OR ORDER

State of Iowa

County of _____

Criminal Case No. _____

Sec. 105. Form D, heading:

FORM D

BAIL BOND ON APPEAL TO DISTRICT COURT

State of Iowa

County of _____

Criminal Case No. _____

Sec. 106. Chapter two (2), division thirteen (XIII) is amended by adding the following new section before section one thousand three hundred one (1301):

NEW SECTION. TITLE. These rules shall be known as the rules of criminal procedure. (R. Cr. P.).

Approved July 10, 1977

CHAPTER 154

COMMUNITY-BASED CORRECTIONAL PROGRAM

S. F. 112

AN ACT relating to correction programs by providing work adjustment and training positions at the Riverview release center and requiring that each judicial district in this state develop and maintain a community-based correctional program, providing for the administration, support and content of those programs, extending the work release program, and repealing sections two hundred seventeen point twenty-four (217.24) through two hundred seventeen point twenty-nine (217.29) of the Code.

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

Section 1. As used in this Act, unless the context otherwise requires:

1. "Administrative agent" means the county selected by the district board to perform accounting, budgeting, personnel, facilities management, insurance, payroll and other supportive services on the behalf of the district board.

2. "Community-based correctional program" means correctional programs and services designed to supervise and assist individuals who are charged with or have been convicted of a felony, an aggravated misdemeanor or a serious misdemeanor, or who are on probation in lieu of or as a result of a sentence of incarceration imposed upon conviction of any of these offenses.

3. "Director" means the director of a judicial district department of correctional services.

4. "District board" means the board of directors of a judicial district department of correctional services.

5. "District department" means a judicial district department of correctional services, established as required by section two (2) of this Act.

6. "Project" means a locally functioning part of a community-based correctional program, officed and operating in a physical location separate from the offices of the district department.

7. "Project advisory committee" means a committee of no more than seven persons which shall act in an advisory capacity to the director on matters pertaining to the planning, operation and other pertinent functions of each project in the judicial district. The members of the project advisory committee for each such project shall be initially appointed by the director from among the general public. No member of the project advisory committee shall hold public office or public employment during membership on such committee. The terms of the initial members of the project advisory committee shall be staggered to permit the terms of just over half of the members to expire in two years and those of the remaining members to expire in one year. Subsequent appointments to the project advisory committee shall be by vote of a majority of the whole project advisory committee for two-year terms.

Sec. 2. NEW SECTION. DISTRICT DEPARTMENTS ESTABLISHED. There shall be established in each judicial district in this state a public agency to be known as the "_____ judicial district department of correctional services." Each district department shall furnish or contract for those services necessary to provide a community-based correctional program which meets the needs of that judicial district. The district department shall be under the direction of a board of directors, selected as provided in section three (3) of this Act, and shall be administered by a director employed by the board.

Sec. 3. NEW SECTION. BOARD OF DIRECTORS--EXECUTIVE COMMITTEE--EXPENSES REIMBURSED.

1. The board of directors of each district department shall be composed as follows:

a. One member shall be chosen from and by the board of supervisors of each county in the judicial district and shall be so designated annually by the respective boards of supervisors at the organizational meetings held under section three hundred thirty-one point thirteen (331.13) of the Code.

b. One member shall be chosen from each of the project advisory committees within the judicial district, which person shall be designated annually, no later than January fifteenth by and from the project advisory committee.

c. A number of members equal to the number of authorized board members from project advisory committees shall be appointed by the judges of the judicial district no later than January fifteenth of each year.

Within thirty days after the members of the district board have been so designated for the year, the district board shall organize by election of a chairperson, a vice chairperson and members of the executive committee as required by subsection two (2) of this section. The district board shall meet at least quarterly during the calendar year but may meet more frequently upon the call of the chairperson or upon a call signed by a majority, determined by weighted vote computed as in subsection four (4) of this section hereinafter, of the members of the board.

2. Each district board shall have an executive committee consisting of the chairperson and vice chairperson and at least one but no more than five other members of the district board. Either the chairperson or the vice chairperson shall be a supervisor, and the remaining representation on the executive committee shall be divided as equally as possible among supervisor members, project advisory committee members, and judicially-appointed members. The executive committee may exercise all of the powers and discharge all of the duties of the district board, as prescribed by this Act, except those specifically withheld from the executive committee by action of the district board.

3. The members of the district board and of the executive committee shall be reimbursed from funds of the district department for travel and other expenses necessarily incurred in attending meetings of those bodies, or while otherwise engaged on business of the district department.

4. Each member of the district board shall have one vote on the board. However, upon the request of any supervisory member, the vote on any matter before the board shall be taken by weighted vote. In each such case, the vote of the supervisor representative of the least populous county in the judicial district shall have a weight of one unit, and the vote of each of the other supervisor members shall have a weight which bears the same proportion to one unit as the population of the county that supervisor member represents bears to the population of the least populous county in the district. In the event of weighted vote, the vote of each member appointed from a project advisory committee and each judicially appointed member shall have a weight of one unit.

Sec. 4. NEW SECTION. DUTIES OF THE BOARD. The district board shall:

1. Adopt bylaws and rules for the conduct of its own business and for the government of the district department's community-based correctional program.

2. Employ a director having the qualifications required by section six (6) of this Act to head the district department's community-based correctional program and, within a range established by the state department of social services, fix the compensation of and have control over the director and the district department's staff. For purposes of collective bargaining under chapter twenty (20) of the Code, employees of the district board who are not exempt from chapter twenty (20) of the Code shall be employees of the state, and the employees of all of the district boards shall be included within one collective bargaining unit.

3. Designate one of the counties in the judicial district to serve as the district department's administrative agent and to provide, in that capacity, all accounting, personnel, facilities management and supportive services needed by the district department, on such terms as may be mutually agreeable in regard to advancement of funds to the county for the added expense it incurs as a result of being so designated.

4. File with the board of supervisors of each county in the district and with the state department of social services, within thirty days after the close of each fiscal year, a report covering the district board's proceedings and a statement of receipts and expenditures during the preceding fiscal year.

5. Arrange for, by contract or on such alternative basis as may be mutually acceptable, and equip suitable quarters at one or more sites in the district as may be necessary for the district department's community-based correctional program, provided that the board shall to the greatest extent feasible utilize existing facilities and shall keep capital expenditures for acquisition, renovation and repair of facilities to a minimum.

6. Have authority to accept property by gift, devise, bequest or otherwise and to sell or exchange any property so accepted and apply the proceeds thereof, or the property received in exchange therefor, to the purposes enumerated in subsection five (5) of this section.

7. Recruit, promote, accept and use local financial support for the district department's community-based correctional program from private sources such as community service funds, business, industrial and private foundations, voluntary agencies and other lawful sources.

8. Accept and expend state and federal funds available directly to the district department for all or any part of the cost of its community-based correctional program.

9. Arrange, by contract or on such alternative basis as may be mutually acceptable, and with approval of the director of the division of adult corrections of the department of social services or that director's designee for utilization of existing local treatment and service resources, including but not limited to employment, job training, general, special or remedial education; psychiatric and marriage counseling; and alcohol and drug abuse treatment and counseling. It is the intent of this Act that a district board shall approve the development and maintenance of such resources by its own staff only if the resources to be so developed and maintained are otherwise unavailable to the district department within reasonable proximity to the community where these services are needed in connection with the community-based correctional program.

Sec. 5. NEW SECTION. FUNCTIONS OF COUNTIES DESIGNATED ADMINISTRATIVE AGENTS.

1. The county designated under section four (4), subsection three (3) of this Act as administrative agent for each district department shall submit that district department's budget and supporting information to the state department of social services in accordance with the provisions of chapter eight (8) of the Code. The state department shall incorporate the budgets of each of the district departments into its own budget request, to be processed as prescribed by the uniform budget, accounting and administrative procedures established by the state comptroller. Funds appropriated pursuant to the budget requests of the respective district departments shall be allocated on a quarterly basis, and the state comptroller shall authorize advancement of the funds so allocated to each district department's administrative agent at the beginning of each fiscal quarter.

2. For all administrative purposes, other than negotiations regarding the terms and conditions of employment, all employees of each district department shall be considered employees

of the county designated by the district board as the administrative agent for that district department.

3. The administrative agent shall perform only those administrative functions assigned to it by the district board and shall not perform any activity unless especially directed to do so by the district board.

Sec. 6. NEW SECTION. DUTIES OF DIRECTOR. The director employed by the district board under section four (4), subsection two (2) of this Act shall be qualified in the administration of correctional programs. The director shall:

1. Perform the duties and have the responsibilities delegated by the district board or specified by the state department of social services pursuant to this Act.

2. Manage the district department's community-based correctional program, in accordance with the policies of the district board and the state department of social services.

3. Employ, with approval of the district board, and supervise the employees of the district department.

4. Assist the county serving as administrative agent for the district department to prepare all budgets and fiscal documents, and certify for payment all expenses and payrolls lawfully incurred by the district department.

5. Act as secretary to the district board, prepare its agenda and record its proceedings.

6. Develop and submit to the district board a plan for the establishment, implementation and operation of a community-based correctional program in that judicial district, which program conforms to the guidelines drawn up by the state department of social services under this Act.

7. Negotiate and, upon approval by the district board, implement contracts or other arrangements for utilization of local treatment and service resources authorized by section four (4), subsection nine (9) of this Act.

Sec. 7. NEW SECTION. ASSISTANCE BY STATE DEPARTMENT. The state department of social services shall provide assistance and support to the respective judicial districts to aid them in complying with this Act, and shall promulgate rules pursuant to chapter seventeen A (17A) of the Code establishing guidelines in accordance with and in furtherance of the purposes of this Act. The guidelines so adopted shall include, but need not be limited to, requirements that each district department:

1. Provide pretrial release, presentence investigations, probation services, and residential treatment centers throughout the district, as necessary.
2. Locate community-based correctional program services in or near municipalities providing a substantial number of treatment and service resources.
3. Follow practices and procedures which maximize the availability of federal funding for the district department's community-based correctional program.
4. Provide for gathering and evaluating performance data relative to the district department's community-based correctional program.
5. Maintain personnel and fiscal records on a uniform basis.

Sec. 8. NEW SECTION. STATE FUNDS ALLOCATED. The state department of social services shall provide for the allocation among judicial districts in the state of any state funds appropriated for the establishment, operation, support and evaluation of community-based correctional programs and services. However, no state funds shall be allocated under this section to any judicial district unless the state department has reviewed and approved that district department's community-based correctional program for compliance with the requirements of this Act and the guidelines adopted under section seven (7) of this Act.

Sec. 9. NEW SECTION. REPORT OF REVIEW--SANCTION. Upon completion of a review of a district community-based correctional program, made under section eight (8) of this Act, the state department of social services shall submit its findings to the district board in writing. If the state department concludes that the district department's community-based correctional program fails to meet any of the requirements of this Act and of the guidelines adopted under section seven (7) of this Act, it shall also request in writing a response to this finding from the district board. If no response is received within sixty days after the date of that request, or if the response is unsatisfactory, the state department may call a public hearing on the matter. If after the hearing, the state department is not satisfied that the district's community-based correctional program will expeditiously be brought into compliance with the requirements of this Act and of the guidelines adopted under section seven (7) of this Act, it may assume responsibility for

administration of the district's community-based correctional program on an interim basis.

Sec. 10. NEW SECTION. POST-INSTITUTIONAL PROGRAMS AND SERVICES. Persons participating in post-institutional services shall remain under the jurisdiction of the state department of social services' division of corrections. The state department shall maintain adequate personnel to provide post-institutional residential services, parole services, and supervision of persons transferred into the state under the interstate compact for supervision of parolees and probationers.

Sec. 11. Section two hundred forty-seven point twenty-four (247.24), Code 1977, is amended to read as follows:

247.24 PAROLE AGENT AND PROBATION AGENT AS PEACE OFFICER OFFICERS. Any agent or investigator appointed or employed by the chief parole agent or by the director of a judicial district department of correctional services for the purpose of making investigations and of apprehending and returning persons granted a parole or probation under the jurisdiction of the chief parole agent or of the director of a judicial district department of correctional services to any institution, shall, while engaged in such duty or work, have all the powers of peace officers.

Sec. 12. Section seven hundred eighty-nine A point one (789A.1), subsection two (2), Code 1977, is amended to read as follows:

2. By record entry at time of or after sentencing, the court may suspend the sentence and place the defendant on probation upon such terms and conditions as it may require including commitment to an alternate jail facility or a community correctional residential treatment facility for a specific number of days to be followed by a term of probation as specified in section seven hundred eighty-nine A point two (789A.2) of the Code. A person so committed who has probation revoked shall be given credit for such time served.

Sec. 13. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section one hundred two (102), is amended to read as follows:

SEC. 102. NEW SECTION. PRESENTENCE INVESTIGATION. Upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction of any public offense may be rendered, the court shall receive from the state, from

the judicial district department of correctional services, and from the defendant any information which may be offered which is relevant to the question of sentencing. The court may consider information from other sources, and, if the offense is a felony, shall order that a presentence investigation be made. If the offense is not a felony, the court may, in its discretion, order that a presentence investigation be made whenever the maximum period of confinement which may be imposed is in excess of thirty days.

The court may withhold execution of any judgment or sentence for such time as shall be reasonably necessary for an investigation with respect to deferment of judgment or suspension of sentence and probation. The investigation shall be made by the ~~probation-and-parole-service,-or-by-another appropriate-agency-as-determined-by-the-court~~ judicial district department of correctional services.

Sec. 14. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section five hundred one (501), is amended to read as follows:

SECTION 501. NEW SECTION. PROBATION ~~AND-PAROLE~~ SERVICE. Pursuant to designation by the court, ~~parole-and~~ probation services shall be provided by ~~the-department-of-social-services or-by-a-local-agency-established-under-chapter-two-hundred-seventeen-(247)-of-the-Code~~ the judicial district department of correctional services. ~~Parole-and-probation~~ Probation officers shall perform the duties assigned to them by law and by the director of the ~~agency-by-which-they-are-employed~~ judicial district department of correctional services.

Sec. 15. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section five hundred two (502), is amended to read as follows:

SEC. 502. NEW SECTION. PAROLE OFFICERS AND PROBATION OFFICERS. Parole officers and probation officers, while performing their duties as such, are peace officers and have all the powers and authority of peace officers. Parole officers and probation officers shall investigate all persons referred to them for investigation by the chief parole officer or by any court to which they may be assigned or by the director of a judicial district department of correctional services. They shall furnish to each person released under their supervision a written statement of conditions. They

shall keep informed of each person's conduct and condition and shall use all suitable methods to aid and encourage ~~him~~ ~~or her~~ the person to bring about improvement in his or her conduct or condition. Parole officers and probation officers shall keep records of their work, shall make reports as required by the court, and shall perform other such duties as may be assigned to them by the chief parole officer or the court or the director of a judicial district department of correctional services. They shall coordinate their work with that of other social welfare agencies which offer services of a corrective nature operating in the area to which they are assigned.

Sec. 16. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section seven hundred one (701), is amended to read as follows:

SECTION 701. NEW SECTION. PROBATION. Probation is the procedure under which a defendant, against whom a judgment of conviction of a public offense may be entered, is released by the court subject to supervision by ~~probation-and-parole~~ a resident of this state or by the judicial district department of correctional services.

Sec. 17. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section seven hundred two (702), subsection one (1), unnumbered paragraph one (1) and subsection two (2), are amended to read as follows:

With the consent of the defendant, the court may defer judgment and place the defendant on probation upon such conditions as it may require, or defer sentence and ~~place~~ assign the defendant ~~as provided in section seven hundred nine-(709)-of-this-division~~ to the judicial district department of correctional services. Upon a showing that such person is not cooperating with the program or is not responding to it, the court may withdraw the person from the program and impose any sentence authorized by law. Before taking such action, the court shall give the person an opportunity to be heard on any matter relevant to the proposed action. Upon fulfillment of the conditions of probation, the defendant shall be discharged without entry of judgment. Upon violation of the conditions of probation, the court may proceed as provided in division eight (VIII) of this chapter.

2. By record entry at the time of or after sentencing, the court may suspend the sentence and place the defendant on probation upon such terms and conditions as it may require including commitment to an alternate jail facility or a community correctional residential treatment facility for a specific number of days to be followed by a term of probation as specified in section seven hundred six (706) of this chapter. A person so committed who has probation revoked shall be given credit for such time served.

Sec. 18. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section seven hundred six (706), unnumbered paragraph two (2), is amended to read as follows:

~~If the person is ordered placed under the custody, care and supervision of the probation and parole service, the term of probation shall be determined by the board of parole and the probation of the defendant shall be supervised by the probation and parole service.~~ The length of the probation shall not be less than one year and shall not be less than two years if the offense is a felony. However, the court may subsequently reduce the length of the probation if the court determines that the purposes of probation have been fulfilled, ~~as provided in section seven hundred eight (708) of this division.~~ The purposes of probation are to provide maximum opportunity for the rehabilitation of the defendant and to protect the community from further offenses by the defendant and others.

Sec. 19. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section seven hundred seven (707), is amended to read as follows:

SEC. 707. NEW SECTION. SUPERVISION DURING PROBATIONARY PERIOD. A person released on probation shall be assigned to a parole probation officer. Both the person and his or her parole probation officer shall be furnished with the conditions of the person's probation and the regulations which the person will be required to observe, in writing. The parole probation officer shall explain these conditions and regulations to the person, and shall supervise, assist, and counsel the person during the term of his or her probation.

When probation is granted, the court shall order said person committed to the custody, care, and supervision:

1. Of any suitable resident of this state; or
2. ~~Of any local agency established under chapter two hundred seventeen (217) of the Code, or~~ the judicial district department of correctional services.

~~3. Of the probation and parole service. The chief parole officer may also accept the custody, care and supervision of any person granted probation or parole from a sentence to a term in a county jail. Jurisdiction of these persons shall remain with the sentencing court. The chief parole officer shall not, however, accept the custody, care and supervision of any person who in the chief probation officer's judgment could not be properly supervised.~~

In each case wherein the court shall order said person committed to the custody, care, and supervision of the ~~probation and parole service~~ judicial district department of correctional services, the clerk of the district shall at once furnish the ~~chief parole officer~~ director of the judicial district department of correctional services with certified copies of the indictment or information, the minutes of testimony attached thereto, the judgment entry if judgment is not deferred, and the original mittimus. The county attorney shall at once advise the ~~chief parole officer~~ director, by letter, that the defendant has been placed under the supervision of the ~~probation and parole service~~ judicial district department of correctional services and give ~~to the chief parole officer~~ him or her a detailed statement of the facts and circumstances surrounding the crime committed and the record and history of the defendant as may be known to the county attorney. If the defendant is confined in the county jail at the time of sentence, the court may order the defendant held until arrangements are made by the ~~probation and parole service~~ judicial district department of correctional services for the defendant's employment and he or she has signed the necessary probation papers. If the defendant is not confined in the county jail at the time of sentence, the court may order the defendant to remain in the county wherein the defendant has been convicted and sentenced and report to the sheriff as to his or her whereabouts.

Sec. 20. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section seven hundred ten (710), is amended to read as follows:

SEC. 710. NEW SECTION. RELEASE AFTER COMPLETION. When the court has determined that any person ordered to participate in a locally administered correctional program, pursuant to section seven hundred two (702), subsection one (1) of this division, has successfully completed such program, the court shall order such person to be released on probation. ~~The provisions of sections six hundred three (603) through six hundred eight (608), inclusive, of this chapter, shall apply to such release.~~

Sec. 21. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section eight hundred ten (810), is amended to read as follows:

SEC. 810. NEW SECTION. VIOLATION OF PROBATION. A parole probation officer or other agency charged with the supervision of a probationer as authorized by sections one hundred seven (107) and five hundred one (504) of this chapter the judicial district department of correctional services having probable cause to believe that any person released on probation has violated the conditions of his or her probation shall proceed by arrest or summons as in the case of a parole violation. The functions of the magistrate and the board of parole shall be performed by the judge or magistrate who would have had jurisdiction to try the original offense. Where the parole probation officer proceeds by arrest, any magistrate may receive the complaint, issue an arrest warrant, or conduct the initial appearance, probable cause hearing, and probation revocation hearing, or any of them, may at the discretion of the court be merged into a single hearing, when it appears that the alleged violator will not be prejudiced thereby. If the violation is established, the court may continue the probation with or without an alteration of the conditions of probation, or may revoke the probation and may require the defendant to serve the sentence imposed, or any lesser sentence, and, if imposition of sentence was deferred, may impose any sentence which might originally have been imposed.

Sec. 22. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), sections five hundred four (504) and seven hundred nine (709) are repealed.

Sec. 23. Sections two hundred seventeen point twenty-four (217.24) through two hundred seventeen point twenty-nine (217.29), Code 1977, are repealed.

Sec. 24. Any person who on the effective date of this Act is employed in community corrections services in any capacity in parole, probation or pretrial services, and who is thereafter transferred to a position in a district department's community-based correctional program as a result of reduction in force by the state department of social services' bureau of community correctional services or through creation of this Act, shall be entitled to the continued benefits enumerated in this section until that person becomes eligible for the benefits available under the personnel program of the county designated as administrative agent of that district department. The state employee benefits to which this section is applicable are:

1. Continuation, at the employee's option, in the state retirement program.
2. Eligibility for a health insurance program.
3. Continuation of life insurance coverage.
4. Continuation of disability insurance coverage.
5. Carry-over of accrued vacation and sick leave.

Sec. 25. Sections thirteen (13) through twenty-two (22) of this Act are effective on the date set forth in chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), section five hundred twenty-nine (529).

Sec. 26. Section nineteen A point three (19A.3), subsection eight (8), Code 1977, is amended to read as follows:

8. Patients or inmates employed in state institutions or persons on parole employed in work experience positions in state government for a period of time not to exceed one year.

Sec. 27. In addition to funds appropriated for the Riverview release center at Newton by House File four hundred sixty-four (464), as approved by the Sixty-seventh General Assembly, 1977 Session, there is appropriated to the department of social services for the Riverview release center at Newton, for the fiscal year beginning July 1, 1977 and ending June 30, 1978, the sum of one hundred fifty thousand (150,000) dollars, or so much thereof as is necessary. Funds appropriated by this section shall be available to the division of adult corrections for the purpose of establishing work adjustment and training positions for inmates housed at the Riverview release center at Newton in order to prepare the inmates vocationally for similar positions for a period not

exceeding one year in the department of transportation and other state agencies. This pilot project shall be known as the inmate employment program.

The division of adult corrections shall evaluate the program established by this section and report to the house and senate committees on budget prior to February 28, 1978 as to progress of the program and recommendations in regard to it.

Sec. 28. Section two hundred forty-seven A point two (247A.2), Code 1977, is amended to read as follows:

247A.2 PROGRAM. The department of social services shall establish a work release program under which inmates sentenced to an institution under the jurisdiction of the department may be granted the privilege of leaving actual confinement during necessary and reasonable hours for the purpose of working at gainful employment ~~in-this-state~~. Under appropriate conditions the program may also include release for the purpose of seeking employment and attendance at an educational institution. In the case of inmates who have children in their homes under the age of eighteen years, the program may include child care and housekeeping in their homes.

Sec. 29. Chapter eighty-five (85), Code 1977, is amended by adding the following new section:

NEW SECTION. INMATES OF STATE PENAL OR CORRECTIONAL FACILITIES. The department of social services may elect to include as an employee for purposes of this chapter any person confined as an inmate at the Riverview release center and who is participating in the inmate employment program. If an inmate in the performance of work sustains an injury arising out of and in the course of the work, the inmate shall be awarded and paid compensation at the rates provided in this chapter. If death results from such injury, death benefits shall be awarded and paid to the dependents of the inmate. If any such person is awarded weekly compensation under the provisions of this section and is still committed to a penal institution, the person's compensation benefits under section eighty-five point thirty-three (85.33) of the Code or section eighty-five point thirty-four (85.34), subsection one (1), of the Code shall be paid to the department and held in trust for the inmate for so long as the inmate shall remain so committed. However, the department shall deduct from the benefits awarded the cost of maintaining the inmate not to exceed the level the inmate was paying under the inmate employment program. Weekly compensation benefits awarded

pursuant to section eighty-five point thirty-four (85.34), subsection two (2), of the Code shall be held in trust and paid to such person as provided in this chapter upon final discharge or parole, whichever occurs first. In the event such person is recommitted to a penal institution prior to receiving in full weekly benefits pursuant to section eighty-five point thirty-three (85.33) of the Code or section eighty-five point thirty-four (85.34), subsection one (1), of the Code such benefits shall again be paid to the department for so long as the person shall remain so recommitted. Also, weekly benefits under section eighty-five point thirty-four (85.34), subsection two (2), of the Code shall be suspended and again held in trust until such person is again released by final discharge or parole, whichever first occurs. However, the industrial commissioner may, if the industrial commissioner finds that dependents of the person awarded weekly compensation pursuant to section eighty-five point thirty-three (85.33) of the Code or section eighty-five point thirty-four (85.34), subsections one (1) and two (2), of the Code would require welfare aid as a result of terminating the compensation, order such weekly compensation to be paid to a responsible person for the use of dependents.

For the purposes of this section:

1. "Department" means the department of social services.
2. "Penal institution" means any reformatory, state penitentiary, release center, or other state penal or correctional institution.

Sec. 30.

1. Unless otherwise specifically provided, this Act is effective July 1, 1977, however the community-based correctional programs functioning in each judicial district on that date may continue to function, as though sections two hundred seventeen point twenty-four (217.24) through two hundred seventeen point twenty-nine (217.29), Code 1977 had not been repealed, until March 31, 1978 or until such earlier time as the commissioner of social services certifies that the district department established under this Act is ready to begin functioning and the governor issues an executive order transferring responsibility for the community-based correctional program in that judicial district to the district department so established.

2. If the effective date of this Act is earlier than the effective date of chapter one thousand two hundred forty-five

(1245), Acts of the Sixty-sixth General Assembly, 1976 Session, the phrase "an aggravated misdemeanor or a serious misdemeanor" in section two (1), subsection two (2), of this Act shall be construed to mean an indictable misdemeanor for the period until said chapter one thousand two hundred forty-five (1245) takes effect.

Sec. 31. This Act shall be codified within the Iowa Corrections Code.

Approved July 10, 1977

CHAPTER 155 PAROLE BOARD

S. F. 63

AN ACT to change the term of one of the two new board of parole members provided for in the criminal code revision.

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

Section 1. Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one thousand two hundred forty-five (1245), section four hundred three (403) of chapter three (3), is amended to read as follows:

SEC. 403. NEW SECTION. TRANSITION. Persons serving on the board of parole on June 30, 1978 shall continue as members of the board of parole until they have served the term for which they were appointed with the conditions and salary of the initial appointment, and shall be deemed to fill a membership position as provided by section four hundred one (401) of this division. Initial appointment to fill the additional membership positions created by section four hundred one (401) of this division shall serve as follows:

1. One member shall serve until June 30, 1980.
2. The other member shall serve until June 30, ~~1983~~ 1982.

Sec. 2. This Act is effective on the date set forth in chapter one thousand two hundred forty-five (1245) of the Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), section five hundred twenty-nine (529).

Approved March 10, 1977

CHAPTER 156
PAROLE BOARD ACTIONS

H. F. 331

AN ACT relating to meetings of the board of parole and the grant or denial of parole.

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

Section 1. Section two hundred forty-seven point five (247.5), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The board of parole shall determine which of the inmates of the state penal institutions qualify and thereafter shall be placed upon parole. The grant or denial of parole shall not be deemed a contested case as defined in section seventeen A point two (17A.2) of the Code. Once an inmate is placed on parole he or she shall be under the supervision of the director of the division of corrections of the department of social services. There shall be a sufficient number of parole agents to insure proper supervision of all persons placed on parole. Parole agents shall not revoke the parole of any person but may recommend that the board of parole revoke such parole.

Sec. 2. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section six hundred two (602), is amended to read as follows:

SEC. 602. NEW SECTION. AUTHORITY OF PAROLE BOARD. The board of parole shall promulgate regulations regarding a system of paroles from correctional institutions, and shall direct, control, and supervise the administration of such system of paroles. The board shall determine which of those persons who have been committed to the custody of the director of the division of adult corrections, by reason of their conviction of a public offense, shall be released on parole. The grant or denial of parole shall not be deemed a contested case as defined in section seventeen A point two (17A.2) of the Code.

Sec. 3. Section one (1) of this Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Sioux City Journal, a newspaper published in Sioux City, Iowa, and in the Telegraph Herald, a newspaper published in Dubuque, Iowa.

Sec. 4. Section two (2) of this Act is effective on the date set forth in chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), section five hundred twenty-nine (529).

Approved April 15, 1977

I hereby certify that the foregoing Act, House File 331, was published in The Sioux City Journal, Sioux City, Iowa on April 23, 1977, and in the Telegraph Herald, Dubuque, Iowa on April 22, 1977.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 157

CRIMINAL CODE REVISION

S. F. 319

AN ACT amending the criminal code revision so that a liaison officer shall preside over a probable cause hearing regarding violation of parole.

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

Section 1. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section eight hundred three (803), is amended to read as follows:

SEC. 803. NEW SECTION. PLACE OF PROBABLE CAUSE HEARING. The probable cause hearing shall be held in the same county as the alleged parole violator had his or her initial appearance. ~~The clerk of court shall provide a room suitable for the probable cause hearing.~~

Sec. 2. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section eight hundred four (804), is amended to read as follows:

SEC. 804. NEW SECTION. PROBABLE CAUSE HEARING. At the probable cause hearing, a magistrate liaison officer appointed pursuant to section four hundred five (405) of this chapter and who is an attorney shall determine whether there is probable cause to believe that the alleged parole violator has violated ~~his-or-her~~ parole. The alleged parole violator shall be informed of the inculpatory evidence ~~against-him-or-her~~. The alleged parole violator shall be given an opportunity to be heard in person and to present witnesses

and other evidence ~~on-his-or-her-behalf~~. The alleged parole violator shall have the right to confront and cross-examine ~~these-furnishing-evidence-against-him-or-her~~ adverse witnesses, except where the magistrate liaison officer finds that a witness would be subjected to risk or harm if the witness' identity were disclosed.

Sec. 3. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section eight hundred five (805), is amended to read as follows:

SEC. 805. NEW SECTION. WAIVER OF PROBABLE CAUSE HEARING. The alleged parole violator may waive the probable cause hearing, in which event the magistrate liaison officer shall proceed as upon a finding of probable cause. Before accepting a waiver of hearing, the magistrate liaison officer shall inform the alleged violator of the charge ~~against-him-or-her~~, of the alleged violator's right to a hearing to determine whether there is probable cause to believe that ~~he-or-she has-violated-his-or-her~~ parole has been violated, and that if the ~~alleged-violator-waives-the~~ hearing that ~~he-or-she is waived, the alleged violator~~ will be committed to the custody of the department of social services without further proceedings, to await the determination of ~~his-future-status~~ by the parole board. The magistrate liaison officer shall make a verbatim record of the proceedings in which the hearing is waived.

Sec. 4. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section eight hundred six (806), is amended to read as follows:

SEC. 806. NEW SECTION. DISPOSITION BY MAGISTRATE LIAISON OFFICER. If it appears from the evidence that there is no probable cause to believe that the arrested person has violated the conditions of ~~his-or-her~~ parole, the magistrate liaison officer shall order the arrested person to be released from custody and continued on parole. If it appears that there is probable cause to believe that the arrested person has violated the conditions of ~~his-or-her~~ parole, the magistrate liaison officer shall commit the arrested person to the custody of the department of social services, and the procedure prescribed in section one hundred seven (107) of this chapter shall apply to such commitment; or the magistrate liaison officer may admit recommend that the arrested person be

admitted to bail as provided in section eight hundred two (802) of this chapter. The magistrate liaison officer shall make a summary of the testimony and other evidence considered ~~by the liaison officer~~ and a statement of the facts relied on ~~by the liaison officer~~ as a basis for ~~his or her~~ the finding of probable cause or no probable cause, and shall without delay forward them together with all documents relating to the matter to the executive secretary of the parole board. If the alleged parole violator has waived the probable cause hearing, the verbatim record of that proceeding shall be forwarded in lieu of the summary of evidence and statement of facts.

Sec. 5. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section eight hundred seven (807), is amended to read as follows:

SEC. 807. NEW SECTION. ACTION BY PAROLE BOARD. Upon a finding of probable cause to believe that a parole violation has occurred, the board of parole shall proceed without unreasonable delay to hear the charge of parole violation. Upon receipt of the record prepared and forwarded by the magistrate liaison officer, the board shall fix a time and place for such hearing and shall notify in writing the alleged violator, ~~his~~ the alleged violator's attorney of record, if any, and the department of social services of such hearing and the claimed violation of parole. The alleged violator shall be given an opportunity to be heard by the board under such rules as the board shall adopt. The inquiry shall be limited to the following two matters: 1. Did the alleged parole violation actually occur? 2. If the violation did occur, should the violator's parole be revoked? If the board determines that the parole should be revoked, it shall make an order revoking the parole. The board shall furnish the violator with a written statement of the facts relied upon to establish a violation and the reasons for revoking parole.

Sec. 6. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section eight hundred eight (808), is amended to read as follows:

SEC. 808. NEW SECTION. PROCEEDING WITHOUT ARREST. The board of parole may receive from a parole officer a charge or complaint of parole violation against any parolee and may proceed to a hearing on such charge in any case where the

alleged violator has not been arrested or has been arrested and discharged by the magistrate liaison officer on a finding of no probable cause. The presence of the alleged violator at such hearing shall be secured by summons. A statement of the charge against the alleged violator shall accompany the summons, and ~~his-er-her~~ the parole officer shall give the alleged violator such assistance as ~~he-er-she-may-need~~ is needed to get to the place of the hearing. Travel expenses, if any, shall be paid by the board. If ~~he-er-she~~ the alleged violator fails without good cause to appear as commanded by the summons, such failure shall be considered a violation of the parole, and the board may proceed to revoke ~~his-er-her~~ parole. If the parole is revoked, the board shall issue a warrant for ~~his-er-her~~ the person's arrest and return to the custody of the department of social services. Upon his or her return to custody, the board shall, upon request, give ~~him-er-her~~ the person an opportunity to present any matters in defense or mitigation of ~~his~~ the conduct ~~if-he-so-requests~~.

Sec. 7. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section eight hundred ten (810), is amended to read as follows:

SEC. 810. NEW SECTION. VIOLATION OF PROBATION. A parole officer or other agency charged with the supervision of a probationer as authorized by sections one hundred seven (107) and five hundred one (501) of this chapter having probable cause to believe that any person released on probation has violated the conditions of ~~his-er-her~~ probation shall proceed by arrest or summons as in the case of a parole violation. The functions of the magistrate liaison officer and the board of parole shall be performed by the judge or magistrate who placed the alleged violator on probation if that judge or magistrate is available, otherwise by another judge or magistrate who would have had jurisdiction to try the original offense. Where the parole officer proceeds by arrest, any magistrate may receive the complaint, issue an arrest warrant, or conduct the initial appearance and probable cause hearing where it is not convenient for the judge who placed the alleged violator on probation to do so. The initial appearance, probable cause hearing, and probation revocation hearing, or any of them, may at the discretion of the court be merged into a single hearing, when it appears that the alleged violator will not be prejudiced thereby. If the violation

is established, the court may continue the probation with or without an alteration of the conditions of probation, or may revoke the probation and may require the defendant to serve the sentence imposed, or any lesser sentence, and, if imposition of sentence was deferred, may impose any sentence which might originally have been imposed.

Sec. 8. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter three (3), section eight hundred eleven (811), is amended to read as follows:

SEC. 811. NEW SECTION. CONVICTION OF OTHER OFFENSE.
When the alleged violation consists of a conviction of a public offense in this or any other state, such conviction shall be proved by a certified copy of the judgment of conviction, together with evidence that the alleged violator is the person against whom the judgment was rendered. Neither the magistrate liaison officer, court, nor board of parole shall re-try the facts underlying such conviction.

Sec. 9. This Act is effective on the date set forth in chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), section five hundred twenty-nine (529).

Approved June 17, 1977

**SPECIAL LAWS
AND
JOINT RESOLUTIONS**

CHAPTER 158
JUVENILE CORRECTIONS REPORT

H. F. 164

AN ACT to change the time when that portion of the report of the advisory commission on corrections relief relating to juvenile corrections must be submitted, to change the reversion date of the unobligated and unencumbered portion of the funds appropriated to the commission, and to authorize the commission access to certain confidential information.

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

Section 1. Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one thousand forty-three (1043), section six (6), subsection two (2), unnumbered paragraph two (2), is amended to read as follows:

To further carry out the intent expressed in subsection one (1) of this section, the advisory commission shall hire professional corrections consultants to evaluate the state's correctional needs. For that purpose there is appropriated from the general fund of the state to the advisory commission on corrections relief the sum of, or so much thereof as is necessary, one hundred thousand (100,000) dollars. Unobligated or unencumbered funds remaining on ~~March-4~~ June 30, 1977 from this appropriation shall revert to the general fund of the state forthwith. The evaluation established by this subsection shall include, but need not be limited to, the information sought by subsection three (3) of this section. This evaluation shall be completed and submitted to the ~~legislative council-by-March-47-1977,-and-it-shall-be-submitted-along~~ with general assembly concurrently with the respective portions of the final report required by subsection three (3) of this section.

Sec. 2. Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one thousand forty-three (1043)*, subsection two (2), is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The advisory commission shall have access to any information in the possession of state and local government departments and agencies which is designated confidential by law or administrative rule of this state. The commission and its staff shall treat otherwise

* Section 6 probably intended

confidential information, to which it is given access by this paragraph, in the same manner as is required of the agency which maintains the information and of employees of that agency, and shall be subject to the same penalties for unauthorized disclosure of such confidential information as are applicable to the agency and its employees.

Sec. 3. Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one thousand forty-three (1043), section six (6), subsection three (3), unnumbered paragraph one (1), is amended to read as follows:

The commission shall make such interim progress reports as the legislative council may request, and shall submit a final report not later than March 1, 1977. ~~The on that portion of the state's total corrections system which serves adults.~~ That part of the commission's final report shall include, but need not be limited to, information concerning:

Sec. 4. Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one thousand forty-three (1043), section six (6), subsection three (3), is amended by adding after paragraph f the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The commission shall not later than June 1, 1977 submit to the general assembly its analysis of that portion of the state's total corrections system which serves juveniles. This analysis shall include pertinent data collected in the course of the commission's study effort and such evaluation of this data as the commission deems appropriate.

Sec. 5. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Quad-City Times, a newspaper published in Davenport, Iowa, and in The Iowegian & Citizen, a newspaper published in Centerville, Iowa.

Approved March 4, 1977

I hereby certify that the foregoing Act, House File 164, was published in the Quad-City Times, Davenport, Iowa on March 10, 1977, and in The Iowegian & Citizen, Centerville, Iowa on March 8, 1977.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 159

MISSOURI BASIN CO-OPERATIVE

S. F. 402

AN ACT to legalize and validate the proceedings for the organization and operation of the Missouri Basin Municipal Electric Cooperative Association and declaring said cooperative association to be legally established and declaring each and all of its acts to have been legally taken and declaring each and all of the actions taken by Missouri Basin Municipal Electric Cooperative Association and by the city of Alton, city of Hartley, city of Hawarden, city of Kimballton, city of Manilla, city of Orange City, city of Paullina, city of Primghar, city of Remsen, city of Sanborn, city of Shelby, city of Sioux Center and city of Woodbine, all in Iowa, in entering into, ratifying and confirming an agreement between Missouri Basin Municipal Electric Cooperative Association and its municipal members dated September 15, 1976, first amendment thereto dated March 22, 1977 and a certain transmission agreement between Missouri Basin Municipal Electric Cooperative Association and Northwest Iowa Power Cooperative dated November 30, 1976, to have been legally taken.

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

WHEREAS, proceedings have been taken for the organization of the Missouri basin municipal electric cooperative association under the provisions of chapter four hundred ninety-nine (499) of the Code for the purpose of generating, manufacturing, purchasing and accumulating electric energy for its members and transmitting, distributing, furnishing, selling and disposing of such electric energy to its members and constructing, erecting, purchasing, leasing and in any manner acquiring, owning, holding, maintaining, operating, selling, disposing of, exchanging or mortgaging plants, buildings, works, machinery, supplies, apparatus, equipment and transmission and distribution lines or systems necessary, convenient or useful for carrying out and accomplishing the foregoing purposes; and

WHEREAS, a certificate of incorporation of said Missouri basin municipal electric cooperative association was issued by the secretary of state of the state on November 20, 1973, and the following municipal electric utilities are current members in good standing of said association: city of Alton, city of Hartley, city of Hawarden, city of Kimballton, city of Manilla, city of Orange City, city of Paullina, city of Primghar, city of Remsen, city of Sanborn, city of Shelby, city of Sioux Center and city of Woodbine all in Iowa; and

WHEREAS, Missouri basin municipal electric cooperative

association, did on September 15, 1976, enter into an agreement with its municipal members, which agreement relates to and forms a part of a certain transmission agreement with northwest Iowa power cooperative; and

WHEREAS, the first amendment to said agreement between Missouri basin municipal electric cooperative association and its municipal members, has been executed, ratified and confirmed by Missouri basin municipal electric cooperative association and all of its municipal members; and

WHEREAS, Missouri basin municipal electric cooperative association has, on behalf of its municipal members, entered into a transmission agreement, dated November 30, 1976, with northwest Iowa power cooperative, a cooperative association organized and operating under chapter four hundred ninety-nine (499) of the Code, for the purpose of obtaining electric energy for sale and distribution to the municipal members of said Missouri basin municipal electric cooperative association, the same now being the cities of Alton, Hartley, Hawarden, Kimballton, Manilla, Orange City, Paullina, Primghar, Remsen, Sanborn, Shelby, Sioux Center and Woodbine all in Iowa; and

WHEREAS, Missouri basin municipal electric cooperative association and all municipal members have taken action pursuant to chapters three hundred ninety (390) and twenty-three (23) of the Code as amended, to ratify and confirm the agreement between the Missouri basin municipal electric cooperative association and its municipal members, first amendment thereto, and the transmission agreement between Missouri basin municipal electric cooperative association and northwest Iowa power cooperative as a joint agreement, pursuant to chapter three hundred ninety (390) of the Code, as amended; and

WHEREAS, the aforementioned documents together now purport to form a joint agreement pursuant to chapter three hundred ninety (390) of the Code, as amended; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of the proceedings taken for the organization and operation of said Missouri basin municipal electric cooperative association and the acts taken by the Missouri basin municipal electric cooperative association, and its municipal members in entering into, ratifying and confirming said joint agreement and it is deemed advisable and necessary to put such doubts and all others that might arise concerning same forever at rest; NOW THEREFORE,

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

Section 1. That all proceedings heretofore taken in connection with the organization and providing for the operation of the cooperative association now known and identified as the "Missouri basin municipal electric cooperative association" and all acts heretofore taken by said Missouri basin municipal electric cooperative association and its municipal members, including entering into said agreement between Missouri basin municipal electric cooperative association and its municipal members, first amendment thereto, and said transmission agreement between Missouri basin municipal electric cooperative association and northwest Iowa power cooperative, be and the same are hereby legalized, validated and confirmed, and said documents together are hereby declared to form a valid joint agreement pursuant to chapter three hundred ninety (390) of the Code, as amended. Further that the acts heretofore taken by said municipal members in connection with said agreement between Missouri basin municipal electric cooperative association and its municipal members, first amendment thereto and said transmission agreement between Missouri basin municipal electric cooperative association and northwest Iowa power cooperative are hereby legalized, validated and confirmed. Further, that said Missouri basin municipal electric cooperative association is hereby declared to constitute a legal cooperative association authorized to operate in accordance with its articles of incorporation and by-laws as they now exist and in accordance with provisions of chapter four hundred ninety-nine (499) of the Code.

Sec. 2. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Union-Republican, a newspaper published in Albia, Iowa, and in The Independent, a newspaper published in Hawarden, Iowa.

Approved July 11, 1977

I hereby certify that the foregoing Act, Senate File 402, was published in the Union-Republican, Albia, Iowa on July 14, 1977, and in The Independent, Hawarden, Iowa on July 21, 1977.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 160
WAYNE COUNTY PROPERTY SALE

S. F. 362

AN ACT to legalize proceedings taken by the board of supervisors of Wayne county relating to the sale of certain properties.

WHEREAS, the board of supervisors of Wayne county acquired certain property by virtue of a tax deed; and

WHEREAS, the board of supervisors of Wayne county subsequently offered these properties for sale as provided in section five hundred sixty-nine point eight (569.8) of the Code on or after October 9, 1967 and on or before October 8, 1974; and

WHEREAS, the board of supervisors complied with all of the provisions of the law, except that the board failed to publish notice of the date, place, and time of the sale at least ten days prior to the date of the sale; and

WHEREAS, some doubt has arisen as to the validity of the sales of such properties and such doubts may raise an issue concerning the merchantability of the title to properties sold on or after October 9, 1967 and on or before October 8, 1974 and 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:

Section 1. That all proceedings taken by the board of supervisors of Wayne county pertaining to the sale of property acquired by virtue of a tax deed and sold on or after October 9, 1967 and on or before October 8, 1974 where the board of supervisors failed to publish notice of the time, place, and date of the sale at least ten days prior to the date of the sale are validated, legalized, and confirmed and shall constitute a valid, legal, and binding sale of those properties sold on or after October 9, 1967 and on or before October 8, 1974 by the board of supervisors of Wayne county.

Approved June 30, 1977

CHAPTER 161
HARMONY SCHOOL

S. F. 408

AN ACT to legalize proceedings taken by the board of education of the Harmony Community School district relating to the sale of certain land.

WHEREAS, on the twelfth day of July, 1976, at its regular meeting, the board of education of the Harmony community school district moved that the Hillsboro real estate described as:

Lots 6, 7 and 8 in Block 17 in Pope's Addition to the Town of Hillsboro, Iowa, and

Also, the South 124 1/2 feet of Out Lot 14 in Hillsboro, Iowa,

be advertised for sale; and,

WHEREAS, on July 30, 1976, at a school board meeting, the bid of Darrell Hoaglin, in the amount of four thousand fifty (4,050) dollars was accepted; and

WHEREAS, the requirements as set out in section two hundred ninety-seven point twenty-two (297.22) of the Code of Iowa were not fully complied with and doubts have arisen concerning the legal sufficiency of the sale and it is deemed advisable and necessary to put such doubts and all others that might arise concerning said sale to rest; NOW THEREFORE.

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

Section 1. That all acts and proceedings heretofore taken by the board of education of the Harmony community school district in connection with the sale of the hereinafter described real estate to Darrell D. Hoaglin are hereby legalized, validated and confirmed:

Lots 6, 7 and 8 in Block 17 in Pope's Addition to the Town of Hillsboro, Iowa, and

Also, the South 124 1/2 feet of Out Lot 14 in Hillsboro, Iowa.

Approved June 29, 1977

CHAPTER 162

PUBLIC RETIREMENT STUDY

S. J. R. 11

A JOINT RESOLUTION to authorize an interim study of the public retirement systems in this state and to make an appropriation.

WHEREAS, various proposals have been made for improving the retirement allowances of both past and future retirees of the public retirement systems in this state; and

WHEREAS, questions have been raised about the differing benefits paid to public employees under the several state and local retirement systems; and

WHEREAS, some public employees are covered under United States social security provisions and others are not; and

WHEREAS, some public retirement systems are funded on an actuarially sound basis and others are not; and

WHEREAS, the United States Congress is considering legislation to regulate public pension plans; and

WHEREAS, for any improvements discussed, consideration must also be given to the cost of the improvement as well as the method of financing; NOW THEREFORE,

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

Section 1. The Legislative Council is directed to authorize the establishment of a joint interim subcommittee of the Senate and House Committees on State Government to conduct during the 1977 legislative interim a comprehensive study of the public retirement systems in this state and the feasibility of the establishment of a single integrated retirement system for all public employees with study given to social security coverage for all public employees, including the adequacy of benefits for both past and future retirees, actuarial soundness of the various funds, and methods of financing increased benefits.

The joint subcommittee shall submit its recommendations, accompanied by legislative bill drafts to accomplish its recommendations, to the General Assembly meeting in 1978.

Sec. 2. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1977 and ending June 30, 1978, to the Legislative Council to be allocated to the joint subcommittee established in section

one (1) of this Act the sum of fifteen thousand (15,000) dollars, or so much thereof as may be necessary, to finance the costs of actuarial studies deemed necessary by the joint subcommittee.

Approved July 8, 1977

**RULES OF CIVIL PROCEDURE
AND
RULES OF APPELLATE PROCEDURE**

CHAPTER 163
RULES OF CIVIL PROCEDURE

IN THE MATTER OF)	REPORT OF THE
)	
THE)	
)	SUPREME COURT
RULES OF CIVIL PROCEDURE)	

TO THE 1977 REGULAR SESSION OF THE SIXTY-SEVENTH GENERAL
ASSEMBLY OF THE STATE OF IOWA:

Pursuant to sections 684.18(1) and 684.19, The Code, 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 85(c). TIME AFTER FILING MOTIONS.

That rule 85(c) and 85(c)(1) be stricken and the following substituted:

"85(c). TIME AFTER FILING MOTIONS OR SPECIAL APPEARANCES.

The service of a motion or special appearance 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, or overrules the special appearance, the responsive pleading shall be served within ten days after notice of the court's action;"

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. Leave to amend, including leave to amend to conform to the proof, shall be freely given when justice so requires."

Rule 181. CERTIFICATE OF READINESS FOR TRIAL.

That the next to the last paragraph of rule 181 be stricken and the following substituted:

"Copies of any certificate of readiness filed shall be served as provided in rule 82."

Rules 331-339. APPELLATE PROCEDURE.

That rules 331-339, inclusive, be stricken.

Respectfully submitted,
THE SUPREME COURT OF IOWA

/s/ C. Edwin Moore
C. Edwin Moore, Chief Justice

Des Moines, Iowa
January 28, 1977

ACKNOWLEDGEMENT

I, Steven C. Cross, Secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the 28th day of January, 1977 of the foregoing report of the Supreme Court of Iowa pertaining to Rule of Civil Procedure.

/s/ Steven C. Cross
Secretary of the Senate, 1977
Regular Session of the Sixty-seventh
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 the 28th day of January, 1977 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, 1977 Regular
Session of the Sixty-seventh
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 1977 Regular Session of the Sixty-seventh 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 1977 Regular Session of the Sixty-seventh General Assembly of the State of Iowa, and we do hereby jointly certify that as such President and Secretary that on the twenty-eighth day of January, 1977, 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 existing Rules of Civil Procedure;

THAT the date of making said report to the 1977 Regular Session of the Sixty-seventh General Assembly was within the twenty days subsequent to the convening of the 1977 Regular Session of the Sixty-seventh 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 no changes, modifications, amendments, revisions or additions to the Rules of Civil Procedure were made or enacted at such 1977 Regular Session of said Sixty-seventh General Assembly.

Signed this thirteenth day of June, 1977, being the last legislative day of the 1977 Regular Session of the Sixty-seventh General Assembly.

/s/ Arthur A. Neu
Arthur A. Neu
President of the Senate

/s/ Steven C. Cross
Steven C. Cross
Secretary of the Senate
1977 Regular Session of the
Sixty-seventh 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 1977 Regular Session of the Sixty-seventh 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 1977 Regular Session of the Sixty-seventh General Assembly of the State of Iowa, and we do hereby jointly certify that as such Speaker and Chief Clerk that on the twenty-eighth day of January, 1977, 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 existing Rules of Civil Procedure;

THAT the date of making said report to the 1977 Regular Session of the Sixty-seventh General Assembly was within the twenty days subsequent to the convening of the 1977 Regular Session of the Sixty-seventh 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 no changes, modifications, amendments, revisions or additions to the Rules of Civil Procedure were made or enacted at such 1977 Regular Session of said Sixty-seventh General Assembly.

Signed this thirteenth day of June, 1977, being the last legislative day of the 1977 Regular Session of the Sixty-seventh General Assembly.

/s/ Dale M. Cochran
Dale M. Cochran
Speaker of the House

/s/ David L. Wray
David L. Wray
Chief Clerk of the House of
Representatives, 1977 Regular
Session of the Sixty-seventh General
Assembly of the State of Iowa

CHAPTER 164
RULES OF APPELLATE PROCEDURE

IN THE MATTER OF)	
)	REPORT OF THE
THE)	
)	SUPREME COURT
RULES OF APPELLATE PROCEDURE)	

TO THE 1977 REGULAR SESSION OF THE SIXTY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF IOWA:

Pursuant to sections 684.18(2) and 684.19, The Code, the Supreme Court of Iowa has prescribed and hereby reports to the General Assembly the new Rules of Appellate Procedure as set out in exhibit "A" hereto attached and made a part hereof.

Respectfully submitted,
THE SUPREME COURT OF IOWA

/s/ C. Edwin Moore
C. Edwin Moore, Chief Justice

Des Moines, Iowa
January 28, 1977

EXHIBIT "A"

RULES OF APPELLATE PROCEDURE

July 1, 1977

CONTENTS

DIVISION I. APPEALS IN CIVIL CASES

Rule 1.	From Final Judgment.....	3
Rule 2.	From Interlocutory Orders.....	4
Rule 3.	Amount in Controversy.....	4
Rule 4.	Scope of Review.....	5
Rule 5.	Time For Appeal.....	5
Rule 6.	How Taken.....	6
Rule 7.	Supersedeas Bond.....	6
Rule 8.	Bond--Hearing on Sufficiency.....	7
Rule 9.	Judgment on Bond.....	8
Rule 10.	Record On Appeal.....	8
Rule 11.	Transmission Of Record.....	10
Rule 12.	Docketing Appeal; Filing Record.....	12
Rule 13.	Filing And Service Of Briefs And Amendments.....	15
Rule 14.	Briefs.....	17
Rule 15.	Appendix To Briefs.....	23
Rule 16.	Form Of Briefs, Appendix And Other Papers.....	28
Rule 17.	Child Custody Cases.....	30
Rule 18.	Brief Of Amicus Curiae.....	30
Rule 19.	Failure To Prosecute.....	31
Rule 20.	Shortening Or Enlarging Time.....	31
Rule 21.	Oral Argument; Submission.....	32
Rule 22.	Writs, Motions, Orders.....	33
Rule 23.	Motions To Dismiss Or Affirm.....	35
Rule 24.	Affirmed Or Enforced Without Opinion.....	36
Rule 25.	Quarterly Publication.....	36
Rule 26.	Remands.....	37
Rule 27.	Petition For Rehearing In Supreme Court.....	37
Rule 28.	Costs.....	38
Rule 29.	Procedendo.....	38
Rule 30.	Filing And Service.....	39

DIVISION II. APPEALS IN CRIMINAL CASES

Rule 101.	Perfecting Appeal.....	40
Rule 102.	Procedure.....	40
Rule 103.	Docketing Criminal Appeals.....	41
Rule 104.	Frivolous Appeals; Withdrawal Of Counsel.....	41

DIVISION III. DISCRETIONARY REVIEW

Rule 201.	Application.....	43
Rule 202.	Resistance; Ruling.....	43
Rule 203.	Procedure; Docketing.....	43

DIVISION IV. ORIGINAL CERTIORARI PROCEEDINGS

Rule 301.	Petition For Writ Of Certiorari.....	44
Rule 302.	Resistance; Ruling.....	44
Rule 303.	Original Certiorari Procedure.....	44
Rule 304.	Appeal Or Certiorari.....	45

DIVISION V. TRANSFER AND FURTHER REVIEW

Rule 401.	Transfer Of Cases To Court Of Appeals.....	45
Rule 402.	Application For Further Review.....	46

DIVISION VI. OTHER PROCEEDINGS

Rule 501. Procedure In Other Proceedings.....48

DIVISION VII. FORMS

Rule 601. Forms.....48

DIVISION VIII. CHANGES AND EFFECTIVE DATES

Rule 701. Changes.....48

Rule 702. Effective And Governance Dates.....48

I. APPEALS IN CIVIL CASES

RULE 1. FROM FINAL JUDGMENT.

(a) All final judgments and decisions of the district court and any final adjudication in the district court under rule 86, Rules of Civil Procedure, involving the merits or materially affecting the final decision, may be appealed to the Supreme Court, except as provided in this rule and in rule 3, Rules of Appellate Procedure. For the purpose of this rule any order granting a new trial (not including an order setting aside a judgment by default other than in actions for dissolution of marriage or annulment) and any order denying a new trial shall be deemed a final decision. Any order setting aside a default decree of dissolution of marriage or annulment shall also be deemed a final decision.

(b) No interlocutory ruling or decision may be appealed except as provided in rule 2, Rules of Appellate Procedure, until after the final judgment or order. No error in such interlocutory ruling or decision is waived by pleading over or proceeding to trial. On appeal from the final judgment, appellant may assign as error such interlocutory ruling or decision or any final adjudication in the trial court under rule 86, Rules of Civil Procedure, from which no appeal has been taken, where such ruling, decision or final adjudication is shown to have substantially affected

the rights of the complaining party.

RULE 2. FROM INTERLOCUTORY ORDERS.

(a) Any party aggrieved by an interlocutory ruling or decision, including one appearing specially whose objections to jurisdiction have been overruled, may apply to the Supreme Court or any justice thereof to grant an appeal in advance of final judgment. Such appeal may be granted, after service of the application and hearing as provided in rules 22 and 30, Rules of Appellate Procedure, on finding that such ruling or decision involves substantial rights and will materially affect the final decision and that a determination of its correctness before trial on the merits will better serve the interests of justice. No such application is necessary where the appeal is, pursuant to rule 1, Rules of Appellate Procedure, from a final adjudication in the trial court under rule 86, Rules of Civil Procedure.

(b) The order granting such appeal may be on terms advancing it for prompt submission. It shall stay further proceedings below and may require bond.

RULE 3. AMOUNT IN CONTROVERSY.

Subject to § 631.16 of The Code and except where the action involves an interest in real estate, no appeal shall be taken in any case where the amount in controversy, as shown by the pleadings, is less than three thousand dollars unless the trial judge, within thirty days after the judgment or order is entered, certifies that the cause is one in which appeal should be allowed. The right of appeal is not affected by any remission of any part of the verdict or judgment.

RULE 4. SCOPE OF REVIEW.

Review in equity cases shall be de novo. In all other cases the appellate courts shall constitute courts for correction of errors at law, and findings of fact in jury-waived cases shall have the effect of a special verdict.

RULE 5. TIME FOR APPEAL.

(a) Appeals to the Supreme Court must be taken within, and not after, thirty days from the entry of the order, judgment or decree, unless a motion for new trial or judgment notwithstanding the verdict as provided in rule 247, Rules of Civil Procedure, or a motion as provided in rule 179(b), Rules of Civil Procedure, is filed, and then within thirty days after the entry of the ruling on such motion; provided however that where an application to the Supreme Court or any justice thereof to grant an appeal under rule 2, Rules of Appellate Procedure, is made within thirty days from the date of such ruling or decision, any appeal allowed upon such application shall be deemed timely taken.

Provided further that if the Supreme Court or any justice determines that the order or decision from which application to appeal under rule 2, Rules of Appellate Procedure, is timely made is a final judgment or decision from which appeal would lie under rule 1, Rules of Appellate Procedure, an appeal therefrom shall also be deemed timely taken and perfected when the order making such determination is filed with the clerk of the Supreme Court, and rule 6 (b), Rules of Appellate Procedure, shall apply.

A cross-appeal may be taken within the thirty days for taking an appeal or in any event within five days after the appeal is taken.

(b) No appeal from a judgment, ruling or order taken after it has actually been made by the trial court shall be

held insufficient because the clerk of the trial court has not recorded such judgment, ruling or order upon the court records at the time the appeal is taken, if it shall appear that such record has been made prior to ten days after the date on which the appeal is docketed.

RULE 6. HOW TAKEN.

(a) An appeal other than those allowed by order under rule 2 or rule 5, Rules of Appellate Procedure, is taken and perfected by filing a notice with the clerk of the court where the order, judgment or decree was entered, signed by appellant or his attorney. It shall specify the parties taking the appeal and the decree, judgment, order or part thereof appealed from. The appellant shall serve a copy of the notice on each other party or his counsel in the manner prescribed in rule 82(b), Rules of Civil Procedure. The notice presented to the clerk of the trial court for filing shall be accompanied by a proof of service in the form prescribed in rule 82(g), Rules of Civil Procedure. Promptly after filing the notice of appeal with the clerk of the trial court appellant shall mail or deliver to the clerk of the Supreme Court a copy of such notice for his information.

(b) An interlocutory appeal under rule 2, Rules of Appellate Procedure, shall be deemed taken and perfected when the order allowing it is filed with the clerk of the Supreme Court. No notice of such appeal is necessary. The time for any further proceeding on such appeal which would run from the notice of appeal shall run from the date such order is so filed. The clerk of the Supreme Court shall promptly transmit a copy of such order to the attorneys of record and the clerk of the trial court.

RULE 7. SUPERSEDEAS BOND.

(a) No appeal shall stay proceedings under a judgment or order unless appellant executes a bond with sureties, to

be filed with and approved by the clerk of the court where the judgment or order was entered. The condition of such bond shall be that appellant will satisfy and perform the judgment if affirmed, or any judgment or order, not exceeding in amount or value the obligation of the judgment or order appealed from, which an appellate court may render or order to be rendered by the trial court; and also all costs and damages adjudged against him on the appeal, and all rents of or damage to property during the pendency of the appeal of which appellee is deprived by reason of the appeal.

(b) If the judgment or order appealed from be for money, the penalty of such bond shall be one hundred twenty-five percent of the amount thereof, including costs, unless, in exceptional cases, the trial court fixes a larger amount; in all other cases, an amount sufficient to save appellee harmless from the consequences of the appeal; but in no event less than three hundred dollars.

(c) No appeal shall vacate or affect the judgment or order appealed from; but the clerk shall issue a written order requiring appellee and all others to stay proceedings under it or such part of it as has been appealed from, when the appeal bond is filed and approved.

RULE 8. BOND--HEARING ON SUFFICIENCY.

If any party to an appeal is aggrieved by the clerk's approval of, or refusal to approve, a supersedeas bond tendered by appellant, he may apply to the trial court, on at least three days notice to the adverse party, to review the clerk's action. Pending such hearing, the court may recall or stay all proceedings under the order or judgment appealed from. On such hearing, the trial court shall determine the

sufficiency of the bond, and if the clerk has not approved the bond, the court shall, by written order, fix its conditions and determine the sufficiency of the security; or if the court determines that a bond approved by the clerk is insufficient in security or defective in form, it shall discharge such bond and fix a time for filing a new one, all as appears by the circumstances shown at the hearing.

RULE 9. JUDGMENT ON BOND.

If an appellate court affirms the judgment appealed from, it may, on motion of appellee, render judgment against appellant and the sureties on the appeal bond for the amount of the judgment, with damages and costs; or it may remand the cause to the trial court for the determination of such damages and costs and entry of judgment on the bond.

RULE 10. RECORD ON APPEAL.

(a) COMPOSITION OF RECORD ON APPEAL. The original papers and exhibits filed in the trial court, the transcript of proceedings, if any, and a certified copy of the docket and court calendar entries prepared by the clerk of the trial court shall constitute the record on appeal in all cases.

(b) TRANSCRIPT; DUTY OF APPELLANT TO ORDER; NOTICE IF PARTIAL TRANSCRIPT ORDERED. Within ten days after filing the notice of appeal, appellant shall order from the reporter a transcript of such parts of the proceedings not already on file as he deems necessary for inclusion in the record. If appellant intends to urge on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, he shall include in the record a transcript of all evidence relevant to such finding or conclusion. Unless all of the proceedings are to be transcribed, appellant shall also within such ten days file with the clerk of the trial court and serve on appellee a description of the parts of the proceedings which he has ordered transcribed. With

that description appellant shall file and serve a statement of the issues he intends to present on appeal. If appellee deems a transcript of other parts of the proceedings to be necessary, he shall, within ten days after the service of the statement of appellant, file with the clerk of the trial court and serve an appellant a designation of additional parts to be included. If appellant shall within four days fail or refuse to order such parts, appellee shall either order the parts or apply to the trial court to compel appellant to do so. The ordering party must make satisfactory arrangements with the reporter for payment of the transcript costs.

The reporter's transcript shall be filed with the clerk of the trial court within the time fixed or allowed for docketing the appeal; and these rules relative to such transcript shall also apply to bills of exceptions under rule 241, Rules of Civil Procedure. The cost of the transcript shall be taxed in the trial court.

(c) STATEMENT OF THE EVIDENCE OR PROCEEDINGS WHEN NO REPORT WAS MADE OR WHEN THE TRANSCRIPT IS UNAVAILABLE. If no report of the evidence or proceedings at a hearing or trial was made, or if a transcript is unavailable, appellant may prepare a statement of the evidence or proceedings from the best available means, including his recollection. The statement shall be filed with the clerk of the trial court and served on appellee within twenty days after the filing of the notice of appeal. Appellee may file with the clerk of the trial court and serve on appellant objections or proposed amendments to the statement within ten days after service of appellant's statement. Thereupon the statement and any objections or proposed amendments shall be submitted

to the trial court for settlement and approval and as settled and approved shall be included in the record on appeal.

(d) CORRECTION OR MODIFICATION OF THE RECORD. If any difference arises as to whether the record truly discloses what occurred in the trial court, the difference shall be submitted to and settled by that court and the record made to conform to the truth. If anything material to either party is omitted from the record by error or accident or is misstated therein, the parties by stipulation or the trial court, either before or after the record is transmitted to the Supreme Court, or the appropriate appellate court on proper suggestion or on its own initiative, may direct that the omission or misstatement be corrected and if necessary that a supplemental record be certified and transmitted. All other questions as to the form and content of the record shall be presented to the Supreme Court, unless the questions arise after the case has been transferred to the Court of Appeals, in which event, they shall be presented to that court.

RULE 11. TRANSMISSION OF RECORD.

(a) TIME FOR TRANSMISSION OF DOCKET ENTRIES. Within fourteen days after the filing of the notice of appeal, the clerk of the trial court shall transmit a certified copy of the docket and calendar entries in the proceeding in the trial court to the clerk of the Supreme Court and all parties or their attorneys. The clerk of the Supreme Court shall thereupon prepare a docket page and assign a number to the case.

(b) TRANSMISSION OF REMAINING RECORD. Within seven days after all required briefs and the appendix have been

served or at such earlier time as the parties may agree or the Supreme Court may order, appellant shall request the clerk of the trial court to transmit immediately to the clerk of the Supreme Court the remaining record not already transmitted, including the original papers and exhibits filed in the trial court and any reporter's transcript of proceedings. Appellant shall take all action necessary to enable the clerk of the trial court to assemble and timely transmit the remaining record. If more than one appeal is taken, each appellant shall comply with the provisions of rule 10(b), Rules of Appellate Procedure, and this subdivision.

When request is made by either party for transmission to the Supreme Court of portions of the record in addition to the certified copy of the docket and calendar entries, the clerk of the trial court shall number the documents comprising the remaining record and shall transmit the same to the clerk of the Supreme Court. The clerk of the trial court shall transmit with the remaining record a list of the documents correspondingly numbered and identified with reasonable definiteness. Documents of unusual bulk or weight and physical exhibits other than documents shall not be transmitted by the clerk unless he is directed to do so by a party or by the clerk of the Supreme Court. A party must make advance arrangements with the clerks for the transportation and receipt of exhibits of unusual bulk or weight.

Transmission of the record is effected when the clerk of the trial court mails or otherwise forwards the record to the clerk of the Supreme Court. The clerk of the trial court shall indicate, by endorsement on the face of the

record or otherwise, the date upon which the record is transmitted to the Supreme Court.

(c) RETENTION OF TRIAL RECORD IN TRIAL COURT. If the record or any part thereof is required in the trial court for use pending the appeal, the trial court may make an order to that effect, and the clerk of the trial court shall retain the record or parts thereof subject to the request of an appellate court, and shall transmit a copy of the order and of the docket and calendar entries together with such parts of the original record as the parties may designate and as the trial court shall allow. The parts of the record not transmitted to the clerk of the Supreme Court shall nevertheless be part of the record on appeal for all purposes.

(d) PORTIONS OF RECORD NOT TRANSMITTED. Any parts of the record which have not been transmitted to the clerk of the Supreme Court shall, on the order of an appellate court or on the request of any party, be transmitted by the clerk of the trial court to the clerk of the Supreme Court.

RULE 12. DOCKETING APPEAL; FILING RECORD.

(a) DOCKETING THE APPEAL. Within forty days after the filing of the notice of appeal, unless the time is shortened or extended by an order under rule 20, Rules of Appellate Procedure, appellant shall pay the docket fee to the clerk of the Supreme Court, and the clerk shall thereupon enter the appeal upon the docket. If appellant is authorized by the trial court or Supreme Court to prosecute the appeal without prepayment of fees, the clerk shall enter the appeal upon the docket at the request of the party within such forty days. Simultaneously with such

payment of the fee or request for docketing without fee, appellant shall serve on appellee and file with the clerk of the Supreme Court a statement as to whether the appeal does or does not involve a contest as to child custody to which rule 17, Rules of Appellate Procedure, applies. An appeal shall be docketed under the title given to the action in the trial court, with appellant identified as such, but if such title does not contain the name of appellant, his name identified as appellant shall be added to the title. The clerk of the Supreme Court shall immediately give notice to all parties or their attorneys of the date on which the appeal is entered on the docket.

(b) CERTIFICATE OF ORDERING TRANSCRIPT. Within fourteen days after filing notice of appeal appellant shall file with the clerk of the Supreme Court and serve on appellee a certificate of ordering transcript. The certificate shall include the name of the reporter, the date on which the transcript was ordered, a description of the portions of proceedings ordered transcribed and a statement regarding the arrangements made with the reporter for payment of the cost of the transcript. The certificate shall be signed by appellant or his attorney.

If for any reason a transcript has not been ordered within ten days after the filing of the notice of appeal, appellant shall file with the clerk of the Supreme Court and serve on appellee within such fourteen days a certificate so stating with a statement of the reason a transcript cannot or will not be prepared.

If, after the filing of the certificate of ordering transcript, a transcript of additional portions of the proceedings is ordered under rule 10(b), Rules of Appellate Procedure, or otherwise, the party so ordering shall within four days file with the Supreme Court clerk and serve on the

other party a supplemental certificate so stating.

(c) DISMISSAL FOR FAILURE TO DOCKET. If appellant shall fail to pay the docket fee when required, any appellee may file a motion in the Supreme Court to dismiss the appeal. The motion shall be supported by a certificate of the clerk of the trial court showing the date and substance of the judgment or order from which the appeal was taken and the date on which the notice of appeal was filed. Appellant may respond by written resistance within fourteen days of service of the motion by appellee. The clerk shall docket the appeal for the purpose of permitting the Supreme Court to entertain the motion without requiring payment of the docket fee, but appellant shall not be permitted to respond without payment of the fee unless he is otherwise exempt from prepayment.

(d) DISMISSAL FOR FAILURE TO TRANSMIT REMAINING RECORD. If appellant shall fail to cause timely transmission of the remaining portions of the record as required by rule 11(b), Rules of Appellate Procedure, any appellee may file a motion in the Supreme Court to dismiss the appeal. The motion shall state on what dates required briefs and the appendix were served on the parties and filed with the clerk of the Supreme Court. The motion shall be supported by a certificate of the clerk of the trial court showing the date and substance of the judgment or order from which the appeal was taken, the date on which the notice of appeal was filed and the expiration date of any order retaining the record or parts thereof in trial court or of any order extending the time for transmitting the record or parts thereof. Appellant may respond by written resistance within fourteen days of service of the motion by appellee.

(e) RESTORING TRIAL COURT JURISDICTION. After an appeal is taken, the filing with the clerk of the trial court of a stipulation in which all parties agree to a dismissal of an appeal shall restore jurisdiction to the trial court for the entry of an order of dismissal of the appeal, which will be a final adjudication. The clerk of the trial court shall forward a copy of such stipulation and order to the clerk of the Supreme Court.

(f) LIMITED REMAND. The appropriate appellate court during appeal or pending application for appeal may remand the cause to the trial court, which shall have jurisdiction for such specific proceedings as may be directed by the appellate court. Notwithstanding such remand, jurisdiction of the appeal shall remain in the appellate court which ordered the remand.

RULE 13. FILING AND SERVICE OF BRIEFS AND AMENDMENTS.

(a) TIME FOR SERVING AND FILING BRIEFS. Appellant shall serve and file his brief within fifty days after the date on which the appeal is docketed. Appellee shall serve and file his brief within thirty days after service of the brief of appellant. If appellant serves and files a reply brief, he shall do so within fourteen days after service of the brief of appellee. The Supreme Court may shorten these periods for serving and filing briefs, either by rule for all cases or for classes of cases or by order in specific cases.

(b) CROSS APPEALS. In the event of a cross appeal, appellant shall serve and file his brief within fifty days after the date on which the appeal is docketed. Appellee (cross appellant) shall serve and file his brief within thirty

days after service of the brief of appellant. Appellant (cross appellee) shall serve and file his responsive reply brief within thirty days after service of the brief of appellee. Appellee (cross appellant) may serve and file a reply brief under rule 14(c), Rules of Appellate Procedure, within fourteen days after service of appellant's reply brief.

(c) MULTIPLE ADVERSE PARTIES. If the time for doing any act prescribed by these rules is measured from the date of service of a paper by an adverse party, then in the case of multiple adverse parties the time for doing such act shall be measured from the date of service of the last timely served paper by an adverse party or the date of expiration of time within which the adverse parties had to serve the paper.

(d) AMENDMENTS. An appellant may amend his required brief once within fifteen days after serving the brief, provided no brief has been served in response to his brief. The time for serving and filing of appellee's brief shall be measured from the date of service of the amendment to appellant's brief. An appellee may amend his brief once within ten days after serving his brief, provided no brief has been served in reply to his brief. The time for serving and filing appellant's reply brief shall be measured from the date of service of the amendment to appellee's brief. A reply brief may be amended at any time prior to seven days before submission of the appeal to the appellate court. Any other or further amendments to the briefs may be made only with leave of the appropriate appellate court. An amendment may be conditionally filed with a motion for leave.

(e) NUMBER OF COPIES TO BE FILED AND SERVED. Eighteen copies of each brief or amendment thereto shall be filed with the clerk of the Supreme Court, unless the court by order in a particular case shall direct a different number, and two copies shall be served on counsel for each party separately represented. If a party is allowed by order of the Supreme Court to file typewritten ribbon and carbon copies of a brief, the original and five legible copies shall be filed with the clerk and one copy shall be served on counsel for each party separately represented.

(f) CONSEQUENCE OF FAILURE TO FILE BRIEFS. If appellant fails to file his brief within the time provided by this rule, or within the time as extended, appellee may move for dismissal of the appeal. If appellee fails to timely file his brief, he will not be heard at oral argument except by special permission of the appropriate appellate court.

RULE 14. BRIEFS.

(a) APPELLANT'S BRIEF. The brief of appellant shall contain under appropriate headings and in the following order:

(1) A table of contents with page references.

(2) A table of cases (alphabetically arranged), statutes and other authorities cited, with references to all pages of the brief where they are cited.

(3) A statement of the issues presented for review. Under each issue separately stated shall be a list of all cases, statutes and other authorities referred to in the argument covering that issue. The authorities which are considered to be the most pertinent and convincing shall be indicated by underlining. Not less than one nor more

than four authorities under each separately stated issue shall be so indicated. Failure in the brief to state, to argue or to cite authority in support of an issue may be deemed waiver of that issue.

(4) A statement of the case. The statement shall first indicate briefly the nature of the case, the course of proceedings and the disposition of the case in the trial court. It shall then recite the facts relevant to the issues presented for review. All portions of the statement shall be supported by appropriate references to the record or the appendix in accordance with subdivision (g).

(5) An argument. The argument may be preceded by a summary. The argument shall contain in separately numbered divisions corresponding to the separately stated issues the contentions of appellant with respect to the issues presented and the reasons therefore, with citations to the authorities relied on and to the pertinent parts of the record in accordance with subdivision (g).

(6) A short conclusion stating the precise relief sought.

(b) APPELLEE'S BRIEF. The brief of appellee shall conform to the requirements of subdivision (a) (1) to (6), except that a statement of the case need not be made unless appellee is dissatisfied with the statement of appellant.

(c) REPLY BRIEF. Appellant may file a brief in reply to the brief of appellee, and if appellee has cross-appealed, he may file a brief in reply to the brief of appellant responding to the issues presented by the cross appeal. No further briefs may be filed except with leave of the appropriate appellate court.

(d) REFERENCES IN BRIEFS TO PARTIES. In their briefs and oral arguments counsel should minimize references to parties by such designations as "appellant" and "appellee" and should use the actual names of the parties or descriptive terms such as "plaintiff", "defendant", "the employee", "the injured person", "the taxpayer", "the decedent".

(e) REFERENCES IN BRIEFS TO LEGAL AUTHORITIES. In citing cases the names of parties must be given. In citing Iowa cases, reference must be made to the volume and page where the case may be found in the Iowa Reports, if reported therein, and in the North Western Reporter, if reported therein. In citing cases reference must be made to the court that rendered the opinion and the volume and page where the same may be found in the National Reporter System, if reported therein. E.g., __ Iowa __, __ N.W. __ (19__); __ N.W.2d __ (Iowa 19__); __ N.W.2d __ (Iowa Ct. App. 19__); __ S.W. 2d __ (Mo. Ct. App. 19__); __ U.S. __, __ S.Ct. __, L.Ed.2d __ (19__); __ F.2d __ (__ Cir. 19__); __ F. Supp. __ (S.D. Cal. 19__). When quoting from authorities or referring to a specific point within an authority, the specific page or pages quoted or relied upon shall be given in addition to the required page references. Unpublished opinions of the Iowa appellate courts may not be cited as authority. When treatises or textbooks are cited, the edition must be designated. In citing authorities other than cases, references shall be made as follows: codes, to section number; treatises, textbooks and encyclopedias, to section and page; all others, to page or pages. Use of the "supra" and "infra" forms of citation is discouraged.

(f) REFERENCES IN BRIEFS TO LEGAL PROPOSITIONS. The following propositions are deemed so well established that authorities need not be cited in support of any of them:

(1) Findings of fact in a law action, which means generally any action triable by ordinary proceedings, are binding upon the appellate court if supported by substantial evidence.

(2) In considering the propriety of a motion for directed verdict the court views the evidence in the light most favorable to the party against whom the motion was made.

(3) In ruling upon motions for new trial the trial court has a broad but not unlimited discretion in determining whether the verdict effectuates substantial justice between the parties.

(4) The court is slower to interfere with the grant of a new trial than with its denial.

(5) Ordinarily the burden of proof on an issue is upon the party who would suffer loss if the issue were not established.

(6) In civil cases the burden of proof is measured by the test of preponderance of the evidence.

(7) In equity cases, especially when considering the credibility of witnesses, the court gives weight to the fact findings of the trial court, but is not bound by them.

(8) The party who so alleges must, unless otherwise provided by statute, prove negligence and proximate cause, by a preponderance of the evidence.

(9) A motorist upon a public highway has a right to assume that others using the road will obey the law, including statutes, rules of the road and necessity for due care, at

least until he knows or in the exercise of due care should have known otherwise.

(10) Generally questions of negligence, contributory negligence and proximate cause are for the jury; it is only in exceptional cases that they may be decided as matters of law.

(11) Reformation of written instruments may be granted only upon clear, satisfactory and convincing evidence of fraud, deceit, duress or mutual mistake.

(12) Written instruments affecting real estate may be set aside only upon evidence that is clear, satisfactory and convincing.

(13) In construing statutes the court searches for the legislative intent as shown by what the legislature said, rather than what it should or might have said.

(14) In the construction of written contracts, the cardinal principle is that the intent of the parties must control; and except in cases of ambiguity, this is determined by what the contract itself says.

(15) In child custody cases the first and governing consideration of the courts is the best interest of the child.

(16) An issue may be proven by circumstantial evidence; but this evidence must be such as to make the theory reasonably probable, not merely possible, and more probable than any other theory based on such evidence. Generally, however, it is for the jury or other trier of fact to say whether circumstantial evidence meets this test.

(17) Even when the facts are not in dispute or contradicted, if reasonable minds might draw different inferences from them a jury question is engendered.

(g) REFERENCES IN BRIEFS TO THE RECORD. References in the briefs to parts of the record reproduced in the appendix filed with the brief of appellant (see rule 15, Rules of Appellate Procedure) shall be to the pages of the appendix at which those parts appear. If the appendix is deferred, references in the briefs to portions of the record to be reproduced in the appendix shall be made in the manner stated in rule 15(c), Rules of Appellate Procedure. If references are made in the briefs to parts of the record not reproduced in the appendix, the references shall be to the pages of the parts of the record involved, e.g., Answer p. 7, Motion for Judgment p. 2, Transcript p. 231. Intelligible abbreviations may be used. If reference is made to evidence the admissibility of which is in controversy, reference shall be made to the pages of the appendix or of the transcript at which the evidence was identified, offered and received or rejected.

(h) LENGTH OF BRIEFS. Except by permission of the Supreme Court, required briefs shall not exceed fifty pages exclusive of the table of contents and table of authorities and reply briefs shall not exceed twenty-five pages. Such permission may be granted ex parte.

(i) BRIEFS IN CROSS APPEALS. If a cross appeal is filed, the party who first filed his notice of appeal shall be deemed appellant for the purposes of this rule and rules 13 and 15, Rules of Appellate Procedure, unless the parties otherwise agree or the Supreme Court otherwise orders. The brief of appellee shall contain the issues and argument involved in his cross appeal as well as his response to the brief of appellant.

(j) MULTIPLE APPELLANTS OR APPELLEES. In cases involving more than one appellant or appellee, including cases consolidated for purposes of the appeal, any number of either may join in a single brief, and any appellant or appellee may adopt by reference any part of the brief of another. Parties may similarly join in reply briefs.

RULE 15. APPENDIX TO BRIEFS.

(a) DUTY OF APPELLANT; CONTENT; TIME; NUMBER. Appellant shall prepare and file an appendix to the briefs which shall contain: (1) the relevant docket entries in the trial court proceeding; (2) any relevant portions of the pleadings, transcript, instructions, findings, conclusions and opinion; (3) the judgment, order or decision in question; (4) the notice of appeal, and (5) any other parts of the record to which the parties wish to direct the particular attention of the court. Portions of the record shall be set out verbatim in the appendix. Summaries, abstracts or narratives shall not be used unless the parties prepare an agreed statement of the case pursuant to subdivision (f) of this rule. The fact that parts of the record are not included in the appendix shall not prevent the parties or the courts from relying on such parts.

Unless filing is to be deferred pursuant to the provisions of subdivision (c) of this rule, appellant shall serve and file the appendix with his brief. Eighteen copies of the appendix, and of any amendments thereto, shall be filed with the clerk of the Supreme Court and two copies shall be served on counsel for each party separately represented unless the court shall by rule or order direct the filing of a different number. The appendix may be amended by agreement of all the parties at any time prior to assignment of the appeal for submission to an appellate court. The

written consent of all the parties must be filed with the amendment. In absence of agreement or after assignment, the appendix may be amended only with leave of the appropriate appellate court. An amendment to the appendix may be conditionally filed with a motion for leave.

(b) DETERMINATION OF CONTENTS; COST OF PRODUCING.

The parties are encouraged to agree as to the contents of the appendix. If the parties do agree on such contents, they shall file a short memorandum of that agreement with the clerk of the Supreme Court within fourteen days after the date on which the appeal is docketed. If the parties do not so agree, appellant shall, not later than fourteen days after the date on which the appeal is docketed, serve on appellee and file with the clerk of the Supreme Court a designation of the parts of the record which he intends to include in the appendix and a statement of the issues which he intends to present for review. If appellee desires to direct the particular attention of the court to parts of the record not designated by appellant, he shall, within ten days after service of the designation, file with the clerk of the Supreme Court and serve upon appellant a designation of those parts. Appellant shall include in the appendix the parts thus designated. In designating parts of the record for inclusion in the appendix, the parties shall consider the fact that the entire record is available to the appellate courts for examination and shall not engage in unnecessary designation. Unless the parties otherwise agree, the cost of producing the appendix shall initially be paid by appellant, but if appellant considers

that parts of the record designated by appellee for inclusion are unnecessary for the determination of the issues presented, he may so advise appellee and appellee shall advance the cost of including such parts. The cost of producing the appendix shall be taxed as costs in the case, but if either party shall cause matters to be unnecessarily included in the appendix the appropriate appellate court may impose the cost of producing such parts on that party.

(c) ALTERNATIVE METHOD OF DESIGNATING CONTENTS. Preparation of the appendix may be deferred by appellant until after typewritten or page proof copies of all the briefs have been filed. If the preparing and filing of the appendix is thus deferred, the provisions of subdivision (b) of this rule shall apply, except that the designations referred to therein shall be made by each party at the time his required brief is initially served and filed, and a statement of the issues presented shall be unnecessary. Appellant shall, not later than ten days after the date on which the appeal is docketed, file with the clerk of the Supreme Court and serve on appellee a notification of his election to defer the appendix.

If a deferred appendix authorized by this subdivision is employed, each party shall serve and file typewritten or page proof copies of his brief or briefs within the time required by rule 13(a), Rules of Appellate Procedure. One typewritten carbon copy or page proof copy of each brief shall be served on opposing counsel and two copies shall be filed with the clerk of the Supreme Court. The initial copies of the briefs shall contain appropriate references to

the pages of the parts of the record involved, e.g., Petition p. 6, Judgment p. 5, Transcript p. 298. Within twenty-one days after service of the initial copy of appellee's brief, appellant shall file and serve the appendix. Within fourteen days after the appendix is served, each party shall serve and file copies of his brief or briefs in the form prescribed by rule 16(a), Rules of Appellate Procedure, containing references to the pages of the appendix in place of or in addition to the initial references to the pages of the parts of the record involved. No other changes may be made in the briefs as initially served and filed, except that typographical errors may be corrected.

(d) ARRANGEMENT OF THE APPENDIX. At the beginning of the appendix shall be inserted a list of the parts of the record which it contains, in the order in which the parts are set out therein, with references to the pages of the appendix at which each part begins. The relevant docket entries shall be set out following the list of contents. Thereafter, other parts of the record shall be set out in chronological order. Portions of the reporter's transcript of proceedings shall be inserted in chronological order based on the date the transcribed proceedings took place rather than on the date the completed transcript was filed. When matter contained in the transcript is set out in the appendix, the original pagination of that matter shall be indicated in the appendix by placing in brackets the number of each page of the transcript at the place in the appendix where that transcript page begins. Omissions in the text of papers, of exhibits or of the transcript, regardless of size, must be indicated by a set of three asterisks. Immaterial formal matter, such as captions,

subscriptions and acknowledgments, shall be omitted. A question and its answer may be contained in a single paragraph.

(e) REPRODUCTION OF EXHIBITS. Exhibits or relevant portions thereof designated for inclusion in the appendix may be contained in a separate volume or volumes, suitably indexed. Eighteen copies thereof shall be filed with the appendix and two copies shall be served on counsel for each party separately represented. Relevant portions of the transcript of a proceeding before an administrative agency, board, commission or officer, used in an action in the trial court, may be regarded as an exhibit for the purpose of this subdivision.

(f) AGREED STATEMENT OF THE CASE FILED AS THE APPENDIX. In lieu of an appendix with contents as specified in subdivision (a) and arranged as specified in subdivision (d), the parties may prepare an agreed statement of the case which shall not incorporate by reference any part of the record. The statement shall be in narrative form, shall show how the issues presented by the appeal arose and how they were decided and shall set forth only so many of the facts averred and proved or sought to be proved as are essential to a decision of the issues presented. The original agreed statement shall be signed by all parties to the appeal or their counsel, and one copy thereof shall be filed with the clerk of the Supreme Court within fourteen days after the appeal is docketed. As the appendix, appellant shall file and serve with his brief printed or duplicated copies of the

agreed statement in the form required by rule 16(a), Rules of Appellate Procedure.

RULE 16. FORM OF BRIEFS, APPENDIX AND OTHER PAPERS.

(a) FORM OF BRIEFS AND APPENDIX. Briefs and the appendix may be produced by standard typographic printing or by any duplicating or copying process which produces a clear black image on white paper. The appendix and briefs shall be printed or duplicated on both sides of the sheet. Carbon copies of briefs and the appendix may not be submitted without permission of the court. All printed or duplicated matter must appear in at least 11 point (small pica) type on opaque, unglazed paper. When utilizing a process which duplicates or copies a typewritten original, lines of typewritten text shall be double spaced. Briefs and the appendix shall be bound on the left in volumes having pages 8 1/2 by 11 inches and type matter 6 by 8 1/2 inches. Margins on the bound side of the sheets shall be not less than 1 1/8 inches suitable for permanent binding procedures. Copies of the reporter's transcript of proceedings and other papers reproduced in a manner authorized by this rule may be inserted in the appendix, but not in such manner as to prevent subsequent uniform permanent binding. Such papers may be informally renumbered and asterisks may be added informally if necessary.

If briefs are produced by commercial printing or duplicating firms, or, if produced otherwise and colored covers are available, the cover of the brief of appellant should be blue; that of appellee, red; that of an intervenor or amicus curiae, green; that of a reply brief, gray. The cover of the appendix should be white. The cover of an

amendment should be the same color as the document which it amends. The front covers of the briefs and the appendix, and amendments thereto, shall contain: (1) the name of the court and the appellate number of the case; (2) the title of the case (see rule 12(a), Rules of Appellate Procedure); (3) the nature of the proceeding in court (e.g., Appeal, Certiorari) and the name of the court (and judge), agency or board whose decision is under review; (4) the title of the document (e.g., Brief for Appellant, Appendix), and (5) the name and address of counsel representing the party on whose behalf the document is filed.

(b) FORM OF OTHER PAPERS. Motions and other papers may be produced in the manner prescribed by subdivision (a), or they be typewritten upon opaque, unglazed paper 8 1/2 by 11 inches in size. Lines of typewritten text shall be double spaced. Consecutive sheets shall be attached at the left margin. Carbon copies may be used for filing and service if legible.

A motion or other paper addressed to an appellate court shall contain a caption setting forth the name of the court, the title of the case, the file number and a brief descriptive title indicating the purpose of the paper. Three copies of motions and other papers addressed to the appropriate appellate court shall be filed with the clerk of the Supreme Court and one copy shall be served on each party separately represented unless the appropriate appellate court by order directs otherwise.

(c) PRINTING TAXED AS COSTS. The amount actually paid for printing or otherwise producing necessary copies of briefs and the appendix or copies of records authorized by these rules, exclusive of stenographic expense, shall be certified by the attorney, and if reasonable, shall be taxed in the appellate court as costs.

RULE 17. CHILD CUSTODY CASES.

In appeals involving a contest as to custody of children, adoption or termination of parent-child relationship, and in juvenile court proceedings affecting child placement, the times prescribed in rule 13, Rules of Appellate Procedure, for serving and filing briefs shall be reduced by one-half. Reply briefs are unnecessary. If filing of the appendix is deferred pursuant to rule 15(c), Rules of Appellate Procedure, the appendix shall be served and filed not more than fifteen days after service of appellee's initial brief and printed or duplicated copies of all the briefs shall be served and filed within seven days after service of the appendix. Court reporters shall give priority to transcription of proceedings in these cases over other civil transcripts. These appeals shall be accorded submission precedence over other civil cases.

RULE 18. BRIEF OF AMICUS CURIAE.

A brief of an amicus curiae may be filed only by leave of the appropriate appellate court granted on motion, at the request of the appropriate appellate court or when accompanied by the written consent of all parties. The brief may be conditionally filed with a motion for leave. A motion for leave shall identify the interest of the applicant and shall state the reasons a brief of an amicus curiae is desirable.

Any amicus curiae shall file his brief within the time allowed the party whose position as to affirmance or reversal the brief will support. The appropriate appellate court for cause shown may grant leave for later filing, specifying the period within which an opposing party may respond. A request by an amicus curiae to participate in oral argument will not be granted except for extraordinary reasons.

RULE 19. FAILURE TO PROSECUTE.

When an appellant fails to comply with an appellate rule, the clerk shall notify appellant and his counsel in accordance with rule 30(c), Rules of Appellate Procedure, that upon the expiration of fifteen days from service of notification the appeal will be dismissed for want of prosecution unless appellant remedies the default within such period. Should the appellant fail to comply, the clerk shall enter an order dismissing the appeal for want of prosecution and shall issue a certified copy thereof to the clerk of the district court as the procedendo. Appellant shall not be entitled to remedy his default after a dismissal under this rule, unless by order of the appropriate appellate court. The dismissal of an appeal shall not limit the authority of the Supreme Court to take disciplinary action against defaulting counsel.

An appeal may be dismissed, with or without notice of default, for failure to comply with an appellate rule, upon the motion of a party or of the appropriate appellate court.

RULE 20. SHORTENING OR ENLARGING TIME.

The Supreme Court, and the Court of Appeals as to appeals transferred to it, may upon its own motion or on motion

of a litigant shorten or enlarge the time prescribed by the Rules of Appellate Procedure or by the rules of the court or its order for doing any act, or may permit an act to be done after the expiration of such time, but such courts may not enlarge the time for filing a notice of appeal. In cases where rule 17, Rules of Appellate Procedure, applies the motion shall so state.

RULE 21. ORAL ARGUMENT; SUBMISSION.

(a) A party desiring to be heard orally shall so state at the end of his brief; and unless he does so he will not be heard orally except by special permission or order of the appropriate appellate court.

(b) In cases submitted with oral argument, ordinarily the opening argument of appellant shall not exceed twenty-five minutes, the argument of appellee shall not exceed twenty-five minutes and appellant's reply argument shall not exceed ten minutes. The chief justice or chief judge of the appropriate appellate court may extend or shorten the time for oral argument.

(c) The appropriate appellate court may conclude, prior to submission, that even though a substantial issue exists, oral argument would not be of assistance or should be shortened. In such event counsel will be advised accordingly before submission.

(d) Failure to argue orally points properly made in the briefs shall not be deemed waiver thereof.

(e) Appeals shall be submitted to the Supreme Court or transferred to the Court of Appeals substantially in the

order they are made ready except when advance submission is accorded by statute, rule or order of the Supreme Court.

(f) If an appeal involves questions of public importance or rights which are likely to be lost or greatly impaired by delay, the Supreme Court may upon the motion of a party or on its own motion order the submission or transfer of the cause in advance of the time at which it would otherwise be submitted or transferred.

RULE 22. WRITS, MOTIONS, ORDERS.

(a) WRITS AND PROCESS, SUPREME COURT. The Supreme Court shall issue all writs and process necessary for the exercise and enforcement of its appellate jurisdiction and in the furtherance of its supervisory and administrative control over all inferior judicial tribunals and officers thereof throughout the state; and may enforce its mandates by fine and imprisonment, and imprisonment may be continued until obeyed.

(b) WRITS AND PROCESS, COURT OF APPEALS. The Court of Appeals shall issue writs and other process necessary for the exercise and enforcement of its jurisdiction, but a writ, order or other process in any appeal not transferred to the Court of Appeals by the Supreme Court shall be of no effect.

(c) MOTIONS IN SUPREME COURT AND COURT OF APPEALS. Unless another form is prescribed by these rules, an application for an order or other relief, including an order to dismiss or affirm, shall be made by serving a motion on all other parties to the appeal and filing it with the clerk of the Supreme Court. The motion shall contain or be accompanied by any matter required by a specific provision of these rules governing such a motion, shall state with particularity

the grounds on which it is based and shall set forth the order or precise relief sought. Any briefs, affidavits or other papers supporting a motion shall be served and filed with the motion. Except as to motions under rule 22(e), Rules of Appellate Procedure, any party may serve and file a resistance to a motion within fourteen days after service of the motion, unless otherwise ordered by the appropriate appellate court. A reply to the resistance may be served and filed within three days after the service of the resistance.

(d) RULINGS, HEARINGS. Resisted motions will be ruled on by the appropriate appellate court or a justice or judge thereof after the expiration of at least seven days from serving the resistance, unless such court, justice or judge orders a different time for submission of the motion. Unresisted motions will be ruled on after the expiration of at least three days from the last day for filing a resistance unless a different time for submission is ordered. Motions in which all parties join may be ruled on at any time. The court, justice or judge may require briefs to be filed with respect to a motion, and may set any motion for hearing and prescribe notice to be given.

(e) MOTIONS FOR PROCEDURAL OR TEMPORARY ORDERS. Notwithstanding the provisions of subdivisions (c) and (d) as to motions generally, motions for procedural orders, including any motion under rule 20, Rules of Appellate Procedure, and motions for temporary orders in which it appears that rights would be lost or greatly impaired by delay, may be ruled upon at any time without awaiting a resistance thereto. Any party adversely affected by such ruling may within fourteen days request reconsideration, vacation

or modification of the ruling.

(f) AUTHORITY OF A SINGLE JUSTICE TO ENTERTAIN MOTIONS.

In addition to any authority expressly conferred by rule or by statute, a single justice of the Supreme Court may entertain any motion in an appeal or original proceeding in the Supreme Court and grant or deny any relief which may properly be sought by motion, except that a single justice may not dismiss, affirm or otherwise determine an appeal or original proceeding. The action of a single justice may be reviewed by the Supreme Court.

(g) AUTHORITY OF COURT OF APPEALS AND ITS JUDGES TO ENTERTAIN MOTIONS. The Court of Appeals and its judges may entertain motions only in appeals which the Supreme Court has transferred to that court. In such appeals, a single judge of the Court of Appeals may entertain any motion and grant or deny any relief which may properly be sought by motion, except that a single judge may not dismiss, affirm or otherwise determine an appeal. The action of a single judge may be reviewed by the Court of Appeals.

RULE 23. MOTIONS TO DISMISS OR AFFIRM.

(a) MOTIONS TO DISMISS. A motion to dismiss may be served and filed without payment of the docket fee, but appellant shall not be permitted to respond without payment of the fee unless he is otherwise exempt from payment. After consideration, the appropriate appellate court may rule on the motion or may order the motion submitted with the appeal.

(b) MOTIONS TO AFFIRM. Appellee may move the Supreme Court to affirm the appeal on the ground that the issues raised by the appeal are frivolous and the appeal was taken solely for the purpose of delay. The motion shall be served and

filed within seven days after service of appellant's brief and shall be supported by so much of the record as necessary to show the ground for the motion. One justice of the Supreme Court may overrule, but only the Supreme Court may sustain, a motion to affirm.

(c) EXCLUDING TIME. The time between the service of a motion to dismiss or affirm and an order overruling it or ordering a motion to dismiss to be submitted with the appeal shall be excluded in measuring the time within which subsequent acts required by these rules must be done.

RULE 24. AFFIRMED OR ENFORCED WITHOUT OPINION.

When the Supreme Court determines that any of the following circumstances exists and is dispositive of a matter submitted to the court for decision: (a) a judgment of the district court is correct; (b) the evidence in support of a jury verdict is sufficient; (c) the order of an administrative agency is supported by substantial evidence, or (d) no error of law appears; and the Supreme Court also determines that the questions are not of sufficient importance to justify an opinion and that an opinion would not have precedential value, the judgment or order may be affirmed or enforced without opinion.

In such case, the Supreme Court may in its discretion enter the following order: "AFFIRMED, see rule 24, Rules of Appellate Procedure."

RULE 25. QUARTERLY PUBLICATION.

A list indicating the disposition of all decisions rendered by the Supreme Court per curiam or under rule 24, Rules of Appellate Procedure, shall be published quarterly in the North Western Reporter, except for such of those decisions as the Supreme Court specially orders to be published in the regular manner. Such decisions published

quarterly shall not be cited or relied upon as authority in any litigation in any court in Iowa except when the decision establishes the law of the case, res judicata or collateral estoppel, or in a criminal action or proceeding involving the same defendant or a disciplinary action or proceeding involving the same respondent.

RULE 26. REMANDS.

When a judgment is reversed for error in overruling a motion to direct a verdict, a motion for judgment under rule 243(b), Rules of Civil Procedure or a motion to withdraw an issue from the consideration of the jury, and the granting of the motion would have terminated the case in favor of appellant, the appellate court may enter or direct the trial court to enter final judgment as if such motion had been initially sustained; provided that if it appears from the record that the material facts relating thereto were not fully developed at the trial or if in the opinion of the appellate court the ends of justice will be served thereby, a new trial shall be awarded of such issue or of the whole case.

RULE 27. PETITION FOR REHEARING IN SUPREME COURT.

(a) TIME FOR FILING: CONTENT; ANSWER; ACTION BY SUPREME COURT IF GRANTED. Except as stated in rule 402(e), Rules of Appellate Procedure, a petition for rehearing may be filed within fourteen days after the filing of an opinion by the Supreme Court unless the time is shortened or enlarged by order of that court. The petition shall state with particularity the points of law or fact which in the opinion of the petitioner the Supreme Court has overlooked or misapprehended and shall contain such argument in support

of the petition as the petitioner desires to present. Oral argument in support of the petition will not be permitted. No answer to a petition for rehearing will be received unless requested by the Supreme Court, but a petition for rehearing will ordinarily not be granted in the absence of such a request. If a petition for rehearing is granted, the Supreme Court may make a final disposition of the cause without reargument, may order reargument or resubmission or may make such other order as is deemed appropriate under the circumstances.

(b) FORM OF PETITION; LENGTH. The petition shall be in the form prescribed by rule 16(a), Rules of Appellate Procedure, and copies shall be served and filed as prescribed by rules 13(e) and 30, Rules of Appellate Procedure, for the service and filing of briefs. Except by permission of the Court, a petition for rehearing shall not exceed ten pages.

RULE 28. COSTS.

All fees and costs shall abide the result of the appeal and be taxed to the unsuccessful party, unless otherwise ordered by the appropriate appellate court.

RULE 29. PROCEDENDO.

Unless otherwise ordered by the Supreme Court, no procedendo shall issue for fifteen days after an opinion of the Supreme Court is filed, nor thereafter while a petition for rehearing, filed according to these rules, is pending. Unless otherwise ordered by the Court of Appeals, no procedendo shall issue for twenty-one days after an opinion of the Court of Appeals is filed, nor thereafter while an application for further review by the Supreme Court is pending.

RULE 30. FILING AND SERVICE.

(a) **FILING.** Papers required or permitted to be filed in the Supreme Court or in the Court of Appeals shall be filed with the clerk of the Supreme Court. Filing may be accomplished by mail addressed to the clerk of the Supreme Court, and shall be deemed filed on the day of mailing. To be deemed filed on the day of mailing a paper must contain or be accompanied by a certificate signed by the person who will actually mail the paper. The certificate shall specify the paper filed and the date the paper will be deposited in the United States mail. Papers received by the clerk of the Supreme Court without a certificate shall be deemed filed when received by that clerk. When these rules or an order of an appellate court require multiple copies of a paper to be filed, filing shall not be complete until all required copies are filed. If a motion requests relief which may be granted by a single justice of the Supreme Court, the justice may permit the motion to be filed with him, in which event he shall note thereon the date of filing and shall thereafter transmit it to the clerk of the Supreme Court.

(b) **SERVICE OF ALL PAPERS REQUIRED.** Copies of all papers filed by any party and not expressly required by these rules to be served by the clerk shall, at or before the time of filing, be served by a party or person acting for him on all other parties to the appeal or review. Service on a party represented by counsel shall be made on counsel.

(c) **MANNER OF SERVICE.** Service may be personal or by mail. Personal service includes delivery of the copy to a clerk or other responsible person at the office of counsel. Service by mail is complete on mailing.

(d) PROOF OF SERVICE. Papers presented for filing shall contain an acknowledgment of service by the person served or proof of service in the form of a statement of the date and manner of service and of the names of the persons served, certified by the person who made service. Proof of service may appear on or be affixed to the papers filed. The clerk of the Supreme Court may permit papers to be filed without acknowledgment or proof of service but shall require such proof to be filed promptly thereafter.

(e) ADDITIONAL TIME AFTER SERVICE BY MAIL. Whenever a party is required or permitted to do an act within a prescribed period after service of a paper upon him and the paper is served by mail, three days shall be added to the prescribed period.

(f) APPLICABILITY. This rule shall govern filing and service of papers required or permitted to be filed with the clerk of the Supreme Court under the Rules of Appellate Procedure.

II. APPEALS IN CRIMINAL CASES

RULE 101. PERFECTING APPEAL.

Appeal in a criminal action shall be taken and perfected within the time and in the manner prescribed by statute.

RULE 102. PROCEDURE.

All procedure after the perfection of an appeal in a criminal case shall be governed by the Rules of Appellate Procedure to the full extent not inconsistent with statute. The appendix prescribed by the Rules of Appellate Procedure shall constitute the abstract. Papers required to be served on the State shall be served upon the attorney general.

RULE 103. DOCKETING CRIMINAL APPEALS.

Criminal appeals shall be docketed as provided in rule 12, Rules of Appellate Procedure. If a defendant appeals and trial court has found him to be indigent and appointed appeal counsel for him, the appeal shall be docketed upon defendant's request without payment of the docket fee.

RULE 104. FRIVOLOUS APPEALS; WITHDRAWAL OF COUNSEL.

(a) If counsel appointed to represent a convicted indigent defendant in an appeal to the Supreme Court is convinced after conscientious investigation of the trial transcript that the appeal is frivolous and that he cannot, in good conscience, proceed with the appeal, he may move the Supreme Court in writing to withdraw. The motion must be accompanied by a brief referring to anything in the record that might arguably support the appeal.

(b) Prior to filing any motion to withdraw from an appeal, counsel shall advise his client in writing of the decision as to frivolity accompanied by a copy of counsel's motion and brief, and counsel shall attach to the filed motion a certificate showing service thereof. Counsel's notice to his client shall further advise the client that if he agrees with counsel's decision and does not desire to proceed further with the appeal, the client shall within thirty days from service of the motion and brief clearly and expressly communicate such desire, in writing signed by him, to the Supreme Court.

(c) Receipt of such communication shall result in the appeal being forthwith dismissed.

(d) Counsel's notice to his client shall further advise the client that in the event he desires to proceed with the appeal he shall within such thirty days give like communication to the Supreme Court, raising any points he chooses.

The Supreme Court will then proceed, after a full examination of all the proceedings, to decide whether the appeal is wholly frivolous. If it so finds, it may grant counsel's motion to withdraw and dismiss the appeal.

(e) In order to protect his client's rights, counsel desiring to withdraw shall within the time permitted for docketing the appeal under rule 12, Rules of Appellate Procedure, make application pursuant to rule 20, Rules of Appellate Procedure, for extension of time in which to docket the appeal.

(f) If however, the Supreme Court finds the legal points to be arguable on their merits and therefore not frivolous, it may grant counsel's motion to withdraw but will prior to submission of the appeal afford the indigent the assistance of new counsel, to be appointed by the trial court. Such new counsel shall proceed with the appeal pursuant to the Rules of Appellate Procedure. Appellant's brief shall raise any issues counsel believes to be meritorious after a conscientious examination of the record. Counsel shall also inform the court in appellant's brief of the issues his client raises and otherwise cause the case to be reviewed in accordance with the Rules of Appellate Procedure.

(g) Defendant's failure to communicate to the Supreme Court within the time provided in this rule or any extension thereof his disagreement with counsel's decision that the appeal is frivolous, or of defendant's desire to proceed with the appeal, shall be deemed an election by him to agree with counsel's decision.

III. DISCRETIONARY REVIEW

RULE 201. APPLICATION.

An application for discretionary review shall be filed within the time and in the manner prescribed by statute. Simultaneously the applicant shall also mail a copy of the application to the clerk of the Supreme Court and pay to such clerk a filing fee in the amount prescribed by the Supreme Court for filing an application for permission to appeal. The filing fee shall be waived in a criminal proceeding for discretionary review if the trial court found defendant indigent and appointed appeal counsel for him.

RULE 202. RESISTANCE; RULING.

The application may be resisted and ruled on in the manner prescribed in the Rules of Appellate Procedure relating to motions unless otherwise ordered by the Supreme Court or a justice thereof.

RULE 203. PROCEDURE; DOCKETING.

If an application for discretionary review is granted, further proceedings shall be had pursuant to the Rules of Appellate Procedure to the full extent not inconsistent with statute. The time for any further proceeding which would run from the notice of appeal shall run from the filing date of the order granting the application for discretionary review. Within forty days after the filing of such order appellant shall pay the docket fee or, if the fee has been waived, request that the proceeding be docketed. The docket fee shall be waived in a criminal proceeding for discretionary review if the trial court found defendant indigent and appointed appeal counsel for him.

IV. ORIGINAL CERTIORARI PROCEEDINGS

RULE 301. PETITION FOR WRIT OF CERTIORARI.

A petition for a writ of certiorari directed to the district court shall be filed with the clerk of the Supreme Court or a justice thereof within the time prescribed by rule 319 of the Rules of Civil Procedure. Copies of the petition shall be filed and served in the manner prescribed by the Rules of Appellate Procedure for the filing and serving of motions.

RULE 302. RESISTANCE; RULING.

The petition may be resisted and ruled on in the manner prescribed in the Rules of Appellate Procedure relating to motions unless otherwise ordered by the Supreme Court or a justice thereof.

RULE 303. ORIGINAL CERTIORARI PROCEDURE.

The procedure under writs of certiorari granted by the Supreme Court or a justice thereof shall be as prescribed by the Rules of Appellate Procedure to the full extent those rules are not inconsistent with this rule or statute. The proceeding shall be entitled in the name of the petitioner as plaintiff and the district court as defendant. The Rules of Appellate Procedure applicable to appellants shall apply to plaintiffs and those applicable to appellees shall apply to defendants. The times specified in those rules which in appeals run from the filing of notice of appeal shall run from the filing of the order granting the writ, except that plaintiff shall cause the proceeding to be docketed within ten days after the writ is granted. Defendant shall make

full return to the writ when requested to do so by plaintiff. Such request shall be made by plaintiff within seven days after all required briefs and the appendix have been served or at such earlier date as the parties may agree or the Supreme Court or a justice thereof may order.

RULE 304. APPEAL OR CERTIORARI

If any case is brought by appeal or certiorari and the appellate court is of the opinion that the other of these remedies was the proper one, the case shall not be dismissed, but shall proceed as though the proper form of review had been sought.

A petition for writ of certiorari may under this rule be treated by the Supreme Court as an application to grant an appeal pursuant to rule 2, Rules of Appellate Procedure, and conversely an application to grant an appeal may be treated as a petition for certiorari.

Nothing in this rule shall operate to extend the time within which an appeal may be taken.

V. TRANSFER AND FURTHER REVIEW

RULE 401. TRANSFER OF CASES TO COURT OF APPEALS.

(a) The Supreme Court may by order, on its own motion, transfer to the Court of Appeals for decision any case filed in the Supreme Court except a case in which provisions of the Iowa Constitution or statutes grant exclusive jurisdiction to the Supreme Court.

(b) The Supreme Court shall ordinarily retain the following types of cases: (1) cases involving substantial constitutional questions as to the validity of a statute, ordinance or court or administrative rule; (2) cases involving

substantial issues in which there is or is claimed to be a conflict with a published decision of the Court of Appeals or Supreme Court; (3) cases involving substantial issues of first impression; (4) cases involving fundamental and urgent issues of broad public importance requiring prompt or ultimate determination by the Supreme Court; (5) cases in which life imprisonment has been imposed; (6) cases involving lawyer discipline, and (7) cases appropriate for summary disposition.

(c) Other cases shall ordinarily be retained by the Supreme Court or be transferred to the Court of Appeals as follows: (1) cases which involve substantial questions of enunciating or changing legal principles shall be retained and (2) cases which involve questions of applying existing legal principles shall be transferred.

RULE 402. APPLICATION FOR FURTHER REVIEW.

(a) **NO FEE.** No fee shall be required for filing an application to the Supreme Court for further review of a decision of the Court of Appeals.

(b) **GROUND.** An application to the Supreme Court for further review shall allege precisely and in what manner the Court of Appeals: (1) has erred; (2) has rendered a decision which is in conflict with a prior holding of a published Court of Appeals decision or published Supreme Court decision; (3) has not considered a potentially controlling constitutional provision in rendering its opinion, or (4) has decided a case which should have been retained by the Supreme Court.

(c) **FORM AND LENGTH OF APPLICATION AND RESISTANCE AND NUMBER TO BE FILED.** Each copy of the application for further

review shall contain or be accompanied by a copy of the opinion of the Court of Appeals, showing the date of its filing. The application shall be a single document including a brief in support of the request for review. All contentions in support of the application shall be included therein, including all legal authorities and argument. A party who desires to file a resistance shall do so within ten days after service of the application. The resistance shall be a single document which includes all contentions in opposition to the application. No authorities or argument may be incorporated into the application or the resistance by reference to another document. An application or resistance shall be in the form prescribed by rule 16(a), Rules of Appellate Procedure, except that it may be printed or duplicated on one side of the sheet. The application or resistance shall not exceed twenty pages exclusive of the Court of Appeals opinion, index of contents, table of authorities and permitted evidentiary exhibits and trial court orders. No materials shall be annexed to or filed with an application or resistance other than the opinion of the Court of Appeals, except that, if it is of unusual significance, an evidentiary exhibit not exceeding ten pages and a trial court order not exceeding that length may be annexed. Eighteen copies of an application or a resistance shall be filed. In addition, two copies shall be served on each other party separately represented.

(d) SUPPLEMENTAL BRIEFS. If an application for further review is granted, the Supreme Court may require the parties to file supplemental briefs on the merits of all or some of the issues to be reviewed.

(e) **PROCEDENDO.** When an application for further review is denied by order of the Supreme Court or by operation of law, the clerk of the Supreme Court shall immediately issue procedendo.

VI. OTHER PROCEEDINGS

RULE 501. PROCEDURE IN OTHER PROCEEDINGS.

Procedure in all other proceedings in the appellate courts shall, unless otherwise ordered, be the procedure prescribed in the Rules of Appellate Procedure to the full extent not inconsistent with rules specifically prescribing the procedure or with statute. An appendix under the Rules of Appellate Procedure shall be deemed an abstract of record.

VII. FORMS

RULE 601. FORMS.

The Supreme Court may by order prescribe forms for use under the Rules of Appellate Procedure.

VIII. CHANGES AND EFFECTIVE DATES

RULE 701. CHANGES.

The Supreme Court shall have power, by order, to revoke, change or supplement the Rules of Appellate Procedure, except for rules 1 to 9, inclusive. Such changes or additions shall take effect at such time as the Supreme Court shall prescribe.

RULE 702. EFFECTIVE AND GOVERNANCE DATES.

The Rules of Appellate Procedure shall take effect on July 1, 1977. They shall govern appeals and proceedings in the

appellate courts after they take effect, and also all further acts in appeals and proceedings then pending except to the extent that in the opinion of the appropriate appellate court or a justice or judge thereof their application in a particular appeal or proceeding would be infeasible or unjust, in which event the previous rules shall apply.

ACKNOWLEDGEMENT

I, Steven C. Cross, Secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the 28th day of January, 1977 of the foregoing report of the Supreme Court of Iowa pertaining to Rules of Appellate Procedure.

/s/ Steven C. Cross
Secretary of the Senate, 1977
Regular Session of the Sixty-
seventh 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 28th day of January, 1977 of the foregoing report of the Supreme Court of Iowa pertaining to Rules of Appellate Procedure.

/s/ David L. Wray
Chief Clerk of the House of
Representatives, 1977 Regular
Session of the Sixty-seventh
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 1977 Regular Session of the Sixty-seventh 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 1977 Regular Session of the Sixty-seventh General Assembly of the State of Iowa, and we do hereby jointly certify that as such Speaker and Chief Clerk that on the twenty-eighth day of January, 1977, the Supreme Court of the State of Iowa reported to said House of Representatives, and filed with it, the attached and foregoing Rules of Appellate Procedure;

THAT the date of making said report to the 1977 Regular Session of the Sixty-seventh General Assembly was within the twenty days subsequent to the convening of the 1977 Regular Session of the Sixty-seventh General Assembly;

THAT no other report pertaining to the Rules of Appellate Procedure was made or filed by said Supreme Court with said House of Representatives;

THAT no changes, modifications, amendments, revisions or additions to the Rules of Appellate Procedure were made or enacted at such 1977 Regular Session of said Sixty-seventh General Assembly.

Signed this thirteenth day of June, 1977, being the last legislative day of the 1977 Regular Session of the Sixty-seventh General Assembly.

/s/ Dale M. Cochran
Dale M. Cochran
Speaker of the House

/s/ David L. Wray
David L. Wray
Chief Clerk of the House of
Representatives, 1977 Regular
Session of the Sixty-seventh
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 1977 Regular Session of the Sixty-seventh 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 1977 Regular Session of the Sixty-seventh General Assembly of the State of Iowa, and we do hereby jointly certify that as such President and Secretary that on the twenty-eighth day of January, 1977, the Supreme Court of the State of Iowa reported to said Senate, and filed with it, the attached and foregoing Rules of Appellate Procedure;

THAT the date of making said report to the 1977 Regular Session of the Sixty-seventh General Assembly was within the twenty days subsequent to the convening of the 1977 Regular Session of the Sixty-seventh General Assembly;

THAT no other report pertaining to the Rules of Appellate Procedure was made or filed by said Supreme Court with said Senate;

THAT no changes, modifications, amendments, revisions or additions to the Rules of Appellate Procedure were made or enacted at such 1977 Regular Session of said Sixty-seventh General Assembly.

Signed this thirteenth day of June, 1977, being the last legislative day of the 1977 Regular Session of the Sixty-seventh General Assembly.

/s/ Arthur A. Neu
President of the Senate

/s/ Steven C. Cross
Steven C. Cross
Secretary of the Senate
1977 Regular Session of the
Sixty-seventh General Assembly
of the State of Iowa

SENATE CONCURRENT RESOLUTION NO. 30

WHEREAS, section two hundred sixty-two A point three (262A.3) of the Code provides that the state board of regents shall prepare and submit to the general assembly for approval no later than seven days after the convening of each regular annual session of the general assembly a proposed ten-year building program for each institution of higher learning under the jurisdiction of said board, said program to contain a list of the buildings and facilities which the board deems necessary to further the educational objectives of the institutions, with an estimate of the cost of each of the buildings and facilities referred to therein and an estimate of the maximum amount of bonds which the board expects to issue under chapter two hundred sixty-two A (262A) of the Code during each year of the ensuing biennium; and

WHEREAS, the state board of regents prepared and within seven days after the convening of the Sixty-seventh General Assembly of the State of Iowa, First Session, submitted to the Sixty-seventh General Assembly, First Session, for approval such a proposed ten-year building program for each institution containing a list of the buildings and facilities which the board deems necessary to further the educational objectives of the institutions, together with an estimate of the cost of each of the buildings and facilities referred to therein and an estimate of the maximum amount of bonds which the board expects to issue under the provisions of chapter two hundred sixty-two A (262A) of the Code for each year of the biennium beginning July 1, 1977 and ending June 30, 1979; and

WHEREAS, the projects contained in said building program are deemed necessary for the proper performance of the instructional, research and service functions of the institutions; and

WHEREAS, section two hundred sixty-two A point four (262A.4) of the Code provides that the state board of regents after authorization by a constitutional majority of each house of the general assembly and approval by the governor may undertake and carry out at the institutions of higher learning under the jurisdiction of said board any project as defined in chapter two hundred sixty-two A (262A) of the Code; and

WHEREAS, chapter two hundred sixty-two A (262A) of the Code authorizes the state board of regents to borrow money and to issue and sell negotiable revenue bonds to pay all or any part of the cost of carrying out such projects at any institution payable solely from and secured by an irrevocable pledge of a sufficient portion of the student fees and charges and institutional income received by the particular institution; and

WHEREAS, to further the educational objectives of the institutions the state board of regents requests authorization to undertake and carry out certain of said projects at this time and to finance the cost thereof by borrowing money and issuing negotiable bonds under the provisions of chapter two hundred sixty-two A (262A) of the Code, in a total amount not to exceed fifteen million five hundred fifteen thousand (15,515,000) dollars, the remaining cost of said projects to be financed by capital appropriations or by federal or other funds lawfully available therefor; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING, That the proposed ten-year building program submitted by the state board of regents for each institution of higher learning under its jurisdiction, including the estimate of the maximum amount of bonds which the board expects to issue under the provisions of chapter two hundred sixty-two A (262A) of the Code, be and is hereby approved as follows:

STATE BOARD OF REGENTS PROPOSED TEN-YEAR
BUILDING PROGRAM 1977-1987
State University of Iowa

<u>Project</u>	<u>Estimated Total Cost</u>
Lindquist center for measurement--	
phase II	\$ 5,640,000
Old armory replacement	11,680,000
Movable equipment	1,735,000
Macbride hall remodeling	825,000
Chemistry botany building remodeling	560,000

Fire escapes--two buildings	230,000
Eastlawn remodeling	485,000
Medical research center remodeling	310,000
Life-of-building formula remodeling	16,360,000
Boiler plant renovation	1,670,000
Steam distribution improvements	1,690,000
Electrical substations for university hospitals	1,500,000
Storm sewer renovations	2,890,000
Water plan improvements	710,000
Chiller improvements	2,690,000
Eastside water system improvements	1,050,000
Miscellaneous and recurring utility needs	600,000
Lease/purchase of main frame computer	1,200,000
Undefined special projects	<u>5,000,000</u>
TOTAL	\$56,825,000
<u>Iowa State University of Science and Technology</u>	
Music building	3,385,000
Library addition--phase I	6,335,000
Horticulture addition	2,460,000
Library addition--phase II	6,100,000
Mechanical engineering and engineering science and mechanics	5,375,000
Agronomy addition	4,900,000
Movable equipment	2,840,000
Quadrangle remodeling--phase I	2,035,000
Beardshear hall remodeling	605,000
Curtiss hall remodeling	700,000
Quadrangle remodeling--phase II	3,300,000
Life-of-building formula remodeling	10,780,000
Centrifugal chiller and cooling tower	2,500,000
Water pollution control plan improvements	1,300,000
System expansion for new and renovated buildings	1,200,000
General system repairs and alterations--utilities	3,400,000
Cooling tower addition and replacement	1,200,000
Power plant repairs	2,000,000
Miscellaneous utility projects	1,065,000
Electrical repairs	900,000

Undefined special projects	5,000,000
TOTAL	\$67,380,000
<u>University of Northern Iowa</u>	
Speech/art complex--phase II	4,105,000
Physical education center completion	7,680,000
Movable equipment	1,180,000
Gymnasium I remodeling	250,000
Life-of-building formula remodeling	5,965,000
Coal-fired boiler	6,905,000
Storm and sanitary sewer repairs	630,000
Electrical system improvements	920,000
Steam distribution improvements	1,850,000
Water line improvements	200,000
Miscellaneous utility needs	300,000
Pollution control devices	1,200,000
Hudson road improvements	300,000
Classroom building for business	3,678,000
Movable equipment for business	347,000
TOTAL	\$35,510,000
Total state board of regents' ten-year program 1977-1987	\$159,715,000

BE IT FURTHER RESOLVED, That during the biennium which commences July 1, 1977, and which ends June 30, 1979, the maximum amount of bonds which the state board of regents expects to issue under the provisions of chapter two hundred sixty-two A (262A) of the Code is fifteen million five hundred fifteen thousand (15,515,000) dollars, all or any part of which may be issued during the fiscal year ending June 30, 1978, and if all of that amount should not be issued during the fiscal year ending June 30, 1978, any remaining balance may be issued during the fiscal year ending June 30, 1979, and this plan of financing is hereby approved; and

BE IT FURTHER RESOLVED, That the state board of regents be and is hereby authorized to undertake and carry out the following projects and to pay all or any part of the cost of carrying out such projects by borrowing money and issuing negotiable revenue bonds under the provisions of chapter two hundred sixty-two A (262A) of the Code in a total amount not to exceed fifteen million five hundred fifteen thousand (15,515,000) dollars:

State University of Iowa

Reconstruction of boiler #8

Replace electrical substation serving university hospitals
Boilers #5 and #6--controls and instrumentation
Medical research center--electrical renovations
Steam distribution--complete westside loop system
Miscellaneous utilities and remodeling projects
Iowa State University of Science and Technology
Centrifugal chiller and cooling tower
Miscellaneous general utility and remodeling projects
University of Northern Iowa
Coal-fired boiler replacement and auxiliaries--phases I and II
Miscellaneous general utility and remodeling projects
Approved June 29, 1977

RESOLUTIONS

SENATE CONCURRENT RESOLUTIONS

- SCR 1 Joint rules of the Senate and House, Sixty-seventh General Assembly, regular session. Adopted, S.J. 23-30, 57-61, 123; Adopted, H.J. 58-66, 80-83, 137.
- SCR 2 Current Code of Iowa and Session Laws furnished to legislators, staff, and to certain members of the press. Adopted, S.J. 41, 66, 123, 179; Adopted, H.J. 19, 26.
- SCR 3 Journals, bills and binders furnished free to county auditors, and to Iowa's members of U.S. Congress. Adopted, S.J. 43, 44, 66, 122, 123; Adopted, H.J. 19, 20, 27.
- SCR 4 Compensation of chaplains, officers and employees of the Sixty-seventh General Assembly. Adopted, S.J. 30-40, 61-66, 141, 145, 146, 176, 413; Adopted, H.J. 69-80, 83086, 103, 116, 117, 118, 136, 137.
- SCR 5 Rev. Martin Luther King, Jr., memory honored. Introduced, S.J. 74, 140, 244.
- SCR 6 Designation of "committee time" - January 10, 1977 through February 18, 1977. Adopted, S. J. 120-122; Adopted, H.J. 118, 119.
- SCR 7 Spring recess, adjournment of General Assembly, Thursday, April 7, 1977; to reconvene Tuesday, April 12, 1977 at 10:00 a.m. Adopted, S.J. 195, 199, 244, 246, 247, 258, 262, 862; Adopted, H.J. 268, 269, 281, 795, 845, 887, 1108, 1187.
- SCR 8 Natural gas allocation, urge President of U.S. to recognize state's needs and formulate a national energy policy. Adopted, S.J. 309, 310, 315, 399, 440, 441, 459, 466, 467, 497; Introduced, H.J. 574, 575, 841.
- SCR 9 Employment of elderly, legislative internship program. Introduced, S.J. 349, 350, 356, 399.
- SCR 10 Athletics, ISU and U of I, General Assembly requests that universities co-operate in athletic events. Introduced, S.J. 354, 355, 361.
- SCR 11 General Assembly requests Congressional disapproval of federal salary increases. Introduced, S.J. 369, 370, 384.
- SCR 12 Bonus board, examination of present duties, consolidation of duties relating to veterans' programs, interimcommittee to study. Introduced, S.J. 676, 677, 692, 886. [See HCR 19]
- SCR 13 Bikeways, DOT to study feasibility of acquiring Waterloo railroad line, which the company is seeking to abandon, for use of cyclists. Introduced, S.J. 783, 784, 794, 961. [See HCR 24]
- SCR 14 Mental health services in state, greater co-ordination among agencies, joint interim select subcommittee to study and report findings and make recommendations. Adopted, S.J. 848-850, 867, 961, 1661, 1662, 1700, 1702; Adopted, H.J. 2348-2350, 2376, 2382. [SCR 14 substituted for HCR 26] [See HCR 8]
- SCR 15 State communications plan, Police Communications Review Committee and Telecommunications Task Force to conduct joint interim study. Introduced, S.J. 937, 938, 959, 1067.
- SCR 16 Resource recovery systems in state, study committee created. Introduced, S.J. 1071, 1072, 1097.
- SCR 17 Reprinting of amended bills. Introduced, S.J. 1201, 1217, 1869.
- SCR 18 Commission on aging, drug abuse authority, division of alcoholism and related programs, study of funding to be made during interim. Adopted, S.J. 1338, 1373, 1529, 1657, 1658, 1703; Introduced, H.J. 2350. [See HCR 34]
- SCR 19 Liability insurance for manufacturers and sellers of products in state, study committee created. Adopted, S.J. 1342, 1343, 1371, 1448, 1449; Introduced, H.J. 2171, 2172.
- SCR 20 Renewable energy systems, interim study committee to examine Senate Study Bill 251. Introduced, S.J. 1417, 1418, 1439.
- SCR 21 Rural community development program, establishment, joint study committee created. Introduced, S.J. 1418, 1439.
- SCR 22 County home rule, SJR 1006 and HJR 9, joint House and Senate county government subcommittees to study implementation. Introduced, S.J. 1418, 1419, 1439.
- SCR 23 Civil service law, committee to conduct comprehensive study. Introduced, S.J. 1535.
- SCR 24 Financial audits of the General Assembly. Introduced, S.J. 1607, 1608, 1666.
- SCR 25 Extraordinary sessions, amendment of rule 3 of the joint rules of the Senate and House. Adopted. S.J. 1724, 1725, 1731, 1873; Adopted, H.J. 2477, 2480, 2481, 2677.
- SCR 26 Extraordinary session limitation to compensation of employees and corporate taxation. Adopted, S.J. 1725, 1731, 1732, 1873; Adopted, H.J. 2477, 2481, 2677, 2678.
- SCR 27 Adjournment of the General Assembly, standing and budget committee work during interim, pre-filing of bills and interim calendar. Adopted, S.J. 1725-1729, 1743-1745, 1873; Adopted, H.J. 2477, 2481-2485, 2678.

RESOLUTIONS—Continued

-
- SCR 28 Beverage containers, use and regulations, committees to review and study H.F. 187 during interim. Introduced, S.J. 1730, 1731, 1867, 1871.
- SCR 29 Soil conservation, interim study committee created. Introduced, S.J. 1747.
- SCR 30 Board of Regents, proposed ten-year building program, higher education. Adopted, S.J. 1801-1805, 1824, 1825, 1862; Adopted, H.J. 2618-2623. [See HCR 40]
- SCR 31 Additional subject matter to be discussed during Extraordinary Session, other than that described in SCR 26, to consist of laws concerning the maximum school levy and the guaranteed state aid provisions of chapter 442 of the Code. Adopted, S.J. 13-17; Adopted, H.J. 18-21. [See HCR 58]
- SCR 32 Adjournment sine die, of the Extraordinary Session of the 67th General Assembly, and convening of 1978 session of the 67th General Assembly on January 9, 1978. Introduced, S.J. 30, 31, 36.

HOUSE CONCURRENT RESOLUTIONS

- HCR 1 Governor Ray's state of the state message, joint convention, January 11, 1977. Adopted, H.J. 13; Adopted, S.J. 40.
- HCR 2 Governor Ray's budget message, joint convention, January 14, 1977, 9:00 a.m. Adopted, H.J. 27; Adopted, S.J. 66, 67, 78.
- HCR 3 County jails, pretrial release programs, study committee appointed. Introduced, H.J. 66.
- HCR 4 DOT proposed rule on the maximum legal length of a combination of three vehicles. Adopted, H.J. 183, 200, 201, 204, 207-212, 490, 563-566, 623, 769, 778-788, 799, 810, 811, 821, 832-835, 860; Adopted, S.J. 214, 233, 270, 321, 401-408, 413, 430, 439, 509, 587, 588, 599-601, 622, 623, 636, 637, 655, 656, 688, 689, 799.
- HCR 5 Congress urged to adopt a resolution proposing an amendment to U.S. Constitution to require that the total of all federal appropriations made by Congress for any fiscal year not exceed the total of all federal revenues for the previous fiscal year. Introduced, H.J. 228, 229, 625.
- HCR 6 Contract execution by General Services with a food service agency upon termination of contract with the blind commission. Introduced, H.J. 229, 230, 237, 254, 289.
- HCR 7 Establishment of a new position of Recording Clerk/Supervisor of Pages. Adopted, H.J. 278, 293, 311-313, 317, 324, 342, 343, 344, 1187; Adopted, S.J. 352, 353, 361, 615, 842, 861, 868, 869.
- HCR 8 Mental health services in state, greater co-ordination among agencies, bipartisan joint select committee to conduct study. Introduced, H.J. 279, 280, 625. [See SCR 14 substituted for HCR 26]
- HCR 9 Surface and ground water demands, urge natural resources council to establish a moratorium until a state water plan is adopted on the issuance of irrigation permits. Introduced, H.J. 291, 371-373, 377, 421, 422, 457, 1104.
- HCR 10 Disapproval of plans of state conservation commission for a basin providing moorings for boats at Gull Point state park or any other point on or adjacent to West Okoboji Lake. Adopted, H.J. 291, 292, 371, 497, 574, 607, 608; adopted, S.J. 353, 354, 396, 426, 438, 465, 466, 675.
- HCR 11 Institution of energy conservation efforts in all buildings owned by state or political subdivisions. Adopted, H.J. 369, 370, 415, 443, 444, 1187, 1188, 1339; Adopted, S.J. 429, 430, 460, 616, 837, 846, 853, 860, 1003.
- HCR 12 Higher education costs, commission established to undertake comprehensive and detailed study of the roles of the various institutions. Introduced, H.J. 419, 420, 2246, 2251.
- HCR 13 Pioneer Lawmakers Association invited to attend joint session of General Assembly, April 14, 1977, at 1:40 p.m. Adopted, H.J. 420, 980, 1187; Adopted, S.J. 756, 757, 785, 842, 861, 869.
- HCR 14 Aujeszky's disease control or eradication program, urge U.S. government to adopt. Introduced, H.J. 503.
- HCR 15 Single statewide law enforcement agency, committee to study. Introduced, H.J. 600, 601.
- HCR 16 Routing of highways, study committee created. Introduced, H.J. 601, 602.
- HCR 17 Joint memorial session, Wednesday, April 27, 1977, 7:30 p.m. Adopted, H.J. 809, 810, 889, 896, 897, 1187, 1373, 1374; Adopted, S.J. 718, 719, 731, 797, 842, 862, 869.
- HCR 18 Taxation of income of nonresidents, study committee created. Introduced, H.J. 851, 852.
- HCR 19 Bonus board, examination of present duties, consolidation of duties relating to veterans' programs, interim committee to study. Introduced, H.J. 922, 923. [See SCR 12]
- HCR 20 Renovation of state historical building, committee to study. Introduced, H.J. 948, 949, 1418.
- HCR 21 Farm elevators, country elevators, terminals and dryers, General Assembly recommends exemption from EPA proposed rules governing standards of performance. Adopted, H.J. 1037, 1038, 1061, 1120, 1528; Adopted, S.J. 856-858, 884, 962, 1066, 1093.
- HCR 22 Request President of U.S., U.S. Congress and U.S. Secretary of Agriculture to encourage farmers to establish a food reserve by reinstating the reseal program. Introduced, H.J. 1155, 1160, 1161.
- HCR 23 Veterans preference laws, committee to study advisability of enacting a uniform law. Introduced, H.J. 1161.
- HCR 24 Bikeways, DOT to study feasibility of acquiring Waterloo railroad line, which the company is seeking to abandon, for use of cyclists. Introduced, H.J. 1257. [See SCR 13]

RESOLUTIONS—Continued

- HCR 25 Proposed instructional contract between Merged Area IX-Scott Community College campus and Marycrest College; General Assembly urges state board of public instruction to defer action on approval. Introduced, H.J. 1269.
- HCR 26 Mental health services in state, greater co-ordination among agencies, joint interim committee and other knowledgeable persons to study. Introduced, H.J. 1295-1297, 1302, 1397, 2382. [SCR 14 substituted for HCR 26] [See HCR 8]
- HCR 27 Acquisition of abandoned Waterloo railroad line for reconversion to agricultural use. Introduced, H.J. 1357.
- HCR 28 Permanent code of ethics for all members of General Assembly, and permanent provisions governing lobbying activities, study committee created. Introduced, H.J. 1502.
- HCR 29 Relocation of Highway 30, opposition by General Assembly to DOT's present plan. Introduced, H.J. 1502, 1503.
- HCR 30 Governmental units in state, committee to study consolidation, interaction of local jurisdictions and taxation powers. Introduced, H.J. 1631.
- HCR 31 Liability protection and insurance coverage for local officials and local governments, study committee created. Introduced, H.J. 1632.
- HCR 32 Use of consultants by state agencies, joint interim committee to study. Introduced, H.J. 1632, 1633.
- HCR 33 School districts' enrollment loss, study committee created. Introduced, H.J. 1956-1958.
- HCR 34 Commission of aging, drug abuse authority, division of alcoholism and related programs, study of funding during interim. Introduced, H.J. 1958. [See SCR 18]
- HCR 35 Studies of local government services and financing found inadequate for legislation, study committee created. Introduced, H.J. 1978, 1979.
- HCR 36 Interactive budgeting system for use by General Assembly. Adopted, H.J. 1979, 1980, 1984, 2093-2095; Introduced, S.J. 1518-1520, 1631, 1706, 1715, 1716, 1870.
- HCR 37 Commendation of the Advisory Commission on Corrections Relief and its staff for their dedicated work and accurate report on the state's corrections system. Introduced, H.J. 2064.
- HCR 38 State's laws concerning intestate distribution of property, study committee created to review and present recommendations. Introduced, H.J. 2065.
- HCR 39 Criminal victim compensation and restitution, interim study committees created. Introduced, H.J. 2096-2098, 2102.
- HCR 40 Board of Regents, proposed ten-year building program, higher education. Adopted, H.J. 2217, 2223-2230, 2238, 2264-2269; Introduced, S.J. 1638-1643, 1667. [See SCR 30]
- HCR 41 Indeterminate sentencing of prisoners, interim study committee created. Introduced, H.J. 2274.
- HCR 42 Impact of alternative land use plans upon the development, renovation and character of the state's cities. Introduced, H.J. 2314.
- HCR 43 Challenges to state's cities under 2,500 population because of new federal and state mandates. Introduced, H.J. 2314, 2315.
- HCR 44 Department of Job Services, alleged abuses in the unemployment compensation system, study committee created to review. Introduced, H.J. 2380, 2381, 2382, 2406.
- HCR 45 Modernization of state laws relating to credit unions, study committee created to evaluate. Introduced, H.J. 2397.
- HCR 46 Motor Vehicle Code, study committee re-established to make a comprehensive study of Chapter 321 of the Code and the Uniform Vehicle Code. Introduced, H.J. 2398.
- HCR 47 Public health programs in state, study committee created. Introduced, H.J. 2432, 2433.
- HCR 48 Educational programs, services and activities, funding provisions, study committee established. Introduced, H.J. 2485, 2486.
- HCR 49 Commodity futures markets, effect on prices received by farmers and paid by consumers, interim study committee appointed. Introduced, H.J. 2679.
- HCR 50 Nuclear generating plants, construction permits, waste disposal and reprocessing methods, study committee appointed. Introduced, H.J. 2679, 2680.
- HCR 51 Cities with municipal electric utilities, joint subcommittees created to investigate need for effects of enactment of the provisions of House File 611. Introduced, H.J. 2680, 2681.
- HCR 52 Energy conservation, proposals and associated problems. Introduced, H.J. 2681-2683.
- HCR 53 Regional governments within state, division of U.S. into federal regions, joint committee created to investigate possible results. Introduced, H.J. 2683, 2684.

RESOLUTIONS—Continued

-
- HCR 54 Major state adult correctional institutions, unitization, study committees created. Introduced, H.J. 2684, 2685.
- HCR 55 State rail transportation system, abandonments, study committee created. Introduced, H.J. 2585, 2586.

EXTRAORDINARY SESSION

- HCR 56 Joint convention of House and Senate of the 1977 Extraordinary Session of the 67th General Assembly, June 21, 1977, at 10:30 a.m., with Governor Robert D. Ray being invited to deliver a message. Adopted, H.J. 3, 4; Adopted, S.J. 5.
- HCR 57 Paul Engle, professor, SUI, designation as an honorary poet laureate of the state of Iowa. Adopted, H.J. 66, 67. [See HR 25]
- HCR 58 Additional subject matter to be discussed during Extraordinary Session, other than that described in SCR 26, to consist of laws concerning the maximum school levy and the guaranteed state aid provisions of chapter 442 of the Code. Introduced, H.J. 17. [See SCR 31]
- HCR 59 Palmer Junior College, Davenport, Lions basketball team, congratulations for its national rating and excellent sportsmanship. Introduced, H.J. 57, 58.
- HCR 60 Adjournment sine die, Extraordinary Session of the 67th General Assembly, Saturday, June 25, 1977. Adopted, H.J. 17, 68, 69; Adopted, S.J. 34, 35.

SENATE RESOLUTIONS

- SR 1 Senate code of ethics. Adopted, S.J. 20-23, 72, 73.
- SR 2 Lobbyists, Senate rules governing. Adopted, S.J. 79-91, 123, 179, 208.
- SR 3 Permanent rules of the Senate. Adopted, S.J. 91-120, 122, 123.
- SR 4 Western Dubuque High School, Epworth, Bobcat marching band, commendation for representing state at presidential inauguration. Introduced, S.J. 194, 225, 399, 615.
- SR 5 "Week of Prayer" and special mass, expression of appreciation. Introduced, S.J. 259, 268, 399.
- SR 6 Amendment of Senate permanent rules to include new rule on Study Bills. Adopted, S.J. 368, 369, 382, 432.
- SR 7 University of Northern Iowa wrestling team, congratulations extended for conference championship. Introduced, S.J. 500, 522 615.
- SR 8 Tribute to agriculture and farmers for their success as the most efficient producers in state's economy. Introduced, S.J. 676, 692, 796.
- SR 9 Commendation of U.S. Congress for defeating the "common situs picketing bill." Introduced, S.J. 780, 782, 783, 785, 796. [See HR 13]
- SR 10 Tribute to Senator C. Joseph Coleman and Senator James E. Briles for completing twenty years of service to state in the General Assembly, and presentation of their chairs in appreciation. Adopted, S.J. 1041, 1042.
- SR 11 "Under the Golden Dome" booklet, reprinting. Adopted, S.J. 1229, 1230, 1279, 1448.
- SR 12 Frank T. Nye, legislative reporter, expression of appreciation upon his retirement for his substantial contribution to the legislative process. Adopted, S.J. 1458, 1459, 1473, 1474.
- SR 13 John W. McCormick, commendation for his factual legislative reporting. Adopted, S.J. 1486, 1487.
- SR 14 Extraordinary session, amendment of Senate rules. Adopted, S.J. 1729, 1730, 1733.
- SR 15 Andrew G. Frommelt, former state senator, tribute for his service to the state. Introduced, S.J. 1746, 1867.

HOUSE RESOLUTIONS

- HR 1 Opening sessions with prayer, committee to arrange with ministers. Adopted, H.J. 15.
- HR 2 Appointment of clerks, secretaries and pages. Adopted, H.J. 15, 16.
- HR 3 Uniforms not required to be worn by pages. Introduced, H.J. 190, 817.
- HR 4 Expression of appreciation for "Week of Prayer" and special mass. Introduced, H.J. 253.
- HR 5 Disapproval of grades and steps assigned named individuals by House administrative committee under the authority of SCR 4. Introduced, H.J. 292, 293.
- HR 6 Owner-operated family farm, U.S. Congressional delegation urged to act boldly in protecting legitimate interests and existence. Adopted, H.J. 400, 401, 443.
- HR 7 City of Emmetsburg, congratulations on its seventeenth year of observance of St. Patrick's Day. Adopted, H.J. 441, 442, 498, 618.
- HR 8 University of Northern Iowa wrestling team, congratulations on its conference championship. Adopted, H.J. 472, 473, 629.
- HR 9 Appreciation of the efforts of reporter Nancy Fushan in her coverage of the legislative sessions. Adopted, H.J. 489, 490.
- HR 10 West Waterloo High School wrestling team, congratulations for winning the class AAA wrestling championship. Adopted, H.J. 602, 617, 618.
- HR 11 Southeast Polk High School girls basketball team, congratulations for winning state girls basketball championship. Adopted, H.J. 810, 1424, 1618.
- HR 12 St. Mary's High School, Clinton, boys basketball team, congratulations on winning state boys class 1-A high school basketball championship. Adopted, H.J. 923, 924, 1013, 1177.
- HR 13 "Common situs picketing," Congress petitioned to resist any attempts to pass bill. Introduced, H.J. 984. [See SR 9]
- HR 14 Roland-Story Norsemen boys basketball team, congratulations on winning the state boys class 2-A high school basketball championship. Adopted, H.J. 984, 985, 1212, 1374.
- HR 15 Dubuque Senior High School and Dubuque Wahlert High School, congratulations on receiving joint award of sportsmanship trophy at boys class 3-A basketball tournament. Adopted, H.J. 1039, 1073, 1217.
- HR 16 Seal for use in authenticating documents and resolutions. Introduced, H.J. 1112.
- HR 17 Expression of thanks to Representative Wally Horn and the 16th Avenue Sykora Bakery for treating legislators to kolaches. Introduced, H.J. 1241.
- HR 18 Commemoration of the life of George Baldwin for his devotion and services to the causes of senior citizens. Adopted, H.J. 1338, 1393, 1409, 1980, 1981, 2269.
- HR 19 Randy Wilson, student at University of Oklahoma and native of Knoxville, congratulations upon being voted outstanding athlete of the 1977 Drake Relays. Adopted, H.J. 1797, 1866, 1867, 2065.
- HR 20 Booklet "How a Bill Becomes a Law," chief clerk authorized to print fifteenth edition. Adopted, H.J. 1947, 1958.
- HR 21 John Wesley McCormick, commendation on his sixty-second year of reporting legislative activities. Adopted, H.J. 2115-2117.
- HR 22 Antioch Baptist Church and pastor, Rev. Eugene Williams, Waterloo, commendation for their sustained and continued dedication to the rehabilitation of prisoners. Adopted, H.J. 2274, 2275, 2292.
- HR 23 Advisory Commission on Corrections relief and staff, commendation for their dedicated work and accurate and well-developed report. Introduced, H.J. 2398, 2399.
- HR 24 St. Benedict Parish, Algona, congratulations to Father McAlpin and its members in commemoration of the one-hundredth anniversary of their parish. Adopted, H.J. 31, 66.
- HR 25 Paul Engle, professor, SUI, designation as an honorary poet laureate of the state of Iowa. Adopted, H.J. 66, 67. [See HCR 57]
- HR 26 City of Breda, congratulations on the centennial anniversary of its incorporation. Adopted, H.J. 67, 68.

**TABLES
AND
INDEX**

TABLES

**TABLE OF SENATE AND HOUSE FILES
AND JOINT RESOLUTIONS**

SENATE FILES

File No.	Chap. No.	File No.	Chap. No.	File No.	Chap. No.	File No.	Chap. No.
5.....	129	161.....	25	267.....	2	341.....	22
28.....	47	162.....	18	268.....	50	342.....	20
32.....	119	163.....	15	274.....	139	344.....	33
35.....	73	167.....	103	279.....	102	349.....	148
36.....	144	170.....	131	280.....	145	351.....	96
41.....	98	180.....	130	288.....	58	355.....	152
42.....	112	185.....	19	289.....	153	362.....	160
51.....	42	195.....	151	290.....	72	363.....	140
52.....	146	197.....	9	296.....	94	364.....	23
53.....	111	198.....	10	297.....	149	370.....	26
61.....	120	205.....	78	299.....	27	371.....	6
63.....	155	213.....	3	301.....	11	377.....	108
64.....	91	214.....	31	302.....	7	379.....	117
65.....	132	224.....	114	307.....	99	383.....	45
71.....	77	231.....	82	311.....	65	385.....	90
98.....	89	233.....	24	312.....	95	388.....	44
109.....	83	234.....	8	314.....	121	390.....	69
110.....	84	235.....	28	317.....	40	393.....	41
112.....	154	238.....	126	318.....	147	394.....	70
118.....	101	239.....	128	319.....	157	395.....	67
119.....	133	243.....	88	328.....	51	402.....	159
140.....	122	251.....	150	329.....	48	408.....	161
155.....	16	259.....	71	334.....	104	409.....	1
156.....	79	262.....	30	337.....	55	414.....	32
160.....	46	266.....	5	340.....	21		

SENATE JOINT RESOLUTIONS

	Chap. No.
S.J.R. 11.....	162

TABLES

**TABLE OF SENATE AND HOUSE FILES
AND JOINT RESOLUTIONS**

HOUSE FILES							
File No.	Chap. No.	File No.	Chap. No.	File No.	Chap. No.	File No.	Chap. No.
44.....	115	209.....	97	327.....	60	464.....	37
57.....	87	210.....	53	331.....	156	490.....	125
60.....	85	224.....	62	332.....	43	536.....	116
70.....	61	228.....	80	338.....	127	546.....	141
74.....	92	229.....	64	354.....	75	558.....	13
75.....	63	231.....	57	358.....	134	569.....	124
77.....	143	249.....	107	367.....	4	573.....	17
85.....	136	251.....	66	385.....	106	582.....	56
101.....	113	254.....	93	406.....	118	584.....	34
128.....	29	267.....	142	408.....	68	594.....	74
150.....	110	277.....	123	414.....	12	595.....	54
158.....	59	279.....	109	421.....	86	597.....	36
163.....	76	280.....	39	437.....	105	615.....	14
164.....	158	281.....	137	444.....	81	622.....	35
174.....	52	287.....	138	445.....	49		
197.....	100	305.....	135	449.....	38		

	Chap. No.
R.C.P.....	163
R.A.P.....	164

TABLES

**TABLE OF SECTIONS REPEALED OR AMENDED
CODE 1977**

Code Section	Acts Chapter	Code Section	Acts Chapter	Code Section	Acts Chapter
2.10	3	97B.41 (1)"a"	3,56	125.19 (1),(2),(5),(9)	74
2.41	38	97B.41 (3) "b" (1),(2)	56	125.20	74
2.42	38	97B.44	48	125.20 (2)	74
2.45	38	97B.67 (1)	48	125.21 (2)	74
2.47	38	97C.19	48	125.22	74
2.49	38	98.8	57	125.23 (3)	74
2.51	38	99B.2	147,§116	125.26	74
13.2	39	99B.6 (1)"k"	147,§116	125.27	74
18.5	147,§112	99B.6 (4)	147,§116	125.28 (1)	74
18.97	40	99B.7	58	125.29-125.31	74
19A.3	154	99B.9	147,§116	125.33	74
20.15 (1-3),(5),(6)	41	99B.11	147,§96	125.34	74
24.33	44	99B.15	147,§116	125.37-125.42	74
25A.21	45	99B.16	147,§116	135B.17	48
56.29	147,§113	101A.12	60	135D.26 (2)	103
68B.2 (4)	48	103A.3	62,63	135E.16	69
68B.8	147,§114	103A.7	63	147.21	69
72.1	49	103A.8	63	154.8	95
79.21	50	103A.10	63	154A.5	69
79.22	50	103A.19	63	154A.16	95
81.1 (1),(2)	48	106.5	64	154B.4	95
81.3	48	107.24	65	154B.6	95
83A.13	147,§115	109.76	66	154B.7	95
85.3	51	109.80	66	159.5 (8)	79
85.26	51	109.80 (2)	66	159.6 (10)	48
85.34 (3)	48	109.88	66	169.55	69
85.35 (3),(7)	51	109.92	66	172A.10	147,§119
85.36 (10)	48	109.97	66	172B.5 (1)	48
85.46	51	109A.10	147,§117	172B.6	147,§119
86.2	51	110.1	66	172C.1	82
86.3	51	110.6	66	172C.4	82
86.8	51	110.11	66	172C.5	82
86.14	51	110.13	66	172C.7	82
86.17-86.26	51	110B.6	147,§118	172C.8	82
86.28	51	111A.4 (3)	68	172C.12	82
86.32	51	114.21	95	173.2 (4)	48
86.34	51	114.31	69	173.3	48
86.35	51	115.8	95	179.5 (2)	79
86.36	51	115.19	69	185C.31	147,§120
86.36 (2-4)	51	116.3	69	190.1	83
86.37	51	117.29	95	194.5	84
86.42	51	117.51	69	195.13	84
93.7	52	118.13	95	204.210	85
96.4 (5)	54	118.26	69	204.210 (5)"a"	85
96.5	54	118A.8	69	204.401	147,§121
96.7 (3)"a","c","d","e"	55	118A.15	95	212.2	86
96.7 (4)	48	120.10	95	217.10	88
96.7 (8)	54	120.16	69	217.24-217.29	154
96.7 (9)"b"(1)	54	123.24	71	218.98	89
96.7 (12-14)	54	123.36 (6),(7)	72	219.1	48
96.8 (2)	54	123.49 (2)"b"	72	222.86	37
96.14 (3)	54	123.134 (5)	72	223.8	37
96.14 (16)	48	123.146	70	225.43-225.45	44
96.19	54	125.1	74	229.1 (3)	48
96.19 (1)	55	125.2 (1-8),(10),(11)	74	229.21 (1)	74
96.19 (3)	48	125.3	74	230.25 (2)	73
96.19 (6)	54	125.5	74	237A.19	147,§122
96.19 (6)"a","h"	54	125.6	74	239A.1-239A.3	48
96.19 (7)"a","g"	54	125.7	74	246.1	37
96.19 (13)	54	125.7 (2),(4),(5),(8)	74	246.3	91
96.19 (21),(22)	55	125.8	74	246.21	87
96.19 (25),(27-30)	54	125.9	74	246.24	87
96.19 (35)"b"	54	125.9 (1),(2),(4),(6)	74	246.26-246.28	87
96.24	48	125.10-125.16	74	247.5	156
97B.12	48	125.17 (1),(2),(4)	74	247.24	154
97B.16	48	125.18 (1)	74	247A.2	154

TABLES

TABLE OF SECTIONS REPEALED OR AMENDED—CODE 1977—Continued

Code Section	Acts Chapter	Code Section	Acts Chapter	Code Section	Acts Chapter
249.11	149	321.126 (1),(2)	103	368.8	114
249A.7	149	321.127	103	368.11	114
252B.10	147,§123	321.129	60	368.20 (2)	114
253.2	92	321.134	103	400.11	115
257.25	93	321.145	60	403A.1	116
258.7	94	321.146	60	403A.2 (17)	116
258.9	94	321.152	103	403A.5	116
266.20	96	321.166	103	403A.21 (8)	116
270.9	31	321.176 (4)	103	403A.22	116
277.4	97	321.177 (1)	103	403A.22 (2)	116
279.3	97	321.178 (1-3)	103	403A.28	116
279.15 (2)	48	321.180	103	409.1	117
279.16	48	321.188	103	409.9	117
279.21	48	321.189 (1),(2)	103	409.12	117
279.32	97	321.190	147,§124	409.30 (3)	117
291.2	97	321.191	103	409.31	117
298.22	97	321.196	103	409.43	117
303.12-303.14	98	321.197	103	410.3	118
304.2 (2)	98	321.216	103	411.6 (7) "c"	48
304.3 (2)	48	321.218	147,§137	411.7 (2)	118
304.3 (6)	98	321.238 (9), (21)	60	421.22	48
304.4	98	321.266	147,§125	422.4	119
304.6	98	321.342	103	422.5	120
304.10	98	321.354	103	422.7	119
304.11	98	321.447	103	422.9 (2)	119
306.16	99	321.454	103	422.12	119
306.17	99	321.457 (1),(2)	103	422.16 (13)	119
307.26 (5)	103	321.460	103	422.20	119
308A.3	100	321.473	103,105	422.26	121
313.18	60	321.485	147,§126	422.32 (4)	119
317.1	101	321.486	147,§126	422.33 (1)	122
317.3	102	321A.3	60	422.61 (4)	119
317.4	102	321E.1	103	422.72	119
321.1 (16)	103	321F.11	60	425.1	43
321.1 (17)	104	322.2 (4)	103	425.1 (2-4)	43
321.1 (33)	48	322.12	60	425.9	43
321.4	48	324.3	106	425.11 (1) "c", "d", "e"	43
321.19 (1)	103	324.11 (1)	107	425.36	147,§127
321.21 (3)	104	324.35	106	426.1-426.3	43
321.24	103	324.52-324.54	107	426.7	43
321.25	103	324.57	106	427A.1 (3),(4)	43
321.26	103	325.1	103	427A.9	43
321.27	103	325.6	103	427A.13	43
321.31	103	325.7	48	441.21 (1)	43
321.34 (1),(2),(4),(5)	103	325.25	103	441.26	43
321.34 (6)	104	325.36	60	441.65	117
321.34 (7) "a", "b"	103	326.13	103	442.2	43
321.35-321.37	103	327.13	60	446.4	48
321.39	103	327A.2	103	450.18	48
321.41	103	327A.8	59	450.68	119
321.42	103	327A.19	60	455.22	48
321.46	103	327B.3	60	455A.8	123
321.47	103	327F.9	147,§103	455A.14	123
321.48 (1)	103	327G.15	48	455A.20	123
321.49 (1)	103	327G.32	103	455A.21	123
321.50 (1),(3),(4)	103	328.1	108	455A.33	123
321.51 (2-7)	103	328.12	108	455B.7 (3)	48
321.52	103	336A.5 (1)	109	455B.12 (4)	49
321.57	103	336A.10	109	455B.12 (10)	124
321.58	103	336A.11	109	455B.13 (3)	124
321.60	103	339.5	147,§140	455B.26	124
321.75	103	340.8	110	455B.32 (3)	124
321.89 (4)	48	340.18	110	455B.33 (4)	124
321.104	103	345.1	111	455B.59	95
321.105	103,104	346A.2	112	476A.14	147,§128
321.121	103	351.19	73	496.1	82
321.122 (1),(2)	104	356.5	113	496A.2	126
321.123	104	357B.4	48	496A.32	126
321.123 (1),(2),(4)	104	368.7	114	496A.37	126

TABLES

TABLE OF SECTIONS REPEALED OR AMENDED—CODE 1977—Continued

Code Section	Acts Chapter	Code Section	Acts Chapter	Code Section	Acts Chapter
502.605	147, §129	598.21	138, 139	601J.4 (1),(2)	141
504.3	128	600.2 (2)	140	602.42	147, §104
504.17	128	600.3 (2)	140	602.54	56
504.18	128	600.5 (4),(5),(10)	140	605.2	18
504A.22	129	600.8	140, 147, §131	605A.4	48
504A.100	128	600.8 (2) ^{"a"}	140	610.48	69
509.17 (3)	130	600.8 (3),(8),(10)	140	617.3	143
515B.5 (1) ^{"g"}	48	600.9	147, §131	617.4	48
515B.5 (2) ^{"g"}	48	600.11 (2),(3)	140	624.4	144
515B.15	131	600.13 (1-3),(5)	140	633.118	145
515B.16	131	600.15 (1)	140	633.279	145
522.1	132	600.16	147, §132	633.361	146
534.2	133	600.16 (1) ^{"b"}	140	633.437	145
534.12	133	600.16 (2)	140	633.477	146
534.19	133	600.20	48	633.479	145
534.21	133	600A.2 (7) ^{"b"}	140	633.704	145
534.43	133	600A.2 (16),(17)	140	674.6	136
534.48	133	600A.4 (1),(2) ^{"e"}	140	674.7	136
534.62	133	600A.4 (2) ^{"h"}	140	674.12	136
543.28 (3)	48	600A.4 (3)	140	674.13	136
553.14	147, §130	600A.4 (4)	140	713.45	147
554.9301 (2)	134	600A.5 (2)	140	726.1	147, §133
554.9312 (4)	134	600A.6 (1),(2),(4-7)	140	726.3	147, §133
554.11105 (4)	48	600A.7 (1-3)	140	726.8	147, §134
589.25	135	600A.8	140	726.14-726.16	147, §134
597.15	139	600A.8 (7)	140	740.22	147, §135
598.2	137	600A.9	140	789A.1	154
598.5	137	601G.3	38		

TABLES

**TABLE OF SECTIONS REFERRED TO
CODE 1977**

Code Section	Acts Chapter	Code Section	Acts Chapter	Code Section	Acts Chapter
2.10	15	154A.23	95	321.152	60
2.12	43	154A.24	95	321.166	103
4.1 (1)	74	154B.6	95	321.186	103
8.33	6,18,36,37	155.14-155.16	95	321.188	103
	151	169.36	95	321.189	103
8.39	4,29,122	198.9	79	321.207	147
14.22	40	200.8	79	321.218	147
17A.2	156	203A.2 (3)	74	321.236	147
17A.4-17A.6	96	204.410	147	321.252	103
17A.12	51	217.14	147	321.256	147
17A.15	51	217.24-217.29	154	321.311	103
17A.17	51	218.90	37	321.454	147
17A.19	51,95	220.14 (3) ^{"b"}	90	321.463	103
18.7	87	222.73	37	321.466	103
18.9	4	229.21	74	321.485-321.487	147
18.12	147	230.20	37	321E.1	103
18.57	4	232.2 (13)	140	324.53	107
18.119	4	232.2 (13) ^{"i", "j"}	37	324.79	25
19A.9	37	232.33	140	324.84	25
25A.2	45	239.14	149	325.16	48
28D.3	46	246.26	87	325.34	147
35.8	31	247.16	147	327.22	147
80.9	60	249.11	149	327B.1	147
85.26	51	249A.7	149	327G.2	103
85.27	51	258.14	31	331.13	154
85.33	154	261.9	31	334A.1	20
85.34	154	261.16	31	334A.2	20
85.35	51	261.18	31	356.35	147
86.13	51	261.19	31	356.36	147
86.20	51	261.25-261.27	31	356A.3	147
86.23	51	262A.3	S.C.R. 30	368.11-368.19	114
96.19 (6),(7)	54	277.28	97	368.20	114
97A.1	147	279.3	97	368.20(2)	114
98.12	57	279.13-279.19	48	368.21	114
103A.3	63	279.23	48	368.22	114
103A.21	147	280A.2	31	405.1	20
103A.22 (1)	63	280A.23	31	409.10	117
107.17	25	280A.25	31	409.11	117
114.21	95	291.2	97	422.8	119
114.22	95	294.15	9	422.27	145
115.8	95	297.22	161	422.33	122
116.5	69	298.22	97	422.60	122
116.21	95	306.17	99	422.73	122
116.23	95	307.26	103	422.78	22
117.29	95	307A.5	33,34	425.1	43
117.35	95	307A.7	60	425.29	147
117.36	95	321.1	147	426A.10	21
118.13	95	321.19	103	441.21	43
118A.15	95	321.25-321.27	103	441.45	43
118A.16	95	321.34-321.36	103	450.16	48
120.10	95	321.39	103	450.58	145
123.30	71	321.46-321.48	103	455A.17	25
123.136	70	321.51	103	455A.19	123
123B.10	73	321.52	103	455A.21	123
125.13	74	321.57	103	455A.28	123
125.26-125.34	74	321.58	103	455B.7	125
125.42	74	321.60	103	455B.7(5)	125
135B.1 (1)	75	321.72	103	455B.49	95
135C.1	75	321.73	103	455B.59	95
135C.21	147	321.85	103	467A.47	25
135D.1	62	321.98	103,147	467A.48	25
135D.26	103	321.105	103	476.4	48
147.55	95	321.121	103	477.15	147
147.58-147.71	95	321.122	104	477.58-477.60	147
147.82	78	321.126	103	479.19	147
148.6-148.9	95	321.127	103	479.109-479.115	147

TABLES

TABLE OF SECTIONS REFERRED TO—CODE 1977—Continued

Code Section	Acts Chapter	Code Section	Acts Chapter	Code Section	Acts Chapter
491.17	127	600A.5	140	633.478	145
491.18	127	600A.6	140	633.480	145
499.45	127	600A.8	140	674.2	136
504.1	128	602.15	147	684.18(1)	163
504.18	128	602.18	18	684.18(2)	164
504A.25	129	602.50	56,153	684.19	163,164
504A.100	128	602.51	56,153	684.20	18
514B.1	75	602.58	56,153	732.25	147
524.103	57	602.59	153	740.20	147
534.3	133	605.2	18	753.13-753.20	147
537.1301(42)	142	607.2	147	753.21	147
554.9103(5)	48	622.10	95	755.4	147
569.8	160	631.16	164	789A.1	147
600.2	48	633.293	145	789A.2	154
600.10	48	633.436	145		
600.13	140	633.474	145		

TABLE OF CHAPTERS REPEALED OR AMENDED CODE 1977

Code Chapter	Acts Chapter	Code Chapter	Acts Chapter
21	42	216	87
24	43	220	90
25A	45	224	74
31	47	224A	74
85	154	230	73
96	54	245	91
101	59	246	37
102	61	280A	35
103A	62	321	103
110	66	321E	103
111	67	333	43
123	70	425	43
125	74	445	43
135E	95	491	127
139	76	496A	127
145	77	499	127
151	95	595	136
153	78	600	140
163	80	606	142
169	95		

TABLES

**TABLE OF CHAPTERS REFERRED TO
CODE 1977**

Code Chapter	Acts Chapter	Code Chapter	Acts Chapter	Code Chapter	Acts Chapter
8	154	150A	75,148	426	43
14	40	151	75,95	453	142
17A	51,74,75,76,80, 95,96,123,125,154	152-154	75	455B	95,125
18	40	154A	95	467A	25
18A	4	154B	75	467D	48
19A	31,37,60,95	155	75	468	48
20	31,154	167	81	469	123
23	159	169	95	476A	124
28A	95	172C	82	482	128
28D	46	174	128	491	82,127,128
28E	31,124,125	175	48	494	128
29C	125	176	48	495	128
80	147	179	79	496A	82,127,128
85	51,60	200	125	497	82
85A	51	206	125	498	82
86	51	217	154	499	82,127,159
87	51	224	74	499A	128
88	125	229	37	500	128
91	125	230	37	503	128
97	9	236	48	504	82,128
97A	60	249A	29,37	504A	82,128
97B	56	255	31	506	128
97C	9	258	31	508	128
100	125	262A	S. C. R. 30	510	128
114-118	95	272A	31	514	128
118A	95	272B	31	515	128
120	95	280A	31	518A	128
123	74	285	31	519	128
125	74	321	147	524	128
135E	95	321E	103	533	128,142
147	75,95	324	28	534	128
148	75,148	326	104	601H	25
148A	75	384	48	605A	18
148B	75	390	159	726	147
148C	31	408	48	753	147
149	75	422	122	757	147
150	75	425	43	758	147

TABLES

**TABLE OF SESSION LAWS REPEALED OR AMENDED
IN ACTS OF THE SIXTY-SEVENTH
GENERAL ASSEMBLY, 1977 SESSION**

ACTS OF THE SIXTY-SEVENTH GENERAL ASSEMBLY, 1977 SESSION

File	Chapter	Acts Chapter
House File 367.....	4.....	34

ACTS OF THE SIXTY-SIXTH GENERAL ASSEMBLY, 1976 SESSION

Chapter	Acts Chapter	Chapter	Acts Chapter
1043,\$6.....	158	\$705.....	147,\$43
1132,\$2.....	37	\$801.....	147,\$44
1242,\$1.....	147,\$136	\$803.....	147,\$45
1245,ch 1.....	147,\$1	\$804.....	147,\$46
	148	Div. X.....	147,\$47
ch 1,\$107.....	147,\$2	Div. XI.....	147,\$80
\$203.....	147,\$3	\$1102.....	147,\$48
\$219.....	148	\$1103.....	147,\$49
\$304.....	147,\$4	\$1106.....	147,\$50
\$305.....	147,\$5	\$1108.....	147,\$51
\$408.....	147,\$6	\$1202.....	147,\$52
\$502.....	147,\$7	\$1203.....	147,\$53
\$707.....	148	Div. XIV.....	147,\$55
\$708.....	147,\$8	\$1401.....	147,\$56
\$709.....	147,\$9	\$1402.....	147,\$57
	148	\$1403.....	147,\$58
\$710.....	148	\$1404.....	147,\$59
\$711.....	147,\$10	\$1405.....	147,\$60
Div. VIII.....	147,\$11	\$1406.....	147,\$61
\$904.....	147,\$12	\$1407.....	147,\$62
\$909.....	147,\$13	\$1409.....	147,\$63
Div. XIV.....	147,\$18	\$1410.....	147,\$64
	149	\$1411.....	147,\$65
\$1401.....	147,\$14	\$1415.....	147,\$66
\$1402.....	147,\$15	\$1417.....	147,\$67
\$1407.....	147,\$16	\$1419.....	147,\$68
\$1408.....	147,\$17	\$1420.....	147,\$69
	149	\$1422.....	147,\$70
\$1501.....	147,\$19	1245,ch 2,\$1423.....	147,\$71
\$1607.....	147,\$20	\$1424.....	147,\$72
\$1901.....	147,\$21	\$1425.....	147,\$73
\$1906.....	147,\$22	\$1426.....	147,\$74
\$2402.....	150	\$1427.....	147,\$75
\$2408.....	147,\$23	\$1507.....	147,\$76
\$2409.....	147,\$24	\$1604.....	147,\$77
\$2410.....	151	\$1901.....	147,\$78
\$2602.....	147,\$25	1245,ch 3.....	147,\$81
\$2604.....	147,\$26	ch 3,\$102.....	147,\$82
\$2606.....	147,\$27		154
\$2801.....	147,\$28	\$105.....	147,\$83
1245,ch 2.....	147,\$29	\$303.....	147,\$84
ch 2,\$104.....	147,\$30,31	\$403.....	155
\$301.....	147,\$32	\$501.....	154
\$303.....	147,\$33	\$502.....	154
\$402.....	147,\$34	\$504.....	154
\$406.....	147,\$35	\$602.....	156
\$408.....	147,\$36	\$604.....	147,\$85
\$409.....	147,\$37	\$608.....	147,\$86
\$411.....	152	\$614.....	147,\$87
\$422.....	147,\$38	\$701.....	154
\$425.....	147,\$39	\$702.....	147,\$88
\$426.....	147,\$40		154
\$429.....	147,\$138	\$703.....	147,\$89
Div. V.....	147,\$79	\$706.....	154
\$505.....	147,\$41	\$707.....	147,\$90
\$702.....	147,\$42		154

TABLES

TABLE OF SESSION LAWS REPEALED OR AMENDED IN ACTS OF THE
SIXTY-SEVENTH GENERAL ASSEMBLY, 1977 Session—Continued

Chapter	Acts Chapter	Chapter	Acts Chapter
\$708	147,§91	\$242	147,§100
\$709	154	\$256	149
\$710	154	\$281	147,§101
\$804	157	\$329	147,§102
\$805	147,§92	\$378	147,§103
	157	\$382	147,§139
\$806	147,§93	\$402	147,§139
	157	\$403	147,§139
\$807	157	\$404	147,§139
\$808	147,§94	ch 4, \$405	147,§139
	157	\$406	147,§139
\$810	154	\$483	147,§139
	157	\$484	147,§139
\$811	157	\$491	147,§105
1245, ch 4	147,§95	\$516	147,§106
	147,§106	\$517	147,§107
	147,§112	\$518	147,§108
ch 4, §46	147,§139		§109
§47	147,§139	\$519	147,§110
§78	147,§97	\$525	147,§111
§140	147,§98	\$531	40
§231	147,§99		

TABLE OF SESSION LAWS REPEALED OR AMENDED IN ACTS OF THE
SIXTY-SEVENTH GENERAL ASSEMBLY, 1977 SESSION—Continued

ACTS OF THE SIXTY-FIFTH GENERAL ASSEMBLY, 1974 SESSION

Chapter	Acts Chapter
1026, §§1,7	33
1031, §5	14
1065, §4	17

TABLES

**TABLE OF SESSION LAWS REFERRED TO IN
ACTS OF THE SIXTY-SEVENTH GENERAL ASSEMBLY,
1977 SESSION**

ACTS OF THE SIXTY-SEVENTH GENERAL ASSEMBLY, 1977 SESSION

File	Chapter	Acts Chapter
House File 210.....	53.....	32
House File 464.....	37.....	154
House File 490.....	125.....	59

ACTS OF THE SIXTY-SEVENTH GENERAL ASSEMBLY, 1976 SESSION

Chapter	Acts Chapter	Chapter	Acts Chapter
1102, §1.....	18	§1107.....	147
1043, §6.....	13	§1108.....	147
1061, §1.....	6	§1301, R. Cr. P. 8-11.....	153
1105, §3.....	7	§1301, R. Cr. P. 27.....	153
1132, §5.....	37	§1302, R. Cr. P. 43.....	147
1205, §§6, 7.....	33	§1302, R. Cr. P. 53.....	147
1229.....	140	Div. XIV.....	153
1245.....	48	§1406.....	153
	154	ch 3, §202.....	147
1245, ch 1, §219.....	148	§203.....	147
§807.....	147	§210.....	147
§808.....	147	§405.....	157
§1408.....	149	§§603-608.....	154
§2605.....	147	§702.....	147
§2606.....	147		154
ch 2, Div. IV.....	147	ch 3, §706.....	154
	153	§709.....	154
§407.....	147	ch 4, §529.....	147
§408.....	147		148
Div. V.....	153		149
§502.....	147		150
§503.....	147		151
§505.....	147		152
§705.....	153		154
§803.....	147		155
§1102.....	147		156
§1106.....	147		157

ACTS OF THE SIXTY-SIXTH GENERAL ASSEMBLY, 1975 SESSION

Chapter	Acts Chapter
62.....	33
81.....	97

ACTS OF THE SIXTY-FIFTH GENERAL ASSEMBLY, 1974 SESSION

Chapter	Acts Chapter
1101.....	97

ACTS OF THE SIXTY-FOURTH GENERAL ASSEMBLY, 1972 SESSION

Chapter	Acts Chapter
1015.....	14

TABLES

ACTS OF CONGRESS REFERRED TO

	Acts Chapter
Emergency Jobs and Unemployment Assistance Act of 1974.....	54
Farm Labor Contractor Registration Act of 1963.....	54
Hazardous Materials Transportation Act.....	125
Immigration and Nationality Act.....	54
Internal Revenue Code of 1954, §44A, 641(c), 6103(b).....	119
Juvenile Justice and Delinquency Prevention Act of 1974.....	60
National Health Planning and Resources Development Act.....	75
Omnibus Crime Control and Safe Streets Act of 1968.....	60
Public Law 93-641.....	75
Public Law 94-566, §121.....	54
Resource Conservation and Recovery Act of 1976.....	125
Social Security Act, Title XIX, XX.....	37
Social Security Act, §1122.....	75
Solid Waste Disposal Act.....	125
Tax Reform Act of 1976, §1207 (Public Law 94-455).....	119
Unemployment Tax Act (26 U.S.C. 3301-3309).....	54
United States Comprehensive Employment and Training Act of 1973.....	94
Water Pollution Control Act, §§307, 311.....	125
Water Pollution Act of 1972, 86 Stat. 816.....	25

**TABLE OF CODES OF IOWA REFERRED TO IN THE
ACTS OF THE SIXTY-SEVENTH GENERAL ASSEMBLY,
1977 SESSION**

Code	Acts Chapter
1971.....	73
1973.....	73

UNITED STATES CODE REFERRED TO

Title	Section	Acts Chapter
5.....	5517.....	119
26.....	501-c(3).....	82
38.....	48

**TABLE OF RULES OF CIVIL PROCEDURE REFERRED
TO IN ACTS OF THE SIXTY-SEVENTH GENERAL
ASSEMBLY CODE OF 1977**

Rule	Acts Chapter
56.....	140§9
56(1).....	140
60-63.....	139
372.....	147§104

TABLES

**TABLE OF RULES OF CIVIL PROCEDURE REFERRED
TO IN RULES OF APPELLATE PROCEDURE
CODE OF 1977**

Rule	Acts Chapter
82(b).....	164
82(g).....	164
86.....	164
179(b).....	164
241.....	164
243(b).....	164
247.....	164
319.....	164

**TABLE OF RULES OF CIVIL PROCEDURE AMENDED
CODE OF 1977**

Rule	Acts Chapter
85(c).....	163
85(c)1.....	163
88.....	163
181.....	163
331-339.....	163

**TABLE OF RULES OF CIVIL PROCEDURE REFERRED
TO
CODE OF 1977**

Rule	Acts Chapter
82.....	163

VETOED BILLS

Senate File.....	7
Senate File.....	31
House File.....	64

ITEM VETO

	Acts Chapter
House File 327, §4(5),(7).....	60
House File 464, §§13(1), 17, 25(2).....	37

TABLES

**STATUTES OF THE CODE AMENDED BY CHAPTER 4
of CHAPTER 1245, CRIMINAL CODE REVISION AND
ACTS OF THE SIXTY-SEVENTH GENERAL ASSEMBLY**

Code Section	Acts Chapter
103A.21	147, §97
135C.21	147, §98
204.410	147, §99
217.14	147, §100
321.218	147, §101
356A.3	147, §102
602.42	147, §104
607.2	147, §105
753.13	147, §106
753.14	147, §107
753.15	147, §§108, 109
753.16 (1-3)	147, §110

**RULES OF CRIMINAL PROCEDURE AMENDED IN ACTS
OF THE
SIXTY-SEVENTH GENERAL ASSEMBLY, 1977 SESSION**

Chapter	Acts Chapter	Chapter	Acts Chapter
1245, ch 2, Div. XIII	153, §106	R. Cr. P. 29	153, §78
§1301, R. Cr. P. 1	153, §§2, 3	R. Cr. P. 31	153, §79
R. Cr. P. 2	153, §§4-7	§1301, Form 1	153, §92
R. Cr. P. 3	153, §§8-11	Form 2	153, §93
R. Cr. P. 4	153, §§12, 13	Form 3	153, §94
R. Cr. P. 5	153, §§14, 15	Form 4	153, §95
R. Cr. P. 6	153, §16	Form 5	153, §96
R. Cr. P. 7	153, §§17, 18	Form 6	153, §97
R. Cr. P. 8	153, §§19-23	Form 7	153, §98
R. Cr. P. 9	153, §24	Form 8	153, §99
R. Cr. P. 10	153, §§25-36	Form 9	153, §100
R. Cr. P. 11	153, §37	Form 10	153, §101
R. Cr. P. 12	153, §38	§1302, R. Cr. P. 33	153, §81
R. Cr. P. 13	153, §§39-41	R. Cr. P. 34	153, §82
R. Cr. P. 14	153, §42	R. Cr. P. 36	153, §83
R. Cr. P. 15	153, §43	R. Cr. P. 39	153, §84
R. Cr. P. 16	153, §44	R. Cr. P. 42	153, §85
R. Cr. P. 17	153, §§45-49	R. Cr. P. 48	153, §86
R. Cr. P. 18	153, §§50-57	R. Cr. P. 53	147, §54
R. Cr. P. 19	153, §§58-60	R. Cr. P. 54	153, §§87, 88
R. Cr. P. 20	153, §§61-63	R. Cr. P. 55	153, §89
R. Cr. P. 21	153, §§64, 65	R. Cr. P. 56	153, §90
R. Cr. P. 22	153, §§66-68	§1302, Form A	153, §102
R. Cr. P. 23	153, §§69-73	Form B	153, §103
R. Cr. P. 24	153, §74	Form C	153, §104
R. Cr. P. 25	153, §§75, 76	Form D	153, §105
R. Cr. P. 26	153, §77		

INDEX

References are to chapters

ABORTION

Criminal Code revision, ch 148

ACADEMY OF SCIENCE

Appropriation, ch 4

ACCIDENTS

Watercraft, registration certificate, ch 64

ACCOUNTANCY BOARD

Administrative rules, continuing education, ch 95
Appropriation, ch 5
Examinations by public board members, ch 69

ACTIONS

Equitable actions, review, ch 144
Foreign corporations and nonresidents, provisions repealed, ch 143

ADMINISTRATIVE PROCEDURE ACT

Workers' compensation procedures, ch 51

ADMINISTRATIVE RULES

Accountancy board, ch 95
Agriculture department
 Aujeszky's disease, ch 81
 Licensing of breeding bulls, ch 80
Architectural examiners, ch 95
Barber examiners, ch 95
Chiropractic examiners, ch 95
Cosmetology examiners, ch 95
Dental examiners, ch 95
Engineering examiners, ch 95
Environmental quality
 Certification board, continuing education, ch 95
 Pollution, hazardous conditions, ch 125
Funeral directors and embalmers examiners, ch 95
Health department
 Certificates of need, ch 75
 Immunization reports, ch 76
 Uniform financial reporting, ch 75
Hearing aid dealers board, ch 95
Landscape architectural examiners, ch 95
Medical examiners, ch 95
Natural resources council, use of water by registration, ch 123
Nursing board, ch 95
Nursing home administrators board, ch 95
Optometry examiners, ch 95
Pharmacy examiners, ch 95
Physical therapy examiners, ch 95
Podiatry examiners, ch 95
Psychology examiners, ch 95
Public instruction, nonsexist, multicultural instructional approach, ch 93
Real estate commission, ch 95
Shorthand reporters, examining board, ch 95
Social services, community-based corrections program, ch 154
Speech pathology and audiology examiners, ch 95
Substance abuse programs, ch 74
Veterinary medical examiners, ch 95
Watchmaking examiners, ch 95

ADOPTION

Access to records, ch 140
Parental rights terminated, ch 140

AGE

License to operate motor vehicles and motorized bicycles, ch 103

AGING COMMISSION

Appropriations
 Salary, ch 2
 Senior citizen centers, ch 7

AGRICULTURE

Agricultural land to trusts, ch 82
Energy conservation, innovative methods to be recognized, ch 52
Irrigation permits, ch 123
Labor, unemployment compensation, ch 54
Land tax credit, ch 43
Property tax based on productivity, ch 43
Self-propelled machinery, applicators, ch 103

AGRICULTURE DEPARTMENT

Administrative rules
 Aujeszky's disease, ch 81
 Breeding bulls, leasing, licensure, ch 80
Agricultural extension service, land preservation commissions, assistance, ch 53
Appropriations
 General, ch 79
 Dairy industry, ch 79
 Laboratory division, ch 79
 Scale trucks, ch 33
 Secretary, salary, ch 3
Aujeszky's disease, ch 81
Bulls, leasing, breeding requirements, ch 80
Cheese, standards updated, ch 83
Commodities, weighing by hopper and belt conveyor scales, ch 86
Secretary
 Dairy products, testing, ch 84
 Veterinary examiners board, membership, ch 95

AIRCRAFT

Air carrier service, ch 108

ALCOHOLISM

Appropriation ch 7
Substance abuse treatment, ch 74

ALIENS

Unemployment compensation, ineligible, ch 54

ANIMALS

Aujeszky's disease, ch 81
Bulls, leasing, breeding requirements, ch 80

APPEAL BOARD

Property tax valuations, political subdivisions, ch 43

APPELLATE COURT

Appropriation, ch 18

INDEX

References are to chapters

APPROPRIATIONS

Academy of science, publications, ch 4
 Accountancy board, ch 5
 Advisory commission on juvenile corrections, ch 158
 Aging commission
 Salary, ch 2
 Senior citizen centers, ch 7
 Agriculture department
 General, ch 79
 Dairy industry, ch 79
 Laboratory division, ch 79
 Scale trucks, ch 33
 Secretary, salary, ch 3
 Alcoholism, ch 7
 Animal disease research, ch 96
 Appellate court, ch 18
 Architectural examiners, ch 8
 Arts council
 General, ch 4
 County care facilities, ch 4
 Salary, ch 2
 Attorney general, chs 3, 19
 Auditor of state, chs 3, 9
 Banking department, chs 2, 9
 Beer and liquor control
 General, ch 9
 Capital improvements, ch 10
 Salaries, ch 2
 Blind commission, chs 2, 31
 Bonus board
 General, ch 31
 War orphans, ch 31
 Campaign finance disclosure, ch 9
 Capitol planning commission, per diem, ch 4
 Citizens' aide, ch 15
 Civil rights commission, chs 2, 12
 Coal research, chs 17, 46
 Code editor, chs 1, 2
 Commerce commission, chs 2, 9
 Comptroller
 General, ch 9
 City finance, ch 28
 Comprehensive conference, ch 28
 Salary, ch 2
 Conservation commission
 Capital improvements, state parks, preserves and waters, ch 33
 Lands and waters, ch 25
 Salary, ch 2
 Council of state governments, ch 15
 Court administrator, ch 2
 Crime commission, chs 2, 60
 Dairy industry, ch 79
 Des Moines, state's share of sewer project, ch 34
 Development commission, chs 2, 79
 Disaster services, ch 60
 District court, ch 18
 Drug abuse authority, chs 2, 7
 Educational radio and television facility board, chs 2, 14, 31
 Energy policy council, chs 2, 17, 46
 Engineering examiners, ch 9
 Environmental quality, chs 2, 25
 Executive council
 General, ch 15
 Terrace Hill, ch 34
 Fair board, chs 2, 33, 79
 General assembly, ch 3

APPROPRIATIONS—Continued

General services
 General, ch 4
 Buildings and grounds, chs 4, 34
 Centralized printing, purchasing and vehicle dispatcher, ch 4
 Educational radio and television facility, ch 31
 Furniture and moving expense, ch 34
 Salaries, official, ch 2
 Solar energy unit, ch 16
 Terrace Hill, ch 4
 Utility costs, ch 4
 Vocational education, ch 31
 Geological survey, chs 25, 46
 Geologist, ch 2
 Governor
 General, ch 15
 Ad hoc committees, ch 6
 Salary, ch 3
 Handicapped, employment, chs 2, 24
 Health department
 General, ch 12
 Health care facilities, ch 12
 Homemaker-home health aide, ch 36
 Low-income elderly persons, ch 36
 Public health nursing services, ch 36
 Salaries, officials, ch 2
 Visiting nurse services, ch 36
 Well-elderly clinics, ch 12
 Herbert Hoover birthplace, ch 33
 Higher education facilities commission
 General, ch 31
 Osteopathic college, ch 31
 Salaries, officials, ch 2
 Tuition grant program, ch 31
 Historical department, chs 2, 4
 Housing finance authority, ch 24
 Independence water system, ch 23
 Industrial commissioner, chs 2, 9
 Insurance department, chs 2, 9
 IPERS, fund transfer to job services, ch 28
 Iowa state university
 Agricultural extension, ch 32
 Coal research, ch 17
 Research, livestock disease
 Job services, chs 2, 9
 Judicial magistrates, ch 18
 Labor bureau, chs 2, 4
 Landscape architectural examiners, ch 8
 Law enforcement academy, chs 2, 60
 Legislative council, advisory commission on corrections, ch 13
 Legislative fiscal bureau, ch 15
 Legislative service bureau, ch 15
 Libraries
 Law, ch 4
 Medical, ch 4
 Regional, ch 4
 State, ch 4
 Library commission, ch 2
 Lieutenant governor, chs 3, 15
 Local budget expense, standing appropriation repealed, ch 44
 Medical examiners, ch 24
 Mental health authority, ch 24
 Mental health research fund, standing appropriation repealed, ch 44
 Merit employment department, chs 2, 4
 Military service tax credit, ch 21
 Mitchellville water system, ch 23

INDEX

References are to chapters

APPROPRIATIONS—Continued

- Moneys and credit replacement fund, ch 22
- National conference of state legislatures, ch 15
- Natural resources council, chs 2, 25
- Nurse examiners, ch 24
- Occupational safety and health review board, ch 9
- Parole board, ch 24
- Pharmacy examiners, ch 24
- Pioneer lawmakers, ch 15
- Planning and programming, chs 2, 4
- Public defense, chs 2, 26, 60
- Public employment relations board, chs 2, 9
- Public instruction
 - Compact for education, ch 31
 - Merged area schools, ch 31
 - Migrant education, ch 31
 - Office administration, ch 31
 - Professional teaching practices commission, ch 31
 - Salaries, officials, ch 2
 - School budget review committee, ch 31
 - School food service, ch 31
 - Transportation, nonpublic schools, ch 31
 - Vocational education, ch 31
- Public safety
 - General, ch 60
 - Criminal investigation and bureau of identification, ch 149
 - Salaries, officials, ch 2
- Real estate commission, chs 2, 9
- Regents board
 - General, ch 31
 - Braille and sight-saving school, chs 11, 35
 - Deaf, school for, chs 11, 35
 - Family practice program, ch 31
 - Fund supplementation, higher education institutions, ch 27
 - Handicapped, orthopedic facilities accessibility, ch 35
 - Iowa state university, chs 31, 35
 - Oakdale campus, ch 31
 - Salaries, ch 2
 - University of Iowa, chs 31, 35
 - University of Northern Iowa, ch 35
- Retirement system, interim study committee, ch 162
- Revenue department
 - General, ch 9
 - Motor vehicle use tax program, ch 28
 - Salaries, officials, ch 2
- Secretary of state, chs 3, 9
- Social services
 - General, ch 149
 - Administration and program funding, ch 37
 - Adult correction, ch 37
 - Capital improvements, ch 37
 - Commissioner, salary, ch 2
 - Correction homes, juvenile, ch 37
 - Independence's water system, ch 23
 - Juvenile correction facilities, ch 37
 - Medical assistance, ch 29
 - Mental health, ch 37
 - Mitchellville's water system, ch 23
 - Riverview release center, ch 154
 - Veterans home, ch 37
- Soil conservation, chs 2, 25, 32
- Spanish-American war veterans, ch 24

APPROPRIATIONS—Continued

- Spanish-speaking peoples commission, ch 24
- State employees' disability program, standing appropriation repealed, ch 50
- Status of women, ch 24
- Supreme court
 - General, ch 18
 - Clerk, ch 2
 - Legal assistants, ch 2
- Terrace Hill, ch 34
- Transportation department
 - General, ch 60
 - Capital improvements, ch 26
 - Equipment and vehicle replacement, ch 60
 - Merit expense, ch 60
 - Salaries, officials, ch 2
 - Unemployment compensation costs, ch 60
- Treasurer of state
 - General, ch 9
 - Agricultural land credit fund, ch 43
 - County government assistance fund, ch 20
 - Moneys and credit replacement fund, ch 22
 - Municipal assistance fund, ch 20
 - Personal property tax, replacement fund, ch 43
 - Salary, ch 3
- Uniform state laws commission, ch 15
- Veterans, Spanish-American war, ch 24
- Watchmaking examiners, ch 30

ARCHITECTURAL EXAMINERS

- Administrative rules, continuing education, ch 95
- Appropriation, ch 8
- Examination by public board members, ch 69

ARCHIVES

- Preservation, ch 98

ARMED FORCESSee *MILITARY FORCES***ARREST**

- Criminal Code revision, use of deadly force, ch 152

ARTS COUNCIL

- Appropriations
 - General, ch 4
 - County care facilities, ch 4
 - Salary, director, ch 2

ASSESSORS

- Agricultural and residential property, valuation changes, ch 43
- Assessment dates, ch 43

ATTORNEY GENERAL

- Appropriations
 - General, ch 19
 - Salary, ch 3
- Environmental quality, hazardous conditions, violations, actions, ch 125
- Prosecutor intern program, ch 39

INDEX

References are to chapters

ATTORNEYS

- Examinations by public board members, ch 69
- Public defenders and assistants, private practice restricted, ch 109

AUDITOR OF STATE

- Appropriations, chs 3, 9

AUJESZKY'S DISEASE

- Control program, establishment, ch 81

BANKING DEPARTMENT

- Appropriations, chs 2, 9

BANKS AND BANKING

- Cigarette stamp sales, ch 57

BARBER EXAMINERS

- Administrative rules, continuing education, ch 95

BEER AND LIQUOR CONTROL DEPARTMENT

- Appropriations
 - General, ch 9
 - Capital improvements, ch 10
 - Salary, director, ch 2
- Barrel tax rebate, ch 70
- License suspension, ch 71
- Sunday sales, ch 72

BIKEWAYS

- Elevated structures, ch 100

BLIND COMMISSION

- Appropriations, ch 31
- Director
 - Housing, ch 2
 - Salary, ch 2

BOARDS

- See COMMISSIONS AND BOARDS*

BOATS AND VESSELS

- Registration, ch 64

BONUS BOARD

- Appropriation, ch 31

BUILDING CODE

- Energy efficiency standards, promulgation, ch 63
- Mobile home tiedowns, ch 62
- Requirements modified, ch 90

BUILDINGS

- Construction standards for energy conservation, ch 63
- County, federal funding, ch 111

BULLS

- Breeding, leasing requirements, Ch 80

CAMPAIGN FINANCE DISCLOSURE

- Appropriation, ch 9

CAPITAL IMPROVEMENTS

- Appropriations
 - Beer and liquor control, ch 10
 - Conservation commission, ch 33

CAPITAL IMPROVEMENTS—Continued**Appropriations—Continued**

- Fair board, ch 33
- Public defense, ch 26
- Social services, ch 37
- Transportation department, ch 26

CAPITOL PLANNING COMMISSION

- Appropriation, per diem, ch 4

CHEESE

- Specifications and standards updated, ch 83

CHILD CARE CENTERS

- Immunizations, ch 76

CHILDREN

- Aid to dependent, fraudulent practices, ch 149
- Custody, dissolution of marriage, ch 138
- Immunization, ch 76
- Jurisdiction, custody cases, ch 139

CHIROPRACTIC EXAMINERS

- Administrative rules, continuing education, ch 95

CIGARETTES

- Stamp sales by banks, ch 57

CITIES

- Appropriation, municipal assistance fund, ch 20
- City development board, filings for boundary adjustments and incorporations, ch 114
- Civil service commission, examinations, ch 115
- Clerk, filings for boundary adjustments and incorporations, ch 114
- Construction machinery, permits to move, ch 103
- Homestead tax credit, computation, ch 43
- Housing law, ch 116
- Mayors and council persons, land preservation policy commission, ch 53
- Police and fire retirement funds, investments, ch 118
- Property tax valuations, appeals, ch 43
- Public transit programs, ch 141
- Retirement funds for policemen and firemen, ch 118
- Streets, railroads blocking crossings, ch 103

CITIZENS' AIDE

- Appropriation, ch 15
- Employees, legislative council to hear appeals, ch 38

CIVIL RIGHTS COMMISSION

- Appropriations, chs 2, 12
- Hearings officer, appointment, ch 12

CIVIL SERVICE

- City, temporary appointment, examination scores, ch 115

CLAIMS AGAINST STATE

- Employees defended, ch 45

INDEX

References are to chapters

COAL

- Appropriations, research programs, chs 17, 46
- State may purchase on contract, ch 49

CODE CORRECTIONS

- General, ch 48

CODE EDITOR

- Appropriation, ch 1
- Duties
 - Criminal Code supplement published, ch 40
 - Rules of appellate procedure, ch 164
 - Rules of civil procedure, ch 163
- Salary, ch 2

COLLECTIVE BARGAINING

- Public employees representation elections, ch 41

COMMERCE COMMISSION

- Appropriations, chs 2, 9

COMMISSIONS AND BOARDS

- Advisory commission on corrections relief, ch 158
- Environmental quality, certification board, ch 95
- Eugenics board abolished, ch 77
- Land preservation policy commission, ch 53
- Licensee disciplinary procedure, rules, ch 95
- Licensing board, authority, ch 95
- War surplus commodities board repealed, ch 42

COMMODITIES

- Weighing of by hopper and belt conveyor scales, ch 86

COMMUNITY-BASED CORRECTIONS PROGRAM

- General, ch 154

COMPTROLLER

- Agricultural land credits, ch 43
- Appropriations
 - General, ch 9
 - City finance, ch 28
 - Comprehensive conference, ch 28
 - Salary, ch 2
- Budgets, political subdivisions, ch 43
- County government and municipal assistance funds, distribution, ch 20
- Criminal Code interim supplement, ch 40
- Salaries, general assembly and lieutenant governor, ch 3

CONFIDENTIAL INFORMATION

- Tax returns, ch 119

CONSERVATION COMMISSION

- Appropriations
 - Brushy creek, ch 33
 - Capital improvements, ch 33
 - Land and waters, ch 25
 - Missouri river, ch 33
 - Salary, director, ch 2
 - Upper Iowa river, ch 33
 - Volga river, ch 33

CONSERVATION COMMISSION—**Continued**

- County conservation boards, approvals for improvement and maintenance from state, ch 68
- Fire protection of forests, parks and wild-life areas, ch 65
- Hunting and fishing laws, ch 66
- Jurisdiction over dedicated land, ch 67

CONTRACTS

- Public, purchase of coal, ch 49

CONTROLLED SUBSTANCES

- Chlordiazepoxide, redefined, ch 85

CORPORATIONS

- Co-operative associations, conversion, ch 127
- Correctional institutions, facilities leased to private corporations to employ inmates, ch 87
- Directors
 - Telephones, conference equipment, ch 129
 - Vacancies filled, ch 126
- Farming, income tax, ch 122
- Farming, reporting dates, ch 82
- Income tax, ch 122
- Nonprofit, reincorporation, ch 128
- Shareholders, voting by proxy, ch 126

CORRECTIONS PROGRAMS

- Appropriations
 - Advisory commission, chs 13, 37
- Community-based correctional programs, ch 154
- Institutions, ch 89
- Juveniles, chs 37, 158
- Riverview release center, work training, ch 154

COSMETOLOGY EXAMINERS

- Administrative rules, continuing education, ch 95

COUNCIL OF STATE GOVERNMENTS

- Appropriation, ch 15

COUNTIES

- Appropriation
 - Assistance fund, ch 20
- Buildings repaired or constructed, S.F. 7 Supplement, p. 376a
- Care facilities, activities program, ch 92
- Community-based correctional program, ch 154
- Conservation boards, program approvals, ch 68
- Construction machinery, permits to move, ch 103
- Health centers, ch 112
- Land preservation policy commission, ch 53
- Moneys and credits replacement fund from state, ch 22
- Motor vehicle registration records system, ch 103
- Property tax valuations, appeals, ch 43
- Public defenders and assistants
 - Compensation, ch 109
 - Private practice restricted, ch 109
- Public transit programs, ch 141

INDEX

References are to chapters

COUNTIES—Continued

- Roads, maintenance and improvement shared, ch 114
- Substance abuse treatment, costs, ch 74

COUNTY OFFICERS

- Assessor, mobile home tax entered, ch 103
- Auditor, agricultural and residential property valuations, ch 43
- Sheriff
 - Deputies, salary, ch 110
 - Registration plates, ch 103
 - Weapons, application for permit, ch 151
- Supervisors
 - Buildings and facilities, federal funds, ch 111
 - County care facilities, activity program, ch 92
 - Dual county seats, provisions repealed, ch 110
 - Land preservation policy commission, ch 53
 - Liens, abolishment, ch 73
 - Public defenders and assistants, compensation and restrictions on private practice, ch 109
 - Weed commissioner appointed, ch 102
- Treasurer
 - Fees for motor vehicle registration retained, ch 103
 - Registration plates, motor vehicles, duties, ch 103

COURT ADMINISTRATOR

- Salary, ch 2

COURT OF APPEALS

- Appropriation, ch 18

COURTS

- Child custody cases, ch 139
- Criminal procedure, amendments, ch 153
- District
 - Clerk, name change, duties, ch 136
 - Clerk to invest funds, ch 142

CRIME COMMISSION

- Appropriations
 - Federal funds matched, ch 60
 - Salary, director, ch 2
- Prosecutor intern program, funded, ch 39

CRIMINAL CODE

- Abortion, ch 148
- Amendments
 - Museums, possession of weapons, ch 150
 - Weapons, ch 151
- Arrest by peace officers, deadly force, ch 152
- Fraudulent practices, ch 149
- Interim supplement, publication, ch 40
- Parole board, inmates parole not a contested case, ch 156
- Parole board, membership change, ch 155
- Parole violation, liaison officer, ch 157
- Proposed changes, ch 153
- Revision amendments, ch 147

CRIMINAL LAW

- Animals, breeding bulls, leasing, violations, ch 80
- Aujeszký's disease, violations, ch 81

CRIMINAL LAW—Continued

- Environmental quality, hazardous conditions, violations, ch 125
- Fraud, penalties
 - Aid to dependent children, ch 149
 - Medical assistance, ch 149
 - Supplemental assistance, ch 149
- Health care facilities, failure to file financial reports, ch 75
- Hospitals, failure to file financial reports, ch 75
- Liquor license suspension, ch 71
- Motor vehicles, trucks, violations, penalties, ch 105
- Substance abusers, ch 74
- Tax returns, violations, penalty, ch 119

DAIRIES AND DAIRY PRODUCTS

- Cheese, specifications and standards updated, ch 83
- Testing of dairy products, ch 84

DENTAL EXAMINERS

- Administrative rules, continuing education, ch 95
- Faculty permits, ch 78

DENTISTS

- Faculty, permits to practice, ch 78

DES MOINES

- Appropriation, state's share of sewer project, ch 34

DEVELOPMENT COMMISSION

- Appropriations, chs 2, 79

DISASTER SERVICES

- Appropriations, ch 60

DISEASES

- Animals, Aujeszký's, ch 81
- Immunization, ch 76

DISSOLUTION OF MARRIAGE

- Child custody, ch 138
- Contents of petition, ch 137
- Jurisdiction and venue, ch 137
- Name changes, ch 136

DISTRICT COURT

- Appropriation, ch 18
- Funds invested by clerk, ch 142

DOGS

- License fees not a tax lien, ch 73

DRUGS

- See *SUBSTANCE CONTROL*
- Appropriation
 - General, ch 7
 - Salary, director, ch 2
- Controlled substances, chlordiazepoxide redefined, ch 85

EDUCATION

- Driver education, exceptions, ch 103
- Substance abuse program, ch 74
- Vocational
 - Appropriation, ch 31
 - Local advisory committee, ch 94
 - State advisory council, ch 94

INDEX

References are to chapters

EDUCATIONAL RADIO AND TV FACILITY BOARD

Appropriations, chs 2, 14, 31

ELDERLY

Homemaker and health aide, ch 36

ELECTIONS

Collective bargaining by public employees, ch 41

ELECTRIC POWER GENERATING PLANTS

Emission standards, permit, ch 124

EMPLOYEES

State

Collective bargaining representation elections, ch 41

Disability program, standing appropriation repealed, ch 50

Information confidential, income tax, penalty, ch 119

Riverview release center, work training, ch 154

State to defend, ch 45

Unemployment compensation, ch 54

EMPLOYERS

Unemployment compensation benefits, voluntary payments, ch 55

Unemployment compensation, tax credit, ch 54

EMPLOYMENT SECURITY*See JOB SERVICES***ENERGY**

Conservation methods, ch 52

Efficiency standards, state building code, ch 63

ENERGY POLICY COUNCIL

Appropriations

Energy research, ch 17

Salaries, chs 2, 46

Energy conservation, innovative methods, ch 52

Interchange employee program, no time limitation, ch 46

ENGINEERING EXAMINERS

Administrative rules, continuing education, ch 95

Appropriation, ch 9

Examination by public board members, ch 69

ENVIRONMENTAL QUALITY

Air quality commission, emission standards relating to coal under contract, ch 49

Appropriations, chs 2, 25

Certification board, administrative rules, continuing education, ch 95

Electric power generating plants, conditional permit, ch 124

Flammable and combustible liquids, ch 59

Hazardous conditions, ch 125

ESTATES

Inventory and reports, ch 146

EUGENICS BOARD

Abolished, ch 77

EXECUTIVE COUNCIL

Appropriations

General, ch 15

Terrace Hill, ch 34

FAIR BOARD

Appropriations

General, ch 79

Capital improvements, ch 33

Secretary

Housing, ch 2

Salary, ch 2

FARMS AND FARMERS

Breeding bulls, leasing requirements, ch 80

Dairymen, testing of milk, ch 84

FEEES

Licensing boards, hearing panels, ch 95

FIRE MARSHAL

Flammable and combustible liquids, storage, ch 59

FIREMEN

Jury duty exemption, repealed, ch 61

Retirement funds, investment by city, ch 118

FIRE PROTECTION

Forests, parks and wildlife areas by conservation commission, ch 65

FISH AND GAME

Hunting and fishing laws, ch 66

FLAGS

Dr. Martin Luther King, Jr. Day, flag display, ch 47

FLAMMABLES

Transportation and storage, ch 59

FUNERAL DIRECTORS AND EMBALMERS

Administrative rules, continuing education, ch 95

GAMBLING

Fraternal and veterans organizations, games of skill and chance, ch 58

GENERAL ASSEMBLY

Advisory commission, corrections system analysis, ch 158

IPERS, membership, ch 3

IPERS, optional membership, ch 56

Land preservation, intent, ch 53

Membership, legislative council, ch 38

Public retirement system, study committee, ch 162

Schools, board members, correction, ch 97

GENERAL SERVICES

Appropriations

General, ch 4

Buildings and grounds, chs 4, 34

Centralized printing, ch 4

INDEX

References are to chapters

GENERAL SERVICES—Continued**Appropriations—Continued**

- Communications division, ch 4
- Educational radio and TV facility, ch 31
- Furniture and moving expense, ch 34
- Records management, ch 4
- Salary, director, ch 2
- Solar energy, ch 16
- Terrace Hill, ch 4
- Utility costs, ch 4
- Vehicle dispatcher, ch 4
- Superintendent of printing
 - Criminal Code interim supplement, distribution, ch 40

GEOLOGICAL SURVEY

- Appropriations
 - General, ch 25
 - Coal research, ch 46
- Irrigation permits, determine jointly with natural resources council, ch 123

GEOLOGIST

- Salary, ch 2

GOVERNOR

- Appointments
 - Health facilities council, ch 75
 - Substance abuse, director, ch 74
- Appropriations
 - General, ch 15
 - Ad hoc committees, councils and task forces, ch 6
 - Salary, ch 3
- Prison industries advisory board, ch 87
- Proclamation, Dr. Martin Luther King, Jr. Day, ch 47

HANDICAPPED

- Appropriations
 - Committee on employment of handicapped, ch 24
 - Salary, secretary, ch 2
- Vocational education, ch 94

HEALTH CARE FACILITIES

- Appropriation, general, ch 12
- Certificate of need, ch 75
- Financial reports, filing, ch 75

HEALTH DEPARTMENT

- Administrative rules
 - Certificate of need, ch 75
 - Uniform financial reporting, ch 75
- Appropriations
 - General, ch 12
 - Homemaker-home health aide, ch 36
 - Low-income elderly, ch 36
 - Public health nursing services, ch 36
 - Salary, commissioner, ch 2
 - Visiting nurse service, ch 36
 - Well-elderly clinics, ch 12
- Certificate of need, ch 75
- Commissioner, health care facilities and hospitals, ch 75
- Dentistry permits, fees, ch 78
- Health care boards, files open to public, ch 95
- Health facilities council, ch 75
- Hospital and health care facility rates, ch 75
- Immunization, ch 76

HEARING AID DEALERS

- Administrative rules, continuing education, examiners, ch 95
- Examinations by public board members, ch 69

HERBERT HOOVER BIRTHPLACE

- Appropriation, ch 33

HIGHER EDUCATION FACILITIES COMMISSION

- Appropriations
 - General, ch 31
 - Osteopathic college, ch 31
 - Salary, director, ch 2
 - Tuition grant program, ch 31

HIGHWAYS

- Appropriation, road fund, ch 60
- Elevated walkways and bikeways, ch 100
- Motor vehicles
 - Issuance of special permits, ch 105
 - Spilling loads, ch 103
 - Stopping on traveled way, ch 103
- Railroads blocking crossings, ch 103
- Railroads, crossings, rumble strips and warning devices, ch 103
- Vacating and closing, ch 99

HISTORICAL DEPARTMENT

- Appropriations
 - Historical board, ch 4
 - Historical society, ch 4
 - Historic museum and archives, ch 4
 - Historic preservation, ch 4
 - Salaries, officials, ch 2
- Director, duties, ch 98

HOMESTEADS

- Tax credit equalized with levy, ch 43

HOSPITALS

- Certificate of need, ch 75
- Financial reports, filing, ch 75
- Substance abuse treatment, ch 74

HOUSING

- Municipal housing law, formerly low-rent housing, ch 116

HOUSING FINANCE AUTHORITY

- Appropriation, ch 24
- Homesteading programs, ch 90

IMMUNIZATION

- Requirements for school entrance, ch 76

INDIANS

- Appropriation, ch 37

INDUSTRIAL COMMISSIONER

- Appropriations
 - General, ch 9
 - Salaries, officials, ch 2
- Deputies appointed, ch 51
- Workers' compensation, contested cases, ch 51

INDUSTRIES

- Energy conservation, innovative methods to be recognized, ch 52
- Prison industries advisory board, ch 87

INDEX

References are to chapters

INMATES

Employed by private industries, ch 87

INSTITUTIONS

Correctional

Canteens maintained, ch 89

Employees, midshift meals, ch 91

Financial

Taxation, ch 122

INSURANCE

Agents, placing business with other agents, ch 132

Guaranty associations, stay of proceedings, ch 131

Premium rates, credit life and credit accident and health, ch 130

INSURANCE DEPARTMENT

Appropriations

General, ch 9

Salaries, officials, ch 2

Commissioner

Insurance carriers, professional and occupational licensees, ch 95

Notice served in actions against insurance guaranty association, ch 131

INVESTMENTS

Deposit of public funds, ch 142

IPERS

Community action program, employees, ch 56

Funds to job services, ch 28

General assembly, membership, chs 3, 56

Judicial magistrates, coverage, ch 56

IOWA STATE UNIVERSITY

Appropriations

Agricultural extension, ch 32

Coal research, ch 17

Horticulture addition, ch 35

Livestock health advisory council, ch 96

IRRIGATION

Special permit, ch 123

JAILS

Prisoners, matron in attendance, ch 113

JOB SERVICES

Appropriations

General, ch 9

IPERS, ch 28

Salary, director, ch 2

JUDGES

Appropriations

General, ch 18

Salaries, ch 3

JUDICIAL DISTRICTS

Community-based corrections center maintained, ch 154

JUDICIAL MAGISTRATES

Appropriations, ch 18

Criminal procedure, amendments, ch 153

IPERS, optional membership, ch 56

Salaries, ch 3

JURORS

Firemen, jury duty, exemption repealed, ch 61

JUVENILES

Correction facilities, appropriation, ch 37

Corrections, advisory commission, reports, ch 158

LABOR BUREAU

Appropriations, chs 2, 4

LAND PRESERVATION POLICY COMMISSION

County organizations, ch 53

Filing of recommendations, ch 53

Notification of state meetings, ch 53

State organization, ch 53

LANDS AND WATERS

Appropriation, ch 25

Dedicated land jurisdiction of conservation commission, ch 67

Platting of land

Abstract and opinion, ch 117

Assessment and taxation, ch 117

Monuments, ch 117

Surveyor's statement, ch 117

LANDSCAPE ARCHITECTURAL EXAMINERS

Administrative rules, continuing education, ch 95

Appropriation, ch 8

LAW ENFORCEMENT ACADEMY

Appropriations, chs 2, 60

LEGALIZING ACTS

Harmony community school district, ch 161

Missouri basin municipal electric cooperative, ch 159

Wayne county, supervisors, sale of property, ch 160

LEGISLATIVE COUNCIL

Appropriations, advisory commission on corrections, ch 13

Criminal Code, interim supplement publication, ch 40

Duties, appeals of certain aggrieved employees, ch 38

Land preservation policy commission, appointment of secretary, ch 53

Members, appointment, ch 38

Taxing system, study committee, ch 43

LEGISLATIVE FISCAL BUREAU

Appropriation, ch 15

LEGISLATIVE FISCAL COMMITTEE

Employees, legislative council to hear appeals, ch 38

LEGISLATIVE SERVICE BUREAU

Appropriation, Code update, ch 15

Criminal Code, interim supplement publication, ch 40

Employees, legislative council to hear appeals, ch 38

INDEX

References are to chapters

LIBRARIES

- Appropriations
 - Law, ch 4
 - Medical, ch 4
 - Regional, ch 4
 - Salary, state librarian, ch 2
 - State, ch 4

LICENSES AND PERMITS

- Breeding bulls, leasing, licensing, ch 80
- Dentists, faculty permits, ch 78
- Licensees, duties, ch 95
- Liquor license, suspension, ch 71
- Motor vehicles, ch 103
- Professional and occupational, suspension and revocation, ch 95
- Single-trip permits, interstate fuel, ch 107
- Substance abuse treatment, ch 74
- Weapons, fee, ch 151

LIENS

- Dog license fees not entered, ch 73
- Tax liens extended, ch 121

LIEUTENANT GOVERNOR

- Appropriations, chs 3, 15

LIVESTOCK

- Disease research, ch 96
- Health advisory council established, ch 96

LOANS

- Savings and loan associations, ch 133

MARRIAGE

- Name changes, ch 136

MARTIN LUTHER KING, JR. DAY

- Recognition day, ch 47

MEDICAL ASSISTANCE

- Appropriation, ch 29
- Fraudulent practices, ch 149

MEDICAL EXAMINERS

- Administrative rules, continuing education, ch 95
- Appropriation, ch 24

MENTAL HEALTH

- Appropriation, ch 37
- Resources division, director's qualification, ch 88
- Substance abuse treatment, ch 74

MENTAL HEALTH AUTHORITY

- Appropriation, ch 24

MENTALLY RETARDED

- Appropriation, ch 37

MERIT EMPLOYMENT

- Appropriations
 - General, ch 4
 - Salary, director, ch 2
 - Transportation department expenses, ch 60

MILITARY FORCES

- Income tax, ch 119
- Service tax credit, ch 21
- Taxation, when imposed, ch 120

MILK

- Testing, ch 84

MOBILE HOMES

- Registration plates, transfer of title, ch 103
- Tiedown, requirements, ch 62

MOTORCYCLES AND MOTORIZED BICYCLES

- Operators license, age requirement, ch 103
- Registration plate, ch 103

MOTOR FUEL

- Funds transferred to revenue department, ch 28
- Tax refund, quarterly, ch 107
- Urban transit systems, tax exempt, ch 106

MOTOR VEHICLES

- Age requirement to operate, ch 103
- Carrier, "carpool" "vanpool", ch 103
- Chauffeur's license, ch 103
- Construction machinery, permit to move, ch 103
- Dealers, registration duties, ch 103
- Driver education requirements, ch 103
- Fees
 - Operator's license, ch 103
 - Refunded for destroyed vehicles, ch 103
 - Issuance of special permits, ch 105
- Licenses
 - Operators, ch 103
 - Uniform anatomical gift Act, decal, ch 103
- Liquid transport carriers, temporary service, ch 103
- Multipurpose vehicle, ch 103
- Operator's license, expiration, ch 103
- Oversized loads, ch 103
- Personalized registration plates, ch 103
- Possession of blank license forms, ch 103
- Radio operators registration plates, ch 103
- Records system of registration, ch 103
- "Registration applied for" cards, ch 103
- Registration
 - Duplicate plates, ch 103
 - Expiration, ch 103
 - Fee for special vehicle, ch 104
 - Junked, ch 103
 - Plate specification, ch 103
 - Special plates, ch 103
 - Transfer of title, plates to remain with owner, ch 103
- Restricted certificate of title, ch 103
- Security interest on certificate of title, ch 103
- Single-trip permits, ch 103
- Single-trip permits, interstate fuel, ch 107
- Spilling loads on highways, ch 103
- Trailers, registration fee, ch 104
- Trucks
 - Farm use, special, ch 103
 - Hours to travel and warning devices, ch 103
 - Registration fee, ch 104
 - Rubbish vehicles, ch 103
 - Trucks or truck tractor, gross weight emblem, ch 103

MUSEUMS

- Offensive weapons, ch 150

INDEX

References are to chapters

NAME CHANGE

Limitation on number of times, ch 136

NATIONAL CONFERENCE OF STATE LEGISLATORS

Appropriation, ch 15

NATURAL RESOURCES COUNCIL

Administrative rules, use of water by registration, ch 123

Appropriation, ch 25

Irrigation permits, determine jointly with geological survey, ch 123

Permits

Irrigation, ch 123

Performance bond, ch 123

Storage of water, ch 123

Salary, director, ch 2

Warrant to enter upon private property, ch 123

NONRESIDENTS

Limitation of actions, ch 143

NURSE EXAMINERS

Appropriation, ch 24

NURSING BOARD

Administrative rules, continuing education, ch 95

NURSING HOME ADMINISTRATOR EXAMINERS

Administrative rules, continuing education, ch 95

Examination by public board members, ch 69

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Appropriation, ch 9

OPTOMETRY EXAMINERS

Administrative rules, continuing education, ch 95

ORGANIZATIONS

Fraternal or veterans, games of skill and chance, ch 58

PARENT

Adoption, ch 140

PAROLE AND PROBATION

Community-based corrections program, duties, ch 154

Criminal Code revision, ch 157

PAROLE BOARD

Appropriation, ch 24

Inmates parole, not a contested case, ch 156

Members, term change, ch 155

PENSIONS

Public retirement systems, study committee ch 162

PHARMACY EXAMINERS

Administrative rules, continuing education, ch 95

Appropriation, ch 24

PHYSICAL THERAPY EXAMINERS

Administrative rules, continuing education, ch 95

PHYSICIANS AND SURGEONS

Substance abuse treatment, ch 74

PIONEER LAWMAKERS

Appropriation, ch 15

PLANNING AND PROGRAMMING

Appropriations

General, ch 4

Salary, director, ch 2

Commissioner, building code, mobile home tie-downs, ch 62

PLATS

Subdividing land, ch 117

PODIATRY EXAMINERS

Administrative rules, continuing education, ch 95

POLICE

Retirement funds, investment by city, ch 118

PRINTING, STATE

Appropriation, ch 4

Criminal Code, interim supplement, ch 40

PRISONERS

Jails, matrons in attendance, ch 113

PRISONS

Industries, statutes revised, ch 87

PROBATE

Disclaimer, time of filing, ch 145

Estates, inventory and reports, ch 146

Final report, accounting, ch 145

Self-proved wills, ch 145

PROCLAMATION

Commemorate Dr. Martin Luther King, Jr. Day, ch 47

PROFESSIONAL PRACTICES

Examining board to give examinations, ch 69

PROFESSIONAL TEACHING PRACTICES COMMISSION

Appropriation, ch 31

PSYCHOLOGY EXAMINERS

Administrative rules, continuing education, ch 95

PUBLIC DEFENSE

Appropriations

General, ch 60

Capital improvements, ch 26

Salary, director, ch 2

PUBLIC EMPLOYMENT RELATIONS BOARD

Appropriations, chs 2, 9

INDEX

References are to chapters

PUBLIC INSTRUCTION

- Administrative rules, multicultural, non-sexist approach, extension, ch 93
- Appropriations
 - Compact for education, ch 31
 - Merged area schools, ch 31
 - Migrant education, ch 31
 - Office administration, ch 31
 - Professional teaching practices commission, ch 31
 - Salary, superintendent, ch 2
 - School budget review committee, ch 31
 - School food service, ch 31
 - Transportation, nonpublic school pupils, ch 31
 - Vocational education, ch 31
- Curriculum, inclusion of English language arts, ch 93

PUBLIC SAFETY

- Appropriations
 - Administration, ch 60
 - Criminal investigation and bureau of identification, ch 149
 - Highway safety and uniform force, ch 60
 - Inspection and security, ch 60
 - Investigation, ch 60
 - Salary, commissioner, ch 2
- Highway safety patrol
 - Registration plates, ch 103
 - Truck violations, penalty, ch 105
- Weapons, application for permit by non-residents, ch 151

RAILROADS

- Blocking highway or street crossings, ch 103
- Highway crossings, rumble strips and warning devices, ch 103

REAL ESTATE

- Brokers and salespersons, public members, ch 69
- Schools, sale legalized, ch 135

REAL ESTATE COMMISSION

- Administrative rules, continuing education, ch 95
- Appropriations, chs 2, 9

REGENTS BOARD

- Appropriations
 - General, ch 31
 - Braille and sight-saving school, chs 11, 35
 - Deaf, school for, chs 11, 35
 - Family practice program, ch 31
 - Fund supplementation, higher education institutions, ch 27
 - Handicapped, orthopedic facilities, accessibility, ch 35
 - Iowa state university, ch 31
 - Salaries, officials, ch 2
 - University of Iowa, chs 31, 35
 - University of northern Iowa, ch 35
- Building program proposal submitted to General Assembly, S.C.R. 30

RETIREMENT SYSTEMS

- Appropriation, interim study committee, ch 162

REVENUE DEPARTMENT

- Appropriations
 - General, ch 9
 - Motor vehicle use tax program, ch 28
- Director
 - Cigarette stamp sales by banks, ch 57
 - Salary, ch 2
 - Tax withholding, co-operation with federal, ch 119
- Federal tax reform Act, provisions retroactive, ch 119
- Homestead tax credit, equalized with levy, ch 43
- Military forces, taxation on income, chs 119, 120
- Motor fuel, refund of fuel tax, ch 107
- Tax liens, ch 121
- Tax payments, corporate farming, reported to treasurer, ch 122
- Tax returns, confidentiality, ch 119

RIVERVIEW RELEASE CENTER

- Work training program, ch 154

RULES OF APPELLATE PROCEDURE

- Supreme court report to general assembly, ch 164

RULES OF CIVIL PROCEDURE

- Supreme court report to general assembly, ch 163

SAVINGS AND LOAN ASSOCIATIONS

- Foreign associations, ch 133
- Lending power, ch 133
- Members, voting rights, ch 133
- Regulations of federal association, ch 133

SCHOOLS AND SCHOOL DISTRICTS

- Boards
 - Appointment of secretary and treasurer, ch 97
 - Bonds of secretary and treasurer, ch 97
 - Treasurer, compensation, ch 97
- Curriculum, extension of nonsexist, multicultural approach, ch 93
- Elections, nomination papers, receiving by alternate employee, ch 97
- Food service, ch 31
- Immunizations, ch 76
- Law schools, prosecutor internship program, ch 39
- Nonpublic pupils, transportation, ch 31
- Property tax valuations, appeals, ch 43
- Real estate sold legalized, ch 135
- Treasurers, actions, validation, ch 97
- Vocational education, ch 94

SECRETARY OF STATE

- Appropriations, chs 3, 9
- Certificate of incorporation, ch 127
- Corporate and partnership farming, ch 82

SECURITY INTERESTS

- Motor vehicles, certificate of title, ch 103
- Time for filing extended, ch 134

SHAREHOLDERS

- Corporations, converted, ch 127

INDEX

References are to chapters

SHERIFFS

- Deputy, salaries, ch 110
- Weapons, application for permit, ch 151

SHORTHAND REPORTERS

- Administrative rules, continuing education, board of examiners, ch 95
- Examination by public board members, ch 69
- Workers' compensation cases, ch 51

SICK PAY

- Taxation, exclusion, ch 119

SOCIAL SERVICES

- Adoption, ch 140
- Appropriations
 - General, ch 149
 - Administration and program funding, ch 37
 - Adult corrections, ch 37
 - Capital improvements, ch 37
 - Correction homes, juvenile, ch 37
 - Independence's water system, ch 23
 - Medical assistance, ch 29
 - Mental health institutes, ch 37
 - Mitchellville's water system, ch 23
 - Salary, officials, ch 2
 - Special programs funded, ch 37
 - Veterans home, ch 37
- Canteens in correctional institutions, ch 89
- Community-based corrections program, ch 154
- Corrections advisory commission, juveniles, ch 158
- Corrections institutions, prison industries revision, ch 87
- Homemaker - home health services available, ch 36
- Men's reformatory
 - Canteen maintained, ch 89
 - Employees, midshift meal, ch 91
- Mental health resources director, qualifications, ch 88
- Riverview release center, ch 154
- Substance abuse program, co-operation, ch 74
- Women's reformatory
 - Canteen maintained, ch 89
 - Employees, midshift meal, ch 91

SOIL CONSERVATION

- Appropriations, chs 2, 25, 32
- District commissioners, land preservation policy commission, ch 53

SOLAR ENERGY

- Appropriation, ch 16

SPANISH-AMERICAN WAR VETERANS

- Appropriation, ch 24

SPANISH-SPEAKING PEOPLES COMMISSION

- Appropriation, ch 24

SPEECH PATHOLOGISTS

- Administrative rules, continuing education, ch 95

STATUS OF WOMEN COMMISSION

- Appropriation, ch 24

SUBSTANCE ABUSE DEPARTMENT

- Advisory council, ch 74
- Established, powers and duties, ch 74

SUNDAY

- Beer and liquor sold, ch 72

SUPPLEMENTAL ASSISTANCE

- Fraudulent practices, ch 149

SUPREME COURT

- Appropriation, ch 18
- Clerk, salary, ch 2
- Equitable actions, review, ch 144
- Legal assistants, salaries, ch 2
- Rules of appellate procedure, report to general assembly, ch 164
- Rules of civil procedure, report to general assembly, ch 163

TAXATION

- Barrel tax rebate, ch 70
- Child care expenses, income tax deductible, ch 119
- Corporate, declaration of estimated income, ch 122
- Estates, representatives reports, ch 146
- Financial institutions, declarations of estimated income tax, ch 122
- Income, corporate farming, ch 122
- Internal revenue code, reference, ch 119
- Liens, income tax and sales tax, ch 121
- Military forces, income, chs 119, 120
- Military service tax credit, ch 21
- Motor fuel tax, transfer of tax to revenue department, ch 28
- Property tax credit, ch 43
- Road use tax fund, ch 60
- Sick-pay, exclusion, ch 119
- Trust accounts, ch 119
- Unemployment compensation levy, ch 54

TEACHERS

- Unemployment compensation, ch 54

TELEPHONES

- Corporations, conference equipment, ch 129

TERRACE HILL

- Appropriation, ch 34

TRANSIT SYSTEMS

- Defined, ch 106
- Motor and special fuel tax, exempt, ch 106
- Technical and financial assistance, ch 141

TRANSPORTATION DEPARTMENT

- Air carrier service, ch 108
- Appropriations
 - Capital improvements, ch 26
 - Equipment, ch 60
 - Merit expenses, ch 60
 - Public transit purposes, ch 60
 - Railroad assistance, ch 60
 - Salaries, chs 2, 60
 - Unemployment compensation, ch 60
- Energy conservation, innovative methods to be recognized, ch 52
- Flammable liquid transport, vehicle markings, ch 59

INDEX

References are to chapters

TRANSPORTATION DEPARTMENT—**Continued**

- Motor vehicles
 - Issuance of special permits, ch 105
 - Trucks, violations, penalty, ch 105
- Single-trip permits, interstate fuel, ch 107

TREASURER OF STATE

- Appropriations
 - General, ch 9
 - Agricultural land credit fund, ch 43
 - County government assistance fund, ch 20
- Moneys and credits replacement fund, ch 22
- Municipal assistance fund, ch 20
- Personal property tax replacement fund, ch 43
- Salary, ch 3
- Corporate farming, income tax received, allocated, ch 122

TRUSTEES

- Corporate or partnership farming, reports, ch 82

TRUSTS

- Moratorium for acquiring agricultural land, ch 82

UNEMPLOYMENT COMPENSATION

- Benefits, funding system, ch 55
- Law changes, ch 54
- Persons eligible, ch 54

UNIFORM ANATOMICAL GIFT ACT

- Decal affixed to operator's license, ch 103

UNIFORM CHILD CUSTODY JURISDICTION ACT

- General, ch 139

UNIFORM COMMERCIAL CODE

- Security interests, time for filing, ch 134

UNIFORM STATE LAWS COMMISSION

- Appropriation, ch 15

UNIVERSITIES

- Law schools, prosecutor intern program, ch 39

UNIVERSITY OF IOWA

- Appropriation, Lindquist center, ch 35

UNIVERSITY OF NORTHERN IOWA

- Appropriation, gymnasium renovation, ch 35

UTILITIES

- Energy conservation, innovative methods to be recognized, ch 52

VETERANS

- Appropriations
 - Spanish-American war, ch 24
 - Veterans home operation, ch 37

VETERINARIANS

- Bulls for breeding, health certificate, ch 80

VETERINARY EXAMINERS

- Administrative rules, continuing education, ch 95
- Examinations by public board members, ch 69

VETOED BILLS

- County buildings, repair and construction, S.F. 7
- Reseal of liquor dealers tax, S.F. 31
- State employees, flexible time schedule, H.F. 64
- Substance abuse rehabilitation and prevention fund, S.F. 31

VETOES, ITEMS

- Public safety, traffic control, national guard assistance, ch 60
- Riverview release center, phase out, ch 37 (TRACIS) Telecommunication terminals, criminal justice agencies, ch 60

VITAL STATISTICS

- Name changes, ch 136

VOCATIONAL EDUCATION

- Advisory council, ch 94

WALKWAYS

- Elevated structures, ch 100

WAR SURPLUS COMMODITIES BOARD

- Provisions repealed, ch 42

WATCHMAKING EXAMINERS

- Administrative rules, continuing education, ch 95
- Appropriation, ch 30
- Examination by public board members, ch 69

WATER

- Use of water, permits, ch 123

WATER NAVIGATION

- Vessels, registration certificate, ch 64

WEAPONS

- Fee for permit to carry, ch 151
- Museums, display of, ch 150

WEEDS

- County weed commissioner appointed, ch 102
- Noxious, multiflora rose, ch 101

WILLS

- Order of abatement, ch 145
- Self-proved, ch 145

WORKERS' COMPENSATION

- Contested cases, ch 51