

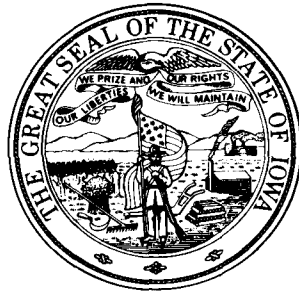
State of Iowa
1980

ACTS

PASSED AT THE
1980 REGULAR SESSION

OF THE
Sixty-eighth General Assembly

OF THE
STATE OF IOWA



WAYNE A. FAUPEL
CODE EDITOR

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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 laws, Acts 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 laws and Acts of the 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa.

Wayne A. Faupel
Phyllis Barry

June 1980

Section 622.59 of the 1979 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 of the 1980 Regular Session of the Sixty-eighth 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.

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

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STATE ROSTER

STATE ROSTER

List of elective state officers, judges of the supreme and appellate courts, and members of the General Assembly, the State of Iowa, inserted in the published volume of 1980 Session Laws for the Sixty-eighth General Assembly in accordance with the requirements of Code section 14.10(4), 1979 Code of Iowa as amended.

ELECTIVE OFFICERS

Name and Office

County from which
originally chosen

GOVERNOR

ROBERT D. RAY Polk
Wythe Willey, Executive Assistant Jackson

LIEUTENANT GOVERNOR

TERRY E. BRANSTAD Winnebago

SECRETARY OF STATE

MELVIN D. SYNHORST Polk
J. Herman Schweiker, Deputy Secretary Polk

AUDITOR OF STATE

RICHARD D. JOHNSON Polk
Richard C. Fish, Deputy - Administration Polk
Kasey K. Kiplinger, Deputy - State Audit Division Polk
Warren G. Jenkins, Deputy - Local Government Audit Division Polk

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

THOMAS J. MILLER Clayton
Mark E. Schantz, Solicitor General Johnson

11/10/80
Searched

JUDICIAL DEPARTMENT

JUDICIAL DEPARTMENT
JUSTICES OF THE SUPREME COURT
 (Justices listed according to seniority)

Name	Office Address	Term Ending
Clay LeGrand	Davenport	Dec. 31, 1984
Warren J. Rees	Anamosa	Dec. 31, 1986
Harvey Uhlenhopp	Hampton	Dec. 31, 1980
W. Ward Reynoldson, C.J.	Osceola	Dec. 31, 1980
K. David Harris	Jefferson	Dec. 31, 1982
Mark McCormick	Des Moines	Dec. 31, 1982
Robert G. Allbee	Des Moines	Dec. 31, 1980
A. A. McGiverin	Ottumwa	Dec. 31, 1980
Jerry L. Larson	Harlan	Dec. 31, 1980

JUDGES OF THE COURT OF APPEALS
 (Judges listed according to seniority)

Allen L. Donielson	Des Moines	Dec. 31, 1983
Bruce M. Snell, Jr.	Ida Grove	Dec. 31, 1984
Leo E. Oxberger	Des Moines	Dec. 31, 1983
James H. Carter	Cedar Rapids	Dec. 31, 1982
Janet Johnson	Des Moines	Dec. 31, 1980

CONGRESSIONAL DIRECTORY

CONGRESSIONAL DIRECTORY**UNITED STATES SENATORS**

Roger Jepsen, Davenport	Dec. 31, 1984
John Culver, Cedar Rapids	Dec. 31, 1980

UNITED STATES REPRESENTATIVES

District

1 James Leach, Davenport	Dec. 31, 1980
2 Tom Tauke, Dubuque	Dec. 31, 1980
3 Charles Grassley, New Hartford	Dec. 31, 1980
4 Neal Smith, Altoona	Dec. 31, 1980
5 Tom Harkin, Ames	Dec. 31, 1980
6 Berkley Bedell, Spirit Lake	Dec. 31, 1980

GENERAL ASSEMBLY

MEMBERS OF THE SENATE — SIXTY-EIGHTH GENERAL ASSEMBLY — 1980 REGULAR SESSION

Name	Residence	Age	Occupation	Senatorial District	Former Legislative Service
Baugher, Gary L.	Ankeny	37	Mobile Home Park Owner	31st — <i>Polk</i>	None
*Bergman, Irvin L.	Harris	68	Farmer—Businessman	2nd—Clay, Dickinson, Emmet, Lyon, O'Brien, Osceola, Palo Alto, Sioux	62, 63, 64, 65, 66, 67, 67X, 68 (1st)
Bisenius, Stephen W.	Cascade	32	Realtor	11th—Delaware, <i>Dubuque</i> , Jackson, Jones	67, 67X, 68 (1st)
*Briles, James E.	Corning	53	Auctioneer—Real Estate	48th—Adair, <i>Adams</i> , Cass Guthrie, Montgomery, Page, Ringgold, Taylor, Union	56, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66, 67, 67X, 68 (1st)
Brown, Joe	Montezuma	28	High School Government and Economics Teacher	35th—Jasper, Mahaska, Marion, Polk, <i>Poweshiek</i> , Warren	68 (1st)
*Calhoon, James	Sioux City	31	Meat Cutter	26th—Monona, <i>Woodbury</i>	67, 67X, 68 (1st)
Carney, Clarence	Sioux City	54	Utility Executive	25th—Cherokee, Plymouth, <i>Woodbury</i>	68 (1st)
*Carr, Robert M.	Dubuque	42	Securities Broker	10th— <i>Dubuque</i>	65, 66, 67, 67X, 68 (1st)
Coleman, C. Joseph	Clare	56	Farmer—Businessman	23rd—Humboldt, <i>Webster</i>	57, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66, 67, 67X, 68 (1st)
Comito, Richard	Waterloo	40	Businessman—Pharmacist	17th— <i>Black Hawk</i>	68 (1st)
*Craft, Rolf V.	Decorah	42	Farmer—Teacher	8th—Bremer, Chickasaw, Fayette, Howard, <i>Winneshiek</i>	67, 67X, 68 (1st)
DeKoster, Lucas J.	Hull	61	Lawyer—Insurance Agent	1st—Lyon, Plymouth, <i>Sioux</i>	61, 62, 63, 64, 65, 66, 67, 67X, 68 (1st)

MEMBERS OF THE SENATE — SIXTY-EIGHTH GENERAL ASSEMBLY — 1980 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Senatorial District	Former Legislative Service
Deluhery, Patrick J.	Davenport	37	College Teacher	41st— <i>Scott</i>	68 (1st)
*Drake, Richard F.	Muscatine	52	General Farming	38th— <i>Johnson, Louisa, Muscatine, Scott</i>	63, 64, 65, 66, 67, 67X, 68 (1st)
*Gallagher, James V.	Jesup	46	Telephone Company	16th— <i>Benton, Black Hawk, Buchanan, Linn, Tama</i>	61, 62, 65, 66, 67, 67X, 68 (1st)
Gentleman, Julia B.	Des Moines	48	Housewife	33rd— <i>Polk</i>	66, 67, 67X, 68 (1st)
Goodwin, Norman J.	DeWitt	66	Retired County Extension Director	39th— <i>Clinton, Scott</i>	68 (1st)
Gratias, Arthur L.	Nora Springs	59	Farmer—Educator	7th— <i>Cerro Gordo, Chickasaw, Floyd, Howard, Mitchell</i>	68 (1st)
*Hansen, W. R. (Bill)	Cedar Falls	48	Insurance and Real Estate Consultant	18th— <i>Black Hawk</i>	63, 64, 65, 66, 67, 67X, 68 (1st)
Hester, Jack W.	Honey Creek	50	Farmer	27th— <i>Crawford, Harrison, Monona, Pottawattamie, Shelby</i>	68 (1st)
*Holden, Edgar H.	Davenport	65	Entrepreneur	40th— <i>Scott</i>	62, 63, 64, 65, 67 (2nd), 68 (1st)
*Hulse, Merlin D.	Clarence	56	Farmer	12th— <i>Cedar, Clinton, Jackson, Johnson, Jones, Scott</i>	67, 67X, 68 (1st)
Hultman, Calvin O.	Red Oak	38	Businessman	49th— <i>Fremont, Mills, Montgomery, Page, Pottawattamie</i>	65, 66, 67, 67X, 68 (1st)
*Hutchins, C. W. Bill	Guthrie Center	48	Businessman	28th— <i>Audubon, Carroll, Cass, Crawford, Greene, Guthrie, Shelby</i>	65, 66, 67, 67X, 68 (1st)
Jensen, John W.	Plainfield	53	Farmer	19th— <i>Black Hawk, Bremer, Butler, Floyd, Franklin, Grundy, Marshall, Tama</i>	68 (1st)

MEMBERS OF THE SENATE — SIXTY-EIGHTH GENERAL ASSEMBLY — 1980 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Senatorial District	Former Legislative Service
Junkins, Lowell L.	Montrose	35	Ambulance Service Owner/ Operator; Farmer— Businessman	43rd—Des Moines, Henry, Lee	65, 66, 67, 67X, 68 (1st)
*Kinley, George R.	Des Moines	42	Owner and Operator of Golf Sales	34th—Polk, Warren	64, 65, 66, 67, 67X, 68 (1st)
Kudart, A. R. Bud	Cedar Rapids	49	Lawyer	13th—Johnson, Linn	68 (1st)
*Miller, Alvin V.	Ventura	58	Retail Merchant—Insurance Agency	6th—Cerro Gordo, Worth	65, 66, 67, 67X, 68 (1st)
*Miller, Charles P.	Burlington	61	Doctor of Chiropractic	42nd—Des Moines, Henry, Louisa	60, 60X, 61, 62, 63, 64, 65, 66, 67, 67X, 68 (1st)
*Miller, Elizabeth R.	Marshalltown	74	Homemaker	20th—Grundy, Hardin, Jasper, Marshall, Story	63, 64, 65, 66, 67, 67X, 68 (1st)
Murray, John S.	Ames	40	Attorney	21st—Boone, Polk, Story	65, 66, 67, 67X, 68(1st)
*Nystrom, John N.	Boone	46	Auto Dealer	22nd—Boone, Greene, Hamilton, Story, Webster	64, 65, 66, 67, 67X, 68 (1st)
*Orr, Joann	Grinnell	56	Legislator	36th—Benton, Iowa, Johnson, Keokuk, Poweshiek, Tama	63 (2nd), 65, 66, 67, 67X, 68 (1st)
*Palmer, William D.	Des Moines	44	Insurance	32nd—Polk	61, 62, 63, 64, 65, 66, 67, 67X, 68 (1st)
*Priebe, Berl E.	Algona	61	Farmer—Businessman	4th—Emmet, Hancock, Humboldt, Kossuth, Palo Alto, Pocahontas, Winnebago	63, 64, 65, 66, 67, 67X, 68 (1st)

Name	Residence	Age	Occupation	Senatorial District	Former Legislative Service
Ramsey, Dick	Osceola	39	Attorney	47th—Appanoose, <i>Clarke</i> , Decatur, Lucas, Madison, Monroe, Ringgold, Union, Wayne	65, 66, 67, 67X, 68 (1st)
*Readinger, David M.	Des Moines	43	Sales	30th— <i>Polk</i>	65, 66, 67, 67X, 68 (1st)
*Robinson, Cloyd E.	Cedar Rapids	41	Production Line Operator	14th—Benton, <i>Linn</i>	64, 65, 66, 67, 67X, 68 (1st)
Rodgers, Norman G.	Adel	52	Farmer—Businessman	29th—Adair, <i>Clarke</i> , <i>Dallas</i> , Guthrie, Madison, Warren	63, 64, 65, 66, 67, 67X, 68 (1st)
Rush, Bob	Cedar Rapids	35	Lawyer	15th— <i>Linn</i>	67, 67X, 68 (1st)
*Schwengels, Forrest V.	Fairfield	64	Real Estate	44th—Henry, <i>Jefferson</i> , Keokuk, Lee, Van Buren, Wapello, Washington	65, 66, 67, 67X, 68 (1st)
*Scott, John	Pocahontas	35	Farmer—Attorney	24th—Buena Vista, Calhoun, Carroll, Cherokee, Crawford, Greene, Ida, <i>Pocahontas</i> , Sac	67, 67X, 68 (1st)
*Slater, Tom	Council Bluffs	34	Advertising	50th— <i>Pottawattamie</i>	67, 67X, 68 (1st)
Small, Arthur A., Jr.	Iowa City	46	Businessman	37th— <i>Johnson</i>	64, 65, 66, 67, 67X, 68 (1st)
Taylor, Ray	Steamboat Rock	56	Farming—Retailing	5th—Cerro Gordo, Franklin, Hancock, <i>Hardin</i> , Wright	65, 66, 67, 67X, 68 (1st)
Tieden, Dale L.	Elkader	57	Farmer	9th—Allamakee, <i>Clayton</i> , Delaware, Dubuque, Fayette, Winneshiek	61, 62, 63, 64, 65, 66, 67, 67X, 68 (1st)
*Van Gilst, Bass	Oskaloosa	68	Farming	46th—Keokuk, Lucas, <i>Mahaska</i> , Marion, Monroe, Poweshiek, Warren	61, 62, 63, 64, 65, 66, 67, 67X, 68 (1st)
Waldstein, Arne	Storm Lake	54	Professional Farm Manager and Rural Appraiser	3rd— <i>Buena Vista</i> , Cherokee, Clay, O'Brien, Palo Alto, Plymouth, Pocahontas	68 (1st)
Yenger, Sue	Ottumwa	41	Legislator—Homemaker	45th—Appanoose, Davis, Mahaska, Monroe, <i>Wapello</i>	68 (1st)

Frank J. Stork—Secretary

*Holdover senators in 68th G.A.

MEMBERS OF THE HOUSE — SIXTY-EIGHTH GENERAL ASSEMBLY — 1980 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Anderson, James O.	Brayton	51	Farmer	56th—Audubon, Carroll, Cass, Crawford, Greene, Guthrie, Shelby	68 (1st)
Anderson, Robert T.	Newton	34	Teacher	69th—Jasper, Marion, Polk, Warren	66, 67, 67X, 68 (1st)
Arnould, Robert C.	Davenport	26	Legislator	82nd—Scott	67 (2nd), 67X, 68 (1st)
Avenson, Donald D.	Oelwein	35	Tool & Die Maker	15th—Fayette, Bremer, Chickasaw, Howard, Winneshiek	65, 66, 67, 67X, 68 (1st)
Bennett, Wayne	Galva	52	Farmer	48th—Ida, Buena Vista, Carroll, Cherokee, Crawford, Sac	65, 66, 67, 67X, 68 (1st)
Bina, Robert F.	Davenport	40	Artist	80th—Scott	66, 67, 67X, 68 (1st)
Binneboese, Donald H.	Hinton	55	Farmer	49th—Plymouth, Cherokee, Woodbury	66 (2nd)*, 67, 67X, 68 (1st)
Brandt, Diane	Cedar Falls	41	Legislator	35th—Black Hawk	66, 67, 67X, 68 (1st)
Branstad, Clifford	Thompson	55	Farmer	8th—Winnebago, Emmet, Hancock, Kossuth	68 (1st)
Bruner, Charles H.	Ames	31	Legislator	41st—Story	68 (1st)
Byerly, Richard L.	Ankeny	41	College Administrator	61st—Polk	65, 66, 67, 67X, 68 (1st)
Chiodo, Ned F.	Des Moines	37	Golf Pro	67th—Polk	67, 67X, 68 (1st)
Clark, Betty Jean	Rockwell	59	Homemaker	11th—Cerro Gordo	67, 67X, 68 (1st)
Clark, John H.	Keokuk	33	Stockbroker	86th—Lee, Henry	64, 65, 66, 67, 67X, 68 (1st)
Cochran, Dale M.	Eagle Grove	51	Farmer, Businessman	45th—Webster, Humboldt	61, 62, 63, 64, 65, 66, 67, 67X, 68 (1st)
Conlon, Walter	Muscatine	32	Attorney	76th—Muscatine, Scott	67, 67X, 68 (1st)
Connolly, Michael W.	Dubuque	34	Teacher	20th—Dubuque	68 (1st)

*Elected in Special Election February 24, 1976.

MEMBERS OF THE HOUSE — SIXTY-EIGHTH GENERAL ASSEMBLY — 1980 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Connors, John H.	Des Moines	57	Fire Captain, retired	64th—Polk	65, 66, 67, 67X, 68 (1st)
Corey, Virgil E.	Morning Sun	63	Farmer	83rd—Louisa, Des Moines, Henry	68 (1st)
Crabb, Frank	Denison	76	Retired Business Executive	53rd—Crawford, Harrison, Monona	63, 65, 66, 67, 67X, 68 (1st)
Crawford, Reid W.	Ames	28	Student	42nd—Story, Boone, Polk	65, 66, 67, 67X, 68 (1st)
Cusack, Gregory D.	Davenport	36	Community Organizer	81st—Scott	65, 66, 67, 67X, 68 (1st)
Daggett, Horace	Lenox	48	Farmer	96th—Taylor, Adams, Montgomery, Page, Ringgold	65, 66, 67, 67X, 68 (1st)
Danker, Arlyn E.	Minden	52	Farmer	54th—Pottawattamie, Harrison, Shelby	65, 66, 67, 67X, 68 (1st)
Davitt, Philip A.	St. Charles	48	Farmer	58th—Warren, Adair, Clarke, Dallas, Madison	67, 67X, 68 (1st)
De Groot, Kenneth	Doon	50	Farmer	1st—Lyon, Sioux	68 (1st)
Dieleman, William W. (Bill)	Pella	48	Life Insurance Underwriter	70th—Marion, Jasper, Mahaska, Poweshiek	66, 67, 67X, 68 (1st)
Diemer, Marvin E.	Cedar Falls,	55	Public Accountant	36th—Black Hawk	68 (1st)
Doyle, Donald V.	Sioux City	54	Lawyer	51st—Woodbury	57, 58, 61, 63, 64, 65, 66, 67, 67X, 68 (1st)
Egenes, Sonja	Story City	49	Legislator, Homemaker	43rd—Story, Boone, Hamilton, Webster	64, 65, 66, 67, 67X, 68 (1st)
Gettings, Don	Ottumwa	56	Machine Repairman	90th—Wapello, Appanoose, Davis	67 (2nd)*, 67X, 68 (1st)
Groth, Richard	Albert City	33	Educator	6th—Buena Vista, Cherokee, Clay, O'Brien, Palo Alto, Pocahontas	68 (1st)

*Elected in Special Election May 17, 1977.

MEMBERS OF THE HOUSE — SIXTY-EIGHTH GENERAL ASSEMBLY — 1980 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Hall, Hurley W.	Marion	44	Telephone Facility Clerk	29th—Linn	68 (1st)
Halvorson, Rod	Fort Dodge	30	Realtor	46th—Webster	68 (1st)
Halvorson, Roger A.	Monona	45	Insurance Agent	17th—Clayton, Allamakee, Winneshiek	66, 67, 67X, 68 (1st)
Hansen, Ingwer L.	Hartley	67	Retired	3rd—O'Brien, Clay, Dickinson, Lyon, Osceola, Sioux	65, 66, 67, 67X, 68 (1st)
Hanson, Darrell R.	Manchester	25	Insurance Agent	18th—Delaware, Clayton, Dubuque, Fayette	68 (1st)
Harbor, William H.	Henderson	59	Grain Elevator Owner-Operator	97th—Mills, Fremont, Montgomery, Page	56, 57, 58, 62, 63, 64, 67, 67X, 68 (1st)
Hibbs, Dale W.	Iowa City	39	Teacher	74th—Johnson	68 (1st)
Hinkhouse, Herbert C.	West Branch	62	Farmer	24th—Cedar, Clinton, Johnson, Scott	66, 67, 67X, 68 (1st)
Hoffmann, Betty A.	Muscatine	58	Legislator	75th—Muscatine, Johnson, Louisa	67, 67X, 68 (1st)
Holt, Lee	Spencer	70	Automobile Dealer	4th—Clay, Dickinson, Emmet, Palo Alto	68 (1st)
Horn, Wally E.	Cedar Rapids	46	Teacher	28th—Linn	65, 66, 67, 67X, 68 (1st)
Howell, Rollin K.	Marble Rock	50	Farmer	13th—Floyd, Cerro Gordo, Mitchell	65*, 66, 67, 67X, 68 (1st)
Hullinger, Arlo	Leon	58	Farmer	94th—Decatur, Clarke, Madison, Ringgold, Union, Wayne	61, 62, 66, 67, 67X, 68 (1st)
Hummel, Kyle	Vinton	44	Contractor-Realtor	31st—Benton, Black Hawk, Buchanan, Linn, Tama	68 (1st)
Husak, Emil J.	Toledo	49	Farmer	71st—Tama, Benton, Iowa, Poweshiek	64, 65, 66, 67, 67X, 68 (1st)
Jay, Daniel	Moulton	25	Law Student	93rd—Appanoose, Clarke, Lucas, Monroe, Wayne	68 (1st)

*Elected in Special Election March 27, 1973.

MEMBERS OF THE HOUSE — SIXTY-EIGHTH GENERAL ASSEMBLY — 1980 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Jesse, Norman G.	Des Moines	42	Attorney	62nd—Polk	63, 64, 65, 66, 67, 67X, 68 (1st)
Jochum, Thomas J.	Dubuque	28	Production Worker	19th—Dubuque	66, 67, 67X, 68 (1st)
Johnson, James	Elma	40	Businessman	14th—Howard, Chickasaw, Floyd, Mitchell	68 (1st)
Johnson, Robert M. L.	Cedar Rapids	58	Marketing Manager	26th—Linn	68 (1st)
Johnson, Warren	Sloan	57	Farmer	52nd—Woodbury, Monona	68 (1st)
Kirkenslager, Larry	Burlington	35	Electrician	84th—Des Moines	68 (1st)
Krewson, Lyle R.	Urbandale	36	Self-employed, Legislator	59th—Polk	67, 67X, 68 (1st)
Lageschulte, Ray	Waverly	57	Farmer, Insurance Adjuster	37th—Bremer, Black Hawk, Butler, Floyd	66, 67, 67X, 68 (1st)
Larsen, Sonja	Ottumwa	38	Real Estate Broker	89th—Wapello, Mahaska, Monroe	68 (1st)
Lind, Thomas A.	Waterloo	61	Teacher, Businessman	33rd—Black Hawk	67 (2nd), 67X, 68 (1st)
Lloyd-Jones, Jean	Iowa City	50	Homemaker, Legislator	73rd—Johnson	68 (1st)
Lonergan, Joyce	Boone	45	Homemaker	44th—Boone, Greene	66, 67, 67X, 68 (1st)
Lorenzen, James A.	Davenport	25	Sales Representative	79th—Scott	68 (1st)
Lura, Mick	Marshalltown	31	Accountant	39th—Marshall	68 (1st)
Maulsby, Ruhl	Rockwell City	56	Farmer	47th—Calhoun, Carroll, Greene, Pocahontas, Sac	68 (1st)
McKean, Andy	Morley	30	College Instructor, Square Dance Caller	23rd—Jones, Cedar, Clinton, Jackson	68 (1st)
Menke, Lester D.	Calumet	61	Farmer, Insurance	5th—O'Brien, Buena Vista, Cherokee, Clay, Plymouth	65, 66, 67, 67X, 68 (1st)
Millen, Floyd H.	Farmington	60	Retired Businessman	87th—Van Buren, Henry, Jefferson, Keokuk, Lee, Wapello, Washington	60, 60X, 61, 62, 63, 64, 65, 66, 67, 67X, 68 (1st)
Miller, Kenneth D.	Independence	54	Owner Mobile Home Court	32nd—Buchanan, Black Hawk	65, 66, 67, 67X, 68 (1st)
Mullins, Sue	Corwith	43	Farmer	7th—Kossuth, Hancock, Humboldt, Palo Alto, Pocahontas	68 (1st)

MEMBERS OF THE HOUSE — SIXTY-EIGHTH GENERAL ASSEMBLY — 1980 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Norland, Lowell E.	Kensett	48	Farmer	12th—Worth, Cerro Gordo	65, 66, 67, 67X, 68 (1st)
O'Kane, James	Sioux City	28	Legal Assistant	50th—Woodbury	68 (1st)
Oxley, M. B. (Mike)	Marion	57	Farmer	30th—Linn	61, 67, 67X, 68 (1st)
Patchett, John E.	North Liberty	30	Legislator, Law Student	25th—Johnson, Linn	65, 66, 67, 67X, 68 (1st)
Pavich, Emil S.	Council Bluffs	48	Cereal Company Employee	99th—Pottawattamie	66, 67, 67X, 68 (1st)
Pellett, Wendell C.	Atlantic	62	Farmer	95th—Cass, Adair, Adams, Guthrie, Union	64, 65, 66, 67, 67X, 68 (1st)
Pelton, John	Clinton	33	Attorney	77th—Clinton	67, 67X, 68 (1st)
Perkins, Carroll T.	Jefferson	53	Agriculture	55th—Greene, Audubon, Carroll, Crawford, Guthrie	66, 67, 67X, 68 (1st)
Poffenberger, Virginia	Perry	45	Lawyer	57th—Dallas, Adair, Guthrie	68 (1st)
Pope, Lawrence	Des Moines	39	Attorney	65th—Polk	68 (1st)
Rapp, Stephen J.	Waterloo	30	Attorney	34th—Black Hawk	65, 68 (1st)
Renken, Robert H.	Aplington	58	Farmer	38th—Grundy, Black Hawk, Butler, Franklin, Marshall, Tama	None
Ritsema, Doug	Orange City	27	Lawyer	2nd—Sioux, Plymouth	68 (1st)
Schnekloth, Hugo	Eldridge	56	Farmer	78th—Scott, Clinton	67, 67X, 68 (1st)
Schroeder, Laverne W.	McClelland	46	Farmer	98th—Pottawattamie, Mills	62, 63, 64, 65, 66, 67, 67X, 68 (1st)
Sherzan, Richard	Altoona	33	Teacher	63rd—Polk	68 (1st)
Shimanek, Nancy J.	Monticello	32	Lawyer	22nd—Jones, Delaware, Dubuque, Jackson	67, 67X, 68 (1st)
Shull, Douglas	Indianola	36	Accountant, C.P.A.	92nd—Warren, Lucas, Marion	68 (1st)
Smalley, Douglas R.	Des Moines	33	Attorney	60th—Polk	67, 67X, 68 (1st)
Spear, Clay	Burlington	63	Retired—Postal Service	85th—Lee, Des Moines	66, 67, 67X, 68 (1st)
Stromer, Delwyn	Garner	49	Farmer, Legislator	9th—Hancock, Cerro Gordo, Franklin, Wright	62, 63, 64, 65, 66, 67, 67X, 68 (1st)

MEMBERS OF THE HOUSE — SIXTY-EIGHTH GENERAL ASSEMBLY — 1980 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Swearingen, George R.	Sigourney	56	Assistant Manager, Grain Elevator	88th—Keokuk, Washington	68 (1st)
Thompson, Patricia L.	West Des Moines	52	Banker, (Part-time)	66th—Polk	67, 67X, 68 (1st)
Tofte, Semor C.	Decorah	68	Legislator	16th—Winneshiek, Fayette, Howard	65, 66, 67, 67X, 68 (1st)
Tyrrell, Phillip E.	North English	47	Self-employed—Insurance	72nd—Iowa, Benton, Johnson, Keokuk, Poweshiek	68 (1st)
Van Maanen, Harold	Oskaloosa	50	Farmer	91st—Mahaska, Keokuk, Lucas, Marion, Monroe, Poweshiek	68 (1st)
Walter, Craig D.	Council Bluffs	30	Self-employed	100th—Pottawattamie	66, 67, 67X, 68 (1st)
Welden, Richard W.	Iowa Falls	71	Retired Contractor	10th—Hardin, Franklin, Wright	62, 63, 64, 65, 66, 67, 67X, 68 (1st)
Wells, James D.	Cedar Rapids	51	Cereal Company Employee	27th—Linn, Benton	63, 64, 65, 66, 67, 67X, 68 (1st)
Welsh, Joseph	Dubuque	24	Deputy Sheriff	21st—Dubuque, Jackson	68 (1st)
West, James C.	State Center	47	Retailer (Furniture)	40th—Marshall, Grundy, Hardin, Jasper, Story	65, 66, 67, 67X, 68 (1st)
Woods, Jack E.	Des Moines	43	Owner, Music Company	68th—Polk, Warren	65, 66, 67, 67X, 68 (1st)

CONDITION OF STATE TREASURY

Receipts, Disbursements and Balances in the Several Funds
For The Fiscal Period Ending June 30, 1979

Fiscal Year Ending June 30, 1979

	Balance July 1, 1978	Total Receipts and Transfers	Total Available	Total Warrants Redeemed Treasurer's Checks Issued and Transfers	Balance June 30, 1979
General Revenue	\$161,734,461	\$1,458,804,591	\$1,620,539,052	\$1,346,789,559	\$ 166,459,794
Transfers				107,289,699	
Trust Funds	57,600,164	332,278,605	389,878,769	208,983,267	67,397,478
Transfers				113,498,024	
Special Funds	1,235,390,015	1,502,520,081	2,958,697,819	1,568,399,838	1,390,297,981
(Comptroller's Warrants)					
Transfers		220,787,723			
Special Funds	311,531	425,162	736,693	401,287	335,406
(Treasurer's Checks)					
TOTALS	\$1,455,036,171	\$3,514,816,162	\$4,969,852,333	\$3,345,361,674	\$1,624,490,659

Balance July 1, 1978	\$1,455,036,171
Receipts and Transfers	3,514,816,162
Total	\$4,969,852,333
Disbursements and Transfers	3,345,361,674
Balance June 30, 1979	\$1,624,490,659

OFFICE OF STATE COMPTROLLER
JULY 10, 1980

**APPROPRIATIONS
AND
GENERAL LAWS**

LAWS
OF THE
1980 Regular Session
OF THE
Sixty-eighth General Assembly
OF THE
STATE OF IOWA

PASSED AT DES MOINES, THE CAPITAL OF THE STATE, BEGUN ON THE
FOURTEENTH DAY OF JANUARY, AND ENDED ON THE TWENTY-SIXTH
DAY OF APRIL, A.D. 1980 IN THE ONE HUNDRED THIRTY-FOURTH
YEAR OF THE STATE

APPROPRIATIONS
AND
GENERAL LAWS

CHAPTER 1001
APPROPRIATIONS TO VARIOUS AGENCIES
H. F. 2580

AN ACT appropriating funds to finance designated state programs and adding procedures and criteria for administering designated programs of the state educational radio and television facility board; the school for the deaf; the Iowa college aid commission; merged area V; the state board of regents for capitation grants; the commission on the aging; the Iowa state civil rights commission; the Spanish-speaking peoples commission; the commission on the status of women, the board of medical examiners; the Iowa mental health authority; the mental health advisory council; the health planning agency, personal and family health services, the community health division, and in-home health care grants of the state department of health; the elderly care program; the Iowa department of substance abuse;

the European office of the Iowa development commission; the energy policy council; the department of soil conservation; the governor's economy committee recommendations; the state board of engineering examiners; the Iowa beer and liquor control department; the department of revenue; the Iowa public employees' retirement system; judicial salaries and the judicial retirement system; Terrace Hill; the census data center coordinating unit; the communications division of the department of general services; the legislative fiscal bureau; the Iowa crime commission; the road use tax fund; the state department of transportation; governmental subdivisions and agencies required to record instruments; the department of public safety; and the general administration, correctional personnel, community-based corrections, legal assistance program, substance abuse screening, mental health institutes, division of mental health resources, patients' personal deposit funds, aid to dependent children, medical assistance, contractual services-medical carrier, children's services, state supplementary assistance, child support recoveries, title XX, foster residential care, subsidized adoption, the Glenwood state hospital-school, cost reimbursement for skilled, residential, and intermediate care facilities, the community integrated youth services project, support for the poor for Indians residing on the Tama county settlement, and various rules of the department of social services, prohibiting group policies of life, accident or health insurance from excluding from coverage employees and employees' spouses and dependents on the basis of their eligibility for medical assistance under chapter two hundred forty-nine A (249A) of the Code, and appropriating funds for the merit employment commission and the older Iowans' legislature.

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

DIVISION I

Section 1. Chapter eighteen (18), division five (V), Code 1979, is amended by adding the following new section:

NEW SECTION. CAPITAL EQUIPMENT REPLACEMENT REVOLVING FUND.

1. Notwithstanding section eighteen point one hundred fifty-one (18.151) of the Code, the state educational radio and television facility board may provide noncommercial production or reproduction services for other public agencies, nonprofit corporations or associations organized under state law, or other organizations which are not operated for a profit and shall collect the costs of providing such services from the public agency, nonprofit corporation, association, or organization plus a separate equipment usage fee in an amount determined by the board and based upon the equipment used. The costs shall be deposited to the credit of the state educational radio and television facility board. The separate equipment usage fee shall be deposited in the capital equipment replacement revolving fund.

2. The state educational radio and television facility board may establish a capital equipment replacement revolving fund into which shall be deposited equipment usage fees collected under subsection one (1) of this section and funds from other sources designated for deposit in the capital

equipment replacement revolving fund. The state educational radio and television facility board may expend moneys from the capital equipment replacement revolving fund to purchase technical equipment for operating the educational radio and television facility.

Sec. 2. Chapter eighteen (18), division five (V), Code 1979, is amended by adding the following new section:

NEW SECTION. TRUSTS. Notwithstanding section six hundred thirty-three point sixty-three (633.63) of the Code, the state educational radio and television facility board may accept and administer trusts and may authorize nonprofit foundations acting solely for the support of the educational radio and television facility to accept and administer trusts deemed by the board to be beneficial to the operation of the educational radio and television facility. The board and such foundations may act as trustees in such instances.

Sec. 3. Section two hundred seventy point one (270.1), Code 1979, is amended to read as follows:

270.1 SUPERINTENDENT. The superintendent of the school for the deaf shall be a trained and experienced educator of the deaf. His The superintendent's salary may include residence in the institution ~~and--beared from--the--funds--or--supplies--thereof~~, but no such allowance shall be made except by express contract in advance.

Sec. 4. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section two (2), subsection one (1), paragraph b, is amended to read as follows:

b. For administration of Iowa guaranteed student loan program for not more than five full-time equivalent positions for fiscal year 1980-1981 \$ 204,000 \$ 284,000

Sec. 5. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section five (5), is amended to read as follows:

SEC. 5. There is appropriated from the general fund of the state to the Iowa college aid commission for the fiscal biennium beginning July 1, 1979, and ending June 30, 1981, the sum of fifty thousand (50,000) dollars, and for the fiscal year beginning July 1, 1980 and ending June 30, 1981, an additional sum of thirty thousand (30,000) dollars, or so much thereof as may be necessary, to provide for a national guard education program. Funds shall only be expended for Iowa residents who are enlisted members in good standing in the Iowa national guard and who are enrolled as ~~an--undergraduate~~ undergraduates in an Iowa postsecondary educational institution institutions. Funds expended on behalf of each full-time undergraduate student shall not exceed two hundred fifty (250) dollars per year. Funds expended on behalf of each half-time undergraduate student shall not exceed one hundred twenty-five (125) dollars per year.

Sec. 6. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section six (6), is amended to read as follows:

SEC. 6. There is appropriated from the general fund of the state for each year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 to the state educational radio and television facility the following amounts,

or so much thereof as may be necessary, to be used for the purposes designated:

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
For salaries, support, maintenance and miscellaneous purposes	\$ 4,492,000	\$ 4,7697,000 4,801,000

Sec. 7. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section seven (7), subsection eleven (11), is amended by adding the following new paragraph:

NEW PARAGRAPH. For merged area V.

For operation of the radio station \$ 50,000

Sec. 8. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section nine (9), is amended to read as follows:

SEC. 9. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1979 and ending June 30, 1980, to the state board of regents, subject to the conditions provided in this section, the sum of four hundred thousand (400,000) dollars, and for the fiscal year beginning July 1, 1980 and ending June 30, 1981, the sum of four hundred thousand (400,000) dollars, or so much thereof as may be necessary, to replace actual losses of federal funds for capitation grants by the colleges of dentistry, medicine, veterinary medicine, pharmacy, and nursing. ~~The funds or any portion of the funds shall not be allocated unless there is actually a loss of federal funds for capitation grants and the state comptroller has reviewed the amount of the loss and approved the allocation of the funds appropriated by this section to replace the loss.~~

Sec. 9. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13) is amended by adding the following new section:

NEW SECTION. The department shall employ a consultant for gifted and talented children programs.

DIVISION II

Sec. 10. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section one (1), subsection one (1), is amended to read as follows:

1. For salaries and support of not more than ~~twenty-six~~ twenty-eight point twenty-five full-time equivalent positions annually, of which two care review positions are contingent upon the receipt of federal funds, maintenance and miscellaneous purposes

\$ 171,051	\$ 167,900
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Sec. 11. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section one (1), is amended by adding the following new subsection:

5. For the older Iowans model legislature ... \$ 14,000

Sec. 12. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section two (2), subsection one (1), is amended to read as follows:

1. IOWA STATE CIVIL RIGHTS COMMISSION

a. For salaries and support of not more than thirty-five full-time equivalent positions an-

annually, maintenance and miscellaneous purposes ..	\$ 540,463	\$ 540,943
		<u>547,943</u>

b. For salaries, support, maintenance, and miscellaneous purposes of the Spanish-speaking peoples commission, including not more than one full-time equivalent position and expenses of the commission

	\$	\$ 31,000
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Sec. 13. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section two (2), subsection four (4), is amended to read as follows:

4. COMMISSION ON THE STATUS OF WOMEN

For salaries and support of not more than three point twenty-five full-time equivalent positions annually, maintenance and miscellaneous purposes

	\$ 76,100	\$ 76,570
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Sec. 14. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section three (3), subsection one (1), is amended to read as follows:

1. BOARD OF MEDICAL EXAMINERS

For salaries and support of not more than seven full-time equivalent positions annually, maintenance and miscellaneous purposes

	\$ 198,411	\$ 193,442
		<u>205,442</u>

Sec. 15. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section three (3), subsections four (4) and five (5), are amended to read as follows:

4. IOWA MENTAL HEALTH AUTHORITY

For salaries and support of not more than eight point five full-time equivalent positions annually, maintenance and miscellaneous purposes

	\$ 136,081	\$ 148,084
		<u>238,084</u>

If legislation prescribing the title, administrative structure, and specific powers and duties of the unified state mental health agency has not been approved prior to July 1, 1980 and notwithstanding the provisions of sections two hundred twenty-five B point two (225B.2) and two hundred twenty-five B point eight (225B.8), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fiftyfour* (54), sections one (1) and two (2), the division of mental health resources of the department of social services and the Iowa mental health authority shall continue to be governed respectively by sections two hundred seventeen point ten (217.10) through two hundred seventeen point twelve (217.12), Code 1979 and chapter two hundred twenty-five B (225B), Code 1977, until July 1, 1981. The Iowa mental health authority shall continue to be the designated state agency for the purpose of directing the benefits of United States Pub. L. No. 79-487, 60 Stat. L. 538 (1946) and amendments thereto.

5. MENTAL HEALTH ADVISORY COUNCIL

For salaries and support of not more than

*According to enrolled Act

three full-time equivalent positions annually, maintenance and miscellaneous purposes \$ 64,269 \$ 50,000

Sec. 16. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section four (4), subsection two (2), paragraph b, is amended to read as follows:

b. Health planning agency.

For salaries and support of not more than ~~eleven~~ thirteen full-time equivalent positions annually, maintenance and miscellaneous purposes \$ 66,940 \$ 66,407

Sec. 17. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section four (4), subsection six (6), unnumbered paragraph one (1), is amended to read as follows:

For salaries and support of not more than sixty full-time equivalent positions annually, maintenance and miscellaneous purposes \$ 879,931 \$ ~~861,373~~ 881,373

Sec. 18. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section four (4), subsection seven (7), paragraph a, is amended to read as follows:

a. Community health division.

(1) For salaries and support of not more than ~~forty-two~~ forty-four full-time equivalent positions annually of which two shall be for deaf services, maintenance and miscellaneous purposes \$ 982,111 \$ ~~1,015,376~~ 1,445,376

(2) Of the appropriation for the 1980-1981 fiscal year, the sum of sixty thousand (60,000) dollars is allocated for deaf services, the sum of three hundred fifty thousand (350,000) dollars is allocated for the renal disease program, and the sum of twenty thousand (20,000) dollars is allocated for the emergency medical service program.

Sec. 19. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section four (4), subsection seven (7), paragraph d, is amended to read as follows:

d. In-home health care grants. For grants to local boards of health or county health centers for programs to maintain or expand the availability of in-home health care to elderly persons in the state in accordance with section five (5) of this Act \$ 2,765,960 \$ 3,015,960

Sec. 20. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section five (5), subsection four (4), is amended to read as follows:

4. The state department of health shall make the money allocated for use in each county under subsection three (3) of this section available to be expended in that county as provided in this subsection. The local board of health or county health centers having jurisdiction, after consultation with

other in-home health care provider agencies in the jurisdiction, shall prepare a proposal for the use of the funds available for that jurisdiction that will provide the maximum benefits of expanded home health care to elderly persons in the jurisdiction, and that shall include a statement assuring that the appropriate local agencies have participated in the formulation of the proposal. After approval of the proposal by the department, the department shall enter into a contract with the local board of health or county health centers. The local board of health or county health centers may subcontract with a nonprofit nurses' association, an independent nonprofit agency, the department of social services or a suitable local governmental or nongovernmental body to use the funds to expand or maintain in-home health services. Local boards of health or county health centers shall make an effort to subcontract with agencies that are currently providing services to prevent duplication of services. In counties where a county health center has been established under chapter three hundred forty-six A (346A) of the Code, the board of supervisors may appoint itself to act as the county board of health.

Sec. 21. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section nine (9), is amended to read as follows:

SEC. 9. Section sixteen point eight (16.8), Code 1979, is amended to read as follows:

16.8 COMMISSION ~~TERMINATION~~ TRANSFERRED. ~~Without affirmative action by the general assembly before June 30, 1980, the~~ The Spanish-speaking peoples commission shall expire on June 30, 1981 be transferred to the Iowa state civil rights commission on July 1, 1980. The Spanish-speaking peoples commission shall continue to be appointed and function as provided in sections sixteen point one (16.1) through sixteen point seven (16.7) of the Code, but the Iowa state civil rights commission shall provide support services to the Spanish-speaking peoples commission including, but not limited to, office space, secretarial assistance, supplies, and similar services.

Sec. 22. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter sixteen (16), section one (1), is amended to read as follows:

SECTION 1. There is appropriated from the general fund to the commission on the aging eight hundred thousand (800,000) dollars, or so much thereof as may be necessary, for the 1979-1980 fiscal year and eight hundred thousand (800,000) dollars, or so much thereof as is necessary, for the 1980-1981 fiscal year, for the elderly care program to be used for chore, telephone reassurance, adult day care, and home repair services, including the winterizing of homes, and for the construction of entrance ramps which meet the requirements of section one hundred four A point four (104A.4) of the Code and make residences accessible to the physically handicapped, for citizens of Iowa over sixty-five years of age. All funds appropriated under this section shall be received and disbursed by the commission and shall not be used for administrative purposes.

Sec. 23. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter sixteen (16), section nine (9), is amended to read as follows:

SEC. 9. NEW SECTION. LOCAL MATCH. Funds appropriated to the commission from the general fund for the elderly care program shall only be awarded and distributed to local projects which provide significant matching effort either in cash or in equivalent support. Funds appropriated to the commission from the general fund for the elderly care program shall only be used to establish new projects, ~~or~~ to expand existing programs ~~and~~ or to continue existing elderly care projects. Elderly care funds shall not be used to replace funds in existing programs or to free funds for other state supported services. The interagency coordinating committee may waive or modify the local match requirements of this section in accordance with the rules promulgated by the commission.

Sec. 24. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventeen (17), section one (1), subsection two (2), is amended to read as follows:

2. For substance abuse program grants	\$ 2,265,000	\$ 2,265,000
		<u>2,475,000</u>

DIVISION III

Sec. 25. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twelve (12), section ten (10), subsection two (2), is amended to read as follows:

2. For salaries, support of no more than two full-time equivalent positions, maintenance and miscellaneous purposes of the European office ...	\$ 178,000	\$ <u>200,000</u>
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Sec. 26. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twelve (12), section thirteen (13), subsection one (1), is amended to read as follows:

1. OPERATIONS

For salaries and support of--not-more-than eleven-full-time-equivalent--positions, and for maintenance and miscellaneous purposes	\$ 230,192	\$ 233,683
		<u>336,683</u>

Sec. 27. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twelve (12), section nineteen (19), subsection one (1), is amended to read as follows:

1. For salaries and support of not more than one hundred seventy-three full-time equivalent positions and maintenance, assistance to soil conservation districts and for miscellaneous purposes	\$ 2,544,670	\$ 2,528,876
		<u>2,549,476</u>

It is the intent of the general assembly that twenty one hundred clerk-typist II positions be upgraded to that of ~~secretary~~ clerk-typist III, and that a position of director of conservancy districts be created.

Sec. 28. There is appropriated from the general fund of the state to the department of soil conservation for the fiscal period beginning July 1, 1980 and ending June 30, 1984 the amount of nine hundred seventy-nine thousand four hundred (979,400) dollars, or so much thereof as is necessary, to be used for and supplement the funds appropriated by Acts of the Sixty-eighth

General Assembly, 1979 Session, chapter twelve (12), section nineteen (19), subsection five (5), for cost-sharing to provide state funding of not more than 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-owned farms. However, not more than five percent of the amount appropriated in this section may be used for compensation of production losses due to summer construction of permanent soil and water conservation practices.

DIVISION IV

Sec. 29. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), section one (1), subsection five (5), is amended to read as follows:

5. STATE BOARD OF ENGINEERING EXAMINERS

For salaries and wages for not more than two point fifty full-time equivalent positions and for support, maintenance, and other operational purposes \$ 88,044 \$ ~~92,771~~
96,771

It is the intent of the general assembly that the per diem and travel expenses of the members of the state board of engineering examiners be reduced to an amount not more than eighteen thousand eight hundred sixty-six (18,866) dollars for the fiscal year 1979-1980 and to not more than twenty thousand seven hundred fifty-three (20,753) dollars for the fiscal year 1980-1981.

The department of general services shall provide for security for the offices of the board of engineering examiners by providing the board with offices and file cabinets that can be locked to prevent unauthorized access to the files, documents and papers of the board of engineering examiners.

Sec. 30. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), section two (2), subsection three (3), is amended to read as follows:

3. IOWA BEER AND LIQUOR CONTROL DEPARTMENT

For salaries and wages for not more than nine hundred five point fourteen full-time equivalent positions and for support, maintenance, and other operational purposes \$14,746,842 \$~~14,860,474~~
15,135,474

It is the intent of the general assembly that two hundred seventy-five thousand (275,000) dollars, or so much thereof as is necessary, for the fiscal year beginning July 1, 1980 and ending June 30, 1981 be used for outside warehousing and rent.

It is the further intent of the general assembly that all state liquor stores in operation as of March 1, 1980 shall continue in operation. If there is more than one liquor store in a city only one must continue in operation. Hours of operation of each store shall remain substantially the same.

Sec. 31. Chapter one hundred twenty-three (123), Code 1979, is amended by adding the following new sections as a new division:

NEW SECTION. 123.153 DEFINITIONS. As used in this division, unless the context otherwise requires:

1. "Project" means acquisition, construction, reconstruction, improvement, repair and equipment of land, buildings, facilities and property of every kind except inventory, deemed necessary by the council for use as a warehouse, which shall include office space.

2. "Gross revenue" means all income or receipts derived from the operation of liquor sale activities.

3. "Net revenues" means gross revenues less operating expense.

4. "Operating expense" means salaries, wages, costs of maintenance and operation, materials, supplies, inventories, insurance, and other items in relation to liquor sale activities included under recognized public agency accounting practices, but does not include allowances for depreciation in the value of physical property.

5. "Revenue bond" or "bond" means a negotiable bond issued by the state and payable from the net revenues of liquor sale activities or of any part or project thereof.

6. "Liquor sale activities" means any activities conducted by the council and the department with reference to the sale of alcoholic liquor.

NEW SECTION. 123.154 PROJECT--REVENUE BONDS. On behalf of the state, the council shall carry out a project, issue revenue bonds in an amount not to exceed four million dollars to pay all or part of the cost of the project, or refund at or before maturity a like principal amount of revenue bonds or other obligations issued under this division and sell revenue bonds at public or private sale in the discretion of the council. The cost of the project may include interest on the bonds during construction and for one year after completion, costs of sale and issuance of bonds, professional services and provision for contingencies.

NEW SECTION. 123.155 PROCEEDINGS. Revenue bonds shall be issued pursuant to one or more resolutions of the council adopted at a regular or special meeting by a majority of the members in attendance. Revenue bonds may bear interest at such rates, be in one or more series, bear such dates, mature at times not exceeding thirty years from their respective dates, be payable at places within or without the state, carry registration privileges, be subject to terms of redemption, with or without premium, be executed and contain terms, limitations, covenants and conditions as the resolution provides.

The bonds shall be executed by the governor and attested by the treasurer of state. The facsimile signature of either the governor or treasurer of state may be printed on the face of each bond in lieu of the manual signature of the officer. Interest coupons, if any, shall be executed by the original or facsimile signature of the treasurer of state. Bonds bearing the original or facsimile signature of an officer in office on the date of the signing are valid for all purposes, notwithstanding that before delivery the signer has ceased to hold the office. Each bond shall state on its face that it is payable solely from the revenues pledged thereto and that it does not constitute a debt or charge against the state of Iowa within the meaning or application of any constitutional or statutory limitation or provision.

The proceedings authorizing the issuance of the bonds may provide for the establishment of reserve funds or sinking funds as deemed necessary for the application of surplus net revenues, and for the continuation of liquor sale activities on a revenue producing basis and the maintenance of net revenues at levels at least sufficient to pay principal of and interest on the revenue bonds as they become due and to maintain reserves or sinking funds therefor.

NEW SECTION. 123.156 BONDS NOT DEBT OF STATE. Revenue bonds shall not be a debt of or charge upon the state of Iowa within the meaning of any constitutional or statutory limitation. Taxes or appropriations shall not be pledged for the payment of the revenue bonds. The sole remedy for any breach or default of the terms of any revenue bonds or proceedings authorizing the bonds shall be a proceeding in law or equity, to which consent is given, to enforce and compel performance of the duties required by this division and the terms of the resolutions under which the bonds are issued.

NEW SECTION. 123.157 ANTICIPATORY NOTES. The council may borrow money and issue notes in anticipation of the receipt of proceeds of the sale of revenue bonds. Any such loan shall be paid within three years. Notes issued for moneys so borrowed may be renewed from time to time within the three-year limitation. Notes shall be issued and sold in the same manner as provided for the issuance of bonds.

NEW SECTION. 123.158 NOTICE. The council may publish a notice of its intention to issue revenue bonds in a newspaper published in and with general circulation in the state. The notice shall include a statement of the maximum amount of bonds proposed to be issued, and in general, what net revenues will be pledged to pay the revenue bonds and interest thereon. An action which questions the legality of revenue bonds or the power of the council to issue the bonds or the effectiveness of any proceedings adopted for the authorization or issuance of the bonds shall not be brought after sixty days from the date of publication of the notice.

NEW SECTION. 123.159 EXEMPTION FROM TAXATION. Bonds or notes issued under this division are exempt from taxation by the state of Iowa and the interest thereon is exempt from state income tax.

NEW SECTION. 123.160 BONDS AS INVESTMENTS. All banks, trust companies, savings and loan associations, investment companies and other persons carrying on a banking or investment business, all insurance companies, insurance associations, and other persons carrying on an insurance business and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in bonds issued pursuant to this division. However, this section does not relieve any persons from a duty of exercising reasonable care in selecting securities for purchase or investment.

NEW SECTION. 123.161 INDEPENDENT AUTHORIZATION. This division provides an independent method for the carrying out of a project and for the sale and issuance of revenue bonds and notes without reference to any other statute and is not subject to the provisions of any other law relating to the issuance of bonds.

NEW SECTION. 123.162 LIMITATION. The council shall not carry out more than one project under this division.

Sec. 32. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), section two (2), subsection fourteen (14), is amended to read as follows:

14. DEPARTMENT OF REVENUE

For salaries and wages for not more than six hundred seventy-eight point sixty-four full-time equivalent positions and for support, maintenance, and other operational purposes

\$12,228,072	\$12,145,839
	<u>12,200,832</u>

It is the intent of the general assembly that fifty-five thousand (55,000) dollars, or so much thereof as is necessary, for the fiscal year beginning July 1, 1980 and ending June 30, 1981 be used for the capital assets pricing model program.

Sec. 33. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), section seven (7), is amended to read as follows:

SEC. 7. There is appropriated from the Iowa public employees' retirement system fund for each fiscal year of the biennium beginning July 1, 1979 and ending June 30, 1981 to the Iowa department of job service, the following amounts, or so much thereof as is necessary, to be used for the following purposes:

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
For salaries and wages for not more than thirty-eight <u>forty</u> point fifty full-time equivalent positions and for support, maintenance, and other operational purposes to pay the costs of administration of the Iowa public employees' retirement system	\$ 1,535,755	\$ 1,622,074 <u>1,719,404</u>

It is the intent of the general assembly that seventy-five thousand (75,000) dollars, or so much thereof as may be necessary, for the fiscal year beginning July 1, 1980 and ending June 30, 1981 be used to establish a systems development program.

DIVISION V

Sec. 34. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter two (2), section three (3), is amended to read as follows:

SEC. 3. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1979, and ending June 30, 1981, the following amounts, or so much thereof as is necessary, to be used to fund increases in judicial salaries as provided in section two (2) of this Act and for the state's contribution to the judicial retirement system provided for in chapter six hundred five A

(605A) of the Code required because of the increased salaries

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
	\$ 650,000	\$ 650,000
		733,000

Sec. 35. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section one (1), subsection three (3), is amended to read as follows:

3. For salaries and support of not more than eight point five full-time equivalent positions and maintenance of the Terrace Hill governor's mansion which shall be open for the public tours by individuals or groups of ten or fewer persons without prior appointment, and for groups of more than ten persons with a prior appointment, a minimum of twenty hours per week and a minimum of five days per week, ~~in addition to arranged special-group-tours, and.~~ The visiting hours and tour arrangements may be adjusted in order to provide access to Terrace Hill which will best serve the public and also cause the least inconvenience to the governor and the governor's family. The final tour in any day when requested shall begin not earlier than 2:00 p.m. Terrace Hill shall be closed during the months of January and February except for special tours which may be conducted at the discretion of the Terrace Hill site coordinator \$ 174,570 \$ 171,580

Notwithstanding the provisions of subsection eight (8) of section eighteen point twelve (18.12) of the Code, proceeds received from the sale of excess Terrace Hill personal property to be disposed of by a public auction conducted by the department of general services shall be added to the funds appropriated by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fourteen (14), section fifteen (15), subsection five (5), and shall be used for the restoration of Terrace Hill in the same manner as the funds appropriated in that subsection.

***Sec. 36. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section four (4), subsection three (3), unnumbered paragraph two (2), is amended to read as follows:

There is established a census data center coordinating unit composed of the state librarian, a representative of the office for planning and programming, and three representatives each representing one of the state universities. The census data center coordinating unit shall provide for not less than fifty census data training sessions throughout the state, and shall negotiate a joint statistical agreement with the United States bureau of the census. The census data center coordinating unit shall be the agency designated in Iowa to approve all such agreements with the bureau of the census.***

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Sec. 37. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section ten (10), subsection one (1), paragraph f, is amended to read as follows:

f. COMMUNICATIONS DIVISION

For salaries and support of not more than ~~seventeen~~ eighteen point seventy full-time equivalent positions, maintenance, and miscellaneous purposes \$ 336,670 \$ ~~336,051~~
364,051

Sec. 38. Notwithstanding the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section six (6), subsection ten (10), the full-time equivalent positions for the legislative fiscal bureau for the fiscal year beginning July 1, 1980, shall be thirteen.

Sec. 39. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1980 and ending June 30, 1981 the sum of fifty thousand (50,000) dollars, or so much thereof as is necessary, to the Iowa merit employment department for conversion, design, testing, installation, and implementation of a data processing system.

Sec. 40. Section two point forty-three (2.43), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The legislative council in co-operation with the officers of the senate and house shall have the duty and responsibility for preparing for each session of the general assembly. Pursuant to such duty and responsibility, the legislative council may assign areas in the state capitol or other state buildings, in consultation with the director of the department of general services and the capitol planning commission, for use of the general assembly or legislative agencies. The legislative council may authorize the renovation, remodeling and preparation of the physical facilities used or to be used by the general assembly or legislative agencies subject to the jurisdiction of the legislative council and award contracts pursuant to such authority to carry out such preparation. The legislative council may purchase supplies and equipment deemed necessary for the proper functioning of the legislative branch of government.

DIVISION VI

Sec. 41. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eleven (11), section one (1), subsections one (1), two (2), and four (4), are amended to read as follows:

1. For the purpose of matching federal funds available to the Iowa crime commission for state and court planning programs, for salaries and support of not more than twenty-two full-time equivalent positions, and for maintenance and miscellaneous purposes \$ 110,000 \$ ~~70,200~~
100,000

2. For the purpose of providing funds for area planning purposes to the Iowa crime commis-

sion, and for salaries, support, maintenance and miscellaneous purposes	\$ 100,000	\$	40,000
			<u>50,000</u>

a. It is the intent of the general assembly that if federal law enforcement assistance administration planning funds are not appropriated for the fiscal year beginning October 1, 1980 and ending September 30, 1981, the appropriations subcommittee on transportation and law enforcement shall review the budget needs of the Iowa crime commission. If federal law enforcement assistance administration planning funds are appropriated, funds appropriated under subsections one (1) and two (2) of this section which are not required for matching federal funds shall revert to the general fund of the state.

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 and support of not more than one full-time equivalent position, and for maintenance and miscellaneous purposes	\$ 6,600	\$	14,000
			<u>19,000</u>

Sec. 42. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eleven (11), is amended by adding the following new section:

NEW SECTION. There is appropriated from the general fund of the state to the road use tax fund for the fiscal year beginning July 1, 1980 and ending June 30, 1981 the amount of one million (1,000,000) dollars.

Sec. 43. Section three hundred twelve point two (312.2), subsection six (6), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1980 Session, House File seven hundred forty-seven (747), section one (1), is amended to read as follows:

6. The treasurer of state shall before making the allotments provided for in this section credit monthly to the ~~division of motor vehicle registration of the~~ state department of transportation funds sufficient in amount to pay the costs of purchasing certificate of title and registration forms, and supplies and materials and for the cost of prison labor used in manufacturing motor vehicle registration plates, decalcomania emblems, and validation stickers at the prison industries.

Sec. 44. Section three hundred thirteen point five (313.5), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The department shall submit to the comptroller, as provided by chapter 8, a detailed estimate of the amount required by the department during each succeeding biennium for the support of the department and for engineering and administration of highway work and maintenance of the primary road system. Such estimate shall be in the same general form and detail as is required by chapter 8 and said chapter shall apply to the budgeting, appropriation, and

expenditure of funds in the primary road fund in the same manner as such chapter applies to other departments. However, the amount of contracts for bituminous resurfacing, bridge painting and repair, ~~concrete-paving pavement~~ and shoulder repair, and agreements with ~~municipalities~~ cities for maintenance on primary road extensions and agreements with counties, cities, and institutions for maintenance on state park, state institution, and other state land roads need not be included in the amount appropriated for maintenance.

Sec. 45. Section three hundred twenty-eight point twenty-four (328.24), Code 1979, is amended to read as follows:

328.24 REFUNDS OF FEES. If, during the year for which an aircraft, except nonresident aircraft used for the application of herbicides and pesticides, was registered and the required fee paid ~~therefor~~, such the aircraft is destroyed by fire or accident or junked, and its identity as an aircraft entirely eliminated, or it is removed and continuously used beyond the boundaries of the state, then the owner in whose name it was registered at the time of ~~such~~ destruction, dismantling, or removal from the state shall return the certificate of registration to the ~~commission~~ department within ten days and make affidavit of such destruction, dismantling, or removal and make claim for ~~such the~~ refund. The refund shall be paid from the state aviation fund.

The registration fee for the unexpired portion of the year shall ~~thereupon~~ be refunded pro rata to the nearest full calendar month.

Sec. 46. Sections forty-three (43), forty-four (44), and forty-five (45) of this Act take effect July 1, 1981.

Sec. 47. Notwithstanding the provisions of chapters three hundred ten (310) and three hundred thirteen (313) of the Code, if in the judgment of the state department of transportation the anticipated claims against the primary road fund or farm-to-market road fund for any month are in excess of funds available, a temporary transfer for construction costs may be made between funds providing there will remain in the transferring fund a sufficient balance to meet the anticipated obligations. Fund transfers shall be repaid when anticipated balances for any month are in excess of anticipated obligations. All such transfers shall be repaid prior to January 31, 1981. Any transfer shall be made with the approval of the state comptroller and shall comply with the state comptroller's rules relating to the transfer of funds.

This section is applicable only for the period July 1, 1980 through January 31, 1981.

Sec. 48. Section five hundred fifty-eight point fifty-eight (558.58), Code 1979, is amended to read as follows:

558.58 RECORDER TO COLLECT AND DELIVER TO AUDITOR.

1. At the time of filing any a deed or other instrument mentioned in section 558.57, the recorder shall collect from the person filing the ~~same deed or instrument~~ the recording fee provided by law, ~~also~~ and the auditor's transfer fee, ~~and-furtherwith~~ except as provided in subsection two (2) of this section. The recorder shall deliver the deed or instrument and the transfer fee to the county auditor, after endorsing upon said instrument the

following:

Filed for record, indexed, and delivered to county auditor this day of, 19 .., at o'clock ..M. Recorder's and auditor's fee \$ paid.

..... Recorder

2. When the person required to pay a fee relating to a real estate transaction is a governmental subdivision or agency, the recorder, at the request of the governmental subdivision or agency, shall bill the governmental subdivision or agency for the fees required to be paid. The governmental subdivision or agency shall pay the fees and taxes due within thirty days after the date of filing.

Sec. 49. It is the intent of the general assembly that the state department of transportation may construct a hangar addition if sufficient funds, not to exceed eighteen thousand (18,000) dollars, are available for transfer from any funds appropriated to the state department of transportation from the general fund of the state for the fiscal biennium beginning July 1, 1979 and ending June 30, 1981.

Sec. 50. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fourteen (14), section eighteen (18), subsection two (2), paragraph b, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. It is the intent of the general assembly that the department of public safety shall not dismantle the lower portion of the radio tower located on Second Avenue in Des Moines until further consideration by the general assembly. However, the department may expend the necessary funds to maintain the structural safety of the tower.

Sec. 51. The legislative council may create a crime commission study committee composed of three members of the senate and the house of representatives from the respective standing committees on state government, two members from the house transportation appropriations subcommittee and two members of the senate transportation and law enforcement appropriations subcommittee to review the recommendations of the governor's economy committee relating to the crime commission and the crime commission program evaluation report prepared by the legislative fiscal bureau. The committee shall include as advisory nonvoting members two representatives of the judicial branch of government, and two representatives of local law enforcement agencies. The study committee shall report its findings and recommendations, with legislative bill drafts required to implement its recommendations to the respective standing committees on state government, the legislative council, and the general assembly convening in January, 1981.

DIVISION VII

Sec. 52. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section one (1), subsection one (1), is amended to read as follows:

1. For general administration, including salaries and support, maintenance and miscellaneous purposes \$ 6,140,000 \$ 6,220,000
6,628,584

adverse parties.***

13. For substance abuse screening \$ 200,000 \$ ~~200,000~~

***Sec. 54. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section five (5), subsection six (6), is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The division of adult corrections, in conjunction with other appropriate state agencies, shall continue its study of alternative means of making further improvements in the salaries and retirement benefits of corrections officers and supporting personnel, and any job reclassifications necessary to implement such improvements. The department of social services shall include recommendations necessary to implement these improvements in its 1982-1983 budget request.***

Sec. 55. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section six (6), subsections one (1) and six (6), are amended to read as follows:

1. For salaries and support, maintenance and miscellaneous purposes \$28,150,000 \$~~28,365,000~~
28,265,000

6. It is the intent of the general assembly that not more than one hundred thousand (100,000) dollars of the appropriation provided under subsection one (1) of this section for ~~each--of~~ the fiscal ~~years~~ year beginning July 1, 1979 and ~~July 1, 1980~~ ending June 30, 1980 shall be used by the division of mental health resources to contract for mental health and mental retardation screening services for inmates of the state's adult correctional system and juvenile offenders at the state's juvenile institutions.

Sec. 56. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section six (6), is amended by adding the following new subsection:

NEW SUBSECTION.

a. It is the intent of the general assembly that from the funds appropriated by this section for the fiscal year beginning July 1, 1980, reimbursement be provided to counties for a portion of the cost of local inpatient mental health treatment as provided by this subsection.

b. Each county which pays, from county funds budgeted under section four hundred forty-four point twelve (444.12) of the Code, the cost of care and treatment of a mentally ill person who is admitted pursuant to a preliminary diagnostic evaluation under sections two hundred twenty-five B point four (225B.4) through two hundred twenty-five B point seven (225B.7) of the Code as an inpatient of an Iowa hospital facility, other than a state mental health institute, which has a distinct psychiatric program of twenty or more beds and which hospital facility is accredited by the joint commission on accreditation of hospitals, is entitled to reimbursement from the state for a portion of daily cost so incurred by the county. However, a county is not entitled to reimbursement under this subsection for any cost incurred in connection with the hospitalization of a person who is eligible for medical assistance under chapter two hundred forty-nine A (249A) of the Code, or who is entitled to have his or her care or treatment paid for by any other third

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party payer, or who is admitted for preliminary diagnostic evaluation under sections two hundred twenty-five B point four (225B.4) through two hundred twenty-five B point seven (225B.7) of the Code. The amount of reimbursement for the cost of care and treatment of a local inpatient to which a county is entitled under this subsection, on a per-patient-per-day basis, is an amount equal to twenty percent of the average daily patient costs in the most recent calendar quarter for the program in which the local inpatient would have been served if he or she had been admitted to a state mental health institute.

c. Each county may claim the reimbursement provided for by paragraph a of this subsection by filing with the department a claim in a form prescribed by the director of the division of mental health by administrative rule. Claims may be filed on a quarterly basis, and when received shall be verified expeditiously by the director. The director shall certify to the state comptroller the amount to which each county claiming reimbursement under this section is entitled, and the comptroller shall issue warrants to the respective counties drawn upon funds appropriated by the general assembly for the purpose of this subsection. Each county shall place funds received under this subsection in the county mental health and institutions fund. If the appropriation for any fiscal year is insufficient to pay all claims arising under this subsection, the comptroller shall prorate the funds appropriated for that year among the claimant counties so that an equal proportion of each county's claim is paid in each quarter for which proration is necessary.

d. There is appropriated from the general fund of the state to the department of social services, for the fiscal year beginning July 1, 1980, the sum of three hundred ninety-four thousand (394,000) dollars, or so much thereof as may be necessary, to be used to reimburse counties for a portion of the cost of local inpatient mental health treatment as provided by this subsection.

Sec. 57. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section seven (7), is amended by adding the following new subsection:

NEW SUBSECTION. If more than two hundred dollars is on deposit to the credit of a patient at a hospital school or mental health institute, in a patients' personal deposit fund established pursuant to section two hundred twenty-two point eighty-six (222.86) or two hundred twenty-six point forty-three (226.43) of the Code, and that patient has no county of legal settlement in this state, the business manager of the hospital school or mental health institute may transfer from the patients' personal deposit fund to a central account all money in excess of two hundred dollars on deposit to the credit of that patient, up to an amount equal to the patient's accumulated liability to the state for the cost of that patient's care, support and maintenance. The funds transferred to a central account pursuant to this subsection may be used by the department of social services during the fiscal year beginning July 1, 1980 to provide community based care for mentally retarded or mentally ill persons who do not have a county of legal settlement in this state. Any funds transferred to a central account and not expended as authorized by this subsection shall revert to the general fund of the state on June 30, 1981.

Sec. 58. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section eight (8), subsection two (2), is amended to read as follows:

2. For aid to dependent children	\$47,130,000	\$47,100,000
		56,100,000

Sec. 59. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section eight (8), subsection four (4), paragraph d, is amended to read as follows:

d. Any spontaneous abortion, commonly known as a miscarriage, wherein not all of the products of conception are expelled

\$88,260,000	\$95,350,000
	97,750,000

Notwithstanding the provisions of section eight point thirty-nine (8.39) of the Code, funds appropriated under this section are not subject to transfer to any other department, institution or agency. Any unencumbered or unobligated balance of any appropriation made under this section which exists on June 30, 1981 shall revert to the fund from which it was appropriated.

Sec. 60. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section eight (8), subsections five (5), six (6), nine (9) and eleven (11) are amended to read as follows:

5. For contractual services-medical carrier	\$ 1,084,000	\$ 1,232,000
		1,120,000
6. For children's services	\$20,455,000	\$21,250,000
		22,030,000

Notwithstanding section eight point thirty-three (8.33) of the Code, unencumbered or unobligated funds remaining in the allocation made by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section seventeen (17), subsection two (2), from the appropriation made by this subsection for the fiscal year beginning July 1, 1979, shall not revert to the general fund of the state until June 30, 1981, and shall be governed by the provisions of Acts of the Sixty-eighth General Assembly, chapter eight (8), section four (4), subsection two (2), as added by Acts of the Sixty-eighth General Assembly, Senate File two thousand two hundred forty-one (2241), section sixteen (16), which relate to use by the department of social services of delayed reversion funds.

9. For state supplementary assistance, including state supplementary assistance for the blind	\$ 6,090,000	\$ 6,520,000
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It is the intent of the general assembly that the department of social services shall increase the maximum cost-related reimbursement for residential care facility services for the fiscal year beginning July 1, 1980 to thirteen fourteen dollars and fifty cents per day and the flat rate to eight nine dollars and twenty fifty cents per day.

11. For child support recoveries, including salary and support, maintenance and miscellaneous purposes	\$ 428,219	\$ 435,160
		520,160

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The commissioner of social services, within the limitations of the funds appropriated in this subsection or funds transferred from the aid to dependent children program for this purpose, and subject to the staffing limitations imposed by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section thirty (30), may add additional child support recovery workers when the commissioner determines that additional workers can reasonably be expected to recover for the aid to dependent children program more than twice the amount of money required to pay the salary and support for those additional workers.

Sec. 61. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section eight (8), subsection thirteen (13), as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File two thousand two hundred forty-one (2241), section twenty-two (22), is amended to read as follows:

13. State supplementation to Title XX	\$ 1,000,000	\$ 1,000,000
		2,200,000

It is the intent of the general assembly that funds appropriated under this subsection be used for local purchase of service contracts for services listed in the overall statewide Title XX plan.

Sec. 62. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section ten (10), is amended by adding the following new subsection:

NEW SUBSECTION. It is the intent of the general assembly that assistance shall be granted under chapter two hundred thirty-nine (239) of the Code to an expectant mother in the last trimester of pregnancy if she meets all other eligibility requirements of the aid to dependent children program. The mother and fetus together shall be treated as a one-person family with assistance payable to the expectant mother as an eligible group of one, and a payment of ten dollars per month shall also be made for the fetus. The department of social services shall continue in effect, or update as may be necessary, the rules adopted as required by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seven (7), section one (1), subsection two (2).

Sec. 63. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section ten (10), subsection four (4) is amended to read as follows:

4. It is the intent of the general assembly that the department shall maintain a system of current needs budgeting in computing monthly assistance grants for ADC recipients until the department has presented to the governor and the joint social services appropriations subcommittee of the Sixty-eighth General Assembly a study and report including a cost-benefit comparison and client impact comparison between prior-month budgeting and current needs budgeting. The report shall be submitted on December 3, 1979. Further, the department shall not implement a prior-month budgeting system on a statewide basis without first establishing its cost-effectiveness through at least a one-year pilot program employing prior-month budgeting in selected Iowa counties.

Sec. 64. Acts of the Sixty-eighth General Assembly,* 1979 Session, chapter eight (8), section twelve (12), is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Beginning July 1, 1980, the basis for establishing the maximum medical assistance reimbursement rate for intermediate care facilities shall be the seventy-fourth percentile of all facilities' per diems as calculated from the March 31, 1980 compilation of unaudited financial and statistical reports. This compilation is composed of facility cost reports received prior to February 1, 1980. Beginning January 1, 1981, the basis for establishing the maximum reimbursement rate for intermediate care facilities shall be the seventy-fourth percentile of all facilities' per diems as calculated from the December 31, 1980 compilation of unaudited financial and statistical reports. This compilation is composed of facility cost reports received prior to November 1, 1980.

Sec. 65. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section fourteen (14), is amended to read as follows:

SEC. 14. It is the intent of the general assembly that medical assistance shall be made available to any person who is an inpatient of a hospital, skilled nursing facility or intermediate care facility; who is eligible for supplemental security income in all respects except income; and whose income does not exceed ~~six-hundred-dollars-per-month~~ three hundred percent of the maximum monthly payment to an individual who is a recipient under the federal supplementary security income program as defined in section two hundred forty-nine point one (249.1), subsection one (1), of the Code.

***Sec. 66. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section sixteen (16), is amended to read as follows:

SEC. 16. It is the intent of the general assembly that, for the fiscal year beginning July 1, 1979, foster parent payments be increased by ten percent. It is further the intent of the general assembly that, for the fiscal year beginning July 1, 1980, foster residential care payments shall increase from fifty-five to fifty-eight dollars per day and foster group home payments shall increase from forty-four to forty-six dollars per day. It is also the intent of the general assembly that subsidized adoption rates shall be increased to the same level as the foster family home rates for the fiscal year beginning July 1, 1980.***

Sec. 67. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), is amended by adding the following new sections:

NEW SECTION. Notwithstanding sections two hundred eighteen point seventy-eight (218.78) and two hundred eighteen point one hundred one (218.101) of the Code, all receipts of the Glenwood state hospital-school attributable to billings for laundry services furnished the Iowa school for the deaf shall be available to the hospital-school.

NEW SECTION. The department of social services shall arrange for a study of alternative methods of cost reimbursement for skilled, intermediate and residential care facilities and congregate housing and independent group residents. The study shall be conducted by an independent consulting firm which shall be employed by the department of social services after consultation with the governor, and the joint appropriations subcommittee on

*According to enrolled Act
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social services. The co-chairpersons of the joint appropriations subcommittee on social services shall select three members of that subcommittee to sit on a committee organized by the department of social services to set study parameters, receive consultant study proposals, select the consultant, and receive periodic progress reports. Progress reports shall be given to the governor, the commissioner of social services, and the joint appropriations subcommittee on social services at least twice prior to the final report which shall be submitted to the governor, the department of social services, and the joint appropriations subcommittee on social services no later than January 15, 1981. The department may use not more than seventy-five thousand dollars of the appropriation made by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section eight (8), subsection four (4), as amended by this Act, for the fiscal year beginning July 1, 1980 and ending June 30, 1981, to pay the costs of the study mandated by this section.

Sec. 68. Section two hundred thirty-nine point one (239.1), subsection three (3), Code 1979, is amended to read as follows:

3. A "dependent child" means a needy child under the age of ~~sixteen~~ eighteen years, ~~or under the age of twenty years who is a student regularly attending a high school in pursuance of a course of study leading to a high school diploma or its equivalent, or who is, in lieu of pursuing a course of study leading to a high school diploma or its equivalent, regularly attending a course of vocational or technical training designed to fit him for gainful employment,~~ who has been deprived of parental support and care by reason of death, continued absence from home, physical or mental incapacity or unfitness of either parent, or partial or total unemployment of the father, and who is living with his or her father or mother, or both, or with his or her grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle or aunt, in a place of residence maintained by one or more of such relatives as his or her or their home or has been placed in a licensed foster home or with a public or nonprofit child care agency by the state division or by the county department of social welfare in lieu of living with any relative designated in this subsection.

Sec. 69. Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File two thousand two hundred forty-one (2241), section twenty (20), is amended to read as follows:

SEC. 20. There is appropriated from the general fund of the state to the department of social services for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of one hundred thirty-eight thousand (138,000) dollars, or so much thereof as may be necessary, to supplement funds appropriated by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section eight (8), subsection six (6). The money appropriated by this section shall be used for the purpose provided by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section seventeen (17), subsection two (2). Notwithstanding section eight point thirty-three (8.33) of the Code, unencumbered or unobligated funds appropriated by this section shall not revert to the general fund of the state until June 30, 1981, and shall be governed by the provisions of Acts of

the Sixty-eighth General Assembly, chapter eight (8), section four (4), subsection two (2), as added by Acts of the Sixty-eighth General Assembly, Senate File two thousand two hundred forty-one (2241), section sixteen (16), which relate to use by the department of social services of delayed reversion funds.

Sec. 70. Section two hundred thirty-nine point four (239.4), unnumbered paragraph two (2), Code 1979, is amended by striking the unnumbered paragraph.

Sec. 71. Section two hundred fifty-two point forty-three (252.43), unnumbered paragraph three (3), Code 1979, is amended to read as follows:

~~The expense of support for the poor for Indians residing in the settlement referred to in section 1-12 located in Tama county shall be paid from funds of the state division of child and family services of~~ appropriated for that purpose to the department of social services. The tribal council of the settlement shall administer such support for Indians residing on a the settlement, such state division shall have the powers and duties assigned to county officials by this chapter, or the state division or director of same may designate the director of social welfare in the county where such Indians reside to administer such relief. The tribal council shall submit a report annually to the department delineating program expenditures.

Sec. 72. Section five hundred nine point one (509.1), subsection one (1), Code 1979, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. The policy shall not exclude from coverage an employee or an employee's spouse or dependents on the basis of the eligibility of the employee or the employee's spouse or dependents for medical assistance under chapter two hundred forty-nine A (249A) of the Code.

Sec. 73. Section five hundred nine point one (509.1), subsection four (4), Code 1979, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. The policy shall not exclude from coverage a member or a member's spouse or dependents on the basis of the eligibility of the member or the member's spouse or dependents for medical assistance under chapter two hundred forty-nine A (249A) of the Code.

Sec. 74. Section five hundred nine point one (509.1), subsection five (5), Code 1979, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. The policy shall not exclude from coverage an employee or member or an employee's or member's spouse or dependents on the basis of the eligibility of the employee or member or employee's or member's spouse or dependents for medical assistance under chapter two hundred forty-nine A (249A) of the Code.

Sec. 75. Section five hundred nine point one (509.1), subsection six (6), Code 1979, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. The policy shall not exclude from coverage an employee or an employee's spouse or dependents on the basis of the eligibility of the employee or the employee's spouse or dependents for medical assistance under chapter two hundred forty-nine A (249A) of the Code. This paragraph shall also apply to corporations operating within the state who provide insurance coverage for their employees directly, and the commissioner shall have the authority to enforce the provisions of this paragraph.

Sec. 76. The department of social services shall adopt rules under section seventeen A point four (17A.4), subsection two (2) of the Code, which may become effective under section seventeen A point five (17A.5), subsection two (2), paragraph b of the Code as follows:

1. To change the effective date of assistance provided under chapter two hundred thirty-nine (239) of the Code from the date of application to not more than seven days after the date of application.

2. To eliminate payment for laxative drugs.

3. To limit orthodontia and posterior dental bridgework, except that assistance shall be available for injuries requiring emergency treatment.

4. To limit the types of eyeglass frames provided.

5. To extend the time period which must elapse before a person may obtain new eyeglasses, except that provision shall be made for emergency needs.

6. To provide that dentures shall be replaced no oftener than once every five years, except that allowance shall be made for emergency needs.

7. To provide reimbursement for hearing aids at factory cost plus a dispensing fee covering ear mold fitting and service for six months, and payment for batteries as requested by recipient.

8. To provide co-payment for the following optional services--dental, optometry, optical, audiology, orthopedic shoes, hearing aids and medical equipment.

9. To provide for a fifty cent drug co-payment and to require that pharmacists who reduce the total cost, including the reduction of either the ingredient cost or the professional fee, or both, of a prescription drug or insulin to persons, as defined in section four point one (4.1), subsection thirteen (13) of the Code, participating in a private, third-party payor prescription drug insurance or benefit plan or to the insurance or benefit plan, also reduce by the same amount the total cost of the same prescription drug or insulin to persons participating in the medical assistance program established by chapter two hundred forty-nine A (249A) of the Code or to the program.

Sec. 77. The department of social services is authorized to promulgate rules under section seventy-six (76) of this Act subsequent to the approval of that section by the governor and prior to the effective date of this Act, and those rules shall not be declared unlawful under section seventeen A point nineteen (17A.19), subsection eight (8), paragraph d of the Code for failure to comply with section seventeen A point four (17A.4), subsections one (1) or two (2) or section seventeen A point five (17A.5) of the Code.

Approved May 26, 1980

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

Dear Mr. Secretary:

I hereby transmit House File 2580, an act appropriating funds to finance designated state programs and adding procedures and criteria for administering designated programs of the State Educational Radio and Television Facility Board; the School for the Deaf; the Iowa College Aid Commission; merged Area V; the State Board of Regents for capitation grants; the Commission on the Aging; the Iowa State Civil Rights Commission; the Spanish-Speaking Peoples Commission, the Commission on the Status of Women; the Board of Medical Examiners; the Iowa Mental Health Authority; the Mental Health Advisory Council; the health planning agency, personal and family health services, the Community Health Division, and in-home health care grants of the State Department of Health; the elderly care program; the Iowa Department of Substance Abuse; the European Office of the Iowa Development Commission; the Energy Policy Council; the Department of Soil Conservation; the Governor's Economy Committee recommendations; the State Board of Engineering Examiners; the Iowa Beer and Liquor Control Department; the Department of Revenue; the Iowa Public Employees' Retirement System; judicial salaries and the judicial retirement system; Terrace Hill; the census data center coordinating unit; the Communications Division of the Department of General Services; the Legislative Fiscal Bureau; the Iowa Crime Commission; the road use tax fund; the State Department of Transportation; governmental subdivisions and agencies required to record instruments; the Department of Public Safety; and the general administration, correctional personnel, community-based corrections, legal assistance program, substance abuse screening, mental health institutes, Division of Mental Health Resources, patients' personal deposit funds, Aid to Dependent Children, medical assistance, contractual services-medical carrier, children's services, state supplementary assistance, child support recoveries, Title XX, foster residential care, subsidized adoption, the Glenwood State Hospital-School, cost reimbursement for skilled, residential, and intermediate care facilities, the community integrated youth services project, support for the poor for Indians residing on the Tama County settlement, and various rules of the Department of Social Services, prohibiting group policies of life, accident or health insurance from excluding from coverage employees and employees' spouses and dependents on the basis of their eligibility for medical assistance under Chapter Two Hundred Forty-nine A (249A) of the Code, and appropriating funds for the Merit Employment Commission and the Older Iowans' Legislature.

House File 2580 is approved May 26, 1980, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated in the Act as Section 36 which reads as follows:

Sec. 36. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section four (4), subsection three (3), unnumbered paragraph two (2), is amended to read as follows:

There is established a census data center coordinating unit composed of the state librarian, a representative of the office for planning and programming, and three representatives each representing one of the state universities. The census data center coordi-

nating unit shall provide for not less than fifty census data training sessions throughout the state, and shall negotiate a joint statistical agreement with the United States bureau of the census. The census data center coordinating unit shall be the agency designated in Iowa to approve all such agreements with the bureau of the census.

I am unable to approve that portion of Section 53 which reads as follows:

11. For a legal assistance program to provide civil legal assistance to inmates of the Iowa correctional system in matters of child custody, bankruptcy and dissolution of marriage \$ 25,000 \$ 25,000

Expenditures shall be authorized by the citizens' aide office, and may include the costs of transporting prisoners, secretarial support and administrative oversight.

It was and is the intent of the general assembly that this program was established for and be continued for expenditure for civil matters of inmates, which matters occurred outside the state's institutions. Thus it is the intent of the general assembly that funds from the appropriation shall not be used for civil matters in which the inmate and the state of Iowa are adverse parties.

I am unable to approve the item designated in the Act as Section 54 which reads as follows:

Sec. 54. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section five (5), subsection six (6), is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The division of adult corrections, in conjunction with other appropriate state agencies, shall continue its study of alternative means of making further improvements in the salaries and retirement benefits of corrections officers and supporting personnel, and any job reclassifications necessary to implement such improvements. The department of social services shall include recommendations necessary to implement these improvements in its 1982-1983 budget requests.*

I am unable to approve that portion of Section 59 which reads as follows:

Notwithstanding the provisions of section eight point thirty-nine (8.39) of the Code, funds appropriated under this section are not subject to transfer to any other department, institution or agency. Any unencumbered or unobligated balance of any appropriation made under this section which exists on June 30, 1981 shall revert to the fund from which it was appropriated.

I am unable to approve the item designated in the Act as Section 66 which reads as follows:

Sec. 66. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section sixteen (16), is amended to read as follows:

*See §54 of this Act

SEC. 16. It is the intent of the general assembly that, for the fiscal year beginning July 1, 1979, foster parent payments be increased by ten percent. It is further the intent of the general assembly that, for the fiscal year beginning July 1, 1980, foster residential care payments shall increase from fifty-five to fifty-eight dollars per day and foster group home payments shall increase from forty-four to forty-six dollars per day. It is also the intent of the general assembly that subsidized adoption rates shall be increased to the same level as the foster family home rates for the fiscal year beginning July 1, 1980.

Section 36 purports to grant to the census data center coordinating unit created last year the right to negotiate a joint federal/state statistical agreement in conjunction with the current census. This provision is both illegal and moot. Federal law provides that these agreements must be approved by the Governor--and state law cannot grant that authority to other officials. The issue is moot since such an agreement was executed by me on behalf of the State of Iowa and Daniel B. Levine, Acting Director, Bureau of the Census, U.S. Department of Commerce, on January 9, 1980. That agreement, which designated the Office for Planning and Programming as the agency to receive census information for public distribution in Iowa, cannot now be substituted with a new arrangement.

Section 53 revises several appropriations approved last year for adult corrections. One of these revisions would transfer certain administrative authority of an executive agency, the Department of Social Services, to a legislative agency, the Citizens' Aide Office, for the legal assistance program for inmates. Article III of the Iowa Constitution clearly sets forth the powers of each branch of state government. Granting administrative authority for the legal assistance program to a legislative agency would violate that separation. This item would remove from the Department of Social Services and its prison wardens a substantial amount of control over residents of their institutions.

In pursuing the civil legal assistance this section provides to inmates, the Citizens' Aide Office would be empowered to authorize expenditures for transporting prisoners, secretarial support and administrative oversight. An executive agency cannot operate effectively if it must first secure the approval of a legislative agency to carry out its day-to-day operations any more than the legislature could operate if an executive agency could step in daily to amend unilaterally bills that are being debated.

As the initiator of the Citizens' Aide Office, I support and encourage its work. However, I do not believe that its duties include administration of the executive agencies. The administrators of the Department of Social Services indicate that they will be amenable to recommendations from the Citizens' Aide Office for the use of the legal assistance fund. This item veto leaves the original appropriation for the legal assistance program intact. With cooperation between the agencies, hopefully we will have the results desired without violating the separation of power.

Section 54 would require the Division of Adult Corrections in the Department of Social Services to conduct a study on improving salaries and retirement benefits for corrections officers and supporting personnel. Furthermore, the section would mandate the Department to include the recommendations of the study in their upcoming biennial budget request to the Governor and the General Assembly. This study would

directly concern mandatory subjects of collective bargaining under Iowa law. Corrections employees, whose salaries and pension benefits would be reviewed, are members of a certified bargaining unit and are represented at the bargaining table by the American Federation of State, County and Municipal Employees, Council 61. In the upcoming months, the State will be actively negotiating with that union for a collective bargaining agreement to become effective July 1, 1981. Since there is little doubt the union will demand that the State bargain on salaries, it would be inappropriate to conduct a study which concludes with an automatic request for an appropriation of funds totally outside the bargaining process. With the adoption of collective bargaining, our lawmakers must be sensitive to the fact that they cannot selectively intervene in the process without disrupting and possibly harming the negotiations. This could be the case unless the legislature exempted corrections personnel from collective bargaining--which it hasn't done, and I don't think it wants to.

In recognition of the important work corrections personnel do and the need to retain a high level of staff morale and because I do appreciate the concerns of the legislators, I am directing a study be made relative to these items. I will ask the Office of Employment Relations in the Comptroller's Office to conduct the review with the assistance of the Department of Social Services and the Merit Employment Department.

Section 59 would restrict the authority to transfer funds appropriated for Title XIX (medicaid). I have vetoed similar transfer limitations in previous appropriation bills, including the supplemental fiscal year 1979-80 appropriation bill for Title XIX.

As I have pointed out in other veto messages, current law contains safeguards giving the legislature the opportunity to review and comment on proposed transfers. We have been responsive to these comments--indeed, several transfers have been modified or eliminated following the receipt of recommendations from legislators.

As with the earlier item veto on Title XIX funds, we believe this provision to be severable from the appropriation. Its deletion will not in any manner alter the purposes of the original appropriation, the test suggested by the Supreme Court in reviewing the legality of item vetoes. We do not anticipate making transfers from the Title XIX appropriation. As a matter of fact, there are strong indications that, if anything, Title XIX has been underfunded by the legislature and will either require a transfer to the appropriation or a supplemental appropriation next year. Section 8.39 of the Code provides for the transfer authority by the Governor and the State Comptroller. This item's restriction is an attempt to circumvent the transfer law without following the proper legislative procedure.

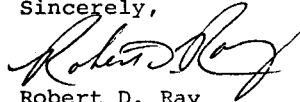
Section 66 contains intent language to raise the maximum payments for foster residential care and foster group homes and to increase the rates paid for subsidized adoption. The Department of Social Services received from the General Assembly funds with the intent language to raise the rates to a maximum of \$58 per day for foster residential care, \$46 per day for foster group homes and by 10 percent for subsidized adoption.

However, the wording in this section is ambiguous and probably would not accomplish the legislative intent. The language seems to establish uniform rates for the two foster care payments rather than maximum rates. These services currently have widely varying per diem rates based on their individual costs and charges. This cost-related reimbursement is appropriate and should continue. By deleting this provision, the Department, under existing authority, will follow the desired intent of the legislature and set the new maximum reimbursement rates effective July 1, 1980.

The language which was intended to raise subsidized adoption rates by a percentage actually raises the rates to equal foster parent payments. The adoptive family's income is taken into consideration when determining the amount of subsidy payment, thus these payments do not and should not equal foster family payment rates, which are based on the needs of the child rather than on foster family income. Since it has the funds to raise subsidized adoption rates by 10 percent and has the authority to do so, the Department will establish rules implementing the increase effective July 1, 1980.

For these 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 2580 are hereby approved this date.

Sincerely,



Robert D. Ray
Governor

CHAPTER 1002
COUNTY AND MUNICIPAL ASSISTANCE

H. F. 2477

AN ACT amending the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), relating to appropriations for county government and municipal assistance funds by increasing the appropriations for the fiscal year beginning July 1, 1980.

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

Section 1. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), section four (4), is amended to read as follows:

SEC. 4. 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 each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the following amounts, 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.

1979-1980	1980-1981
<u>Fiscal Year</u>	<u>Fiscal Year</u>
\$ 5,000,000	\$ 5,000,000
	<u>5,350,000</u>

Sec. 2. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), section five (5), is amended to read as follows:

SEC. 5. 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 each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the following amounts, 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.

1979-1980	1980-1981
<u>Fiscal Year</u>	<u>Fiscal Year</u>
\$13,000,000	\$ 13,000,000
	<u>14,650,000</u>

Approved March 10, 1980

CHAPTER 1003

CLAIMS

H. F. 2584

AN ACT relating to claims against the state of Iowa by providing for payment of certain substance abuse claims and making appropriations to certain persons in settlement of claims made against the state of Iowa.

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

Section 1. There is appropriated from the general fund and road use tax fund of the state to the following persons the amount set opposite their respective names in full settlement of all claims which they may have against the state of Iowa:

Claimant	Claim No.	Nature of Claim	Amount
1. Johnson and Phelan Law Firm Fort Madison, Iowa	4149-67-25	Legal services	\$ 195.00
2. Johnson and Phelan Law Firm Fort Madison, Iowa	4287-67-25	Legal services	150.00
3. Michael Aloysius Fedler Fort Madison, Iowa	5002-68-25	Stolen property	34.00
4. Northwest Iowa Work Activity Center Sheldon, Iowa	5033-68-25	Title XX claim	13,230.62
5. Gary Douglas Des Moines, Iowa	5110-68-25	Hospital bill	26.00
6. Charlotte E. Noor Rockwell City, Iowa	5225-68-25	Day of pay	21.92

7.	Patrick Dean Wilson Cedar Falls, Iowa	5298-68-25	Property damage	86.52
8.	Lyle C. Haner Hastings, Iowa	5426-68-25	Lost wages and benefits	3,712.16
9.	Darla Arends Zearing, Iowa	5488-68-25	Medical costs	673.04
10.	Polk County Des Moines, Iowa	5616-68-25	Personal prop- erty credit refund	110,000.00
11.	Wall Lake Transfer Wall Lake, Iowa	5676-68-25	Prorate refund	342.84
12.	James P. Farnsworth Lehigh, Iowa	5758-68-25	Broken eyeglasses	50.00
13.	Wilbur Dean Durfey Clarinda, Iowa	5830-68-25	Prorate refund	155.69
14.	Barbara B. Lyons Cummings, Iowa	5903-68-25	Moving expenses	478.80
15.	Margaret Ward Bryon Grinnell, Iowa	5126-68-25	Retroactive merit pay	97.52
16.	Marion Health Center, St. Vincent Unit Sioux City, Iowa	5705-68-25	Alcoholism treatment reimbursement	1,862.50

Sec. 2. The amount of the claim against the state in subsections eleven (11) and thirteen (13) of section one (1) of this Act shall be paid from the road use tax fund. The amount of the claim against the state in subsection fourteen (14) of section one (1) of this Act shall be paid from funds appropriated to the department of health. The remainder of the claims listed in section one (1) of this Act shall be paid from the general fund of the state.

Sec. 3. The general assembly disapproves of all other claims submitted to and considered by the state appeal board by and during the month of March, 1980.

Sec. 4. Section one hundred twenty-five point forty-four (125.44), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The director may, consistent with the comprehensive 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 a substance abuser, except that the state's liability shall be one hundred percent of the total cost of care, maintenance and treatment when a substance abuser is a state patient. All payments for state patients shall be made in accordance with the limitations of this section. 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.

Sec. 5. Section one hundred twenty-five point forty-four (125.44), Code 1979, is amended by adding the following new subsections:

NEW SUBSECTION. The substance abuser is legally liable to the facility for the total amount of the cost of providing care, maintenance, and treatment for the substance abuser while a voluntary or committed patient in a facility. The substance abuser shall assign any claim for reimbursement under any contract of indemnity, by insurance or otherwise, providing for the abuser's care, maintenance, and treatment in the facility to the department. This section does not prohibit any individual from paying any portion of the cost of treatment.

NEW SUBSECTION. The department is liable for the cost of care, treatment, and maintenance of a substance abuser admitted to the facility voluntarily or pursuant to section one hundred twenty-five point thirty-four (125.34), one hundred twenty-five point thirty-five (125.35), three hundred twenty-one point two hundred eighty-one (321.281), three hundred twenty-one point two hundred eighty-three (321.283), subsection three (3), two hundred four point four hundred nine (204.409), subsection two (2) or two hundred twenty-nine point fifty-two (229.52) of the Code only to those facilities that have a contract with the department under section one hundred twenty-five point forty-four (125.44) of the Code, only for the amount computed according to and within the limits of liability prescribed by this section, and only when the substance abuser is unable to pay such costs and there is no other person, firm, corporation or insurance company bound to pay such costs.

NEW SUBSECTION. The department's maximum liability for the costs of care, treatment and maintenance of substance abusers in a contracting facility is limited to the total amount agreed upon by the parties and specified in the contract under this section.

Sec. 6. Chapter one hundred twenty-five (125), Code 1979, is amended by adding the following new section:

NEW SECTION. LIST OF CONTRACTING FACILITIES. The department shall provide a current list of facilities that have a contract with the department to the clerk of each district court in the state. The clerk shall provide the list to all district court judges and judicial magistrates in the district.

Sec. 7. Section two hundred four point four hundred nine (204.409), subsection two (2), Code 1979, is amended to read as follows:

2. Whenever the court finds that a person who is charged with a violation of section 204.401 and who consents thereto, or who has entered a plea of guilty to or been found guilty of a violation of said that section, and-who is addicted to, dependent upon, or a chronic abuser of any controlled substance and that such person will be aided by proper medical treatment and rehabilitative services, it may order that he the person be committed as an in-patient or out-patient to a facility approved licensed by the state department of health substance abuse for sueh medical treatment and rehabilitative services. A person committed under this subsection who is not

possessed of sufficient income or estate to enable him or her to make payment of the costs of such treatment in whole or in part shall be considered a state patient and the costs of treatment shall be paid as provided in section one hundred twenty-five point forty-four (125.44) of the Code. The determination of ability to pay shall be made by the court. The court shall require the patient, or ~~his~~ the patient's parent, guardian, or custodian to complete under oath a detailed financial statement. The court may enter appropriate orders requiring the patient or those legally liable for ~~his~~ the patient's support to reimburse the state with the costs, or any part thereof. In order to obtain the most effective results from such medical treatment and rehabilitative services, the court may commit ~~such~~ the person to the custody of a public or private agency or any other responsible person and impose ~~such~~ other conditions upon ~~such~~ the commitment as ~~is~~ necessary to insure compliance with the court's order and to insure that ~~such~~ the person will not, during ~~such~~ the period of treatment and rehabilitation, again violate ~~any--provisions~~ a provision of this chapter. If it is established thereafter to the satisfaction of the court that the person has again violated ~~any~~ a provision of this chapter, ~~he~~ the person may be returned to custody or sentenced upon ~~his~~ conviction as provided by law. The public or private agency or responsible person to whom the accused person was committed by the court shall immediately report to the court when the person has received maximum benefit from the program or has recovered from ~~his~~ addiction, dependency, or tendency to chronically abuse any controlled substance. The person shall then be returned to the court for disposition of ~~his~~ the case. If the person has been charged or indicted, but not convicted, such charge shall proceed to trial or final disposition. If the person has been convicted or is thereafter convicted, the court shall sentence ~~him~~ the person as provided by law but may remit all or any part of ~~such~~ the sentence and place the person on probation upon ~~such~~ terms and conditions as the court may prescribe.

Sec. 8. Section two hundred twenty-nine point fifty-two (229.52), subsection three (3), Code 1979, is amended to read as follows:

3. A respondent committed under this section shall remain in the custody of a facility for treatment for a period of thirty days unless sooner discharged. The costs of treatment of a person committed under this division shall be paid as provided in section one hundred twenty-five point forty-four (125.44) of the Code subject to the qualifications of this subsection. This division shall not be construed to require the 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 substance abuse. At the end of the thirty-day period, the respondent shall be discharged automatically unless the administrator of the facility before expiration of the period petitions the court for an order for the respondent's recommitment upon the grounds set forth in subsection 1 of section 229.51 for a further period not to exceed ninety days.

Sec. 9. Section three hundred twenty-one point two hundred eighty-one (321.281), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

In lieu of, or prior to imposition of, the punishment above described for second offense, third offense and each offense thereafter, the court upon hearing may commit the defendant for treatment of alcoholism or drug addiction or dependency to any hospital or institution in Iowa providing such treatment. The court may prescribe the length of time for such treatment or it may request that the hospital to which the person is committed immediately report to the court when the person has received maximum benefit from the program of the hospital or institution or has recovered from his or her addiction, dependency or tendency to chronically abuse alcohol or drugs. A person committed under this section who is not possessed of sufficient income or estate to enable him or her to make payment of the costs of such treatment in whole or in part shall be considered a state patient and the costs of treatment shall be paid as provided in section one hundred twenty-five point forty-four (125.44) of the Code.

Sec. 10. Section three hundred twenty-one point two hundred eighty-three (321.283), subsection three (3), Code 1979, is amended to read as follows:

3. REFERRED ON CONVICTION. After any conviction for operating a motor vehicle while under the influence of an alcoholic beverage under section 321.281, the court may refer the defendant for treatment at a facility as defined in sections 125.1 to 125.43 and designated by the ~~division on alcoholism~~ Iowa department of substance abuse. The court may prescribe the length of time for treatment or it may be left to the discretion of the facility to which the defendant was referred. A person referred under this section who is not possessed of sufficient income or estate to enable him or her to make payment of the costs of such treatment in whole or in part shall be considered a state patient, and charges and costs for treatment shall be paid for in the manner provided for payment for treatment of alcoholics who have no legal residence in this state as provided in section one hundred twenty-five point forty-four (125.44) of the Code.

Sec. 11. Section one hundred twenty-five point forty-eight (125.48), Code 1979, is repealed.

Approved May 23, 1980

CHAPTER 1004
CAPITAL APPROPRIATIONS
H. F. 2595

AN ACT relating to capital appropriations by reducing appropriations previously made by the general assembly, making additional appropriations for fiscal year 1980-1981, and restoring funds for the fiscal year 1981-1982 for capital improvements reduced by this Act and to authorize the fair board to accept gifts and to authorize a study committee to be appointed by the legislative council.

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

Section 1. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fourteen (14), section one (1), subsections two (2), four (4), nine (9), and ten (10), are amended to read as follows:

2. For allocation to the Iowa state university of science and technology for construction of a library addition \$ ~~8,100,000~~ \$
3,900,000

4. For allocation to the state university of Iowa for planning space needs for law, communications, and performing arts \$ ~~600,000~~ \$
260,000

9. 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 complete the following utility projects:

a. Iowa state university of science and technology: pollution control plant share, utility maintenance and improvements, and storm sewer addition;

b. State university of Iowa: sludge handling facilities, campus electrical supply renovation, ~~and power plant replacements,~~ and general utility improvements; and

c. University of northern Iowa: turbine generator and general utility system update \$ ~~12,300,000~~ \$
8,049,000

10. For allocation by the state board of regents to the universities under the board's jur-

appropriation made in this subparagraph is conditioned upon the employees located in the east side of the corridor in the office of the auditor of state being moved to the Robert Lucas building and that space being assigned to the legislative fiscal bureau.***

Sec. 6. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fourteen (14), section fifteen (15), subsection one (1), paragraph a, subparagraph four (4), is amended by striking the subparagraph.

Sec. 7. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fourteen (14), section fifteen (15), subsection five (5), is amended to read as follows:

5. OFFICE OF THE GOVERNOR

For matching funds for the restoration of Terrace Hill Mansion on the basis of one dollar provided by the state for each two dollars provided by nonstate sources and for the payment of architects' fees at a rate of not more than six percent of the cost of restoration \$ 330,000
200,000

Sec. 8. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fourteen (14), section seventeen (17), is amended to read as follows:

SEC. 17. There is appropriated from the general fund of the state to the department of general services for the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the sum of ~~ninety~~ thirty thousand ~~(90,000)~~ (30,000) dollars, or so much thereof as is necessary, for the purpose of remodeling the capitol cafeteria. Funds appropriated by this section are not to be used to close the rotunda opening and are contingent upon not closing such opening.

Sec. 9. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand eleven (1011), section one (1), subsection two (2), paragraph b, is amended to read as follows:

b. For acquisition of land within the boundaries bounded by Des Moines Street on the south, Interstate I-235 on the north, East Fourteenth Street on the east, and Pennsylvania Avenue on the west \$ 250,000
94,650

Sec. 10. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand nineteen (1019), section four (4), subsection three (3), is amended to read as follows:

3. For the construction of a national guard armory at Dubuque, the location of which shall be determined by the executive council \$ 231,000
5,000

Sec. 11. Two million seventy-five thousand (2,075,000) dollars of the funds appropriated for the Brushy Creek project by Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one thousand twenty-six (1026), section one (1), subsection four (4), and Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand nine (1009), section one (1),

***Item veto

subsection two (2), paragraph a, which are unencumbered shall revert to the general fund of the state on the effective date of this Act.

Sec. 12. There is appropriated from the general fund of the state to the department of social services for the fiscal year beginning July 1, 1980, except as otherwise provided, the sum of two million (2,000,000) 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 those institutions. The department shall include in the capital improvements to be carried out under this section the renovation and installation of security features in hope hall at the Clarinda mental health institute to serve as an adult corrections security facility primarily for chemically dependent, mentally retarded and socially inadequate offenders, the continuation of planned repairs and improvements at the Clarinda mental health institute, and needed safety and health-related improvements at other institutions under its jurisdiction. In addition, funds appropriated for projects referenced in Acts of the Sixty-seventh General Assembly, 1977 Session, chapter thirty-seven (37), section twenty-five (25), and Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand eighteen (1018), section seven (7), and Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fourteen (14), section thirteen (13) which have not previously been obligated may be used for the same purposes as the funds appropriated by this section.

Sec. 13. The legislative council shall appoint an interim study committee to review alternative uses for the buildings at the Clarinda mental health institute, with emphasis upon the establishment of a multi-purpose community human resources center for southwest Iowa, which shall include a needs assessment for community mental health services and institutional mental health services for counties located within the catchment area for the Clarinda mental health institute.

Sec. 14. There is appropriated for the fiscal year beginning July 1, 1981 and ending June 30, 1982, the following amounts or so much thereof as is necessary, to be used for the purposes of funding programs designated in the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fourteen (14), as amended by this Act, as follows:

- 1. Section one (1), subsection two (2) \$ 4,200,000
- 2. Section one (1), subsection four (4) \$ 340,000
- 3. Section one (1), subsection nine (9) \$ 4,251,000
- 4. Section one (1), subsection ten (10) \$ 3,775,000
- 5. Section six (6), subsection four (4), paragraph a \$ 2,000,000
- 6. Section twelve (12), subsection one (1) \$ 478,000
- 7. Section fifteen (15), subsection one (1), paragraph a,
subparagraph one (1) \$ 1,000,000
- 8. Section fifteen (15), subsection five (5) \$ 130,000
- 9. Section seventeen (17) \$ 60,000

Sec. 15. There is appropriated from the general fund of the state to the department of general services, office of the director, for the fiscal year beginning July 1, 1981 and ending June 30, 1982, the sum of one hundred two thousand six hundred fifty (102,650) dollars, or so much thereof as is

necessary, to be used for the purchase of land north of Grand avenue, south of I-235 freeway, east of Pennsylvania avenue and west of east fourteenth street.

Sec. 16. There is appropriated for the fiscal year beginning July 1, 1981 and ending June 30, 1982, the following amounts or so much thereof as is necessary, to be used for the purposes of funding programs designated in Acts of the Sixty-seventh General Assembly, 1978 Session, as amended by this Act, as follows:

- 1. Chapter one thousand eleven (1011), section one (1), subsection two (2), paragraph b \$ 155,350
- 2. Chapter one thousand nineteen (1019), section four (4), subsection three (3) \$ 226,000

Sec. 17. There is appropriated to the state conservation commission for the fiscal year beginning July 1, 1981 and ending June 30, 1982, the sum of two million seventy-five thousand (2,075,000) dollars, or so much thereof as is necessary, for capital projects to be determined at the discretion of the state conservation commission.

It is the intent of the general assembly that in allowing the funds originally appropriated for the Brushy Creek project now to be used for other capital projects, the general assembly is not canceling or abandoning the project. The general assembly intends to reappropriate funds for the completion of a project in the Brushy Creek area when the environmental impact statement for the existing project is completed and a final proposal is approved.

It is the intent of the general assembly that the state conservation commission give priority to the construction of impoundments on watersheds where permanent soil conservation practices have already been constructed above the proposed impoundment when approving capital projects which are to be funded with the funds made available by this section.

Sec. 18. The Iowa state fair board may accept gifts or grants from sources other than the state or its agencies for the purpose of implementing the redevelopment proposals prepared for the Iowa state fair master plan committee, and shall deposit the gifts or grants in the fair redevelopment fund which is created within the state treasury. The state comptroller shall issue warrants for claims against the fair redevelopment fund subject to the conditions contained in this section.

Sec. 19. Funds appropriated for the fiscal year beginning July 1, 1981 and ending June 30, 1982 by this Act are not obligated funds for the purpose of determining the unobligated state general fund balance under Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-three (93), section one (1), paragraph e with respect to the computation of the annual inflation factor for the 1980 and 1981 calendar years.

Sec. 20. Unobligated or unencumbered funds appropriated for the fiscal year beginning July 1, 1981 and ending June 30, 1982 by this Act remaining on June 30, 1985, shall revert to the general fund on September 30, 1985, however if after completion of the project for which the funds were appropriated and before the June 30, 1985 date, there remain unobligated or unencumbered funds, such funds shall revert on September thirtieth following the end of the fiscal year in which the project is completed.

Sec. 21. This Act, being deemed of immediate importance, takes effect from and after its publication in the Osceola Tribune, a newspaper published in Osceola, Iowa, and in The Cedar Rapids Gazette, a newspaper published in Cedar Rapids, Iowa.

Approved May 22, 1980

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

Dear Mr. Secretary:

I hereby transmit House File 2595, an act relating to capital appropriations by reducing appropriations previously made by the general assembly, making additional appropriations for fiscal year 1980-1981, and restoring funds for the fiscal year 1981-1982 for capital improvements reduced by this act and to authorize the fair board to accept gifts and to authorize a study committee to be appointed by the legislative council.

House File 2595 is approved May 22, 1980, with the following exception which I hereby disapprove.

I am unable to approve the item designated in the act as Section 5 which reads as follows:

Sec. 5. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fourteen (14), section fifteen (15), subsection one (1), paragraph a, subparagraph one (1), is amended to read as follows:

(1) For the renovation, and remodeling of the Robert Lucas building..... \$ 3,000,000
2,000,000

The department of general services may expend not exceeding two hundred sixty-seven thousand two hundred (267,200) dollars for architectural fees for the renovation and remodeling authorized by this subparagraph. The appropriation made in this subparagraph is conditioned upon the employees located in the east side of the corridor in the office of the auditor of state being moved to the Robert Lucas building and that space being assigned to the legislative fiscal bureau.

This provision of the capitals bill reduces the appropriation for renovation of the Lucas Office Building on the Capitol Complex from \$3 to \$2 million. Because the architects for the renovation project have already completed their plans based on the larger appropriation, a provision was added to the Section which permitted the architects to be paid in full for their services rather than a reduced amount based on the second and lower appropriation amount. On the last day of the legislative session, legislators added a further condition to this appropriation mandating that a portion of the State Auditor's Office be moved from the State Capitol to the Lucas Building and the vacated space be assigned to the Legislative Fiscal Bureau.

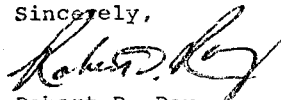
The State Auditor has raised legitimate concerns on the impact this unanticipated, forced move would have on the operations of his office. The portion of the office that would be required to move is currently occupied by the administrative division of the Auditor's Office which has the responsibility for processing and assembling the audit reports. During the assembly process, it is important that the two Deputy Auditors of State have easy access to answer any questions about the audits being prepared. In addition, the administrative division serves as the coordination unit for the Auditor's Office. The Auditor has a sincere belief that physical separation of this division from the rest of his office would impair the effective administration and management of the Auditor's Office.

What makes the legislative decision to require the move baffling is the fact that there was a mutual agreement between the legislative, judicial and executive branches of government in 1978 on the allocation of space in the Capitol. In January, 1978, the Chairman of the Legislative Council, the Chief Justice of the Supreme Court, the Treasurer of the State of Iowa, and the Director of the Department of General Services concurred in a specific plan to provide substantially more space on the first floor of the Capitol to the legislature and the Court of Appeals. To resolve differences, the State Treasurer generously ceded his personal office to the legislature, a move which successfully brought an agreement among all parties. That agreement further recognized that adequate space within the Capitol remained a problem. It urged the participants to work together for any further adjustments of space allocation that might become necessary. Apparently, the legislators, who engineered this relocation of the Auditor's Office in favor of the Legislative Fiscal Bureau, have forgotten about this joint agreement. A surprising vote for this provision came from the former Chairman of the Legislative Council who signed the earlier agreement. One must ask himself whether it is productive to enter into negotiations with the legislature, if a signed agreement can be so easily cast aside when it suits a legislative desire. Fortunately the item veto is available to remove this section from the bill.

Vetoing Section 5 has the effect of restoring the full \$3 million appropriation for the Lucas Building renovation. In light of our continued decline of state revenues which prompted the other reductions to capital projects contained in the bill, I have indicated to the Director of the Department of General Services that he should proceed with the renovation project as if only \$2 million were available. This will accomplish basically the same purpose as the reduction called for in the bill but the Auditor will not be forced out of his offices.

For the above reasons, I hereby disapprove this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of House File 2595 are hereby approved as of this date.

Sincerely,



Robert D. Ray
Governor

I hereby certify that the foregoing Act, House File 2595, and Governor Robert D. Ray's item veto message were published in entirety in the Osceola Tribune, Osceola, Iowa on June 3, 1980, and in The Cedar Rapids Gazette, Cedar Rapids, Iowa on May 29, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1005
SUPPLEMENTAL APPROPRIATIONS TO AGENCIES
S. F. 2374

AN ACT appropriating funds to designated agencies for the 1978-1979 or 1979-1980 fiscal years, to supplement their budgets because of increased fuel or electricity costs and for other supplementary purposes.

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

1979-1980
Fiscal Year

Section 1.

1. There is appropriated from the general fund of the state to the state comptroller for the fiscal year designated, for allocation to the agencies specified in this section, the following amount, or so much thereof as is necessary, to pay actual costs for the purchase of fuel and electricity which exceed funds budgeted for fuel or electricity purposes. The funds, or any portion of the funds, shall not be allocated unless the state comptroller determines that actual costs for the purchase of fuel or electricity exceed funds budgeted for fuel or electricity purposes, the specific agency is either developing an energy conservation plan in consultation with the energy policy council or is implementing an energy conservation plan which has been approved by the energy policy council, and the state comptroller determines that other money is not available to the agency for fuel or electricity purposes \$ 495,000

2. The agencies which may apply to the comptroller for funds appropriated by this section are the state educational radio and television facilities board, the state conservation commission and the department of public safety.

1979-1980
Fiscal Year

Sec. 2. There is appropriated from the state fish and game protection fund to the state conservation commission for the fiscal year designated, the following amount, or so much thereof as is necessary, to pay actual costs for the purchase of fuel and electricity which exceed funds budgeted for fuel or electricity purposes. The funds, or any portion of the funds, shall not be allocated unless the state comptroller determines that actual costs for the purchase of fuel or electricity exceed funds budgeted for fuel or electricity purposes, the commission is either developing an energy conservation plan for the state conservation

commission in consultation with the energy policy council or is implementing an energy conservation plan which has been approved by the energy policy council, and the state comptroller determines that other money is not available to the commission for fuel or electricity purposes \$ 138,000
 1979-1980
Fiscal Year

Sec. 3. There is appropriated from the general fund of the state to the state comptroller for the fiscal year designated, for allocation to the state board of regents, the following amount, or so much thereof as is necessary, to pay actual costs for the purchase of fuel and electricity for institutions subject to the control of the board, which exceed funds budgeted for fuel or electricity purposes. The funds, or any portion of the funds, shall not be allocated for use of a specific institution unless the state comptroller determines that actual costs for the purchase of fuel or electricity exceed funds budgeted for fuel or electricity purposes for that specific institution, the specific institution is either developing an energy conservation plan for the specific institution in consultation with the energy policy council or is implementing an energy conservation plan which has been approved by the energy policy council, and the state comptroller determines that other money for utilities is not available to the board for fuel or electricity purposes \$ 157,000

Sec. 4. There is appropriated from the general fund of the state to the state board of regents the sum of two hundred twenty-five thousand (225,000) dollars to pay excess costs incurred for the purchase of fuel and electricity during the fiscal year beginning July 1, 1978 and ending June 30, 1979, at the institutions listed in the Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand one (1001), section seven (7).

1979-1980
Fiscal Year

Sec. 5. There is appropriated from the general fund of the state to the department of public defense, office of disaster services, for the fiscal year designated, the following amount, or so much thereof as is necessary, for the purpose of supplementing funds appropriated to the office \$ 2,063

Sec. 6. The funds appropriated by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twelve (12), section four (4), subsection two (2), paragraph b shall be transferred from the contingency fund established by that paragraph to the state fish and game protection fund.

Sec. 7. This Act, being deemed of immediate importance, takes effect from and after its publication in the Ames Daily Tribune, a newspaper published in

Ames, Iowa, and in The Record-Herald and Indianola Tribune, a newspaper published in Indianola, Iowa.

Approved May 20, 1980

I hereby certify that the foregoing Act, Senate File 2374, was published in the Ames Daily Tribune, Ames, Iowa on May 27, 1980, and in The Record-Herald and Indianola Tribune, Indianola, Iowa on May 29, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1006

BOONE ASSESSMENTS APPROPRIATION

S. F. 2072

AN ACT appropriating funds from the general fund to pay for special assessments relating to a paving project in the city of Boone, Iowa.

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

Section 1. There is appropriated from the general fund to the executive council for the fiscal year beginning July 1, 1980 and ending June 30, 1981, the sum of four thousand two hundred forty-two dollars and thirty-one cents (\$4,242.31), or so much thereof as is necessary, to pay the city of Boone, Iowa, for assessments remaining against Iowa national guard property for street improvement project, number 1977 #1. Funds appropriated by this Act shall be allocated by the treasurer of state before making the allotments provided for in section three hundred twelve point two (312.2) of the Code.

Approved May 17, 1980

CHAPTER 1007

APPROPRIATIONS TO COMMISSION FOR BLIND; RADIO AND TELEVISION;
CIVIL RIGHTS; STATUS OF WOMEN; MEDICAL EXAMINERS;
HEALTH DEPARTMENT; AGING COMMISSION; ENERGY POLICY;
NATURAL RESOURCES; ENGINEERING EXAMINERS;
REVENUE DEPARTMENT; TRAINING SCHOOLS;
SOCIAL SERVICES; GENERAL SERVICES AND PUBLIC SAFETY

S. F. 2241

AN ACT relating to appropriations for the fiscal years beginning July 1, 1979 and 1980, by supplementing and adjusting appropriations and amending restrictions contained in the Acts of the Sixty-eighth General Assembly, 1979 Session, and making additional appropriations.

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

Section 1. The appropriation from the general fund of the state to the Iowa commission for the blind made for the fiscal year beginning July 1, 1979 and ending June 30, 1980 by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section one (1), is reduced by twenty-two thousand four hundred (22,400) dollars.

Sec. 2. There is appropriated from the general fund of the state to the state educational radio and television facility for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of eighty-seven thousand (87,000) dollars, or so much thereof as may be necessary, to supplement funds appropriated by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section six (6).

Sec. 3. There is appropriated from the general fund of the state to the Iowa state civil rights commission for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of nine thousand (9,000) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section two (2), subsection one (1).

Sec. 4. There is appropriated from the general fund of the state to the commission on the status of women for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of five thousand one hundred (5,100) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section two (2), subsection four (4). Notwithstanding the provisions of the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section two (2), subsection four (4), the full-time equivalent positions shall be three point twenty-five for the fiscal year beginning July 1, 1979.

Sec. 5. There is appropriated from the general fund of the state to the board of medical examiners for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of sixteen thousand (16,000) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section three (3), subsection one (1).

Sec. 6. There is appropriated from the general fund of the state to the state department of health, community health division, for the fiscal year beginning July 1, 1979 and ending June 30, 1980 the sum of five hundred seventy-eight thousand (578,000) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section four (4), subsection seven (7), paragraph a. However, from the funds appropriated by this section ninety-four thousand (94,000) dollars, or so much thereof as may be necessary, shall be used to pay bills which were outstanding prior to July 1, 1979.

Sec. 7. There is appropriated from the general fund of the state to the state department of health, health facilities division, for the fiscal year beginning July 1, 1979 and ending June 30, 1980 the sum of one hundred sixty-seven thousand (167,000) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section four (4), subsection two (2), paragraph a.

Sec. 8. Notwithstanding the provisions of the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section four (4), subsection two (2), paragraph b, the full-time equivalent positions for the health planning agency shall be thirteen for the fiscal year beginning July 1, 1979.

Sec. 9. Notwithstanding the provisions of the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter nine (9), section one (1), subsection one (1), the full-time equivalent positions for the commission on aging shall be twenty-eight point twenty-five for the fiscal year beginning July 1, 1979. Two full-time equivalent positions are approved for care review activities contingent upon the receipt of federal funds.

Sec. 10. There is appropriated from the general fund of the state to the energy policy council for the fiscal year beginning July 1, 1979 and ending June 30, 1980 the sum of forty thousand (40,000) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twelve (12), section thirteen (13), subsection one (1). The limit on full-time equivalent positions contained in that subsection shall not apply during the fiscal year beginning July 1, 1979.

Sec. 11. There is appropriated from the general fund of the state to the Iowa natural resources council for the fiscal year beginning July 1, 1979 and ending June 30, 1980 the sum of sixteen thousand (16,000) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twelve (12), section eighteen (18), subsection two (2).

Sec. 12. There is appropriated from the general fund of the state to the state board of engineering examiners for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of two thousand (2,000) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), section one (1), subsection five

(5). Notwithstanding the number of full-time equivalent positions specified in Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), section one (1), subsection five (5), the maximum number of full-time equivalent positions for the state board of engineering examiners for the 1979-80 fiscal year is two point one hundred twenty-five.

Sec. 13. There is appropriated from the general fund of the state to the department of revenue for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of eighteen thousand (18,000) dollars, or so much thereof as may be necessary, to be used for a humidifier system and to supplement funds appropriated by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), section two (2), subsection fourteen (14).

Sec. 14. There is appropriated from the general fund of the state to the department of revenue for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of one hundred thousand (100,000) dollars, or so much thereof as may be necessary, to be used for its capital assets pricing model program and to supplement funds appropriated by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter four (4), section two (2), subsection fourteen (14).

Sec. 15. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section three (3), subsection one (1) is amended to read as follows:

- 1. For the operation of the Eldora training school, Mitchellville training school and state juvenile home, including salaries and support, maintenance and miscellaneous purposes \$ 7,000,000 \$ 6,900,000

Notwithstanding section eight point thirty-three (8.33) of the Code, unencumbered or unobligated funds appropriated by this subsection for the fiscal year beginning July 1, 1979 and ending June 30, 1980 shall not revert to the general fund of the state until June 30, 1981. It is the intent of the general assembly that funds not expended under this subsection be expended to provide juvenile services pursuant to Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section four (4).

Sec. 16. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section four (4) is amended to read as follows:

SEC. 4. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1979 and ending June 30, 1981 to the department of social services for juvenile community-based ~~corrections~~ services designed to deinstitutionalize individuals or to prevent their institutionalization the following amounts, or so much thereof as may be necessary:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
	\$ 320,000	\$ 320,000

- 1. The department of social services shall continue the program of project grants to communities which are developing community-based juvenile services designed to deinstitutionalize individuals or to prevent their institutionalization, including but not limited to community-based

correctional services and community-based residential correctional programs services. It shall work with local communities and the Iowa crime commission to provide incentives to make maximum use of available federal funds. Insofar as practical, the department shall provide technical assistance to local groups which intend to establish or improve community-based juvenile residential-correctional-programs services designed to deinstitutionalize individuals or prevent their institutionalization.

2. Service specifications shall be developed by the department to meet the goals of deinstitutionalization of individuals and prevention of their institutionalization, with special emphasis given to services needed by localities. During the fiscal year beginning July 1, 1980 and ending June 30, 1981, the department may use up to forty percent of the funds available to it pursuant to the delayed reversion provided for by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section three (3), subsection one (1), as amended by section fifteen (15) of this Act, but in no event more than one hundred fifty thousand (150,000) dollars, to stimulate, develop and operate such programs in areas for which service needs have been clearly identified but for which there is no community service provider capable of providing a needed service.

Sec. 17. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand eighteen (1018), section six (6), subsection one (1), paragraph c, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section five (5), subsection nine (9), is amended to read as follows:

c. Community-based corrections \$ 8,175,000

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, ~~1980~~ 1981.

Sec. 18. There is appropriated from the general fund of the state to the department of social services for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of four million five hundred seventy thousand (4,570,000) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section eight (8), subsection two (2).

Sec. 19. The appropriation from the general fund of the state to the department of social services made for the fiscal year beginning July 1, 1979 and ending June 30, 1980 by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section eight (8), subsection four (4), is reduced by six hundred ten thousand (610,000) dollars.

Sec. 20.† There is appropriated from the general fund of the state to the department of social services for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of one hundred thirty-eight thousand (138,000) dollars, or so much thereof as may be necessary, to supplement funds appropriated by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section eight (8), subsection six (6). The money

***Item veto

†Amended by 68GA, ch 1001, §69

appropriated by this section shall be used for the purpose provided by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section seventeen (17), subsection two (2).

Sec. 21. There is appropriated from the general fund of the state to the department of social services for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of one million two hundred thousand (1,200,000) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section eight (8), subsection thirteen (13).

Sec. 22. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section eight (8), subsection thirteen (13), unnumbered paragraph two (2) is amended to read as follows:

It is the intent of the general assembly that funds appropriated under this subsection be used for local purchase of service contracts, ~~and primarily to help avoid the institutionalization of individuals and to provide child care.~~

Sec. 23. There is appropriated from the general fund of the state to the courts of this state for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of eighty-three thousand five hundred fifty-seven (83,557) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter two (2), section three (3).

Sec. 24. There is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 1979 and ending June 30, 1980 for the remodeling of executive hills for the use of the Iowa arts council and other departments the sum of twenty-five thousand (25,000) dollars, or so much thereof as may be necessary. The director of the Iowa arts council shall select the coloring of the carpet to be installed in that portion of executive hills which contains offices of the Iowa arts council.

Sec. 25. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of eleven thousand (11,000) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eleven (11), section two (2), subsection one (1), paragraph a.

Sec. 26. There is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of eight thousand seven hundred fifty (8,750) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eleven (11), section two (2), subsection two (2), paragraph a.

Sec. 27. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of eighty-five thousand (85,000) dollars, or so

much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eleven (11), section three (3), subsection three (3), paragraph a.

Sec. 28. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of one hundred sixty-five thousand (165,000) dollars, or so much thereof as may be necessary, to be used for the same purposes and to supplement funds appropriated by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eleven (11), section three (3), subsection four (4), paragraph a.

Sec. 29. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1979 and ending June 30, 1980 the sum of sixty thousand (60,000) dollars, or so much thereof as may be necessary, for the acquisition of land and construction of a departmental office building in the area of post eleven.

Any unencumbered balance remaining as of June 30, 1982, of the funds appropriated by this section shall revert to the general fund of the state on September 30, 1982.

Sec. 30. Notwithstanding the provisions of section eight point thirty-nine (8.39) of the Code, funds appropriated under sections eighteen (18) and twenty (20) of this Act shall not be subject to transfer to any other department, institution or agency. Any unencumbered or unobligated balance of any appropriation made under sections eighteen (18) or twenty (20) of this Act which exists on June 30, 1980 shall revert to the fund from which it was appropriated.

Sec. 31. This Act, being deemed of immediate importance, takes effect from and after its publication in The Independent, a newspaper published in Hawarden, Iowa, and in the Oskaloosa Daily Herald, a newspaper published in Oskaloosa, Iowa.

Approved March 28, 1980

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

I hereby transmit Senate File 2241, an act relating to appropriations for the fiscal years beginning July 1, 1979 and 1980, by supplementing and adjusting appropriations and amending restrictions contained in the Acts of the Sixty-eighth General Assembly, 1979 Session, and making additional appropriations.

Senate File 2241 is approved March 28, 1980, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 19 which reads as follows:

Sec. 19. The appropriation from the general fund of the state to the department of social services made for the fiscal year beginning July 1, 1979 and ending June 30, 1980 by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section eight (8),

subsection four (4), is reduced by six hundred ten thousand (610,000) dollars.

I am unable to approve the item designated as Section 30 which reads as follows:

Sec. 30. Notwithstanding the provisions of section eight point thirty-nine (8.39) of the Code, funds appropriated under sections eighteen (18) and twenty (20) of this Act shall not be subject to transfer to any other department, institution or agency. Any unencumbered or unobligated balance of any appropriation made under sections eighteen (18) or twenty (20) of this Act which exists on June 30, 1980 shall revert to the fund from which it was appropriated.

As reasons for this disapproval I submit the following:

The purpose of Section 19 of this bill is to reduce the FY 1980 medical assistance (Title XIX) appropriation by \$610,000. The Department of Social Services believes that such a reduction can be made without adversely affecting this medical assistance program.

On the other hand, this bill does not appropriate sufficient funds to cover the anticipated increase in the Aid to Dependent Children caseload. This deficiency can be partially met by retaining the \$610,000 in this bill and making a fund transfer under Section 8.39 of the Iowa Code. The Chairmen of the Social Services Appropriations Subcommittees concur in this course of action.

While as Governor I have used this transfer authority sparingly and have not used it at all during this fiscal year, I do believe it should be employed on occasion when a mandated program must be funded and the appropriation is insufficient. This option needs to be available in this case.

It is difficult to estimate accurately the costs of the medical assistance and the Aid to Dependent Children programs. The legislature has tended to regard these two appropriations as though they were standing unlimited appropriations due to the difficulty in estimating their final costs. While it is always hoped that adjustments at the end of the year will not be necessary for the ADC and medical assistance programs, it seldom happens.

Since the time I submitted our budget recommendations to the General Assembly and the Social Services Appropriations Subcommittees acted upon the requests, the Department of Social Services has reported that the current caseload is 102,300, which is 4,000 persons more on a per-month average than was estimated in January. In addition to the \$4,570,000 contained in this bill, the Department of Social Services estimates that slightly more than \$1,000,000 will be necessary to maintain current benefit levels for the remainder of this fiscal year.

The under-funding in ADC and the surplus in medical assistance just discussed underscores the need for flexibility in the executive branch once legislative appropriations have been made. Section 30 of this bill restricts the Governor and State Comptroller's authority to transfer funds from one agency to another when the original appropriation has proven to be insufficient to meet the legitimate expenses of the receiving agency. The transfer authority provides flexibility to make necessary adjustments when unforeseen or changing circumstances arise.

Previously, I have vetoed limitations on the transfer authority. The law contains safeguards giving the legislature an opportunity to review and comment on any proposed transfer. We have accepted and respected such comments, and, indeed,

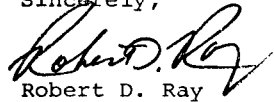
several transfers have been modified or eliminated following receipt of recommendations from legislators.

In 1969 the people of this State voted to amend the Constitution of the State of Iowa to allow the Governor to "disapprove any item" of an appropriation bill. Since then there have been several court cases and a number of Attorney General opinions which have attempted to demarcate this gubernatorial authority. Throughout those discussions runs the thread of separability, that is, will the vetoed item alter positively or negatively the function of the appropriation to which it is purportably attached? If there remains no "scar tissue" from excising such a provision, then assuredly it is an item within the meaning of the Iowa Constitution.

In this bill, Section 30 is totally unrelated to Sections 18 and 20. Its deletion will not in any manner effect the purposes of those appropriations. While we do not anticipate making transfers from the appropriations affected by Section 30, nonetheless, the restriction violates the transfer authority established by law and sets a bad precedent. I would hope that the legislative branch would want to work with the executive branch in determining budget policy without circumventing a statutory authority allowing limited flexibility which is indeed desirable to implement the budget effectively.

For these 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 Senate File 2241 are hereby approved this date.

Sincerely,



Robert D. Ray
Governor

I hereby certify that the foregoing Act, Senate File 2241, and Governor Robert D. Ray's item veto message were published in entirety in The Independent, Hawarden, Iowa on April 10, 1980, and in the Oskaloosa Daily Herald, Oskaloosa, Iowa on April 4, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1008

COMMUNICATIONS REVIEW COMMITTEE

S.F. 2269

AN ACT to establish a communications review committee and to abolish the police communications review committee.

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

Section 1. Chapter two (2), Code 1979, is amended by adding the following new sections:

NEW SECTION. COMMUNICATIONS REVIEW COMMITTEE ESTABLISHED. There is established a communications review committee which shall consist of three members of the senate appointed by the president of the senate and three members of the house of representatives appointed by the speaker of the house. The committee shall select a chairperson and vice chairperson. Meetings may be called by the chairperson or a majority of the members.

Members shall be appointed prior to the adjournment of the first regular session of each general assembly and shall serve for terms ending upon the convening of the following general assembly or when their successors are appointed, whichever is later. Vacancies shall be filled in the same manner as original appointments and shall be for the remainder of the unexpired term of the vacancy. The members of the committee shall be reimbursed for actual and necessary expenses incurred in the performance of their duties and shall receive forty dollars for each day in which engaged in the performance of their duties. However, per diem compensation and expenses shall not be paid when the general assembly is actually in session at the seat of government. Expenses and per diem shall be paid from funds appropriated pursuant to section two point twelve (2.12) of the Code.

Administrative assistance shall be provided by the legislative service bureau to the extent possible.

NEW SECTION. DUTIES OF COMMITTEE. The committee shall review the present and proposed uses of communications by state agencies and the development of a statewide communications plan, including a review of the work of the state communications advisory council established in section eighteen point one hundred thirty-six (18.136) of the Code. It shall meet as often as deemed necessary and annually shall make recommendations to the legislative council and the general assembly, accompanied by bill drafts to implement its recommendations.

Sec. 2. Section six hundred ninety-three point eight (693.8), Code 1979, is repealed.

Sec. 3. Members of the police communications review committee on the effective date of this Act shall serve as members of the communications review committee until January 12, 1981 or until their successors are appointed.

Approved May 24, 1980

CHAPTER 1009
CONFIRMATION OF APPOINTEES

S. F. 2098

AN ACT to provide that the procedures and committees for the investigation and confirmation of appointees by the senate be established by rule.

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

Section 1. Section two point thirty-two (2.32),* Code 1979, is amended to read as follows:

2.32 CONFIRMATION OF APPOINTMENTS--REJECTED NOMINEES NOT ELIGIBLE. ~~When the nomination of a public officer is required to be confirmed by the senate, the nomination shall not be considered by the senate until it shall have been~~

*See chapter 1010, §1 of these Acts, effective January 1, 1981

~~referred--to--a--committee--of--five--senators--who--shall--if--possible--represent--different--political--parties---The--committee--shall--be--appointed--by--the--president--of--the--senate--without--motion--and--shall--report--to--the--senate.~~ The senate shall adopt rules governing the investigation and confirmation of appointments to positions which require confirmation by the senate. The consideration of the nomination by the senate shall not be made on the same legislative day on which the nomination is ~~so~~ referred to a committee, unless it be the last day of the session. When a nomination has been so considered by the senate and approval has been refused, the nominee shall not be eligible for an interim appointment to any position requiring confirmation by the senate, prior to the convening of the next regular session of the general assembly.

Sec. 2. This Act, being deemed of immediate importance, shall take effect from and after its publication in The Red Oak Express, a newspaper published in Red Oak, Iowa, and in the Evening Democrat, a newspaper published in Fort Madison, Iowa.

Approved March 20, 1980

I hereby certify that the foregoing Act, Senate File 2098, was published in The Red Oak Express, Red Oak, Iowa on March 27, 1980, and in the Evening Democrat, Fort Madison, Iowa on April 3, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1010
GOVERNOR'S APPOINTMENTS
S. F. 2301

AN ACT relating to gubernatorial appointments which are subject to confirmation by the senate.

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

Section 1. Section two point thirty-two (2.32), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

2.32 CONFIRMATION OF APPOINTMENTS--PROCEDURES.

1. The governor shall either make an appointment or file a notice of deferred appointment by March fifteenth for the following appointments which are subject to confirmation by the senate:
 - a. An appointment to fill a term beginning on May first of that year.
 - b. An appointment to fill a vacancy, other than as provided for in paragraph d, existing prior to the convening of the general assembly in regular session in that year.

c. An appointment to fill a vacancy, other than as provided for in paragraph d, which is known, prior to the convening of the general assembly in regular session, will occur before May first of that year.

d. An appointment to fill a vacancy existing in a full-time compensated position on December fifteenth prior to the convening of the general assembly.

2. If a vacancy in a position requiring confirmation by the senate, other than a full-time compensated position, occurs after the convening of the general assembly in regular session, the governor shall, within sixty calendar days after the vacancy occurs, either make an appointment or file a notice of deferred appointment unless the general assembly has adjourned its regular session before the sixty-day period expires. If a vacancy in a full-time compensated position requiring senate confirmation occurs after December fifteenth, the governor shall, within ninety calendar days after the vacancy occurs, make an appointment or file a notice of deferred appointment unless the general assembly has adjourned its regular session before the ninety-day period expires.

3. If an appointment is submitted pursuant to subsection one (1) of this section, the senate shall by April fifteenth of that year either approve, disapprove or by resolution defer consideration of confirmation of the appointment. If an appointment is submitted pursuant to subsection two (2) of this section, the senate shall either approve, disapprove or by resolution defer consideration of confirmation of the appointment within thirty days after receiving the appointment from the governor. The senate may defer consideration of an appointment until a later time during that session, but the senate shall not adjourn that session until all appointments submitted pursuant to this section are approved or disapproved.

Sixty days after a person's appointment has been disapproved by the senate, that person shall not serve in that position as an interim appointment or by holding over in office and the governor shall submit another appointment or file a notice of deferred appointment before the sixty day period expires.

4. The governor shall submit all appointments requiring confirmation by the senate and notices of deferred appointment to the secretary of the senate who shall provide the governor's office with receipts of submission. Each notice of appointment shall be accompanied by a statement of the appointee's political affiliation. The notice of a deferred appointment shall be filed by the governor with the secretary of the senate and accompanied by a statement of reasons for the deferral.

5. The senate shall adopt rules governing the referral of appointments to committees, the reports of committees on appointments, and the confirmation of appointments by the senate.

6. The confirmation of every appointment submitted to the senate requires the approval of two-thirds of the members of the senate.

7. The governor shall file by February first with the secretary of the senate a list of all the appointment positions requiring gubernatorial action pursuant to subsection one (1) of this section. The secretary of the senate shall provide the governor a written acknowledgement of the list within five

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days of its receipt. The senate shall approve the list or request corrections by resolution by February fifteenth.

Sec. 2. Chapter sixty-nine (69), Code 1979, is amended by adding the following new section:

NEW SECTION. SALARY OF ACTING APPOINTEES. If a vacancy occurs in a position which is appointed by the governor subject to confirmation by the senate and the governor designates a person to serve in that position in an acting capacity, that person shall not receive compensation in excess of that authorized by law for a person holding that position.

Sec. 3. Chapter sixty-nine (69), Code 1979, is amended by adding the following new section:

NEW SECTION. TERMS OF APPOINTMENTS CONFIRMED BY THE SENATE. All terms of office of positions which are appointed by the governor, have a fixed term and are subject to confirmation by the senate shall begin at 12:01 a.m. on May first in the year of appointment and expire at 12:00 midnight on April thirtieth in the year of expiration.

Sec. 4. Section eight point four (8.4), Code 1979, is amended to read as follows:

8.4 STATE COMPTROLLER--SALARY--BOND. There is hereby created an ~~office to-be-known-as~~ "office of state comptroller", which shall be directly attached to the office of the governor and shall be under the general direction, supervision and control of the governor. Such office shall be in immediate charge of an officer to be known as "state comptroller", who shall be appointed by the governor, ~~with-the-approval-of-two-thirds-of~~ subject to confirmation by the senate, and shall hold office at ~~his~~ the governor's pleasure and shall receive a salary as fixed by the general assembly. Before entering upon the discharge of ~~his~~ the state comptroller duties, he shall take the constitutional oath of office and ~~he-shall~~ give a surety bond in such penalty as ~~may-be~~ fixed by the governor, payable to the state, ~~but--such penalty which~~ shall not be less than twenty-five thousand dollars conditioned upon the faithful discharge of ~~his~~ the state comptroller's duties. The premium on ~~his~~ the bond shall be paid out of the state treasury.

Sec. 5. Section eighteen point two (18.2), Code 1979, is amended to read as follows:

18.2 DEPARTMENT ESTABLISHED. There is created a department of general services which shall be attached to the office of the governor and shall be under ~~his~~ the governor's general direction, supervision, and control. The office shall be in charge of a director, who shall be appointed by the governor, ~~with--the-approval-of-two-thirds-of~~ subject to confirmation by the senate. The director shall be employed on a permanent basis. He ~~The~~ director shall not hold any other office, engage in any political activity, accept or solicit, directly or indirectly, any political contributions, and shall not use ~~his~~ the office to support the candidacy of anyone for elective or appointive office. The director shall hold office at the governor's pleasure and shall receive a salary at a rate fixed by the governor not to exceed twenty-five thousand dollars per annum. Before entering upon the discharge of his ~~or her~~ duties, the director may be required to give a surety bond in ~~such an~~ amount as ~~may-be~~ fixed by the governor. The premium on the bond shall be paid out of funds appropriated to the department.

The director shall be a qualified administrator.

Sec. 6. Section nineteen A point six (19A.6), subsection two (2), Code 1979, is amended to read as follows:

2. The governor shall appoint members of the merit employment commission. Members appointed to the commission shall be are subject to approval of two-thirds of the members of confirmation by the senate. ~~The merit employment commission appointed shall hold office in the following manner: One member until July 1, 1969, one member until July 1, 1971, and one member until July 1, 1973. Thereafter, each member shall be appointed for a term ending six years from the date of expiration of the term for which his predecessor was appointed.~~ Members shall be appointed to staggered terms of six years beginning and ending as provided in section three (3) of this Act. Where a vacancy may exist exists, the governor shall appoint for the unexpired portion of the term, and if the general assembly is not then in session, the governor shall, upon the convening of the general assembly, promptly report the appointment to the senate for confirmation.

Sec. 7. Section twenty point five (20.5), subsections one (1) and two (2), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter two (2), section nine (9), is amended to read as follows:

1. There is established a board to be known as the "Public Employment Relations Board." The board shall consist of three members appointed by the governor, ~~with approval of two-thirds of~~ subject to confirmation by the senate. No more than two members shall be of the same political affiliation and, no member shall engage in any political activity while holding office and the members shall devote full time to their duties.

~~Each member~~ The members shall be appointed for a term staggered terms of four years, ~~except that of the members first appointed, two members shall be appointed for a term of two years commencing July 1, 1974, and ending June 30, 1976, and one member shall be appointed for a term of four years commencing July 1, 1974, and ending June 30, 1978~~ beginning and ending as provided in section three (3) of this Act.

The member first appointed for a term of four years shall serve as chairman chairperson and each of ~~his~~ the member's successors shall also serve as chairman chairperson.

2. ~~Any vacancy on the commission which may occur when the general assembly is not in session shall be filled by appointment by the governor, which appointment shall expire at the end of thirty days following the convening of the next session of the general assembly. Prior to the expiration of the thirty-day period, the governor shall transmit to the senate for its approval the name of the appointee for the unexpired portion of the regular term.~~ Any vacancy occurring ~~when the general assembly is in session~~ shall be filled in the same manner as regular appointments are made, ~~and before the end of such session, and for the unexpired portion of the regular term.~~

Sec. 8. Section twenty-seven A point two (27A.2), Code 1979, is amended to read as follows:

27A.2 MEMBERSHIP OF COMMISSION. The director of the Iowa state conservation commission shall be a permanent member from Iowa of the upper Mississippi riverway commission and may designate an alternate in accordance with article IV "a" of the compact. The governor shall appoint the three remaining members from Iowa of the commission. Such members may also be members of another board or commission established by law. The appointment of the remaining three members shall be ~~confirmed by a two-thirds vote of~~ subject to confirmation by the senate. Vacancies occurring while the general assembly is not in session shall be filled by appointment of the governor and submitted to the senate for confirmation as herein provided, within thirty days of convening of the next regular session of the general assembly. The members so appointed shall serve for ~~a period~~ staggered periods of four years, ~~except that for the initial appointments, the governor shall appoint one member to serve until June 30, 1969, one member to serve until June 30, 1970, and one member to serve until June 30, 1971~~ beginning and ending as provided in section three (3) of this Act. Commission members from this state shall, upon certification by the comptroller, be reimbursed for the actual and necessary expenses incurred by them in the discharge of their duties.

Sec. 9. Section twenty-eight point three (28.3), Code 1979, is amended to read as follows:

28.3 DIRECTOR--DUTIES. The director shall be appointed by the governor, subject to ~~the approval of two-thirds of the members of~~ confirmation by the senate, and shall serve at the pleasure of the governor.

The governor shall fix ~~his~~ the director's compensation which shall be payable out of the funds of the commission. The director shall not be a member of the commission.

~~A director appointed when the general assembly is not in session shall serve at the pleasure of the governor, but his term shall expire thirty days after the general assembly next convenes, unless during such thirty days he be approved by two-thirds of the members of the senate.~~

The director shall attend the meetings of the commission and, shall serve as its secretary, and shall have general charge of the work of the commission, subject to its orders and direction, and shall serve at the pleasure of the governor.

Sec. 10. Section twenty-nine A point eleven (29A.11), Code 1979, is amended to read as follows:

29A.11 ADJUTANT GENERAL--APPOINTMENT, TERM AND REMOVAL. There shall be an adjutant general of the state who shall be appointed and commissioned by the governor ~~with the approval and~~ subject to confirmation ~~of two-thirds of~~ by the senate and who shall serve at the pleasure of the governor. The rank of the adjutant general shall be at least that of brigadier general and he or she shall hold office for a term of four years beginning and ending as provided in section three (3) of this Act. At the time of appointment the adjutant general shall be a federally recognized commissioned officer with not less than ten years military service in the armed forces, at least five of which have been commissioned service, and who ~~shall have~~ has reached the grade of a field officer.

Sec. 11. Section forty-six point one (46.1), Code 1979, is amended to read as follows:

46.1 APPOINTMENT OF STATE JUDICIAL NOMINATING COMMISSIONERS. The governor shall appoint, subject to confirmation by the senate, one eligible elector of each congressional district to the state judicial nominating commission for a six-year term beginning July 1 and ending as provided in section three (3) of this Act. The terms of no more than three nor less than two of such the members shall expire within the same two-year period. ~~The governor shall within thirty days following the organization of each regular session of the general assembly, appoint for a like term, with approval of the senate, a successor to the member of the commission from a congressional district whose term of office will expire June 30 following.~~

Sec. 12. Section fifty-six point nine (56.9), subsection one (1), Code 1979, is amended to read as follows:

1. There is created a campaign finance disclosure commission which shall consist of five members, not more than three of whom shall be from the same political party. The governor shall appoint the members of the commission for a term staggered terms of six years beginning and ending as provided in section three (3) of this Act, subject to the confirmation of the senate. ~~Of the members first appointed one member shall be appointed for a term of two years, two members shall be appointed for a term of four years, and two members shall be appointed for a term of six years, beginning July 1, 1973.~~ Any vacancy shall be filled by appointment for the unexpired portion of the term in accordance with the provisions for regular appointment ~~insofar as is~~ applicable.

Sec. 13. Section eighty point two (80.2), Code 1979, is amended to read as follows:

80.2 COMMISSIONER--APPOINTMENT. The chief executive officer of the department of public safety ~~shall be~~ is the commissioner of public safety. The governor shall appoint, ~~with the approval of two thirds of the members of~~ subject to confirmation by the senate, a commissioner of public safety, who shall be a person of high moral character, of good standing in the community in which the commissioner lives, of recognized executive and administrative capacity, and who shall not be selected on the basis of political affiliation. The commissioner of public safety shall devote full time to the duties of this office; the commissioner shall not engage in any other trade, business, or profession, nor engage in any partisan or political activity. The commissioner shall serve at the pleasure of the governor, at an annual salary as fixed by the general assembly.

Sec. 14. Section eighty B point six (80B.6), unnumbered paragraph one (1), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-eight (28), section one (1), is amended to read as follows:

There is created the Iowa law enforcement academy council which shall consist of the following seven members appointed by the governor ~~with the consent of~~ subject to confirmation by the senate to terms of four years commencing ~~on January first~~ as provided in section three (3) of this Act:

Sec. 15. Section eighty C point six (80C.6), Code 1979, is amended to read as follows:

80C.6 COMMISSION MEMBERSHIP. The commission shall consist of twelve members who are concerned with and knowledgeable about the problems of criminal justice and who are appointed for four-year terms beginning and ending as provided in section three (3) of this Act by the governor subject to confirmation by ~~two-thirds-of-the-members-of~~ the senate.

The governor shall appoint an executive director of the commission who shall be the governor's official representative, and ~~who--shall--be~~ the principal executive administrator of the commission.

~~No~~ A member of the general assembly shall not be appointed as a voting member of the commission.

Sec. 16. Section eighty-six point one (86.1), Code 1979, is amended to read as follows:

86.1 INDUSTRIAL COMMISSIONER--TERM. The governor shall appoint, ~~with-the approval-of~~ subject to confirmation by the senate, an industrial commissioner whose term of office shall be six years ~~from--July--1--of-the-year-of appointment~~ beginning and ending as provided in section three (3) of this Act. He ~~The~~ industrial commissioner shall maintain ~~his~~ an office at the seat of government. ~~An-appointment-to-fill-a-vacaney-may-be-made-when-the-senate is-not-in-session,-but-shall-be-acted-upon-at-the-next-session-thereof----~~ ~~Any such--appointee~~ The industrial commissioner must be a lawyer admitted to practice in this state.

Sec. 17. Section eighty-eight point ten (88.10), subsections one (1) and two (2), Code 1979, are amended to read as follows:

1. THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION IS HEREBY ESTABLISHED. The commission shall be composed of three members who shall be appointed by the governor ~~with-the-approval-of-two-thirds-of-the-members-of~~ subject to confirmation by the senate, which shall include among its members one member qualified by experience and affiliation to represent the employers, one member similarly qualified to represent labor, and one representative who shall be impartial and represent the public. The governor shall designate one of the members of the commission to serve as ~~chairman~~ chairperson.

2. TERMS OF OFFICE. The terms of members of the commission shall be ~~six years,-except-that-the-members-of-the-commission-first-taking-office-shall serve,-as-designated-by-the-governor-at-the-time-of-appointment,-one-for-a term-of-two-years,-one-for-a-term-of-four-years,-and-one-for-a-term-of-six years~~ six-year staggered terms beginning and ending as provided in section three (3) of this Act. A vacancy caused by the death, resignation, or removal of a member prior to the expiration of the term for which ~~he~~ the member was appointed shall be filled only for the remainder of ~~such~~ the unexpired term. A member of the commission may be removed by the governor for inefficiency, neglect of duty, or malfeasance in office.

Sec. 18. Section ninety-one point two (91.2), Code 1979, is amended to read as follows:

91.2 APPOINTMENT. The governor shall, ~~--within--sixty--days--after--the organization-of-the-regular-session-of-the-general-assembly-in-1925,-and-each~~

~~two-years-thereafter,~~ appoint in each odd-numbered year, with-the-approval-of two-thirds--of--the-members-of subject to confirmation by the senate, a labor commissioner who shall serve for a period of two years ~~from--July--1--of--the year--of-appointment~~ beginning and ending as provided in section three (3) of this Act.

Sec. 19. Section ninety-three point two (93.2), subsection one (1), paragraph c, Code 1979, is amended to read as follows:

c. Seven public members appointed by the governor for four-year terms commencing ~~July-1~~ and ending as provided in section three (3) of this Act and subject to confirmation by ~~two-thirds-of-the-membership-of~~ the senate. The governor's appointees shall be knowledgeable in the fields of energy production, energy technology and energy management. Not more than four of the governor's appointees shall be from the same political party.

Sec. 20. Section ninety-three point three (93.3), Code 1979, is amended to read as follows:

93.3 PERSONNEL. The governor shall appoint a director of energy policy who shall carry out duties assigned to the director by the council or duties assigned to the director by the governor pursuant to a proclamation of emergency issued under the provisions of section 93.8. The appointment of the director ~~shall-be~~ is subject to confirmation by ~~two-thirds-of-the-members of~~ the senate. The employees of the council ~~shall--be~~ are subject to the provisions of chapter 19A. Any employee or any position established for an employee that is to be paid for from federal funds shall be terminated when the federal funds are no longer available.

Sec. 21. Section ninety-six point six (96.6), subsection four (4), unnumbered paragraph one (1), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-three (33), sections thirteen (13) and fourteen (14), is amended to read as follows:

To hear and decide disputed claims, there is established an appeal board. The appeal board shall consist of three members appointed by the governor ~~with--the-approval-of-two-thirds-of-the-members-of~~ subject to confirmation by the senate. One member shall be a representative of employers, one member shall be a representative of employees, and one member ~~who~~ shall be impartial and shall represent the general public. The members shall serve six-year staggered terms beginning ~~on-July-1~~ and ending as provided in section three (3) of this Act. ~~For-the-initial-board,~~ the member representing employers shall-serve-a-two-year-term, ~~the member representing employees shall-serve--a four-year--term,~~ and the member representing the general public shall-serve-a term-of-six-years. No more than two members of the appeal board shall be members of the same political party. Any vacancy in the membership ~~occurring during--a--session-of-the-general-assembly~~ shall be filled in the same manner as the original appointment was made. ~~Any--vacancy--in--the--membership occurring--while--the--general--assembly-is-not-in-session-shall-be-filled-by appointment-by-the-governor-which-appointment-shall-expire-thirty-days--after the--general--assembly--next--convenes.---Within--the--thirty-day-period,-the governor-shall-transmit-an-appointment-to-the-senate-~~

Sec. 22. Section ninety-six point ten (96.10), Code 1979, is amended to read as follows:

96.10 DEPARTMENT OF ~~EMPLOYMENT--SECURITY~~ JOB SERVICE. There is established an Iowa department of job service. The chief executive officer of the department is the director of job service who shall be appointed by the governor ~~with-the-approval-of-two-thirds-of-the--members--of~~ subject to confirmation by the senate and shall serve at the pleasure of the governor. The director shall be selected solely on the ability to administer the duties and functions granted to the department and shall devote full time to the duties of director. If the office of director becomes vacant ~~during-a session-of-the-general-assembly~~, the vacancy shall be filled in the same manner as the original appointment was made. ~~Any-vacancy-in-the-office-of director-occurring-while-the-general-assembly-is--not--in--session--shall--be filled--by--appointment-by-the-governor-which-appointment-shall-expire-thirty days-after-the-general-assembly-next-convenes.--Within-the-thirty-day-period, the-governor-shall-transmit-an-appointment-to-the-senate.~~

The salary of the director shall be set by the general assembly.

The director of the department may establish, consolidate, and abolish divisions of the department when necessary for the efficient performance of the various functions and duties of the department of employment security.

Sec. 23. Section ninety-six point eleven (96.11), subsection five (5), paragraph a, Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-three (33), sections twenty-three (23) and twenty-four (24), is amended to read as follows:

a. There is established a job service advisory council composed of nine members appointed by the governor ~~and-approved-by-two-thirds-of-the-members of~~ subject to confirmation by the senate. Three members shall be appointed to represent employees; three members shall be appointed to represent employers; and three members shall be appointed to represent the general public. Not more than five members of the advisory council shall be members of the same political party. ~~The term-of-office-shall-be-six--years~~ members shall serve six-year staggered terms beginning on-the-first-day-of-July following-their-appointment,-except-that-for-the-initial-board-three--members representing--all--three--categories--shall--be-appointed-for-two-year-terms; three-members-representing-all-three-categories-shall-be-appointed-for--four-year--terms,--and--three--members--representing-all-three-categories-shall-be appointed-for-six-year-terms and ending as provided in section three (3) of this Act. Members shall serve without compensation, but shall be reimbursed for actual and necessary expenses, including travel, incurred for official meetings of the advisory council from funds appropriated to the department.

Vacancies shall be filled for the unexpired term in the same manner as the original appointment was made.

Sec. 24. Section ninety-seven B point eight (97B.8), Code 1979, is amended to read as follows:

97B.8 ADVISORY INVESTMENT BOARD. A board shall be established to be known as the "Advisory Investment Board of the Iowa Public Employees' Retirement System", hereinafter called the "board", whose duties shall be to advise and confer with the department in matters relating to the investment of the trust funds of the Iowa public employees' retirement system. The powers of the board shall be purely advisory and the department shall not be

bound in the making of any investment by the recommendations of the board. The board shall consist of seven members. Five of the members shall be appointed by the governor, one of whom shall be an executive of a domestic life insurance company, one an executive of a state or national bank operating within the state of Iowa, ~~the third shall be~~ one an executive of a major industrial corporation located within the state of Iowa, and two shall be active members of the system, one of whom shall be an employee of a school district, county school system, joint county system or merged area and one of whom shall not be an employee of a school district, county school system, joint county system or merged area. The president of the senate shall appoint one member from the membership of the senate and the speaker of the house of representatives shall appoint one member from the membership of the house. The two members appointed by the president of the senate and the speaker of the house of representatives and the two active members of the system appointed by the governor shall be ex officio members of the board. The members who are executives of a domestic life insurance company, a state or national bank and a major industrial corporation shall be paid their actual expenses incurred in performance of their duties and shall receive in addition ~~thereto~~ the sum of forty dollars for each day of service not exceeding forty days per year. Legislative members shall receive the sum of forty dollars for each day of service and their actual expenses incurred in the performance of their duties. The per diem and expenses of the legislative members shall be paid from funds appropriated under section 2.12. The members who are active members of the system shall be paid their actual expenses incurred in the performance of their duties as members of the board and performance of their duties as members of the board shall not affect their salaries, vacation or leaves of absence for sickness or injury. The appointive terms of the members appointed by the governor shall be for a period of six years ~~dating from July 1 of the year in which they are appointed~~ beginning and ending as provided in section three (3) of this Act. In the event of vacancy, through resignation or any other cause, in the membership of the board, the governor shall have the power of appointment. Appointees to this board shall be subject to confirmation by ~~a two-thirds vote of the senate, but in the event of interim appointments, such confirmation shall be necessary at the next session of the senate.~~

Sec. 25. Section one hundred seven point two (107.2), Code 1979, is amended to read as follows:

107.2 APPOINTMENT. ~~Said~~ The members shall be appointed in each odd-numbered year by the governor ~~with the approval of two-thirds of the members of~~ subject to confirmation by the senate. The members shall serve staggered terms of six years beginning and ending as provided in section three (3) of this Act. Vacancies shall be filled for the unexpired term in the same manner as the original appointment was made for the unexpired term.

Sec. 26. Section one hundred fourteen point three (114.3), Code 1979, is amended to read as follows:

114.3 ESTABLISHMENT OF BOARD. There is established a board of engineering examiners which shall consist of five members who are registered professional engineers and two members who are not registered professional

engineers and who shall represent the general public. Members shall be appointed by the governor subject to ~~the approval of two-thirds of the members of~~ confirmation by the senate. A registered member shall be actively engaged in the practice of engineering and shall have been so engaged for five years preceding ~~his~~ the appointment, the last two of which shall have been in Iowa. No two registered members of the board shall be from the same branch of the profession of engineering. Professional associations or societies composed of registered engineers 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 professional engineers.

Sec. 27. Section one hundred fourteen point four (114.4), Code 1979, is amended to read as follows:

114.4 TERMS OF OFFICE. Appointments shall be for three-year terms and shall commence ~~on July first of the year in which the appointment is made and~~ end as provided by section three (3) of this Act. Vacancies shall be filled for the unexpired term by appointment of the governor and shall be subject to senate confirmation. Members shall serve no more than three terms or nine years, whichever is least.

Sec. 28. Section one hundred sixteen point three (116.3), subsection one (1), Code 1979, is amended to read as follows:

1. 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 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 to staggered terms, subject to ~~the approval of two-thirds of the members of~~ confirmation by 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 beginning and ending as provided in section three (3) of this Act. 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 be allowed to participate in 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.

A member of the board whose term has expired shall continue to serve until ~~his~~ the member's successor is appointed and qualified.

The governor shall remove from the board any member whose certificate as a certified public accountant has been revoked or suspended.

Sec. 29. Section one hundred seventeen point eight (117.8), Code 1979, is amended to read as follows:

117.8 COMMISSION ESTABLISHED. There is established the Iowa real estate commission which shall consist of three members licensed under this chapter and two members not licensed under this chapter and who shall represent the general public. At least one of the licensed members shall be a licensed real estate salesperson, except that if the licensed real estate salesperson becomes a licensed real estate broker during his or her term of office, he or she shall be allowed to complete ~~his~~ the term, but shall not be eligible for reappointment on the commission as a licensed real estate salesperson. A licensed member shall be actively engaged in the real estate business and shall have been so engaged for five years preceding ~~his~~ the appointment, the last two of which shall have been in Iowa. Professional associations or societies of real estate brokers, real estate salespersons or real estate apprentice salespersons may recommend the names of potential commission members to the governor, but the governor shall not be bound by their recommendations. A commission member shall not be required to be a member of any professional association or society composed of real estate brokers or salespersons. Commissioners shall be appointed by the governor subject to ~~the approval of two-thirds of the members--of~~ confirmation by the senate. Appointments shall be for three-year terms and shall ~~commence on July 1 of the year in which the appointment is made~~ and end as provided in section three (3) of this Act. A commissioner shall serve no more than three terms or nine years, whichever is less. No more than one commissioner shall be appointed from a county. A commissioner shall not hold any other elective or appointive state or federal office. Vacancies shall be filled for the unexpired term by appointment of the governor and ~~shall--be~~ are subject to senate confirmation. A majority of the commissioners ~~shall constitute~~ constitutes a quorum.

Sec. 30. Section one hundred eighteen point one (118.1), Code 1979, is amended to read as follows:

118.1 APPOINTMENT OF BOARD. There is established the board of architectural examiners which shall consist of five members who possess a certificate of registration issued under section 118.9 and who have been in active practice of architecture for not less than five years, the last two of which shall have been in Iowa, and two members who do not possess a certificate of registration issued under section 118.9 and who shall represent the general public. Members shall be appointed by the governor subject to ~~the approval of two-thirds of the members of~~ confirmation by the senate.

Professional associations or societies composed of registered architects may recommend the names of potential board members to the governor but the governor ~~shall~~ is not be bound by the recommendations. A board member ~~shall~~ is not be required to be a member of any professional association or society composed of registered architects. Appointments shall be for three-year terms and shall commence ~~on July 1 of the year in which the appointment is made~~ and end as provided in section three (3) of this Act. Vacancies shall be filled for the unexpired term by appointment of the governor and shall require senate confirmation. Members shall serve no more than three terms or nine years, whichever is less.

Sec. 31. Section one hundred eighteen A point three (118A.3), Code 1979, is amended to read as follows:

118A.3 ESTABLISHMENT OF BOARD. There is established a board of landscape architectural examiners which shall consist of five members who are registered landscape architects and two members who are not registered landscape architects and who shall represent the general public. Members shall be appointed by the governor, subject to ~~the approval of two-thirds of the members of~~ confirmation by the senate. A registered member shall be actively engaged in the practice of landscape architecture or the teaching of landscape architecture in an accredited college or university, 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 registered landscape architects may recommend the names of potential board members to the governor, but the governor ~~shall~~ is not be bound by the recommendations. A board member ~~shall~~ is not be required to be a member of any professional association or society composed of professional landscape architects.

Appointments shall be for three-year terms and shall commence ~~on July 1 of the year in which the appointment is made~~ and end as provided in section three (3) of this Act. Vacancies shall be filled for the unexpired term by appointment of the governor and ~~shall be~~ are subject to senate confirmation. Members shall serve no more than three terms or nine years, whichever is less.

~~The initial five members of the board appointed by the governor as registered landscape architects shall meet the qualifications prescribed in this chapter and shall become registered as landscape architects immediately upon confirmation of their respective appointments without examination.~~

Sec. 32. Section one hundred twenty point three (120.3), subsection one (1), Code 1979, is amended to read as follows:

1. There is established a board of watchmaking examiners which shall consist of five members who possess certificates of registration as watchmakers and two members who do not possess certificates of registration as watchmakers and who shall represent the general public. Members shall be appointed by the governor, subject to ~~the approval of two-thirds of the members of~~ confirmation by the senate. A registered member shall be actively engaged in the practice of watchmaking 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 registered

watchmakers 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~~ is not be required to be a member of any professional association or society composed of professional watchmakers.

Appointments shall be for three-year terms and shall commence ~~on July 1 of the year in which the appointment is made~~ and end as provided in section three (3) of this Act. Vacancies shall be filled for the unexpired term by appointment of the governor and ~~shall be~~ are subject to senate confirmation. Members shall serve a maximum of three terms or nine years, whichever is less.

Sec. 33. Section one hundred twenty-three point six (123.6), Code 1979, is amended to read as follows:

123.6 APPOINTMENT--TERM--QUALIFICATIONS--COMPENSATION. Appointments shall be for ~~five years~~ five-year staggered terms beginning and ending as provided by section three of this Act and shall be made by the governor, subject to confirmation by ~~two-thirds of the senate, within sixty days after the convening of the general assembly each year for the member whose term is to expire on the following July 1.~~ Members of the council shall be chosen on the basis of managerial ability and experience as business executives. Members may be reappointed for one additional term. Each member appointed shall receive full compensation for ~~their~~ the member's services of two thousand five hundred dollars per annum in addition to reasonable and necessary expenses while attending meetings.

Sec. 34. Section one hundred twenty-three point seven (123.7), Code 1979, is amended to read as follows:

123.7 VACANCIES. ~~Any vacancy on said council which may occur when the general assembly is not in session shall be filled by appointment by the governor, which appointment shall expire at the end of thirty days following the organization of the next session of the general assembly. Prior to the expiration of said period of thirty days, the governor shall transmit to the senate for its approval an appointment for the unexpired portion of the regular term.~~ Any vacancy occurring ~~when the general assembly is in session~~ shall be filled in the same manner as regular appointments are made, ~~and before the end of such session, and~~ for the unexpired portion of the regular term.

Sec. 35. Section one hundred twenty-five point eight (125.8), Code 1979, is amended to read as follows:

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~~ beginning and ending as provided in section three (3) of this Act subject to confirmation by 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. 36. Section one hundred thirty-five point two (135.2), Code 1979, is amended to read as follows:

135.2 APPOINTMENT. The governor shall ~~within sixty days after the convening of the general assembly in 1925, and every four years thereafter,~~ appoint to a term of four years commencing and ending as providing in section three (3) of this Act, ~~with the approval of two-thirds of the members of~~ subject to confirmation by the senate, a commissioner of public health who shall be qualified in the general field of health administration. Vacancies shall be filled for the unexpired term in the same manner as regular appointments are made.

Sec. 37. Section one hundred thirty-five point sixty-two (135.62), subsection two (2), paragraph b, Code 1979, is amended to read as follows:

b. APPOINTMENTS. Terms of council members shall be six years, beginning ~~July 1 of the year of appointment~~ and ending as provided in section three (3) of this Act. 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~~ is 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 1 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 August 15, 1977. In making these 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.~~

Sec. 38. Section one hundred thirty-five E point two (135E.2), unnumbered paragraphs one (1) and five (5), Code 1979, are amended to read as follows:

There is established a state board of examiners for nursing home administrators which shall consist of nine members appointed by the governor subject to ~~the approval of two-thirds of the members of~~ confirmation by the senate as follows:

Appointments shall be for three-year terms and shall commence ~~on July 1 of the year in which the appointment is made~~ and end as provided in section three (3) of this Act. Vacancies shall be filled for the unexpired term by appointment of the governor and ~~shall be~~ are subject to senate confirmation. Members shall serve no more than three terms or nine years, whichever is least.

Sec. 39. Section one hundred forty-seven point twelve (147.12), Code 1979, is amended to read as follows:

147.12 EXAMINING BOARDS. For the purpose of giving examinations to applicants for licenses to practice the professions for which ~~a license is~~ licenses are required by this title, the governor shall appoint, subject to ~~the approval of two-thirds of the members of~~ confirmation by the senate, a

board of examiners for each of the professions. The board members shall not be required to be members of professional societies or associations composed of members of their professions.

Sec. 40. Section one hundred forty-seven point nineteen (147.19), Code 1979, is amended to read as follows:

147.19 TERMS OF OFFICE. The board members shall serve three-year terms, which shall commence ~~en-July-1-of-the-year-in-which-the-appointment--is--made and end as provided by section three (3) of this Act.~~ Any vacancy in the membership of an examining board shall be filled by appointment of the governor ~~and--shall-be~~ subject to senate confirmation. A member shall serve no more than three terms or nine years.

Sec. 41. Section one hundred fifty-four A point two (154A.2), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

A board for the licensing and regulation of hearing aid dealers is established. The board shall consist of three licensed hearing aid dealers and two members who are not licensed hearing aid dealers who shall represent the general public. Members, who shall be residents of the state of Iowa, shall be appointed by the governor, subject to ~~the-approval-of-two-thirds-of the-members-of~~ confirmation by the senate. A licensed member shall be actively employed as a hearing aid dealer and shall have been so engaged for five years preceding his appointment, the last two of which shall have been in Iowa. ~~However,~~ hearing Hearing aid dealers appointed to the initial board shall have not less than five years experience and shall fulfill the qualifications relating to experience for licensure as provided in this chapter.

Sec. 42. Section one hundred fifty-four A point three (154A.3), Code 1979, is amended to read as follows:

154A.3 TERM OF OFFICE. Appointments shall be for three-year staggered terms and shall commence ~~en-July-1-of-the-year-in-which-the-appointment-is made and end as provided by section three (3) of this Act.~~ Vacancies shall be filled for the unexpired term by appointment of the governor ~~and-shall-be~~ subject to senate confirmation. Members shall serve a maximum of three terms or nine years, whichever is least. ~~For--members--appointed--to--the--initial board,--the-governor-shall-appoint-one-hearing-aid-dealer-for-a-one-year-term, one--hearing-aid-dealer-for-a-two-year-term,--and-one-hearing-aid-dealer-for-a three-year-term,--one-member-representing-the-general-public--for--a--one-year term-and-one-member-representing-the-general-public-for-a-three-year-term.~~

Sec. 43. Section one hundred sixty-nine point five (169.5), subsections one (1) and two (2), Code 1979, are amended to read as follows:

1. For the purpose of administering examinations to applicants for license to practice veterinary medicine and performing ~~such~~ other duties, functions and responsibilities as ~~are~~ outlined in this chapter, the governor shall appoint, subject to ~~the--approval--of--two-thirds-of-the-members-of~~ confirmation by the senate, a board of five individuals, three of whom shall be licensed veterinarians and two of whom shall not be licensed veterinarians, but shall be knowledgeable in the area of animal husbandry and who shall represent the general public. The representatives of the general public shall not prepare, grade or otherwise administer examinations to

applicants for license to practice veterinary medicine. ~~Sueh~~ The board shall be known as the Iowa board of veterinary medicine. Each licensed veterinarian shall be actively engaged in veterinary medicine and shall have been so engaged for a period of five years immediately preceding appointment, the last two of which shall have been in Iowa. A member of the board shall not be employed by any wholesale or jobbing house dealing in supplies, equipment or instruments used or useful in the practice of veterinary medicine. The person designated as the state veterinarian shall serve as secretary of the board.

Professional associations or societies composed of licensed veterinarians may recommend the names of potential board members to the governor, but the governor ~~shall~~ is not be bound by the recommendations.

2. The members of the board shall be appointed for a term of three years except ~~at~~ the terms of the members of the initial board shall be rotated in such a manner that at least one member shall retire each year and a successor be appointed. The term of each member shall commence ~~on--July--1--following~~ appointment and end as provided by section three (3) of this Act. Members shall serve no more than three terms or nine years total, whichever is less.

Sec. 44. Section two hundred seventeen point two (217.2), Code 1979, is amended to read as follows:

217.2 COUNCIL ON SOCIAL SERVICES. There is hereby created within the department of social services a council on social services which shall act in a policy-making and advisory capacity on matters within the jurisdiction of the department. The council shall consist of five members appointed by the governor ~~with--the--consent--of--two--thirds--of~~ subject to confirmation by the senate. Appointments shall be made on the basis of interest in public affairs, good judgment, and knowledge and ability in the field of social services. ~~Sueh--appointments~~ Appointments shall be made to provide a diversity of interest and point of view in the membership and without regard to religious opinions or affiliations. ~~The--term--of--each--member~~ Members of the council shall be serve for ~~six--years,--except--that--these--initially~~ appointed--shall--serve--as--follows+

~~One--member--shall--serve--until--June--30,--1969.~~

~~Two--members--shall--serve--until--June--30,--1971.~~

~~Two--members--shall--serve--until--June--30,--1973~~ six-year staggered terms.

Each term shall commence ~~on--July--1--of--the--year--of--appointment~~ and end as provided by section three (3) of this Act.

All members of the council shall be electors of the state of Iowa. No more than three ~~sueh~~ members shall belong to the same political party and no two ~~sueh~~ members shall, at the time of appointment, reside in the same congressional district. Vacancies occurring during a term of office shall be filled in the same manner as the original appointment for the balance of the unexpired term subject to confirmation by ~~two--thirds--of~~ the senate ~~within~~ sixty--days--of--convening--at--its--next--regular--session.

Sec. 45. Section two hundred seventeen point five (217.5), Code 1979, is amended to read as follows:

217.5 COMMISSIONER OF SOCIAL SERVICES. There shall be a commissioner of social services who shall be the chief administrative officer for the

department of social services. He The commissioner shall be appointed by the governor ~~with the approval and confirmation of two-thirds of~~ subject to confirmation by the senate and shall serve at the pleasure of the governor. The governor shall fill a vacancy in this office in the same manner as the original appointment was made. ~~If the vacancy occurs while the general assembly is not in session, such appointment shall be reported to the senate within thirty days of its convening at its next regular session for confirmation.~~ Such commissioner shall be selected primarily for his administrative ability.

He The commissioner shall not be selected on the basis of his political affiliation and shall not engage in political activity while ~~he holds~~ holding this position.

Sec. 46. Section two hundred twenty point two (220.2), subsections one (1) and two (2), Code 1979, are amended to read as follows:

1. The Iowa housing finance authority is established, and constituted a public instrumentality and agency of the state exercising public and essential governmental functions, established to undertake programs which assist in attainment of adequate housing for low or moderate income families, elderly families, families which include one or more persons who are handicapped or disabled, and the Iowa homesteading program. The powers of the authority shall be vested in and exercised by a board of nine members appointed by the governor ~~with the approval of two-thirds of the members of~~ subject to confirmation by the senate. No more than five members shall belong to the same political party. As far as possible the governor shall include within the membership persons who represent community and housing development industries, housing finance industries, real estate sales industry, elderly families, minorities, lower income families, very low income families, handicapped and disabled families, average taxpayers, local government, and any other person specially interested in community housing.

2. Members of the authority shall be appointed by the governor for ~~a term staggered terms~~ of six years, ~~except that, of the first appointments, three members shall be appointed for a term of two years, and three members shall be appointed for a term of four years~~ beginning and ending as provided in section three (3) of this Act. A person appointed to fill a vacancy shall serve only for the unexpired portion of the term. A member is eligible for reappointment. A member of the authority may be removed from office by the governor for misfeasance, malfeasance or willful neglect of duty or other just cause, after notice and hearing, unless the notice and hearing is expressly waived in writing.

Sec. 47. Section two hundred twenty point six (220.6), subsection one (1), Code 1979, is amended to read as follows:

1. The governor, ~~with the approval of two-thirds of the members of~~ subject to confirmation by the senate, shall appoint an executive director of the authority, who shall serve at the pleasure of the governor. The executive director shall be selected primarily for administrative ability and knowledge in the field, without regard to political affiliation. The executive director shall not, directly or indirectly, exert influence to induce any other officers or employees of the state to adopt a political view, or to favor a political candidate for office.

Sec. 48. Section two hundred twenty-five B point three (225B.3), subsection one (1), Code 1979, is amended to read as follows:

1. There is established a state mental health advisory council consisting of eleven members appointed to three-year staggered terms by the governor, ~~who shall designate,~~ subject to senate confirmation, ~~---four--of--the--initial appointees--under--this--subsection--to--serve--terms--expiring--June--30--1981--four to--serve--terms--expiring--June--30--1980--and--three--to--serve--terms--expiring--June 30--1979.~~ Successors to the initial appointees ~~under--this--section~~ shall each serve a term ~~of--three--years~~ beginning ~~July--1--of--the--year--of--appointment~~ and ending as provided by section three (3) of this Act. Vacancies shall be filled by the appropriate appointing authority for the balance of the unexpired term. Members of the advisory council who are not state employees ~~shall--be~~ are entitled to forty dollars per diem for each day devoted to the duties of their office, and all members ~~shall--be~~ are entitled to reimbursement for actual and necessary expenses incurred in attending meetings of the advisory council or in otherwise discharging their duties. The governor shall make appointments to the advisory council so that, if possible, the composition of the council will comply with the pertinent requirements of ~~the--United--States--Public--Law--(P.L. Pub. L. No. 94-63).~~

Sec. 49. Section two hundred forty-nine B point five (249B.5), Code 1979, is amended to read as follows:

249B.5 EXECUTIVE DIRECTOR. The governor ~~with--the--consent--of--two--thirds of--the--members--of~~ subject to confirmation by the senate shall appoint an executive director who shall serve as executive officer of the commission. Notwithstanding the provisions of section 19A.3, the executive director ~~shall be~~ is subject to the state merit system in matters related to salary and benefits.

Sec. 50. Section two hundred fifty-seven point one (257.1), Code 1979, is amended to read as follows:

257.1 STATE BOARD ESTABLISHED. There is hereby established a state board of public instruction for the state of Iowa. The state board of public instruction, hereinafter called the state board, shall consist of nine members who shall be appointed by the governor ~~with--the--approval--of--two--thirds--of--the--members--of~~ subject to confirmation by the senate. Not more than five members shall be of the same political party.

Sec. 51. Section two hundred fifty-seven point three (257.3), Code 1979, is amended to read as follows:

257.3 TERMS. The terms of members of the state board shall be for six years beginning ~~on--the--second--secular--day--in--January--following--their appointment~~ and ending as provided in section three (3) of this Act.

At the first meeting of the board in each even-numbered year the board shall elect a president and vice president who shall serve for two years.

Sec. 52. Section two hundred fifty-seven point four (257.4), Code 1979, is amended to read as follows:

257.4 OATH--VACANCIES. The members of the state board shall qualify by taking the regular oath of office as prescribed by law for state officers. ~~All--vacancies--on--said--board--which--may--occur--when--the--general--assembly--is--not in--session--shall--be--filled--by--appointment--by--the--governor--which--appointment~~

~~shall expire at the end of thirty days after the general assembly next convenes. Vacancies occurring during a session of the general assembly shall be filled before the end of said session in the same manner in which regular appointments are required to be made.~~

Sec. 53. Section two hundred sixty-two point two (262.2), Code 1979, is amended to read as follows:

262.2 TERM OF OFFICE. The term of each member of ~~said~~ the board shall be for six years. The terms of three members of the board shall begin and expire on the first day of July of in each odd-numbered year as provided in section three (3) of this Act.

Sec. 54. Section two hundred sixty-two point six (262.6), Code 1979, is amended to read as follows:

~~262.6 VACANCIES. All vacancies on said board which may occur when the general assembly is not in session shall be filled by appointment by the governor, which appointment shall expire at the end of thirty days after the general assembly next convenes. Vacancies occurring during a session of the general assembly shall be filled before the end of said session in the same manner in which regular appointments are required to be made.~~

Sec. 55. Section three hundred four A point three (304A.3), Code 1979, is amended to read as follows:

304A.3 DIRECTOR APPOINTED. The council shall have a single executive who shall be known as the director of the Iowa state arts council and who shall be attached to the office of the governor. The director shall be nominated by the council and appointed by the governor ~~with the consent of two-thirds of~~ subject to confirmation by the senate to serve at the pleasure of the governor for a term ~~which shall be coterminous with the term for which the governor was elected~~ of four years beginning and ending as provided in section three (3) of this Act in the year of the governor's inauguration.

Sec. 56. Section three hundred seven point three (307.3), Code 1979, is amended to read as follows:

307.3 TRANSPORTATION COMMISSION. There is created a state transportation commission which shall consist of seven members, not more than four of whom shall be from the same political party. The governor shall appoint the members of the state transportation commission for a term of four years beginning and ending as provided by section three (3) of this Act, subject to the confirmation ~~of~~ by the senate.

The commission shall meet in July of each year for the purpose of electing one of its members as ~~chairman~~ chairperson.

Sec. 57. Section three hundred seven point five (307.5), Code 1979, is amended to read as follows:

307.5 VACANCIES ON COMMISSION. ~~Any vacancy on the commission which may occur when the general assembly is not in session shall be filled by appointment by the governor, which appointment shall expire at the end of thirty days following the convening of the next session of the general assembly. Prior to the expiration of the thirty-day period, the governor shall transmit to the senate for its approval the name of the appointee for the unexpired portion of the regular term. Any vacancy occurring when the general assembly is in session shall be filled in the same manner as regular~~

appointments are made, ~~and before the end of such session,~~ and for the unexpired portion of the regular term.

In the event the governor fails to make an appointment to fill a vacancy, or fails to submit the appointment to the senate for confirmation as required by section one (1) of this Act, the senate may make the appointment prior to adjournment of the general assembly.

Sec. 58. Section three hundred seven point fifteen (307.15), Code 1979, is amended to read as follows:

307.15 TRANSPORTATION REGULATION BOARD. The transportation regulation board shall consist of three members, not more than two of whom shall be from the same political party. The governor shall appoint the members of the board for a term of six years beginning and ending as provided by section three (3) of this Act, subject to the confirmation ~~of~~ by the senate.

Sec. 59. Section three hundred seven point sixteen (307.16), Code 1979, is amended to read as follows:

307.16 VACANCIES ON BOARD. ~~Any vacancy on the transportation regulation board which may occur when the general assembly is not in session shall be filled by appointment by the governor, which appointment shall expire at the end of thirty days following the convening of the next session of the general assembly. Prior to the expiration of the thirty-day period, the governor shall transmit to the senate for its approval the name of the appointee for the unexpired portion of the regular term.~~ Any vacancy ~~occurring when the general assembly is in session~~ shall be filled in the same manner as regular appointments are made, ~~and before the end of such session,~~ and for the unexpired portion of the regular term.

In the event the governor fails to make an appointment to fill a vacancy, or fails to submit the appointment to the senate for confirmation as required by section one (1) of this Act, the senate may make the appointment prior to the adjournment of the general assembly.

Sec. 60. Section three hundred sixty-eight point nine (368.9), Code 1979, is amended to read as follows:

368.9 BOARD CREATED. A city development board is hereby created. The office for planning and programming shall provide office space, staff assistance, and shall budget funds to cover expenses and compensation of the board and committees. The board consists of three members appointed by the governor ~~with the approval of two-thirds vote of~~ subject to confirmation by the senate. ~~The initial appointments must be for terms of two, four, and six years. Successive appointments~~ Appointments must be for six years six-year staggered terms beginning and ending as provided by section three (3) of this Act, or to fill an unexpired term in case of a vacancy. Members are eligible for reappointment, but no member shall serve more than two complete six-year terms.

Each member is entitled to receive from the state his actual and necessary expenses and forty dollars compensation for each day spent in performance of board duties.

Sec. 61. Section three hundred eighty-four point thirteen (384.13), Code 1979, is amended to read as follows:

384.13 FINANCE COMMITTEE. As used in this division, unless the context otherwise requires, "committee" means the city finance committee. A ten-member city finance committee is hereby created. Members of the committee are:

1. The auditor of state or ~~his~~ the auditor's designee.
2. The state comptroller or ~~his~~ the state comptroller's designee.
3. A designee of the governor.

4. Five city officials who are regularly involved in budget preparation. One official must be from a city with a population of not over two thousand five hundred, one from a city with a population of over two thousand five hundred but not over fifteen thousand, one from a city with a population of over fifteen thousand but not over fifty thousand, one from a city with a population of over fifty thousand and one from any size city. The governor shall select and appoint, ~~with-the-approval-of-two-thirds-of-the-members-of~~ subject to confirmation by the senate, the city officials.

5. One certified public accountant experienced in city accounting, to be selected and appointed by the governor, ~~with-the-approval-of-two-thirds-of-the-members-of~~ subject to confirmation by the senate.

6. One operations research analyst experienced in cost effectiveness analysis of city services to be selected by, and serve at the pleasure of, the legislative council of the general assembly.

City official members and the certified public accountant are appointed for ~~a--four-year--term,--except--that--of-the-initial-appointments,--two-city-official-members-are-to-be-appointed-for--a--two-year--term~~ four-year terms beginning and ending as provided in section three (3) of this Act and the terms of the city official are staggered. When a city official member no longer holds the office which qualified him or her for appointment, he or she may no longer be a member of the committee. Any person appointed to fill a vacancy during a term is appointed to serve for the unexpired portion of the term. Any member is eligible for reappointment, but no member shall be appointed to serve more than two complete terms.

Sec. 62. Section three hundred eighty-seven point two (387.2), subsection one (1), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section seventeen*(17), is amended to read as follows:

1. Seven citizens of the state appointed by the governor ~~with-the-approval-of-two-thirds-of-the-members--of~~ subject to confirmation by the senate for terms of six years beginning and ending as provided in section three (3) of this Act one of whom shall be elected by the members every two years to serve as chairperson of the committee. One citizen from a city qualifying pursuant to section 387.3 shall be appointed from each congressional district and one citizen shall be appointed from the state at large.

Sec. 63. Section four hundred twenty-one point one (421.1), unnumbered paragraphs three (3) and four (4), Code 1979, are amended to read as follows:

~~Except-for-the-first-appointees,--the-terms-of-members~~ Members of the state board shall be serve for six-years six-year staggered terms beginning on-the first-day-of-July-following--their-appointment and ending as provided by

*Word supplied by Code Editor, §3.1(3), The Code

section three (3) of this Act. ~~No~~ A member who is appointed for a six-year term shall not be permitted ~~to succeed himself~~ a successive term.

Members shall be appointed by the governor subject to confirmation by ~~two-thirds-of-the-members-of~~ the senate. Appointments to the board shall be bipartisan ~~and-of-the-first-appointees, one shall be for two years, one shall be for four years and one shall be for six years.~~

Sec. 64. Section four hundred twenty-one point two (421.2), Code 1979, is amended to read as follows:

421.2 DEPARTMENT OF REVENUE. There is ~~hereby~~ created a department of revenue. The department shall be administered by a director of revenue who shall be appointed by the governor ~~with-the-approval-of-two-thirds-of-the-members-of~~ subject to confirmation by the senate and shall serve at the pleasure of the governor. If the office of the director becomes vacant ~~during-a-session-of-the-general-assembly,~~ the vacancy shall be filled in the same manner as provided for the original appointment. ~~Any-such-vacancy-occurring-while-the-general-assembly-is-not-in-session--shall-be--filled--by-appointment-by-the-governor,-which-appointment-shall-expire-thirty-days-after-the--general--assembly--next--convenes,--Within-said-thirty-days-the-governor-shall-transmit-an-appointment-to-the-senate-~~ The director may establish, abolish, and consolidate departments within the department of revenue when necessary for the efficient performance of the various functions and duties of the department of revenue.

Sec. 65. Section four hundred forty-one point eight (441.8), unnumbered paragraph four (4), Code 1979, is amended to read as follows:

There is created a commission consisting of the director of revenue, two Iowa assessors appointed by the executive board of the Iowa state association of assessors, and one member appointed by the state board of tax review, and three lay persons appointed by the governor to four years terms beginning and ending as provided by section three (3) of this Act subject to ~~the--approval-of--two-thirds--of--the-members-of~~ confirmation by the senate. A majority of the members of the board ~~shall-constitute~~ constitutes a quorum. The lay persons appointed to the commission who are not public employees shall be paid a forty dollar per diem and shall be reimbursed for actual and necessary expenses incurred while on official commission business. All compensation and reimbursements shall be paid by the department of revenue from the appropriation made to it for the fiscal year in which the claim for per diem or expenses is made.

Sec. 66. Section four hundred fifty-five A point four (455A.4), Code 1979, is amended to read as follows:

455A.4 APPOINTMENT. The council shall consist of ten members, nine of whom shall be electors of the state of Iowa and shall be selected from the state at large solely with regard to their qualifications and fitness to discharge the duties of office without regard to their political affiliation. The tenth member shall be the executive director of the department of environmental quality or ~~his~~ the executive director's designee, who shall be a nonvoting member. The appointive members of the council shall be appointed by the governor ~~with-the-approval-of-two-thirds-of-the-members-of~~ subject to confirmation by the senate and shall be appointed for overlapping terms of

six years. The terms of three members of the council shall begin and expire on July 1 of in each odd-numbered year as provided by section three (3) of this Act. ~~Within sixty days following the organization of each regular session of the general assembly held during an odd-numbered year, appointments shall be made of successors to members of the council whose terms of office shall expire on the first of July next thereafter and of members to fill the unexpired portion of vacant terms.~~

Sec. 67. Section four hundred fifty-five A point five (455A.5), Code 1979, is amended to read as follows:

455A.5 VACANCIES. ~~Vacancies occurring while the general assembly is in session shall be filled for the unexpired portion of the term in the same manner as full-term appointments are filled. Vacancies occurring while the general assembly is not in session shall be filled by the governor, but such appointments shall terminate at the end of thirty days after the convening of the next general assembly.~~

Sec. 68. Section four hundred fifty-five B point two (455B.2), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

There is created a department of environmental quality. The chief administrative officer of the department shall be the executive director of environmental quality, who shall be appointed by the governor, ~~with the approval of two thirds of the members of~~ subject to confirmation by the senate, and serve at ~~his~~ the governor's pleasure.

Sec. 69. Section four hundred fifty-five B point four (455B.4), subsection one (1), unnumbered paragraph one (1), subsection two (2), unnumbered paragraph one (1), subsection three (3), unnumbered paragraph one (1), and subsection four (4), unnumbered paragraphs one (1), two (2) and three (3), Code 1979, are amended to read as follows:

The air quality commission shall consist of the president of the Iowa medical society or ~~his~~ the president's designee and the following four members appointed by the governor ~~with the consent of two thirds of~~ subject to confirmation by the senate:

The water quality commission shall consist of the ~~chairman~~ chairperson of the Iowa development commission or ~~his~~ the chairperson's designee and the following four members appointed by the governor ~~with the consent of two thirds of~~ subject to confirmation by the senate:

The solid waste disposal commission shall consist of the president of the Iowa engineering society or ~~his~~ the president's designee and the following four members appointed by the governor ~~with the consent of two thirds of~~ subject to confirmation by the senate:

The chemical technology commission shall consist of the secretary of agriculture, the commissioner of public health, the director of the Iowa natural resources council, the ~~chairman~~ chairperson of the state soil conservation committee, the chief executive of the league of Iowa municipalities, the state conservation director, and the dean, college of agriculture of Iowa ~~State University~~ state university of science and technology, or their designees, a representative of a firm in Iowa actively engaged in the manufacture or formulation of agricultural chemicals, and a farmer experienced in the application of agricultural chemicals to be

appointed by the governor ~~with the consent of two thirds of~~ subject to confirmation by the senate. The members appointed by the governor shall serve four-year terms, ~~except that of the membership of the initial commission, the members appointed by the governor shall be the appointed members of the chemical technology review board abolished by this chapter, whose terms expired on the thirtieth of June, 1974. The terms of these two members shall expire on the thirtieth of June, 1974~~ beginning and ending as provided by section three (3) of this Act.

Any commission member appointed by the governor may be removed by him the governor for cause. The members of each commission shall be electors of the state. The term of office of each appointed member shall be four years, ~~except that of the initial membership of the air quality commission, the water quality commission, and the solid waste disposal commission, the two members appointed to represent the general public shall be appointed to two-year terms.~~ The term of office of each member shall commence ~~on the first day of July of the year of the appointment except that the term of office of the initial membership of the air quality commission, the water quality commission, and the solid waste disposal commission shall be computed as if such appointments were made effective July 1, 1972~~ and end as provided by section three (3) of this Act. Vacancies occurring during a term of office shall be filled by appointment for the balance of the unexpired term subject to ~~the consent of two thirds of~~ confirmation by the senate. ~~No~~ An appointive member shall not be appointed to serve more than two consecutive four-year terms.

Each commission shall meet at least four 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. The executive director shall attend the meetings of the commissions and act as secretary for them. The members of each commission shall be paid a forty-dollar per diem while in session, and their actual and necessary expenses while attending such meetings. All per diem and expense moneys paid to members shall be paid from funds appropriated to the commission of which they are members.

Sec. 70. Section four hundred fifty-five B point fifty-three (455B.53), unnumbered paragraphs one (1) and four (4), Code 1979, are amended to read as follows:

The governor shall appoint, subject to ~~the approval of two thirds of the members of~~ confirmation by the senate, a board of certification consisting of the following five members:

The members of the board shall be appointed for three-year terms beginning and ending as provided by section three (3) of this Act. Any vacancy shall be filled by appointment for the unexpired term. Members shall be limited to serving three terms or nine years, whichever is less.

Sec. 71. Section four hundred sixty-seven A point four (467A.4), subsections one (1) and three (3), Code 1979, is amended to read as follows:

1. There is hereby established, to serve as an agency of the state and to perform the functions conferred upon it in this chapter, the department of

soil conservation. The department shall be administered in accordance with the policies of the state soil conservation committee, which shall consist of a ~~chairman~~ chairperson and twelve members. The following shall serve as ex officio nonvoting members of the committee: The director of the state agricultural extension service, or ~~his~~ the director's designee, the secretary of agriculture, or ~~his~~ the secretary's designee, the director of the state conservation commission or ~~his~~ the director's designee, and the director of the Iowa natural resources council or ~~his~~ the director's designee. Eight voting members shall be appointed by the governor ~~and confirmed~~ subject to confirmation by the senate. Six of the appointive members shall be persons engaged in actual farming operations, one of whom shall be a resident of each of the six conservancy districts established by section 467D.3, and no more than one of whom shall be a resident of any one county. The seventh and eighth appointive members shall be chosen by the governor from the state at large with one appointed to be a representative of cities and one appointed to be a representative of the mining industry. The committee may invite the secretary of agriculture of the United States to appoint one person to serve with the above-mentioned members, and the president of the Iowa county engineers association may designate a member of the association to serve in the same manner, but these persons shall have no vote and shall serve in an advisory capacity only. The director of the department of environmental quality shall be an ex officio nonvoting member. The committee shall adopt a seal, which seal shall be judicially noticed, and may perform ~~such~~ acts, hold ~~such~~ public hearings, and promulgate ~~such~~ rules as provided in chapter 17A as ~~may be~~ necessary for the execution of its functions under this chapter.

3. The committee shall designate its ~~chairman~~ chairperson, and ~~may, from time to time,~~ change such designation. ~~The director of the state agricultural extension service shall hold office so long as he shall retain the office by virtue of which he shall be serving on the committee.~~ The members appointed by the governor shall serve for a period of six years. Members shall be appointed in each odd-numbered year to succeed members whose terms expire ~~on June 30 of that year~~ as provided by section three (3) of this Act. Appointments may be made at ~~such~~ other times and for ~~such~~ other periods as are necessary to fill vacancies on the committee, ~~and any appointment so made while the general assembly is not in session shall be subject to confirmation by the senate at the next session of the general assembly thereafter.~~ Members shall not be appointed to serve more than two complete six-year terms. Members designated to represent the secretary of agriculture, director of the state conservation commission, or the director of the Iowa natural resources council shall serve at the pleasure of the officer making ~~such~~ the designation. A majority of the voting members of the committee ~~shall constitute~~ constitutes a quorum, and the concurrence of a majority of the voting members of the committee in any matter within their duties shall be required for its determination. The ~~chairman~~ chairperson and members of the committee, not otherwise in the employ of the state, or any political subdivision, shall receive forty dollars per diem as compensation for their services in the discharge of their duties as members of the committee. The committee shall determine the number of days for which any

committee member may draw per diem compensation, but the total number of days for which per diem compensation is allowed for the entire committee shall not exceed four hundred days per year. They shall also be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties as members of ~~such~~ the committee. The per diem and expenses paid to the committee members shall be paid from funds appropriated to the committee. The committee shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property, shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted, and shall provide for an annual audit of the accounts of receipts and disbursements.

Sec. 72. Section four hundred seventy-four point one (474.1), unnumbered paragraph one (1), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter two (2), section ten (10), is amended to read as follows:

The Iowa state commerce commission shall be composed of three members appointed by the governor and subject to confirmation by the senate, not more than two of whom shall be from the same political party, and each commissioner appointed shall serve for ~~six-years-from-July-1-of-the-year-of-his-appointment~~ six-year staggered terms beginning and ending as provided by section three (3) of this Act. ~~Within-sixty-days-after-the-convening-of-each-regular-session-of-the-general-assembly,--the-governor-shall-appoint,--with-the-approval--of--two-thirds-of-the-senate,--a-successor-to-the-member-of-the-Iowa-state-commerce-commission--whose--term--will--expire--on--July--1--following-~~ Vacancies ~~occurring-while-the-general-assembly-is-in-session~~ shall be filled for the unexpired portion of the term as full-term appointments are filled. ~~Vacancies--occurring--while--the--general-assembly-is-not-in-session-shall-be-filled-by-the-governor,--but-such-appointments-shall-terminate-at-the--end--of-thirty--days--after--the-convening-of-the-next-regular-session-of-the-general-assembly-and-the-vacancy-shall-be-filled-for-the--unexpired--portion--of--the-term-as-full-term-appointments-are-filled.~~

Sec. 73. Section five hundred five point two (505.2), Code 1979, is amended to read as follows:

505.2 APPOINTMENT AND TERM. The governor shall, ~~within--sixty--days following--the-organization-of-the-regular-session-of-the-general-assembly-in-1927,--and-each-four-years-thereafter,~~ appoint, ~~with--the--approval--of--two-thirds--of--the--members--of~~ subject to confirmation by the senate, a commissioner of insurance, who shall be selected solely with regard to his or her qualifications and fitness to discharge the duties of this position, devote his or her entire time to such duties, and serve for four years ~~from July-1-of-the-year-of-appointment~~ beginning and ending as provided by section three (3) of this Act. The governor with the approval of the executive council may remove ~~said~~ the commissioner for malfeasance in office, or for any cause that renders ~~him~~ the commissioner ineligible, incapable, or unfit to discharge the duties of ~~his~~ the office.

Sec. 74. Section five hundred five point three (505.3), Code 1979, is amended to read as follows:

505.3 VACANCIES. ~~Vacancies that may occur while the general assembly is not in session shall be filled by appointment by the governor, which appointment shall expire at the end of thirty days from the time the general assembly next convenes. Prior to the expiration of said thirty days the governor shall transmit to the senate for its confirmation an appointment for the unexpired portion of the regular term.~~ Vacancies occurring during a session of the general assembly shall be filled as regular appointments are made and before the end of said session, and for the unexpired portion of the regular term.

Sec. 75. Section five hundred twenty-four point two hundred one (524.201), Code 1979, is amended to read as follows:

524.201 SUPERINTENDENT OF BANKING.

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

2. The superintendent shall have ~~his or her~~ an office at the seat of government. The regular term of office shall be four years ~~from the first day of July of the year of appointment~~ beginning and ending as provided by section three (3) of this Act.

Sec. 76. Section five hundred twenty-four point two hundred three (524.203), Code 1979, is amended to read as follows:

524.203 SUPERINTENDENT--VACANCY. A vacancy in the office of superintendent ~~that may occur while the general assembly is not in session shall be filled by appointment by the governor, which appointment shall expire at the end of thirty days from the time the general assembly next convenes. Prior to the expiration of said thirty days the governor shall transmit to the senate for its confirmation and appointment for the unexpired portion of the regular term.~~ Vacancies occurring during a session of the general assembly shall be filled as regular appointments are made and before the end of said session, and for the unexpired portion of the regular term.

Sec. 77. Section five hundred thirty-three point fifty-three (533.53), subsections one (1) and two (2), Code 1979, are amended to read as follows:

1. A credit union review board is created. The board shall consist of seven members, each of whom shall have been a member in good standing for at least the previous five years of an Iowa state chartered credit union or a credit union chartered under the federal Credit Union Act. Two of the members shall not be credit union directors or employees. ~~Each member~~ The members shall serve for a term of three years except that the terms of the members first appointed after January 1, 1979 shall expire, as designated by the governor at the time of appointment as follows:

a. Two members on June 30, 1980.

b. Two members on June 30, 1981.

~~e. Three members expiring on June 30, 1982~~ three-year staggered terms beginning and ending as provided by section three (3) of this Act.

2. The members of the board shall be appointed by the governor ~~with approval of~~ subject to confirmation by the senate. The governor may appoint the members of the board from a list of nominees submitted to the governor by the credit unions located in the state of Iowa.

Sec. 78. Section five hundred thirty-three point fifty-five (533.55), subsection one (1), Code 1979, is amended to read as follows:

1. The administrator shall be appointed by the governor, subject to ~~the approval~~ confirmation by the senate, and must possess a minimum of five years credit union experience.

Sec. 79. Section six hundred one A point three (601A.3), Code 1979, is amended to read as follows:

601A.3 COMMISSION APPOINTED. The Iowa state civil rights commission shall consist of seven members appointed by the governor ~~with the advice and consent of~~ subject to confirmation by the senate. Appointments shall be made to provide geographical area representation insofar as ~~may be~~ practicable. No more than four members of the commission shall belong to the same political party. Members appointed to the commission shall serve for ~~a term of four years except the initial appointees shall be appointed by the governor to serve as follows:~~

~~1. Three members shall serve from the date of appointment until June 30, 1967.~~

~~2. Four members shall serve from the date of appointment until June 30, 1969~~ four-year staggered terms beginning and ending as provided by section three (3) of this Act.

Vacancies on the commission shall be filled by the governor by appointment for the unexpired part of the term of the vacancy ~~with the advice and consent of the senate if the general assembly shall be in session. Any appointment filling a vacancy occurring while the general assembly is not in session shall be transmitted to the senate for confirmation within thirty days following the convening of the next session of the general assembly or the appointment shall expire.~~ Any commissioner may be removed from office by the governor for cause.

The governor ~~with the consent of two-thirds of the members of~~ subject to confirmation by the senate shall appoint a director who shall serve as the executive officer of the commission.

Sec. 80. Section six hundred one B point one (601B.1), Code 1979, is amended to read as follows:

601B.1 MEMBERSHIP. The Iowa commission for the blind is ~~hereby~~ created. ~~Said~~ The commission shall consist of three members to be appointed by the governor ~~with the approval of two-thirds of the members of~~ subject to confirmation by the senate.

Sec. 81. Section six hundred one B point two (601B.2), Code 1979, is amended to read as follows:

601B.2 TENURE. ~~Prior to July 1 of each year, the governor shall appoint a member of said board to succeed the member whose term of office expires on said date.~~ All such appointees shall serve for a ~~period of three years from~~

~~July--1--of--the--year--of--appointment~~ three-year staggered terms beginning and ending as provided in section three (3) of this Act. No more than two members shall be from the same political party.

Sec. 82. Section six hundred five point twenty-six (605.26), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

A "Commission on Judicial Qualifications" is hereby created consisting of one district court judge and two members who are practicing attorneys in Iowa licensed under the provisions of chapter 610 and are not of the same political affiliation, appointed by the chief justice of the supreme court, and four electors of the state who are not attorneys, no more than two of whom shall belong to the same political party, to be appointed by the governor and subject to confirmation by ~~a--vote--of--two-thirds--of--the--membership--of~~ the senate. The commission members shall serve for six-year terms, shall be ineligible for a second term, shall hold no other office of and shall not be employed by the United States or the state of Iowa or of its political subdivisions, except for the judicial member. ~~The--first--commission--members--shall--take--office--January--1,--1974,---initially,--two--members--shall--serve--for--two--years,--two--for--four--years,--and--three--for--six--years,--as--shall--be--determined--by--lot--among--the--first--commission--members.~~ Members appointed by the chief justice shall serve terms beginning January first and members appointed by the governor shall serve staggered terms beginning and ending as provided by section three (3) of this Act. Vacancies shall be filled by appointment by the chief justice or governor as the case may be, for the unexpired portion of the term of the previous commission member.

Sec. 83. Section nine hundred four point one (904.1), Code 1979, is amended to read as follows:

904.1 BOARD OF PAROLE. The board of parole shall consist of five electors of the state. Not more than three members shall belong to the same political party. At least two members shall be practicing attorneys-at-law at the time of appointment. Each member shall serve ~~for a term of~~ five years ~~from--July--1--of--the--year--of--appointment~~ beginning and ending as provided by section three (3) of this Act, except appointees to fill vacancies who shall serve for the balance of the unexpired term. The chairperson of the board shall be elected by the members of the board to a term of one year and may serve more than one term. A majority of the members of the board shall ~~constitute~~ constitutes a quorum to transact business.

Sec. 84. Section nine hundred four point two (904.2), Code 1979, is amended to read as follows:

904.2 APPOINTMENT TO BOARD OF PAROLE. The governor shall ~~during each regular session of the general assembly and within sixty days after the convening thereof,~~ appoint, ~~with the approval of two-thirds of the members of~~ subject to confirmation by the senate, a successor to that member of the board whose term will expire ~~on July 1 following~~ as provided by section three (3) of this Act. ~~Appointments may be made when the general assembly is not in session, to fill vacancies, but such appointments shall be subject to the approval of two-thirds of the members of the senate when next in session.~~ Vacancies ~~occurring during a session of the general assembly~~ shall be filled as regular appointments are made ~~and before the end of said session,~~ and for the unexpired portion of the regular term.

Sec. 85. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter forty-one (41), section two (2), subsections one (1) and two (2), are amended to read as follows:

1. There is created a commission on professional and occupational regulation. The commission shall be bipartisan and shall be composed of the following members:

a. Two senators, not more than one from the same political party, appointed by the president of the senate.

b. Two representatives, not more than one from the same political party, appointed by the speaker of the house.

c. Five persons, not more than three from the same political party, appointed by the governor ~~and confirmed by two-thirds of the members of~~ subject to confirmation by the senate.

2. A commission member shall be appointed for a term of four years. The terms of members appointed by the governor shall commence and end as provided by section three (3) of this Act. A member shall serve until a successor is appointed. A vacancy on the commission shall be filled by the original appointing authority for the remainder of the term. A vacancy shall exist whenever a commission member ceases to be a member of the house from which the member was appointed. A member of the commission shall not be a member of a licensed profession or occupation.

Sec. 86. Sections ninety-one point three (91.3), one hundred seven point three (107.3), one hundred seven point four (107.4), one hundred thirty-five point four (135.4), one hundred thirty-five point five (135.5) and two hundred sixty-two point three (262.3), Code 1979, are repealed.

Sec. 87. The repeal in this Act of provisions relating to initial appointments by the governor does not affect the validity of those appointments and does not change the year in which the initial terms and subsequent terms begin and expire. The term of any person presently holding a position by appointment of the governor which is subject to senate confirmation under this Act shall begin and expire as provided in section three (3) of this Act in the year of its beginning and expiration. The length of terms and limitations on maximum terms provided by law for the terms affected by section three (3) of this Act are adjusted as necessary during the period of time required to bring all affected terms into compliance with section three (3) of this Act.

Sec. 88. This Act takes effect January first following its enactment.

Approved April 1, 1980

CHAPTER 1011
LEGISLATIVE FISCAL COMMITTEE
H. F. 2464

AN ACT relating to the duties and membership of the legislative fiscal committee, including the establishment and administration of a legislative data base.

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

Section 1. Section two point forty-five (2.45), subsection two (2), Code 1979, is amended to read as follows:

2. The legislative fiscal committee, which shall be composed of the chairpersons or their designated committee member and the ranking minority party members or their designated committee member of the committees ~~on budget~~ of the house and senate responsible for developing a state budget and appropriating funds, the chairpersons or their designated committee members and the ranking minority party members or their designated committee member of the committees on ways and means, and two members ~~of--the--legislative council,~~ one ~~chosen~~ appointed from the majority party of the senate by the president of the senate and one ~~chosen~~ appointed from the majority party of the house 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 budget, one member shall be appointed from each party by the president of the senate and the speaker of the house of representatives, respectively.~~ In each house, unless one of the members who represent the committee on ways and means is also a member of the legislative council, the person appointed from the membership of the majority party in that house shall also be appointed from the membership of the legislative council. 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. 2. Section two point forty-six (2.46), Code 1979, is amended by adding the following new subsections:

NEW SUBSECTION. ADMINISTRATION OF LEGISLATIVE DATA BASE. Determine the policy for the content and administration of a legislative data base.

NEW SUBSECTION. INFORMATION NEEDS DETERMINATION. Determine the information needs of the general assembly and report them to the state comptroller who shall consider such needs in establishing the operating policies for a data base management system.

Sec. 3. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section eleven (11), is amended to read as follows:

SEC. 11. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand twenty-three (1023), section one (1), is amended to read as follows:

SECTION 1. There is appropriated from the general fund of the state to the legislative fiscal bureau for the fiscal period beginning with the effective date of this Act and ending June 30, 1981 the sum of five hundred eighty-five thousand (585,000) dollars, or so much thereof as is necessary, for the purpose of developing, maintaining, and using a data ~~processing interactive-decision-evaluation-action-system-created-by-section-three-(3)-of this-Act~~ base management system. ~~Funds-appropriated-by-this-section-shall-be expended--for--the--purposes--specified--in--this--section,--section-two-(2)--and subsection-two-(2)-of-section-three-(3)-of-this-Act-~~

Sec. 4. Section two point fifty-four (2.54), Code 1979, is repealed.

Sec. 5. Section one (1) of this Act is effective January 12, 1981.

Approved May 24, 1980

CHAPTER 1012
OMNIBUS CORRECTIONS

S. F. 2320

AN ACT correcting erroneous, inconsistent or obsolete provisions of the 1979 Code and Acts of the Sixty-eighth General Assembly, 1979 and 1980 Sessions.

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

Section 1. Section four point one (4.1), subsection six (6), Code 1979, is amended to read as follows:

6. MENTALLY ILL. The words "mentally ill person" include mental retardates, ~~lunatics,--distracted~~ psychotic persons, severely depressed persons and persons of unsound mind. ~~No~~ A person who is hospitalized or detained for treatment of mental illness shall not be deemed or presumed to be incompetent in the absence of a finding of incompetence made pursuant to section 229.27.

Sec. 2. Section fourteen point ten (14.10), subsection four (4), Code 1979, is amended by striking the subsection and inserting in lieu thereof the following:

4. A list of elective state officers and deputies, supreme court justices and appellate court judges and members of the general assembly shall be published annually with the session laws.

Sec. 3. Chapter fourteen (14), Code 1979, is amended by adding the following new section:

NEW SECTION. STATE ROSTER PAMPHLET. The Code editor shall publish annually in pamphlet form a correct list of state officers and deputies, members of boards and commissions, judges of the supreme, appellate and district courts including district associate judges, judicial magistrates and members of the general assembly. The offices of the governor and secretary

of state shall cooperate in the preparation of the list. This pamphlet shall be published as soon after July first as it becomes apparent that it will be reasonably current.

Sec. 4. Section seventeen A point thirteen (17A.13), subsection one (1), Code 1979, is amended to read as follows:

1. Agencies ~~shall~~ have all subpoena powers conferred upon them by their enabling acts or other statutes. In addition, prior to the commencement of a contested case by the notice referred to in section 17A.12, subsection 1, an agency having power to decide ~~such~~ contested cases ~~shall-have~~ has authority to subpoena books, papers, records and any other real evidence necessary for the agency to determine whether it should institute ~~such~~ a contested case proceeding. After the commencement of a contested case, each agency having power to decide contested cases ~~shall-have~~ has authority to administer oaths and to issue subpoenas in ~~such~~ those cases. Discovery procedures applicable to civil actions ~~shall--be~~ are available to all parties in contested cases before an agency. Evidence obtained in ~~such~~ discovery may be used in the hearing before the agency if that evidence would otherwise be admissible in the agency hearing. Agency subpoenas shall be issued to a party on request and shall not be subject to the distance limitation of section ~~622-66~~ six hundred twenty-two point sixty-eight (622.68) of the Code. On contest, the court shall sustain the subpoena or similar process or demand to the extent that it is found to be in accordance with the law applicable to the issuance of subpoenas or discovery in civil actions. In proceedings for enforcement, the court shall issue an order requiring the appearance of the witness or the production of the evidence or data within a reasonable time under penalty of punishment for contempt in cases of willful failure to comply.

Sec. 5. Section eighteen point ninety-seven (18.97), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The superintendent of printing shall make free distribution of the Code, supplements to the Code, rules of civil procedure, rules of appellate procedure, supreme court rules, the Acts of each general assembly, and, upon request, the Iowa administrative code, its supplements, ~~and~~ the Iowa administrative bulletin and the state roster pamphlet as follows:

Sec. 6. Section twenty-four point thirty-seven (24.37), subsection eight (8), Code 1979, is amended to read as follows:

8. The tax levy for the purpose of maintaining a county or multicounty juvenile home authorized pursuant to section ~~232-22~~ two hundred thirty-two point one hundred forty-two (232.142) of the Code.

Sec. 7. Section sixty-four point eight (64.8), Code 1979, is amended to read as follows:

64.8 BONDS OF COUNTY OFFICERS. The bonds of ~~the-following-county officers, viz--Clerks~~ members of the boards of supervisors, clerks of the district courts, county attorneys, recorders, auditors, sheriffs and assessors shall each be in a penal sum of not less than ten thousand dollars each per annum.

Sec. 8. Section eighty-five point twenty-seven (85.27), unnumbered paragraph one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-one (31), section one (1), and as the

section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-one (31), section two (2), is amended to read as follows:

The employer, for all injuries compensable under this chapter or chapter 85A, shall furnish reasonable surgical, medical, dental, osteopathic, chiropractic, ~~pediatrical~~ podiatric, physical rehabilitation, nursing, ambulance and hospital services and supplies therefor and shall allow reasonably necessary transportation expenses incurred for such services. The employer shall also furnish reasonable and necessary crutches, artificial members and appliances but shall not be required to furnish more than one set of permanent prosthetic devices.

Sec. 9. Section ninety-three point seven (93.7), subsection ten (10), Code 1979, is amended to read as follows:

10. Promulgate rules necessary to carry out the provisions of this chapter, subject to review in accordance with chapter 17A. ~~Before a proposed rule is submitted to the administrative rules review committee, a public hearing shall be held in regard to the rule, and members of the administrative rules review committee shall be notified of the hearing as required in section 17A.4, subsection 1.~~ Rules promulgated by the governor pursuant to a proclamation issued under the provisions of section 93.8 shall not be subject to review or a public hearing as required in ~~this subsection~~ chapter seventeen A (17A) of the Code, however, agency rules for implementation of the governor's proclamation are subject to the requirements of chapter seventeen A (17A) of the Code.

Sec. 10. Section ninety-seven B point seventy (97B.70), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Interest at two percent per annum and interest dividends declared by the department shall be credited to the member's contributions and the employer's ~~matching~~ contributions to become part of the accumulated contributions thereby.

Sec. 11. Section ninety-nine point one (99.1), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The provisions of this section shall do not apply to games of skill, games of chance, or raffles conducted pursuant to chapter 99B or to devices lawful under section 99B.10 ~~or to games lawful under section 726.12.~~

Sec. 12. Section one hundred twenty-seven point six (127.6), Code 1979, is amended to read as follows:

127.6 INFORMATION. The officer shall at once file an information against the accused before ~~some court of the county other than~~ the district court. In addition to the information, the officer shall also file with the ~~said~~ court a written return or statement setting forth a brief description of the conveyance, liquors, and vessels seized.

Sec. 13. Section one hundred thirty-five point two (135.2), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File two thousand three hundred one (2301), section thirty-six (36), is amended to read as follows:

135.2 APPOINTMENT. The governor shall appoint to a term of four years commencing and ending as ~~providing~~ provided in section three (3) of this Act,

subject to confirmation by the senate, a commissioner of public health who shall be qualified in the general field of health administration. Vacancies shall be filled for the unexpired term in the same manner as regular appointments are made.

Sec. 14. Section one hundred thirty-five C point twenty-five (135C.25), Code 1979, is amended to read as follows:

135C.25 CARE REVIEW COMMITTEE--APPOINTMENT--DUTIES.

1. Each health care facility shall have a care review committee whose members shall be appointed as follows:

a. By the ~~areawide--health-planning-council-recognized-as-such-by-this-state-acting-through-the-office-for--comprehensive--health--planning--in--the-office-for-planning-and-programming~~ commission on aging; or

b. If the ~~appropriate--areawide--health-planning-council~~ commission on aging has failed to make any appointment necessary under this subsection within thirty days after being notified of a vacancy by the administrator of the facility involved, by the commissioner; or

c. If the commissioner has failed to act within thirty days after being notified by the administrator of the facility involved of a vacancy which has not been filled by the ~~appropriate--areawide--health--planning--council~~ commission on aging within the time prescribed by this subsection, the appointment may be made by the administrator.

2. The care review committee shall periodically review the needs of each individual resident of the facility, and shall perform the functions delegated to it by section 135C.38. The responsibilities of the care review committee shall be in accordance with rules of the department, which shall in formulating such rules give consideration to the needs of residents of each license category of health care facility and the services facilities of each category are authorized to render.

Sec. 15. Section one hundred eighty-eight point forty-eight (188.48), subsection five (5), Code 1979, is amended to read as follows:

5. For posting notices and selling animals, the same fees as are allowed ~~constables~~ peace officers for like services upon execution.

Sec. 16. Section one hundred eighty-eight point fifty (188.50), Code 1979, is amended to read as follows:

188.50 DISABLED ANIMALS KILLED. ~~The-sheriff,-constable,~~ A peace officer, officer of any society for the prevention of cruelty to animals, or any magistrate, shall destroy any stray animal disabled and unfit for further use.

Sec. 17. Section two hundred six point nineteen (206.19), Code 1979, is amended to read as follows:

206.19 RULES ADOPTED. The rules promulgated under ~~the-provisions-of~~ this chapter shall not be effective until approved by the chemical technology commission of the department of environmental quality and submitted to the ~~departmental~~ administrative rules review committee as provided in chapter 17A.

Sec. 18. Section two hundred twenty point eighteen (220.18), subsection two (2), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The authority may make or participate in the making of property improvement loans or mortgage loans for rehabilitation or preservation of existing dwellings for the use of low or moderate income families, elderly families or families which include one or more persons who are handicapped or disabled. A rehabilitation or preservation loan may be for the estimated cost of the rehabilitation work to be done, for the purpose of refinancing an existing mortgage loan, for the purpose of doing the rehabilitation work, or for the purpose of acquiring housing in which rehabilitation work is to be done. The rehabilitation or preservation loan shall not exceed, with all other existing indebtedness of the property, the estimated market value of the property as determined by the authority, after the rehabilitation or preservation is completed, and the term of a loan shall not exceed the estimated useful life of the property as determined by the authority, after rehabilitation or preservation. The proposed rehabilitation or preservation shall assure that the property will not contain any substantial violation of applicable housing codes. A rehabilitation or preservation loan under this subsection may be made only when the authority determines that the proposed mortgagor is unable to obtain the necessary financing from other sources upon terms and conditions which the proposed mortgagor reasonably could be expected to fulfill. A rehabilitation or preservation loan under this subsection may be provided only within an area of a city for which an authorized city agency submits a satisfactory affirmative neighborhood preservation program, or in other areas within or outside of cities where the authority determines that rehabilitation or preservation is economically sound and a program of neighborhood preservation is ~~inappropriate~~ appropriate. The following criteria, along with others reasonably related to the purposes of this chapter, which may be determined by the authority, shall be considered in determining whether an affirmative neighborhood preservation program is satisfactory:

Sec. 19. Section two hundred twenty-nine point twenty-seven (229.27), subsection one (1), Code 1979, is amended to read as follows:

1. Hospitalization of any a person under this chapter, either voluntarily or involuntarily, ~~shall~~ does not be deemed to constitute a finding of ~~ex-te~~ nor equate with nor raise a presumption of incompetency, ~~ex-te~~ nor cause the person so hospitalized to be deemed a ~~lunatic~~, a person of unsound mind, ~~or~~ nor a person under legal disability for any purpose including but not limited to any circumstances to which sections 447.7, 472.15, 545.2, subsection 13, 545.11, subsection 7, 545.36, 567.7, 595.3, 597.6, 598.29, 614.8, 614.19, 614.22, 614.24, 614.27, 622.6, 633.244, 633.266, subsection 4, and 675.21 are applicable.

Sec. 20. Section two hundred twenty-nine point thirty-nine (229.39), subsection two (2), Code 1979, is amended to read as follows:

2. Hospitalization of any a person for treatment of mental illness, either voluntary or involuntary, on or before December 31, 1975 ~~shall~~ does not be deemed to constitute a finding of ~~ex-te~~ nor equate with nor raise a presumption of incompetency, ~~ex-te~~ nor cause the person ~~who--was--se~~ hospitalized to be deemed a ~~lunatic~~, a person of unsound mind, ~~or~~ nor a person under legal disability for any purpose, including but not limited to

the circumstances enumerated in section 229.27, subsection 1. ~~Nothing in this~~ This subsection ~~shall be construed to~~ does not invalidate any specific declaration of incompetence of a person ~~who--was--so~~ hospitalized if the declaration was made pursuant to a separate procedure authorized by law for that purpose, and did not result automatically from the person's hospitalization.

Sec. 21. Section two hundred thirty point twenty (230.20), subsection five (5), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fifty-five (55), section one (1), is amended to read as follows:

5. An individual statement shall be prepared for any patient on or before the fifteenth day of the month next succeeding the month in which that patient leaves the hospital, and a general statement shall be prepared at least quarterly for each county to which charges are made under this section. Except as otherwise required by sections ~~224A-2--and-224A-3~~ one hundred twenty-five point thirty-three (125.33) and one hundred twenty-five point thirty-four (125.34) of the Code, the general statement shall list the name of each patient chargeable to that county who was served by the hospital during the preceding month or calendar quarter and the amount due on account of each patient, and the county shall be billed for one hundred percent of the stated charge for each patient, unless otherwise specified in the current appropriation for support of the state hospitals. The statement prepared for each county shall be certified by the superintendent of the hospital to the state comptroller and a duplicate statement shall be mailed to the auditor of that county.

Sec. 22. Section two hundred thirty-two point twenty-two (232.22), subsection one (1), paragraph c, Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fifty-six (56), section four (4), is amended to read as follows:

c. There is probable cause to believe that the child has violated conditions of release imposed under section 232.54 ~~and~~ or 232.44, subsection 5, paragraph b and there is a substantial probability that the child will run away or otherwise be unavailable for subsequent court appearance; or

Sec. 23. Section two hundred thirty-two point fifty-two (232.52), subsection two (2), paragraph e, Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fifty-six (56), section nine (9), is amended to read as follows:

e. An order transferring the guardianship of the child, subject to the continuing jurisdiction of the court for the purposes of section 232.54, to the commissioner of the department of social services for purposes of placement in ~~the Iowa juvenile home--at--Teledo,~~ the Iowa Eldora training school ~~for--boys,~~ the Iowa Mitchellville training school ~~for--girls,~~ or other facility provided that:

Sec. 24. Section two hundred thirty-two point one hundred twenty-seven (232.127), subsection eight (8), Code 1979, is amended to read as follows:

8. A child ~~is~~ found in contempt of court because of violation of conditions imposed under this section shall not be considered delinquent. Such a contempt may be punished by imposition of a work assignment or

assignments to benefit the state or a governmental subdivision of the state. In addition to or in lieu of such an assignment or assignments, the court may impose one of the dispositions set out in sections 232.100 to 232.102.

Sec. 25. Section two hundred forty-four point fifteen (244.15), Code 1979, is amended to read as follows:

244.15 JUVENILE DELINQUENTS NOT PLACED. Juveniles adjudicated to have committed a delinquent act shall not be placed at the state juvenile home at Toledo.

Sec. 26. Section two hundred forty-six point sixteen (246.16), Code 1979, is amended to read as follows:

246.16 TRANSFER OF MENTALLY ILL. When the ~~said~~ state director has cause to believe that a prisoner in the penitentiary or reformatory is mentally ill, the department may cause ~~such~~ that prisoner to be transferred to the Iowa security medical facility for examination, diagnosis, or treatment. The prisoner shall be confined at ~~such~~ that institution or a state hospital for the mentally ill until the expiration of ~~his~~ the prisoner's sentence or until ~~he~~ the prisoner is pronounced in good mental health. If the prisoner is pronounced in good mental health before the expiration of ~~his~~ or her sentence, ~~he~~ the prisoner shall be returned to the penitentiary or reformatory until the expiration of ~~his~~ the prisoner's sentence. The provisions of the Code applicable to an inmate at the correctional institution from which transferred shall remain applicable during the inmate's stay at the Iowa security medical facility. However, ~~sections section~~ 246.32 ~~and-246-33-shall-apply~~ applies to the total inmate population, including both convicts and patients.

Sec. 27. Section two hundred forty-six point forty-five (246.45), Code 1979, is amended to read as follows:

246.45 APPLICABILITY TO OTHER INSTITUTIONS. The provisions of sections ~~246-33~~, 246.38, 246.39, 246.41, 246.42, and 246.43 ~~shall~~ also apply to the inmates at the women's reformatory and the Iowa security medical facility.

Sec. 28. Section two hundred forty-nine B point eight (249B.8), Code 1979, is amended to read as follows:

249B.8 AREA AGENCIES. The commission on aging may establish area agencies on aging for the planning and service areas developed by the office for planning and programming pursuant to the "Older Americans Comprehensive Services Amendments of 1973", United States Public Law 93--29, section 304. An area agency may be merged with a contiguous planning and service area but not without the approval of each policy making body which is a party to the merger. Merged planning and service areas forming one area agency shall be governed by only one policy making body. ~~Funds-appropriated-pursuant-to-this Act-shall-be-allocated-to-each-planning-and-service-area-for-which-an-area agency-has-been-designated-by-the-end-of-the-funding-period, and shall be available-for-both-program-maintenance-of-effort-and-administrative expenditures.~~

Sec. 29. Section two hundred fifty-eight A point one (258A.1), subsection one (1), paragraph w, Code 1979, is amended to read as follows:

w. The board of veterinary ~~medical-examiners~~ medicine, created pursuant to chapter 169.

Sec. 30. Section two hundred fifty-eight A point three (258A.3), subsection two (2), paragraph a, Code 1979, is amended to read as follows:

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 114.21, 115.8, 116.21, 117.29, 118.13, 118A.15, 120.10, 147.55, 153.34, 154A.24, ~~169-36~~ one hundred sixty-nine point thirteen (169.13), 455B.59 and chapters 135E and 151 or upon any other grounds specifically provided for in this chapter 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;

Sec. 31. Section two hundred fifty-eight A point four (258A.4), subsection one (1), paragraph f, Code 1979, is amended to read as follows:

f. Define by rule acts or omissions which are grounds for revocation or suspension of a license under the provisions of sections 114.21, 115.8, 116.21, 117.29, 118.13, 118A.15, 120.10, 147.55, 153.34, 154A.24, ~~169-36~~ one hundred sixty-nine point thirteen (169.13) and 455B.49 and chapters 135E and 151, and to define by rule acts or omissions which constitute negligence, careless acts or omissions within the meaning of section 258A.3, subsection 2, paragraph "b", which licensees are required to report to the board pursuant to section 258A.9, subsection 2;

Sec. 32. Section two hundred fifty-eight A point six (258A.6), subsection one (1), Code 1979, is amended to read as follows:

1. Disciplinary hearings held pursuant to this chapter 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 2. Notwithstanding ~~chapter~~ chapters seventeen A (17A) and 28A a disciplinary hearing shall be open to the public at the discretion of the licensee.

Sec. 33. Section two hundred sixty point nine (260.9), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fifty-eight (58), sections four (4) and five (5), is amended by striking the section and inserting in lieu thereof the following:

260.9 AREA EDUCATION AGENCY ADMINISTRATOR'S CERTIFICATE. The board of educational examiners shall establish a certificate for area education agency administrators. The area education agency administrator's certificate shall be issued to an applicant who has met either of the requirements in two of the four following subsections:

1. Five years' experience in higher education administration at a two or four-year college or university which is accredited by the north central association of colleges and secondary schools accrediting agency or which has been certified by the north central association of colleges and secondary schools accrediting agency as a candidate for accreditation by that agency or as a school giving satisfactory assurance that it has the potential for accreditation and is making progress which, if continued, will result in its achieving accreditation by that agency within a reasonable time; or an earned doctorate in higher education administration.

2. Five years' experience in special education administration; or an earned doctorate in special education or any subspecialty of special education.

3. Five years' experience in primary or secondary school education; or an earned doctorate in educational administration for the primary or secondary level; and five years' teaching experience at any educational level.

4. Five years' experience in business or other nonacademic career pursuit; or an earned doctorate in public administration or business administration.

A person shall not be issued a temporary or emergency certificate for more than one year; and an education agency shall not employ uncertificated administrators, or employ temporary or emergency certificated administrators for more than two consecutive years.

The provisions of this section relating to the certification of an area education agency administrator do not apply to persons holding a superintendent's certificate prior to July 1, 1975.

Sec. 34. Section two hundred seventy-three point three (273.3), subsection ten (10), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter sixty (60), section one (1), is amended to read as follows:

10. In any county operating a juvenile home, upon request of the county board of supervisors, provide suitable curriculum, teaching staff, books, supplies, and other necessary materials for the instruction of children of school age who are maintained in the juvenile home of the county, as provided in section ~~232-21~~ two hundred thirty-two point one hundred forty-two (232.142) of the Code. Reimbursement for the cost of instruction provided under this section shall be made pursuant to section 273.11.

Sec. 35. Section two hundred eighty A point eighteen (280A.18), subsection three (3), Code 1979, is amended to read as follows:

3. Tuition in accordance with section 280A.23, subsection ~~3~~ two (2) of the Code.

Sec. 36. Section three hundred four point seventeen (304.17), Code 1979, is amended to read as follows:

304.17 EXEMPTION--DUTY OF BOARD OF REGENTS. The ~~highway-division-of--the~~ state department of transportation and the agencies and institutions under the control of the state board of regents ~~shall--be~~ are exempt from the records management manual and the provisions of this chapter. However, the state ~~highway-division~~ department of transportation and the state board of regents shall adopt rules for their employees, agencies, and institutions which ~~shall-be~~ are consistent with the objectives of this chapter. The rules shall be approved by the state records commission and be subject to the provisions of chapter 17A.

Sec. 37. Section three hundred twenty-one point nineteen (321.19), subsection two (2), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

"Urban transit company" means any person, firm, corporation, company, or municipality which operates buses or trolley cars or both, primarily upon the streets of cities over well-defined routes between certain termini, for the transportation of passengers for a uniform fare, and which accepts for passengers all who present themselves for transportation without discrimination up to the limit of the capacity of each vehicle. Included are

street railways, plants, equipment, property, and rights, used and useful in the transportation of passengers. Motor carriers and interurbans subject to the jurisdiction of the state ~~commerce~~ commission department of transportation, and taxicabs, are not included.

Sec. 38. Section three hundred twenty-one point two hundred eighty-three (321.283), subsection three (3), Code 1979, is amended to read as follows:

3. REFERRED ON CONVICTION. After any conviction for operating a motor vehicle while under the influence of an alcoholic beverage under section 321.281, the court may refer the defendant for treatment at a facility as defined in sections 125.1 to 125.43 and designated by the ~~division on alcoholism~~ department of substance abuse. The court may prescribe the length of time for treatment or it may be left to the discretion of the facility to which the defendant was referred. A person referred under this section ~~shall be considered~~ is a state patient, and charges and costs for treatment shall be paid for in the manner provided for payment for treatment of alcoholics who have no legal residence in this state.

Sec. 39. Section three hundred twenty-four point seventy-six (324.76), unnumbered paragraph three (3), Code 1979, is amended to read as follows:

It is ~~hereby made~~ the duty of ~~all sheriffs, deputy sheriffs, constables,~~ and all other peace officers to see that the provisions of this chapter are not violated, and to respond to the call of the department of revenue and state department of transportation to make investigations in their respective counties and report to the department of revenue and state department of transportation ~~and said~~. Peace officers are authorized to stop a conveyance suspected to be illegally transporting motor fuel on the highways, and to investigate the cargo for that purpose and to seize and impound said the cargo and conveyance where when it appears that said the conveyance is being operated in violation of the provisions of this chapter.

Sec. 40. Section three hundred twenty-five point eleven (325.11), Code 1979, is amended to read as follows:

325.11 RULES OF PROCEDURE. The ~~commission~~ board shall adopt rules governing the procedure to be followed in the filing of applications and in the conduct of hearings.

Sec. 41. Section three hundred thirty-six B point two (336B.2), Code 1979, is amended to read as follows:

336B.2 FINANCIAL STATEMENT. Before an attorney is appointed under the provisions of sections 68.8, ~~145.17, 145.19,~~ 222.22, chapter 232, or rule 8, rules of criminal procedure, or to represent any person charged with a crime in this state, the court shall require the client, or his or her parent, guardian, or custodian to complete under oath a detailed financial statement.

Sec. 42. Section three hundred twenty-seven G point one (327G.1), Code 1979, is amended to read as follows:

327G.1 DEFINITION. As used in this division, unless the context otherwise requires, ~~the term~~ "department" means the state department of transportation and "board" means the transportation regulation board.

Sec. 43. Section three hundred thirty-seven point ten (337.10), Code 1979, is amended to read as follows:

337.10 SUCCESSOR MAY EXECUTE PROCESS. If the sheriff ~~die dies~~ or ~~go-out~~ ~~of leaves~~ office before the return of any process then in ~~his--hands~~ the sheriff's possession, ~~his~~ the sheriff's successor, or other officer authorized to discharge the duties of the office, may proceed to execute and return the ~~same~~ process in the same manner as the outgoing sheriff should have done, ~~but nothing in this.~~ This section shall be construed to ~~does not~~ exempt the outgoing sheriff and ~~his~~ deputies from the duty imposed on them to execute and return all process in their ~~hands~~ possession at the time the vacancy in the office of sheriff occurs.

Sec. 44. Section three hundred fifty-six A point one (356A.1), Code 1979, is amended to read as follows:

356A.1 COUNTY SUPERVISORS MAY ACT--COUNTY HALF-WAY HOUSES. A county board of supervisors may, by majority vote, establish and maintain by lease, purchase, or contract with a public or private nonprofit agency or corporation ~~to--establish--and--maintain~~, facilities where persons may be detained or confined pursuant to a court order as provided in section 356.1. ~~Such~~ The facilities may be in lieu of or in addition to the county jail required in section 356.37. The board shall establish rules and regulations for the operation of each ~~such~~ the facility. ~~Any~~ A person detained or confined to such a facility shall be required to do all cleaning, upkeep, maintenance, minor repairs, and anything else necessary to properly maintain, operate, and preserve ~~such~~ the facility. The sheriff shall not have charge or custody of ~~any~~ a person detained or confined in such facility or transferred thereto. Such facility need not contain ~~any~~ cells, cell blocks, or bars, if it is not necessary for the protection of the public, as determined by the board.

Sec. 45. Section three hundred fifty-six A point seven (356A.7), Code 1979, is amended to read as follows:

356A.7 CONTRACT WITH ANOTHER COUNTY. A county board of supervisors may further contract with another county or a city maintaining a jail meeting the ~~requirements---of--sections--356-37--to--356-41~~ minimum standards for the regulation of jails established pursuant to Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fifty-three (53), section four (4) for detention and commitment of persons pursuant to section 356.1. ~~Any~~ A person detained or confined ~~therein~~ in the jail shall be in the charge of and ~~in-the~~ custody of the governmental unit maintaining the jail. The cost of detention and confinement shall be levied and paid by the city or from the court expense fund of the county to which the cause originally belonged pursuant to section 444.10.

Sec. 46. Section four hundred twenty-two point twelve (422.12), unnumbered paragraph two (2), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-three (93), section six (6), is amended by striking the unnumbered paragraph.

Sec. 47. Section four hundred twenty-two point twelve (422.12), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-three (93), section six (6), is amended by adding the following new subsection:

NEW SUBSECTION. 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 the determination shall be made as of the date of the spouse's death. An individual legally separated from his or her spouse under a decree of divorce or of separate maintenance shall not be considered married.

Sec. 48. Section four hundred twenty-two point five (422.5), unnumbered paragraph six (6), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-three (93), section three (3), is amended to read as follows:

A person who is disabled or is sixty-two years of age or older and receives an annuity or annuities from the United States civil service retirement and disability trust fund, and whose net income, as defined in section 422.7, is sufficient to require that the tax be imposed upon it under this section, may determine final taxable income for purposes of imposition of the tax by excluding the amount of an annuity or annuities received from the United States civil service retirement and disability trust fund, which are not already excluded in determining net income, as defined in section 422.7, up to a maximum each tax year of five thousand five hundred dollars for a person who files a separate state income tax return and eight thousand dollars total for a husband and wife who file a joint state income tax return. The amount of the exemption shall be reduced by the amount of any social security benefits received. For the purpose of this section, the amount of an annuity or annuities received from the United States civil service retirement and disability trust fund taxable under the Internal Revenue Code of 1954 shall be included in net income for purposes of determining eligibility under the ~~four~~ five thousand dollar or less exclusion.

Sec. 49. Section four hundred twenty-two point thirty-four (422.34), subsection one (1), Code 1979, is amended to read as follows:

1. All state banks, as defined in section 524.103, and all national and private banks, credit unions, title insurance and trust companies, building and loan associations, production credit associations, ~~corporations operating under the provisions of chapter 501~~, insurance companies or insurance associations, reciprocal or inter-insurance exchanges, fraternal beneficiary associations, now or hereafter organized or incorporated by or under the laws of this state or lawfully operating in the state.

Sec. 50. Section four hundred twenty-two point sixty-one (422.61), subsection four (4), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-two (92), section three (3), and House File two thousand four hundred seventy (2470), section nine (9), and Senate File five hundred (500), section two (2), enacted by the Sixty-eighth General Assembly, 1980 Session, is amended by striking the subsection and inserting in lieu thereof the following:

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, no federal income taxes paid or accrued shall be subtracted, and notwithstanding the provisions of sections two hundred sixty-two point forty-one (262.41) and two

hundred sixty-two point fifty-one (262.51) or any other provisions of the law, income from obligations of the state and its political subdivisions and any amount of franchise taxes paid or accrued under this division during the taxable year shall be added.

Sec. 51. Section four hundred twenty-two point seventy-two (422.72), subsection one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-four (94), section two (2), is amended to read as follows:

1. It ~~shall-be~~ is unlawful for the director, or any person having an administrative duty under this chapter, or any present or former officer or other employee of the state authorized by the director to examine returns, to divulge ~~ex-te-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 ~~ex-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~~ of a return or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law. However, the director may authorize examination of ~~such~~ state returns and other state information which is ~~confidential-under--this--section~~ confidential under this section, if a reciprocal arrangement exists, by tax officers of another state or the federal government. The director may, by rules adopted pursuant to chapter 17A, authorize examination of state information and returns by other officers or employees of this state to the extent required by their official duties and responsibilities. Disclosure of state information to tax officers of another state ~~shall-be~~ is limited to ~~these~~ disclosures which have a tax administrative purpose and only to officers of those states which have laws that are as strict as the laws of this state protecting the confidentiality of ~~such~~ returns and information. The director shall place upon the state tax form a notice to the taxpayer that state tax information may be disclosed to tax officials of another state or of the United States for tax administrative purposes. The department shall not authorize the examination of tax information by officers and employees of this state, another state, or of the United States if the officers or employees would otherwise be required to obtain a judicial order to examine the information if it were to be obtained from another source, and if the purpose of the examination is other than for tax administration. ~~Nothing-in-this~~ This subsection ~~shall~~ does not prevent the department from authorizing the examination of state returns and state information ~~when--provided~~ under the provisions of section 252B.9. This subsection ~~shall-prevail~~ prevails over ~~the-provisions-of~~ any general law of this state relating to public records.

Sec. 52. Section four hundred twenty-three point two (423.2), Code 1979, is amended to read as follows:

423.2 IMPOSITION OF TAX. An excise tax is ~~hereby~~ imposed on the use in this state of tangible personal property purchased for use in this state, at the rate of three percent of the purchase price of ~~such~~ the property. ~~Said~~ The excise tax is ~~hereby~~ imposed upon every person using ~~such~~ the property

within this state until ~~such~~ the tax has been paid directly to the county treasurer or the state department of ~~public-safety~~ transportation, to a retailer, or to the department as hereinafter provided. An excise tax is ~~hereby~~ imposed on the use in this state of services enumerated in section 422.43 at the rate of three percent. ~~Said This~~ tax ~~shall--be~~ is applicable where services are rendered, furnished, or performed in this state or where the product or result of ~~such~~ the service is used in this state. ~~Such This~~ tax is imposed on every person using ~~such~~ the services or the product of ~~such~~ the services in this state until ~~such~~ the user has paid ~~such~~ the tax either to an Iowa use tax permit holder or has paid ~~such~~ the tax to the department of revenue.

Sec. 53. Section four hundred twenty-three point six (423.6), subsection one (1), Code 1979, is amended to read as follows:

1. The tax upon the use of all vehicles subject to registration shall be collected by the county treasurer ~~who shall retain twenty-five cents from each tax payment collected for use and benefit of the county general fund~~ or the state department of ~~public--safety~~ transportation pursuant to the provisions of section 423.7. The county treasurer shall retain twenty-five cents from each tax payment collected, to be credited to the county general fund.

Sec. 54. Section four hundred twenty-three point seven (423.7), Code 1979, is amended to read as follows:

423.7 VEHICLES SUBJECT TO REGISTRATION. The tax ~~hereby~~ imposed upon the use of vehicles subject to registration shall be paid by the owner ~~thereof~~ of the vehicle to the county treasurer or the state department of ~~public--safety~~ transportation from whom the registration receipt is obtained. ~~No~~ A registration receipt for ~~any~~ a vehicle subject to registration shall not be issued until ~~said~~ the tax has been ~~so~~ paid. The county treasurer or the state department of ~~public--safety~~ transportation shall require every applicant for a registration receipt for ~~any~~ a vehicle subject to registration to supply ~~such~~ information as ~~he~~ the county treasurer or the director ~~may--deem~~ deems necessary as to the time of purchase, the purchase price, and other information relative to the purchase of ~~said~~ the vehicle subject to registration. On or before the tenth day of each month the county treasurer or the state department of ~~public-safety~~ transportation shall remit to the department the amount of the taxes ~~so~~ collected during the preceding month, accompanied by a copy of each registration receipt issued in conjunction with the certificate of title issued for each vehicle subject to registration.

Sec. 55. Section four hundred twenty-five point seventeen (425.17), subsection four (4), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter forty-three (43), section three (3), is amended to read as follows:

4. "Homestead" means the dwelling owned or rented and actually used as a home by the claimant during all or part of the base year, and so much of the land surrounding it, not exceeding one acre, as is reasonably necessary for use of the dwelling as a home, and may consist of a part of a multidwelling or multipurpose building and a part of the land upon which it is built. It

does not include personal ~~property~~ property except that a mobile home may be a homestead. Any dwelling or a part of a multidwelling or multipurpose building which is exempt from taxation ~~shall~~ does not qualify as a homestead under ~~the provisions of~~ this division. A homestead must be located in this state.

Sec. 56. Section four hundred forty-seven point seven (447.7), Code 1979, is amended to read as follows:

447.7 MINORS AND LUNATICS PERSONS OF UNSOUND MIND. If real property of ~~any a~~ minor, ~~lunatic,~~ or person of unsound mind is sold for taxes, it may be redeemed at any time within one year after ~~such~~ the disability is removed, in the manner specified in section 447.8, or redemption may be made by the guardian or legal representative under sections 447.1 to 447.3 at any time before the delivery of the deed.

Sec. 57. Section four hundred fifty-five C point four (455C.4), subsection one (1), Code 1979, is amended to read as follows:

1. Except as provided in section 455C.5, subsection ~~2~~ three (3), a dealer, a person operating a redemption center, a distributor or a manufacturer may refuse to accept any empty beverage container which does not have stated on it a refund value as provided under section 455C.2.

Sec. 58. Section four hundred fifty-five C point six (455C.6), subsection five (5), Code 1979, is amended to read as follows:

5. All approved redemption centers shall meet applicable health standards.

Sec. 59. Section four hundred ninety-one point one hundred fourteen (491.114), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Anything Notwithstanding anything contained in this chapter and chapters 492, ~~501,~~ and 502 ~~to the contrary notwithstanding,~~ any a corporation organized under the laws of the state of Iowa having assets of the value of one million dollars or more, the articles of ~~the corporation of~~ which provide that ~~no~~ an individual may not vote more than one share of the common voting shares of stock of ~~said~~ the corporation, ~~the articles of incorporation of and~~ which give to children of the ~~owner or~~ owners of shares of the common voting stock ~~of such corporations~~ the right to purchase one common voting share of stock ~~therein~~ in the corporation upon attaining majority or within a fixed period thereafter, ~~and the articles of incorporation of which whether new in effect or hereafter adopted,~~ authorize the issuance, sale and delivery of not to exceed one share of ~~said~~ the common voting stock to any one individual, ~~shall have the power to~~ may issue, sell and deliver its shares of common voting stock, whether held by it as treasury stock or whether issued as an original issue, for the following considerations and upon the following terms and conditions, and with the following limitations:

Sec. 60. Section five hundred two point two hundred three (502.203), subsection nine (9), paragraph a, unnumbered paragraph one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred twenty (120), section eight (8), and as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred twenty (120), sections seven (7), nine (9) and ten (10), is amended to read as follows:

The sale, as part of a single issue, of securities other than fractional undivided interests in oil, gas or other mineral leases, rights or royalties, and interests in a limited or general partnership organized under the laws of or having its principal place of business in a foreign jurisdiction, except as ~~may-be~~ permitted by the ~~administration~~ administrator by rule or by order, by the issuer thereof within any period of twelve consecutive months to not more than thirty-five purchasers in this state, exclusive of purchases by bona fide institutional investors for their own account for investment, provided that the issuer reasonably believes that all the buyers in this state are purchasing for investment, and that both of the following are complied with:

Sec. 61. Section five hundred two point two hundred three (502.203), subsection thirteen (13), paragraph a, unnumbered paragraph one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred twenty (120), section ten (10), and as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred twenty (120), sections seven (7), eight (8) and nine (9), is amended to read as follows:

a. A party to such transaction files proxy or informational materials pursuant to subsection "a" of section 14, or subsection "c" of section 14 of the Securities Exchange Act of 1934, or pursuant to section 20 of the Investment Company Act of 1940, provided that such materials are, at least ten days prior to the meeting of security holders called for the purpose of approving such ~~transactiens~~ transaction:

Sec. 62. Section five hundred three point two (503.2), unnumbered paragraph one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred twenty-one (121), section one (1), and as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred twenty-one (121), section two (2), is amended to read as follows:

The term "association" when used in this chapter ~~shall--mean~~ means any person, ~~--firm,--company,--partnership,--asociation,--or--corporation~~ other than building and loan associations, state and national banks, insurance companies and associations, and corporations and co-operative associations subject to the provisions of chapters 497, and 498 ~~and-501~~, which sell or offer for sale to the public generally memberships or certificates of membership entitling the holder ~~thereof~~ to purchase merchandise, materials, equipment or services on a discount or cost-plus basis.

Sec. 63. Section five hundred twelve point fifty-nine (512.59), Code 1979, is amended to read as follows:

512.59 GENERAL REGULATIONS. A society ~~shall--have~~ has full power to provide for means of enforcing payment of contributions, designation and change of beneficiaries, which beneficiary shall be the child ~~itself~~ or a person qualified to make application ~~therefor~~ for the child as provided in section 512.56, and in all other respects for the regulation, government, and control of such certificates and all rights, obligations, and liabilities incident thereto and connected therewith, not at variance with the provisions of this and ~~sectiens~~ section 512.56 ~~to-512-58~~.

Sec. 64. Section five hundred twenty-four point eight hundred five (524.805), subsection two (2), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred twenty-eight (128), section fourteen (14), is amended to read as follows:

2. However, interest paid on a demand account shall not exceed a--rate which-exceeds the maximum interest rate which Iowa state banks insured by the federal deposit insurance corporation are permitted by federal law to pay on insured passbook savings accounts.

Sec. 65. Section five hundred sixty-two A point twelve (562A.12), subsection three (3), paragraph a, Code 1979, is amended to read as follows:

a. To remedy a tenant's default in the payment of rent or of other ~~refunds~~ funds due to the landlord pursuant to the rental agreement.

Sec. 66. Section six hundred twenty-two point four (622.4), Code 1979, is amended to read as follows:

622.4 TRANSACTION WITH PERSON SINCE DECEASED OR MENTALLY ILL. No A party to any an action or proceeding, ~~nor-any~~ or a person interested in the-event thereof, ~~nor-any~~ an action or proceeding, or a person from, through, or under whom any-such a party or interested person derives any interest or title by assignment or otherwise, and no a husband or wife of any-said a party or person, shall not be examined as a witness in regard to any personal transaction or communication between such the witness and a person who, at the commencement of such the examination, is deceased, or mentally ill, or lunatic, in a case against the executor, administrator, heir at law, next of kin, assignee, legatee, devisee, or survivor of such the deceased person, or the assignee or guardian of such-insane the mentally ill person ~~or-lunatic~~.

Sec. 67. Section six hundred twenty-two point five (622.5), Code 1979, is amended to read as follows:

622.5 EXCEPTIONS. This prohibition shall does not extend to any a transaction or communication as to which any such executor, administrator, heir at law, next of kin, assignee, legatee, devisee, survivor, or guardian shall--be is examined on his or her own behalf, or as to which the testimony of such the deceased or mentally ill person ~~or-lunatic~~ shall-be is given in evidence.

Sec. 68. Section eight hundred three point three (803.3), subsection five (5), Code 1979, is amended to read as follows:

5. If the offense is a traffic offense, or a scheduled offense under section ~~753.15~~ eight hundred five point eight (805.8), section 805.13 shall apply.

Sec. 69. Section eight hundred five point eight (805.8), subsection two (2), paragraphs c, d, g, and h, Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred forty-nine (149), sections one (1) and two (2), are amended to read as follows:

c. For improperly used or nonused, or defective or improper equipment, other than brakes, driving lights and brakelights, under sections 321.317, 321.387, 321.388, 321.389, 321.390, 321.391, 321.392, 321.393, ~~321.399~~, 321.422, 321.432, ~~321.435~~, 321.436, 321.437, 321.438, 321.439, 321.440, 321.441, 321.442, 321.444, 321.445 and 321.447, the scheduled fine is ten dollars.

d. For improperly used or nonused or defective or improper equipment under sections 321.383, 321.384, 321.385, 321.386, 321.398, ~~321-400~~, 321.402, 321.403, 321.404, 321.409, 321.419, 321.420, 321.423, 321.430, 321.433, 321.448, 321.449 and 321.450, the scheduled fine is twenty dollars.

g. For operating, passing, turning and standing violations under sections 321.225, 321.236, subsections 3, 4, 9 and 12, 321.275, 321.295, 321.297, 321.299, 321.303, 321.304, subsections 1 and 2, 321.305, 321.306, 321.311, 321.312, 321.314, 321.315, 321.316, 321.318, 321.323, ~~321-335~~, ~~321-336~~, ~~321-337~~, ~~321-338~~, 321.340, 321.344, 321.353, 321.354, 321.363, 321.364, 321.365, 321.366, 321.368, 321.382 and 321.395, the scheduled fine is fifteen dollars.

h. For violations involving failures to yield or to observe pedestrians and other vehicles under sections 321.257, subsections 1 and 4, 321.288, 321.298, 321.300, 321.307, 321.308, 321.313, 321.319, 321.320, 321.321, 321.329, 321.333, ~~321-339~~ and 321.367, the scheduled fine is twenty dollars.

Sec. 70. Section eight hundred eleven point six (811.6), subsection one (1), Code 1979, is amended to read as follows:

1. A defendant released pursuant to this division chapter 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~~ the 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~~ the entry, except as provided in R.Cr.P. 53, 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.

Sec. 71. Section nine hundred six point five (906.5), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

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 ~~last~~ least one-half of the maximum term of his or her sentence.

Sec. 72. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section ten (10), subsection one (1), paragraph e, is amended to read as follows:

e. PRINTING DIVISION.

For salaries and support of not more than six full-time equivalent positions, and maintenance, and miscellaneous purposes. ~~It is the intent of the general assembly and a condition of this appropriation that a complete listing of state boards, commissions, and agencies, in addition to~~

~~these--required-by-subsection-four-(4)-of-section
fourteen--point--ten--(14.10)-of-the-Code,-be-in-
serted-in-the-session-laws~~

\$ 122,038 \$ 184,001

Sec. 73. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-nine (29), section nineteen (19), unnumbered paragraph two (2), is amended to read as follows:

In order to protect the stability of the land, the department shall suspend underground coal mining under urbanized areas, cities, ~~towns~~, and communities and adjacent to industrial or commercial buildings, major impoundments, or permanent streams if the director finds imminent danger to inhabitants of the urbanized areas, cities, ~~towns~~, and communities.

Sec. 74. Section forty-eight (48) of House File 687, Acts of the Sixty-eighth General Assembly, 1980 Session, is amended by striking the section.

Sec. 75. Sections sixty-four point nine (64.9), three hundred thirty-one point twenty-three (331.23), three hundred thirty-eight point eleven (338.11), and six hundred one J point five (601J.5), Code 1979, are repealed.

Sec. 76. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-five (35), section four (4), paragraph one (1), is amended to read as follows:

1. A member who is an employee of the state and not an active member of any other retirement system in the state which is maintained in whole or in part by public contributions may remain in service beyond the date the member attains the age of sixty-five. The employee shall retire on the first day of the month after the last day of service. The employer shall not consider age as a factor in determining the continuation of the member's service.

Approved May 24, 1980

CHAPTER 1013

PERMANENT SCHOOL FUND INTEREST

S. F. 185

AN ACT relating to the distribution of interest of permanent school fund.

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

Section 1. Section eight point six (8.6), subsection nine (9), Code 1979, is amended to read as follows:

9. APPORTIONMENT OF INTEREST. To apportion the interest of the permanent school fund on the first Monday of March of each year, among the ~~several counties~~ area education agencies of this state in proportion to the number of persons between five and twenty-one years of age in each, as shown by the last report filed with ~~him~~ the state comptroller by the superintendent of public instruction.

Sec. 2. Section two hundred fifty-seven point eighteen (257.18), subsection seventeen (17), Code 1979, is amended to read as follows:

17. Report to the state comptroller on the first day of January of each year the number of persons of school age in each county and in the area included in each area education agency.

Sec. 3. Section two hundred ninety-two point one (292.1), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

292.1 LIBRARY FUND. The state comptroller annually shall transmit the money received from the annual apportionment of the interest of the permanent school fund to the area education agencies in the manner specified in section three hundred two point thirteen (302.13) of the Code. The area education agencies shall use the money only for the purchase of books and materials for the area media centers. The area education agency administrator shall keep a record of the books and materials in the area media center.

Sec. 4. Section two hundred ninety-eight point eleven (298.11), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The county auditor shall, on the first Monday in April and the first Monday in October of each year, apportion the school tax, together with ~~the interest of the permanent school fund and~~ rents on unsold school lands to which the county is entitled as shown in notice from the state comptroller, and all other money in the hands of the county treasurer belonging in common to the schools of the county and not included in ~~any~~ a previous apportionment, among the ~~several~~ corporations ~~therein~~ in the county, in proportion to the number of persons of school age, as shown by the reports filed with the state department of public instruction for the year immediately preceding.

Sec. 5. Section three hundred two point one (302.1), subsection one (1), Code 1979, is amended to read as follows:

1. Five percent of the net proceeds of the public lands of the state, which shall be paid to the state treasurer and be apportioned by the state comptroller among the ~~several counties~~ area education agencies of this state.

Sec. 6. Section three hundred two point thirteen (302.13), Code 1979, is amended to read as follows:

302.13 APPORTIONMENT OF INTEREST. On the first Monday of March annually, the state comptroller shall apportion the interest of the permanent school fund among the ~~several counties~~ area education agencies in this state, in proportion to the number of persons of school age in each ~~county~~ area education agency, as shown by the report of the superintendent of public instruction, as provided by section 257.18, subsection 17.

Sec. 7. Sections two hundred ninety-two point two (292.2), two hundred ninety-eight point twelve (298.12), and three hundred thirty-three point eight (333.8), Code 1979, are repealed.

Sec. 8. This Act is effective January first following its enactment.

CHAPTER 1014
PUBLIC RETIREMENT SYSTEMS

H. F. 2598

AN ACT relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations.

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

Section 1. Chapter twelve (12), Code 1979, is amended by adding the following new section:

NEW SECTION. ANNUAL REPORT OF FILING FEES. The treasurer of state shall annually report to the governor and the general assembly the total amount of fees and costs received by the treasurer of state under section six hundred two point fifty-five (602.55), subsection one (1), and section six hundred six point fifteen (606.15), subsection one (1), of the Code for the fiscal year ending June thirtieth. The report shall be submitted within ninety days following the completion of the fiscal year.

Sec. 2. There is appropriated from the general fund of the state to the judicial retirement fund the sum of seven hundred twenty thousand (720,000) dollars for the fiscal year beginning July 1, 1980 and ending June 30, 1981.

Sec. 3. Section ninety-seven point fifty-one (97.51), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Effective July 1, 1980 a person receiving benefits, or who becomes eligible to receive benefits, on or after July 1, 1980, under chapter ninety-seven (97) of the Code, shall receive the monthly increase in benefits provided in section twenty-one (21) of this Act.

Sec. 4. Section ninety-seven A point four (97A.4), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The board of trustees shall credit as service for a member of the system a previous period of service for which the member had withdrawn the member's accumulated contributions, as defined in section ninety-seven A point fifteen (97A.15) of the Code.

Sec. 5. Section ninety-seven A point six (97A.6), subsections four (4) and six (6), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections two (2) and three (3), and chapter thirty-five (35), section two (2), are amended to read as follows:

4. ALLOWANCE ON ORDINARY DISABILITY RETIREMENT. Upon retirement for ordinary disability a member shall receive ~~a-service-retirement-allowance--if the--member--has--attained--the-age-of-fifty-five,--otherwise--the-member--shall receive~~ an ordinary disability retirement allowance which shall consist of a pension which shall equal forty percent of the member's average final compensation except if the member has not had five or more years of membership service, the member shall receive a pension equal to one-fourth of the member's average final compensation.

6. RETIREMENT AFTER ACCIDENT. Upon retirement for accidental disability a member shall receive ~~a service retirement allowance if the member has attained the age of fifty-five, otherwise the member shall receive~~ an accidental disability retirement allowance which shall consist of a pension equal to sixty-six and two-thirds percent of the member's average final compensation.

Sec. 6. Section ninety-seven A point six (97A.6), subsection fourteen (14), paragraph a, unnumbered paragraph one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section two (2), and as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-five (35), section two (2), and chapter thirty-four (34), section three (3), is amended to read as follows:

~~As of the first of July of each year for members who retire on or after July 1, 1979~~ Effective July 1, 1980 and on each July first thereafter, the monthly pensions authorized in this section payable to retired members and to beneficiaries, except children of a deceased member, shall be adjusted as provided in this paragraph. An amount equal to the following percentages of the difference between the monthly earnable compensation ~~received by~~ payable to an active member of the department, of the same rank and position on the salary scale as was held by the retired or deceased member at the time of the member's retirement or death, for July of the preceding year and the monthly earnable compensation payable to an active member of the department of the same rank and position on the salary scale for July of the year just beginning shall be added to the monthly pension of each retired member and each beneficiary as follows:

(1) Twenty-five percent for members ~~eligible for~~ receiving a service retirement allowance ~~or their~~ and for beneficiaries receiving a pension under subsection nine (9) of this section.

(2) Twenty percent for members with five or more years of membership service who are ~~eligible for~~ receiving an ordinary disability retirement allowance ~~or their beneficiaries.~~

(3) Twelve and one-half percent for members with less than five years of membership service who are ~~eligible for~~ receiving an ordinary disability retirement allowance ~~or their~~, and for beneficiaries receiving a pension under subsection eight (8) of this section.

(4) Thirty-three and one-third percent for members ~~eligible for~~ receiving an accidental disability allowance ~~or their beneficiaries.~~

The adjusted monthly pension shall not be less than the amount which was paid at the time of the member's retirement or death.

The amount added to the monthly pension of a surviving spouse receiving a pension under subsection twelve (12), paragraph a of this section shall be equal to one-half the amount that would have been added to the monthly pension of the retired member.

Sec. 7. Section ninety-seven A point fifteen (97A.15), subsection two (2), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH. "Member who became vested" and "vested member" mean a member who has been a member of the retirement system fifteen or more years and is entitled to benefits under this chapter.

Sec. 8. Section ninety-seven A point fifteen (97A.15), subsections five (5) and seven (7), Code 1979, are amended to read as follows:

5. A member of the retirement system prior to July 1, 1979 with fifteen or more years of service whose employment was terminated prior to retirement, other than by death or disability, ~~shall be~~ is entitled to receipt of his or her accumulated contributions upon retirement together with other retirement benefits provided in the law on the date of the member's retirement. ~~However, the member shall not be eligible for a service retirement allowance under section 97A.6 if he or she has chosen to withdraw his or her accumulated contributions from the annuity savings fund prior to the member's retirement.~~

7. Notwithstanding ~~the provisions of~~ subsections 1, 3, 4, 5, and 6 of this section, an active or vested member may request in writing and receive from the board of trustees, his or her accumulated contributions from the annuity savings' fund at the discretion of the board of trustees, ~~except that~~ and remain eligible to receive benefits under section ninety-seven A point six (97A.6) of the Code. However, a member with fifteen or more years of service prior to July 1, 1979, is not eligible for a service retirement allowance under section ninety-seven A point six (97A.6) of the Code if he or she withdrew his or her accumulated contributions from the annuity savings fund prior to July 1, 1979, except as provided in section ninety-seven A point four (97A.4) of the Code. However, the board shall not liquidate securities at a loss for the sole purpose of returning the accumulated contributions to the members. All requested accumulated contributions shall be returned prior to July 1, 1984.

Sec. 9. Section ninety-seven B point forty-one (97B.41), subsection three (3), paragraph a, Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section five (5), is amended to read as follows:

3. a. "Employer" means the state of Iowa, the counties, municipalities, and public school districts ~~therein~~ and all of the political subdivisions ~~thereof~~ and all of their departments and instrumentalities, including joint planning commissions created under the provisions of chapter 473A, ~~all hereinafter-called-political-subdivisions, as of July 4, 1953.~~

If an interstate agency is established under chapter twenty-eight E (28E) of the Code and similar enabling legislation in an adjoining state, and a city had made contributions to the system for employees performing functions which are transferred to the interstate agency, the employees of the interstate agency who perform those functions shall be considered to be employees of the city for the sole purpose of membership in the system, although the employer contributions for those employees are made by the interstate agency.

Sec. 10. Section ninety-seven B point forty-one (97B.41), subsection three (3), paragraph b, subparagraph two (2), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section five (5), is amended to read as follows:

(2) 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. A member of the general assembly or temporary employee of the general assembly who made an application to the department to be covered under this chapter may terminate membership under this chapter by informing the department in writing of the member's or temporary employee's termination.

Sec. 11. Section ninety-seven B point forty-one (97B.41), subsection three (3), paragraph b, Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section five (5), is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. Members of the state transportation commission, the board of parole, and the state health facilities council unless a member elects by filing an application with the department to be covered under this chapter.

Sec. 12. Section ninety-seven B point forty-one (97B.41), subsection eleven (11), Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section five (5), is amended to read as follows:

11. "Vested member" means a member who ~~had~~ terminated employment in accordance with one of the following paragraphs:

a. Prior to July 1, 1965, after having attained the age of forty-eight and completed at least eight years of service.

~~a b. Prior-to-July-1~~ Between July 1, 1965 and June 30, 1973, after having completed at least eight years of service.

~~b c.~~ On or after July 1, 1973, after having completed at least four years of service.

~~e d.~~ After having attained the age of fifty-five.

Sec. 13. Section ninety-seven B point forty-one (97B.41), Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section five (5), is amended by adding the following new subsection:

NEW SUBSECTION. "Inactive vested member" means an inactive member who was a vested member at the time of termination of employment.

Sec. 14. Section ninety-seven B point forty-three (97B.43), unnumbered paragraph two (2), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section six (6), is amended to read as follows:

Any person with a record of thirty years as a public employee in the state of Iowa prior to July 1, 1947, and who is not eligible for prior service credit under other provisions of this section, ~~shall--be~~ is entitled to a credit for years of prior service in the determination of the retirement allowance payment under ~~any-of-the-provisions-of~~ this chapter, provided ~~such~~ the public employee makes application to the department of job service for ~~such~~ credit for prior public service, accompanied by such verification of the person's claim as the department may require. The person's allowance for prior service credits shall be computed in the same manner as otherwise provided in this section, but shall not exceed the sum of four hundred fifty dollars nor be less than three hundred dollars per annum. Any such person

~~shall-be~~ is entitled to receive retirement allowances computed as provided by this chapter, effective from the date of application to the department, provided such application is approved. ~~Beginning~~ However, beginning July 1, 1975 the amount of such person's retirement allowance payment received during June, 1975, as computed under this section shall be increased by two hundred percent and the allowance for prior service credits shall not exceed one thousand three hundred fifty dollars nor be less than nine hundred dollars per annum. There is appropriated from the general fund of the state to the Iowa department of job service from funds not otherwise appropriated an amount sufficient to fund the provisions of this paragraph. Effective July 1, 1980, a person with a record of thirty years as a public employee in the state of Iowa prior to July 1, 1947 receiving retirement allowances under this chapter shall receive the monthly increase in benefits provided in section twenty-one (21) of this Act.

Sec. 15. Section ninety-seven B point forty-nine (97B.49), unnumbered paragraph one (1), Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections seven (7), eight (8) and nine (9), is amended to read as follows:

Each member ~~shall~~, upon retirement on or after his or her normal retirement date, be is entitled to receive a monthly retirement allowance determined under this section. For an inactive vested member the monthly retirement allowance shall be determined on the basis of this section and section ninety-seven B point fifty (97B.50) of the Code as they are in effect on the date of the member's retirement.

Sec. 16. Section ninety-seven B point forty-nine (97B.49), subsection one (1), Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections seven (7), eight (8) and nine (9), is amended to read as follows:

1. For each active member employed before January 1, 1976, and retiring on or after January 1, 1976, and for each member who ~~became--vested~~ was a vested member before January 1, 1976, with four or more complete years of service, a formula benefit shall be determined equal to the larger of the benefit determined under this subsection and subsection 3 of this section as applicable, or the benefit determined under subsection 5 of this section. The amount of the monthly formula benefit for each such active or vested member who retired on or after January 1, 1976, shall be equal to one-twelfth of one and fifty-seven hundredths percent per year of membership service multiplied by his the member's average annual covered wages; but in no case shall the amount of monthly formula benefit accrued for membership service prior to July 1, 1967, be less than the monthly annuity at the normal retirement date determined by applying the sum of the member's accumulated contributions, his the member's employer's ~~matching~~ accumulated contributions on or before June 30, 1967, and any retirement dividends standing to his the member's credit on or before December 31, 1966, to the annuity tables in use by the department with due regard to the benefits payable from such accumulated contributions under sections 97B.52 and 97B.53.

Sec. 17. Section ninety-seven B point forty-nine (97B.49), subsection five (5), unnumbered paragraph one (1), Code 1979, as that section is amended

by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections seven (7), eight (8), and nine (9), is amended to read as follows:

5. For each active member retiring ~~between July 1, 1978 and June 30, 1979~~ on or after January 1, 1976, with four or more complete years of service, a monthly benefit shall be computed which is equal to one-twelfth of an amount equal to ~~forty-four~~ forty-seven percent of the five-year average covered wage multiplied by a fraction of years of service. ~~For each active member retiring on or after July 1, 1979 the monthly benefit computed under this subsection shall be equal to one-twelfth of an amount equal to forty-six percent of the five-year average covered wage multiplied by a fraction of years of service.~~ For the purposes of this subsection, "fraction of years of service" means a number, not to exceed one, equal to the sum of the years of membership service and the number of years of prior service divided by thirty years.

Sec. 18. Section ninety-seven B point forty-nine (97B.49), subsection seven (7), Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections seven (7), eight (8), and nine (9), is amended to read as follows:

7. Notwithstanding the provisions of this chapter, a member who is or has been employed as a conservation peace officer under the provisions of section 107.13 and who retires between on or after July 1, 1978 and June 30, 1979 and at the time of retirement is at least sixty years of age and has completed at least twenty-five years of membership service as a conservation peace officer, may elect to receive, in lieu of the receipt of any benefits under subsection 5 of this section, a monthly retirement allowance equal to one-twelfth of ~~forty-four~~ forty-seven percent of the member's five-year average covered wage as a conservation peace officer multiplied by a fraction of years of service, with benefits payable during the member's lifetime. ~~For each such member retiring on or after July 1, 1979, the monthly benefit computed under this subsection shall be equal to one-twelfth of an amount equal to forty-six percent of the five-year average covered wage as a conservation peace officer multiplied by a fraction of years of service.~~ There is appropriated from the general fund of the state to the Iowa department of job service from funds not otherwise appropriated an amount sufficient to pay eight and forty-three hundredths percent of the covered wages of each conservation peace officer, in addition to the contribution paid by the employer under section 97B.11, to finance increased benefits to conservation peace officers under this subsection.

Sec. 19. Section ninety-seven B point forty-nine (97B.49), subsection eight (8), paragraph a, Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections seven (7), eight (8), and nine (9), is amended to read as follows:

a. Notwithstanding the provisions of this chapter, ~~effective July 1, 1979 to be included in county budgets for the fiscal year beginning July 1, 1979,~~ a member who is or has been employed as a county sheriff, as defined in section 39.17, or as a deputy sheriff appointed pursuant to chapter 341, and who retires between on or after January 1, 1978 and June 30, 1979, and at the

time of retirement is at least sixty years of age and has completed at least twenty-five years of membership service as a county sheriff or deputy sheriff, may elect to receive, in lieu of the ~~receipt of any~~ benefits under subsection 5 of this section, a monthly retirement allowance equal to one-twelfth of ~~forty-four~~ forty-seven percent of the member's five-year average covered wage as a sheriff or deputy sheriff multiplied by a fraction of years of service, with benefits payable during the member's lifetime.

~~For each member eligible for a monthly retirement allowance under this subsection who retires on or after July 1, 1979, the monthly benefit computed under this subsection shall be equal to one-twelfth of forty-six percent of the member's five-year average covered wage.~~

Sec. 20. Section ninety-seven B point forty-nine (97B.49), Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections seven (7), eight (8), and nine (9), is amended by adding the following new subsection:

NEW SUBSECTION. Notwithstanding sections of this chapter relating to eligibility for and determination of retirement benefits, a vested member who is or has been employed as a correctional officer by the department of social services and who retires on or after July 1, 1983 and at the time of retirement is at least sixty years of age and has completed at least thirty years of membership service as a correctional officer, may elect to receive, in lieu of the receipt of benefits under subsection five (5) of this section, a monthly retirement allowance equal to one-twelfth of forty-seven percent of the member's five-year average covered wages as a correctional officer multiplied by a fraction of years of service, with benefits payable during the member's lifetime.

The department of social services and the department of merit employment shall jointly determine the applicable merit system job classifications of correctional officers.

The department of social services shall pay to the Iowa department of job service, from funds appropriated to the department of social services, an amount sufficient to pay one and seventy-one hundredths percent of the covered wages of each correctional officer, in addition to the employer contributions required in section ninety-seven B point eleven (97B.11) of the Code to pay for the lower retirement age for correctional officers provided in this subsection.

Sec. 21. Section ninety-seven B point forty-nine (97B.49), Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections seven (7), eight (8), and nine (9), is amended by adding the following new subsection:

NEW SUBSECTION. Effective July 1, 1980, for each member who retired from the system prior to January 1, 1976, and for each member who retired from the system on or after January 1, 1976 under subsection one (1) of this section, the amount of regular monthly retirement allowance attributable to membership service and prior service that was payable to the member for June 1980 is increased as follows:

a. For the first ten years of service, fifty cents per month for each complete year of service.

b. For the eleventh through the twentieth years of service, one dollar per month for each complete year of service.

c. For the twenty-first through the thirtieth years of service, one dollar and fifty cents per month for each complete year of service.

d. The amount of monthly increase payable to a member under this subsection is also payable to a beneficiary and a contingent annuitant and shall be reduced by an amount based upon the actuarial equivalent of the option selected in section ninety-seven B point fifty-one (97B.51) or section ninety-seven B point fifty-two (97B.52) of the Code compared to the full monthly benefit provided in this section.

However, effective July 1, 1980 the monthly retirement allowance attributable to membership service and prior service of a member, contingent annuitant and beneficiary shall not be less than five dollars times the number of complete years of service of the member, not to exceed thirty, reduced by an amount based upon the actuarial equivalent of the option selected in section ninety-seven B point fifty-one (97B.51) or section ninety-seven B point fifty-two (97B.52) of the Code, compared to the full monthly retirement benefit provided in this section.

Sec. 22. Section ninety-seven B point fifty (97B.50), subsection one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section ten (10), is amended to read as follows:

1. Except as otherwise provided in this section, a member, upon retirement prior to the normal retirement date, is entitled to receive a monthly retirement allowance determined in the same manner as provided for normal retirement in subsections 1, 4 and 5 of section 97B.49 reduced by as follows:

a. For a member who is less than sixty-two years of age, by five-tenths of one percent per month for each month that the member's early retirement date precedes the normal retirement date.

b. For a member who is at least sixty-two years of age and less than sixty-five years of age, by twenty-five hundredths of one percent per month for each month that the early retirement date precedes the normal retirement date.

Sec. 23. Section ninety-seven B point fifty-one (97B.51), subsection one (1), Code 1979, is amended to read as follows:

1. A member may elect to receive a decreased retirement allowance during his the member's lifetime and have such the decreased retirement allowance (or a designated fraction thereof) continued after his the member's death to another person, called a contingent annuitant, during the lifetime of the contingent annuitant. The member cannot change the contingent annuitant after the member's retirement. In case of such--an the election of a contingent annuitant, no death benefits, as might otherwise be provided by this chapter, will be payable upon the death of either the member or the contingent annuitant after the member's retirement.

Sec. 24. Section ninety-seven B point fifty-three (97B.53), subsection two (2), Code 1979, is amended to read as follows:

2. If ~~the~~ a vested member's employment ~~with-the-employer-of-a--member~~ is terminated prior to the member's retirement, other than by death, ~~but-after the-member-has-either~~

~~a--Completed-at-least-four-years-of-service,-or~~

~~b--Has-attained-the-age-of-fifty-five,~~ the member shall receive a monthly retirement allowance commencing on the first day of the month in which the member attains the age of sixty-five years, if the member is then alive, or, if the member so elects in accordance with section 97B.47, commencing on the first day of the month in which the member attains the age of fifty-five and or any month thereafter prior to the date the member attains the age of sixty-five years, and continuing on the first day of each month thereafter during the member's lifetime, provided the member does not receive prior to the date the member's retirement allowance is to commence a refund of accumulated contributions under any of the provisions of this chapter. The amount of each such monthly retirement allowance shall be determined as provided in either section 97B.49 or in section 97B.50, whichever is applicable.

***Sec. 25. Section ninety-seven B point fifty-nine (97B.59), Code 1979, is amended to read as follows:

97B.59 ACTUARY EMPLOYED. The department legislative council shall employ an actuary for the department to serve as its technical advisor. The compensation of the actuary and of other employees shall be fixed by the department within the appropriations made therefor and subject to the approval of the legislative council.***

***Sec. 26. Section ninety-seven B point sixty-seven (97B.67), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. It is the intent of the general assembly that the general assembly meeting in 1982 review whether there is sufficient unobligated revenue in the general fund of the state to appropriate funds to pay the benefit increases provided in sections three (3), fourteen (14) and twenty-one (21) of this Act from the general fund of the state, and if sufficient revenue is available, the general assembly shall appropriate the funds necessary.***

Sec. 27. Section ninety-seven B point seventy-three (97B.73), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section eleven (11), is amended to read as follows:

97B.73 MEMBERS FROM OTHER PUBLIC SYSTEMS. A vested or retired member who was ~~not~~ a vested member of ~~a--public--retirement--system--established--under sections--294-8,--294-9,--and--294-10--or~~ a public retirement system in another state but was not vested or retired under that system may, upon submitting verification of membership and service in the other public retirement system to the department not later than July 1, 1979 for members vested on July 1, 1978 or within one year after the member becomes vested, make employer and employee contributions to the system for the period of service in the other public retirement system and receive credit for membership service in this system equivalent to the number of years of service in the other public retirement system. The contributions paid by the vested or retired member for service in the other public retirement system shall be equal to the

***Item veto; See message at end of this Act

accumulated contributions as defined in section 97B.41, subsection 13, by the member for that period of ~~membership~~ service and the ~~contributions-of-the~~ employer ~~which-would-have-been-contributed~~ contribution for that period of ~~membership~~ service that would have been contributed by the vested or retired member and the employer plus interest on the contributions that would have accrued if the member had been a member of this system earning the same wages earned under the other system for the period from the date of service of the member in the other public retirement system to the date of payment of the contributions by the member equal to two percent plus the interest dividend rate applicable for each year.

This section is applicable to a vested or retired member who was a member of a public retirement system established in section two hundred ninety-four point eight (294.8), two hundred ninety-four point nine (294.9), and two hundred ninety-four point ten (294.10) of the Code but was not vested or retired under that system. However, the verification and contributions must be submitted not later than July 1, 1981 for members who were vested members on July 1, 1980 or within one year after the member becomes a vested member of this system.

Sec. 28. Section ninety-seven C point eleven (97C.11), Code 1979, is amended to read as follows:

97C.11 PAYMENT--ADJUSTMENT OR REFUND. ~~Such-taxes-as~~ Taxes deducted by the employer from the earnings of employees or upon the employers shall be paid in ~~such a~~ manner, at ~~such~~ times and under ~~such~~ conditions ~~as--may--be~~ prescribed by the state agency. However, the taxes shall be remitted monthly by the employer. If more or less than the correct amount of the tax imposed upon the employer is paid or deducted, proper adjustments or refund, if adjustment is impracticable, shall be made in ~~such a~~ manner and at ~~such~~ times as the state agency ~~shall-prescribe~~ prescribes.

Sec. 29. Section three hundred eighty-four point six (384.6), subsection one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section thirteen (13), and chapter eighty-five (85), section one (1), is amended to read as follows:

1. Accounting for pension and related employee benefit funds as provided by the city finance committee. A city may make contributions to a retirement system other than the Iowa public employees' retirement system for its city manager, or city administrator performing the duties of city manager, in an annual amount not to exceed the amount that would have been contributed by the employer under ~~the-provisions-of~~ section 97B.11. If a police chief or fire chief has submitted a written request to the board of trustees to be exempt from chapter four hundred eleven (411) of the Code, authorized in section four hundred eleven point three (411.3), subsection one (1) of the Code, a city shall make contributions for the chief, in an amount not to exceed the amount that would have been contributed by the city under section four hundred eleven point eight (411.8), subsection one (1), paragraph a, of the Code, to the international city management association/retirement corporation. A city may certify taxes to be levied for a trust and agency fund in the amount necessary to meet its obligations.

Sec. 30. Section four hundred eleven point three (411.3), subsection one (1), Code 1979, is amended to read as follows:

1. All persons who become police officers or fire fighters after the date the retirement systems are established by this chapter, shall become members thereof as a condition of their employment, except that a police chief or a fire chief who would not complete twenty-two years of service under this chapter by the time the chief attains fifty-five years of age shall, upon written request to the board of trustees, be exempt from this chapter. Notwithstanding section ninety-seven B point forty-one (97B.41) of the Code, a police chief or fire chief who is exempt from this chapter is exempt from chapter ninety-seven B (97B) of the Code. Such members Members of the system established in this chapter shall not be required to make contributions under any other pension or retirement system of city, county, or state of Iowa, anything to the contrary notwithstanding.

Sec. 31. Section four hundred eleven point four (411.4), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The board of trustees shall credit as service for a member of the system a previous period of service for which the member had withdrawn the member's accumulated contributions, as defined in section four hundred eleven point twenty-one (411.21) of the Code.

Sec. 32. Section four hundred eleven point six (411.6), subsections four (4) and six (6), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), sections sixteen (16) and seventeen (17), and chapter thirty-five (35), section nine (9), is amended to read as follows:

4. ALLOWANCE ON ORDINARY DISABILITY RETIREMENT. Upon retirement for ordinary disability a member shall receive ~~a service retirement allowance if the member has attained the age of fifty-five, otherwise the member shall receive~~ an ordinary disability retirement allowance which shall consist of a pension which shall equal forty percent of the member's average final compensation except if the member has not had five or more years of membership service the member shall receive a pension equal to one-fourth of the member's average final compensation.

6. RETIREMENT AFTER ACCIDENT. Upon retirement for accidental disability a member shall receive ~~a service retirement allowance if the member has attained the age of fifty-five, otherwise the member shall receive~~ an accidental disability retirement allowance which shall consist of a pension equal to 66 2/3 percent of the member's average final compensation.

Sec. 33. Section four hundred eleven point six (411.6), subsection twelve (12), paragraph a, unnumbered paragraph one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section sixteen (16), and as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-five (35), section nine (9), and chapter thirty-four (34), section seventeen (17), is amended to read as follows:

~~As of the first of July of each year for members who retire on or after July 1, 1979~~ Effective July 1, 1980 and on each July first thereafter, the monthly pensions authorized in this section payable to retired members and to

beneficiaries, except children of a deceased member, shall be adjusted as provided in this paragraph. An amount equal to the following percentages of the difference between the monthly earnable compensation ~~received-by~~ payable to an active member of the department, of the same rank and position on the salary scale as was held by the retired or deceased member at the time of the member's retirement or death, for July of the preceding year and the monthly earnable compensation payable to an active member of the department of the same rank and position on the salary scale for July of the year just beginning shall be added to the monthly pension of each retired member and each beneficiary as follows:

(1) Twenty-five percent for members ~~eligible-for~~ receiving a service retirement allowance ~~or-their~~ and for beneficiaries receiving a pension under subsection nine (9) of this section.

(2) Twenty percent for members with five or more years of membership service who are ~~eligible-for~~ receiving an ordinary disability retirement allowance ~~or-their-beneficiaries.~~

(3) Twelve and one-half percent for members with less than five years of membership service who are ~~eligible-for~~ receiving an ordinary disability retirement allowance ~~or--their,~~ and for beneficiaries receiving a pension under subsection eight (8) of this section.

(4) Thirty-three and one-third percent for members ~~eligible-for~~ receiving an accidental disability allowance ~~or-their-beneficiaries.~~

The adjusted monthly pension shall not be less than the amount which was paid at the time of the member's retirement or death.

The amount added to the monthly pension of a surviving spouse receiving a pension under subsection twelve (12), paragraph a of this section shall be equal to one-half the amount that would have been added to the monthly pension of the retired member.

Sec. 34. Section four hundred eleven point twenty-one (411.21), subsection two (2), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section nineteen (19), is amended by adding the following new paragraph:

NEW PARAGRAPH. "Member who became vested" and "vested member" mean a member who has been a member of the retirement system fifteen or more years and is entitled to benefits under this chapter.

Sec. 35. Section four hundred eleven point twenty-one (411.21), subsection five (5), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section nineteen (19), is amended to read as follows:

5. A member of the retirement system prior to July 1, 1979 with fifteen or more years of service whose employment was terminated prior to retirement, other than by death or disability, ~~shall-be~~ is entitled to receipt of his or her accumulated contributions upon retirement together with other retirement benefits provided in the law on the date of the member's retirement. ~~However,-the-member-shall-not-be-eligible-for-a-service-retirement--allowance under--section--411.6--if--he--or--she--has--chosen--to--withdraw--his-or-her accumulated-contributions-from-the-annuity-savings-fund.~~

Sec. 36. Section four hundred eleven point twenty-one (411.21), subsection seven (7), unnumbered paragraph one (1), Code 1979, as the subsection is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-four (34), section nineteen (19), is amended to read as follows:

7. Notwithstanding ~~the provisions of~~ subsections 1, 3, 4, 5, 6 of this section, beginning January 1, 1981, an active or vested member may request in writing and receive from the board of trustees, his or her accumulated contributions from the annuity savings fund and remain eligible to receive benefits under section four hundred eleven point six (411.6) of the Code. However, a member with fifteen or more years of service prior to July 1, 1979, is not eligible for a service retirement allowance under section four hundred eleven point six (411.6) of the Code if he or she withdrew his or her accumulated contributions from the annuity savings fund prior to July 1, 1979, except as provided in section four hundred eleven point four (411.4) of the Code. Accumulated contributions shall be paid according to the following schedule:

Sec. 37. Section six hundred two point fifty-five (602.55), Code 1979, is amended to read as follows:

602.55 FUNDS, REPORTS. Each month each judicial magistrate and district associate judge shall file with the clerk of the district court of the proper county a sworn, itemized statement, of all cases disposed of and all funds received and disbursed per case, and at least monthly shall remit to the clerk all funds received by him or her. The clerk shall provide adequate clerical assistance to judicial magistrates and district associate judges to carry out this section. The clerk shall remit ninety percent of all fines and forfeited bail received from a magistrate or district associate judge to the city that was the plaintiff in any action, and shall provide that city with a statement showing the total number of such cases, the total of all fines and forfeited bail collected and the total of all cases dismissed. The clerk shall remit the remaining ten percent to the county treasurer for deposit in the county general fund. The clerk shall remit to the treasurer of the county, for the benefit of the school fund, all other fines and forfeited bail received from a magistrate. All fees and costs for the filing of a complaint or information or upon forfeiture of bail received from a magistrate shall be remitted monthly by the clerk as follows:

1. ~~Three-fifths~~ Two-thirds to the ~~state~~ state treasurer of state to be credited to the general fund of the state.

2. ~~Two-fifths~~ One-third to the county treasurer to be credited to the general fund of the county.

Sec. 38. Section six hundred two point sixty-three (602.63), Code 1979, is amended to read as follows:

602.63 DOCKETS, JUDGMENTS, COSTS. The clerk of the district court of the county in which a judicial magistrate resides shall furnish the judicial magistrate, district associate judge, or district judge acting as judicial magistrate, a docket in which shall be entered all proceedings except small claims. Such docket shall be indexed and shall contain in each case the title and nature of the action; place of hearing; appearances; and notations

of the documents filed with the judicial magistrate, of the proceedings in the case and orders made, of the verdict and judgment including costs, of any satisfaction of the judgment, of whether the judgment was certified to the clerk of the district court, of whether an appeal was taken, and of the amount of the appeal bond. All costs in criminal cases shall be assessed and distributed as in chapter 606, except that the cost of filing and docketing of a complaint or information for a nonindictable misdemeanor shall be ~~five~~ six dollars which shall be distributed pursuant to section 602.55. The ~~five~~ six dollar cost for filing and docketing a complaint or information for a nonindictable misdemeanor shall not apply in cases of overtime parking. If the judgment and costs are not fully and immediately satisfied in criminal cases, the judicial magistrate shall promptly certify a copy of the judgment to the clerk of the district court indicating thereon the portion unsatisfied; and the clerk shall index and file the judgment, whereupon it shall be a judgment of the district court without recording.

The chief judge of a district may order that criminal proceedings which are within the jurisdiction of judicial magistrates and district associate judges be combined into centralized dockets for the county if the chief judge determines that administration could be improved thereby. When so ordered, a centralized docket shall be in lieu of individual dockets otherwise prescribed, and the clerk shall compile a centralized docket in the manner prescribed for an individual docket. The chief judge may assign actions and proceedings on centralized dockets to judicial magistrates and district associate judges as he or she deems necessary.

Sec. 39. Chapter six hundred five A (605A), Code 1979, is amended by adding the following new section:

NEW SECTION. ACTUARIAL VALUATION. The court administrator shall cause an actuarial valuation to be made of the assets and liabilities of the judicial retirement fund at least once every four years commencing with the fiscal year beginning July 1, 1981. The court administrator shall adopt mortality tables and other necessary factors for use in the actuarial calculations required for the valuation upon the recommendation of the actuary. Following the actuarial valuation, the court administrator shall determine the condition of the system and shall report its findings and recommendations to the general assembly.

The cost of the actuarial valuation shall be paid from the judicial retirement fund.

Sec. 40. Section six hundred six point fifteen (606.15), subsection one (1), Code 1979, is amended to read as follows:

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

Sec. 41.* Section eight hundred five point six (805.6), subsection one (1), paragraph a, Code 1979, is amended to read as follows:

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 805.8 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 chapter 804, or by a simple notice of fine where permitted by section 321.236, subsection 1. 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 321.207 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 805.2; a promise to appear as provided in section 805.3 and a place where the cited person may sign the promise to appear; a list of the scheduled fines prescribed by section 805.8, 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~~ six dollars; a brief explanation of sections 805.9 and 805.10; a space where the defendant may sign an admission of the violation when permitted by section 805.9; 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.

Sec. 42. The legislative council is requested to establish an interim study committee composed of members of the house and senate committees on state government for the purpose of studying the public retirement systems of this state, including but not limited to a definition of earnable compensation for members of the peace officers' retirement system and local police and fire retirement systems, the status of former members of the peace officers' retirement system and local police and fire retirement systems who withdrew their accumulated contributions prior to July 1, 1979, the advisability of retaining outside income limits for persons receiving disability retirement allowances under the peace officers' retirement system and local police and fire retirement systems and a method of funding retirement increases in the future.

The study committee shall make periodic reports to the legislative council and a final report to the committees on state government, the legislative council, and the general assembly meeting in the year 1981, accompanied by any bill drafts required to implement the recommendations of the study committee.

*See also ch 1103, §20 herein

Sec. 43. Retirement allowance changes granted in this Act take effect on July 1, 1980 unless otherwise specified in this Act, except that changes for members of the general assembly take effect January 12, 1981.

Approved May 20, 1980

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

Dear Mr. Secretary:

I hereby transmit House File 2598, an act relating to administration, benefits, and funding of certain public retirement systems, and to make appropriations.

House File 2598 is approved May 20, 1980, with the following exceptions which I hereby disapprove.

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

Sec. 25. Section ninety-seven B point fifty-nine (97B.59), Code 1979, is amended to read as follows:

97B.59 ACTUARY EMPLOYED. The department legislative council shall employ an actuary for the department to serve as its technical advisor. The compensation of the actuary and of other employees shall be fixed by the department within the appropriations made therefor and subject to the approval of the legislative council.

I am unable to approve the item designated in the Act as Section 26 which reads as follows:

Sec. 26. Section ninety-seven B point sixty-seven (97B.67), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. It is the intent of the general assembly that the general assembly meeting in 1982 review whether there is sufficient unobligated revenue in the general fund of the state to appropriate funds to pay the benefit increases provided in sections three (3), fourteen (14) and twenty-one (21) of this Act from the general fund of the state, and if sufficient revenue is available, the general assembly shall appropriate the funds necessary.

Currently the law authorizes the Department of Job Service, which administers the IPERS system, to hire an actuary for the pension plan. Section 25 would transfer that authority to the Legislative Council and further provides that the Legislative Council must approve the compensation to be paid not only to the actuary, but all the other IPERS employees as well.

This is clearly a very blatant attempt by the legislature to assume executive authority contrary to the Constitution. The administration of IPERS requires the ability for the Executive Branch to evaluate the soundness of the system and protect its long-standing, financial integrity. An actuary is needed to do the actuarial investigations and annual actuarial valuations required by law. The actuary employed for these purposes must be free from political pressure, which employment by the legislature could jeopardize.

The legislature obviously has need for expert advice when it considers complex and technical pension legislation. It has that through the IPERS actuary. If it believes that yet another view apart from the IPERS actuary is needed, the legislature could hire its own expert. Although it does not seem needed, such an arrangement would provide for an independent analysis of reports from the IPERS office and their actuary, much like the current arrangement between the State Comptroller and the Legislative Fiscal Director.

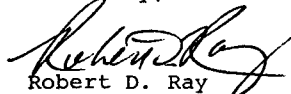
Beyond the issue of separate actuaries, I am also concerned with the provision for determining the compensation for all employees in the IPERS office by the Legislative Council. The legislature has complete power today to review, revise and approve the budget for the IPERS office. However, the power of the purse does not provide the legislature with the right to invade the administration of an executive agency, hire its employees and determine the salaries of all its employees. As legislators are quick to point out apparent intrusions by agencies into the legislative arena through rule-making, they should also be mindful of their tendencies to encroach into the Executive Branch of government. The setting of salaries is basic to any administration and should not be delegated to another branch of government.

Section 26 of the bill provides legislative intent to reconsider in 1982 the question of funding certain benefits this bill authorizes from the state's general fund rather than from the IPERS trust fund. The latter arrangement was finally agreed to this year after long debate and was influenced by the decline in state general fund revenues experienced late in the session.

Since the question of which source of funds should be used can always be raised with or without this section and the fact that we must continue to be cautious about incurring future obligations to the general fund, I believe it is inappropriate to keep this language in the bill. We may be hard pressed in the next biennium to meet the needs of existing state programs and responsibilities already financed from the general fund. Since actuaries have assured us that the IPERS trust fund has sufficient funds to finance all the IPERS improvements included in the bill, it appears that we can accept the arrangement approved this year. It would be unfair to mislead people into believing the source of funding will be easily changed, especially when there are so many other pressing, unmet needs.

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 2598 are hereby approved as of this date.

Sincerely,


Robert D. Ray
Governor

CHAPTER 1015

OMNIBUS CORRECTIONS — GIFTS ACCEPTED

H. F. 687

AN ACT correcting erroneous, inconsistent or obsolete provisions of the 1979 Code.

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

Section 1. Section eighteen point ninety-seven (18.97), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The superintendent of printing shall make free distribution of the Code, supplements to the Code, rules of civil procedure, rules of appellate procedure, rules of criminal procedure, supreme court rules, the Acts of each general assembly, and, upon request, the Iowa administrative code, its supplements, and the Iowa administrative bulletin as follows:

Sec. 2. Section twenty-four point twenty-four (24.24), Code 1979, is amended to read as follows:

24.24 VIOLATIONS. Failure on the part of any a public official to perform any of the duties prescribed in ~~chapters-22, chapter~~ 23, and this chapter, and sections 8.39 and 11.1 to 11.5, ~~shall-constitute~~ constitutes a simple misdemeanor, and ~~shall--be~~ is sufficient ground for removal from office.

Sec. 3. Section forty-three point five (43.5), Code 1979, is amended to read as follows:

43.5 APPLICABLE STATUTES. The provisions of chapters 39, 47, 48, 49, 50, 51, 52, 53, 56, 57, 58, 59, 61, 62 and ~~730~~ seven hundred twenty-two (722) of the Code shall apply, so far as applicable, to all primary elections, except as hereinafter provided.

Sec. 4. Section forty-six point sixteen (46.16), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

For the purpose of initial appointments to the court of appeals, two of the judges appointed shall serve an irregular term ending December ~~30~~ thirty-first of the fourth year after expiration of the initial term prescribed in subsection 1 and two of the judges appointed shall serve an irregular term ending December ~~30~~ thirty-first of the fifth year after expiration of the initial term prescribed in subsection 1. Expiration of irregular terms shall be deemed expiration of regular terms for all purposes.

Sec. 5. Section fifty-six point six (56.6), subsection three (3), paragraph b, unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The name and mailing address of each person who has made one or more contributions of money to the committee including the proceeds from any fund-raising events except those reportable under paragraph "g" "f" of this subsection, when the aggregate amount in a calendar year exceeds the amount specified in the following schedule:

Sec. 6. Section sixty-eight B point two (68B.2), Code 1979, is amended by adding the following new subsections:

NEW SUBSECTION. "Candidate" means a candidate as defined in section fifty-six point two (56.2) of the Code for a statewide office or the general assembly.

NEW SUBSECTION. "Gift" means a rendering of money, property, services, discount, loan forgiveness, payment of indebtedness, or anything else of value in return for which legal consideration of equal or greater value is not given and received. However, "gift" does not mean any of the following:

a. Anything received by a donee whose official action or lack of official action will potentially have no material effect, distinguishable from material effects on the public generally, on the interests of the donor.

b. Campaign contributions.

c. Informational material relevant to a public servant's official functions, such as books, pamphlets, reports, documents, or periodicals.

d. Anything received from a person related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related.

e. Anything which is donated within thirty days after its receipt to a public body or to a bona fide educational or charitable organization, without the donation being claimed at any time as a charitable contribution for tax purposes.

f. An inheritance.

g. Anything available to or distributed to the public generally without regard to official status of the recipient.

h. Reimbursement for or payment of actual expenses incurred for public speaking engagements or other formal public appearances.

NEW SUBSECTION. "Local official" and "local employee" mean an official or employee of the political subdivisions of this state.

NEW SUBSECTION. "Public disclosure" means a written report filed by the fifteenth day of the month following the month in which a gift is received as required by this chapter or required by rules adopted pursuant to this chapter.

NEW SUBSECTION. "Immediate family members" means the spouse or minor children of a person required to file reports pursuant to this chapter or required by the rules adopted or executive order issued pursuant to this chapter.

Sec. 7. Chapter sixty-eight B (68B), Code 1979, is amended by adding the following new section:

NEW SECTION. REPORTING OF GIFTS.

1. The house of representatives and the senate shall adopt rules relating to the reporting of gifts made to members of the general assembly, legislative employees and their immediate family members. The rules shall require public disclosure of the nature, amount, date and donor of any gift made to one of those individuals which exceeds fifteen dollars in value in any one occurrence.

2. The governor shall issue an executive order relating to the reporting of gifts made to officials and employees of the executive department of the

state and their immediate family members. The executive order shall require public disclosure of the nature, amount, date and donor of any gift made to one of those individuals which exceeds fifteen dollars in value in any one occurrence.

3. The supreme court of this state shall adopt rules relating to the reporting of gifts made to officials and employees of the judicial department of this state and their immediate family members. The rules shall require public disclosure of the nature, amount, date and donor of any gift made to one of those individuals which exceeds fifteen dollars in value in any one occurrence.

4. The governing body of a political subdivision of this state may adopt rules relating to the reporting of gifts made to its respective members or their immediate family members and employees of the political subdivision of this state or their immediate family members. Such rules as adopted shall require public disclosure of the nature, amount, date and donor of any gift made to one of those individuals having a value which exceeds fifteen dollars in any one occurrence.

Where such rules are not adopted a local official or local employee shall make public disclosure by filing a report with the county auditor of the county of that person's residence setting out the nature, amount, date and donor of any gift made to the person or to the person's immediate family members which exceeds fifteen dollars in value in any one occurrence. The secretary of state shall develop a standard form for public disclosure of gifts in compliance with this subsection which shall be available at every county auditor's office without cost.

5. A person who does not make public disclosure of gifts as required by the rules adopted or executive order issued pursuant to this chapter or who does not make public disclosure as required by this chapter shall be guilty of a serious misdemeanor.

Sec. 8. Section sixty-eight B point five (68B.5), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

68B.5 GIFTS SOLICITED OR ACCEPTED. An official, employee, local official, local employee, member of the general assembly, candidate, or legislative employee shall not, directly or indirectly, solicit, accept, or receive any gift having a value of fifty dollars or more in any one occurrence. A person shall not, directly or indirectly, offer or make any such gift to an official, employee, local official, local employee, member of the general assembly, candidate or legislative employee which has a value in excess of fifty dollars in any one occurrence.

Sec. 9. Section sixty-nine point eight (69.8), subsection three (3), Code 1979, is amended to read as follows:

3. SUPREME COURT APPOINTERS APPOINTEE. In the ~~offices~~ office of clerk and ~~code editor~~, by the supreme court.

Sec. 10. Section seventy-eight point one (78.1), subsection five (5), Code 1979, is amended by striking the subsection.

Sec. 11. Section seventy-nine point three (79.3), Code 1979, is amended to read as follows:

79.3 APPRAISERS OF PROPERTY. The ~~compensation of~~ appraisers appointed by authority of law to appraise property for any purpose shall be ~~fifty cents per hour for each appraiser for the time necessarily spent in effecting the appraisement and the mileage expense for the distance traveled in going to and returning from the place of appraisement, which shall, unless paid a reasonable amount determined by the sheriff of the county in which the property appraised is located. Unless otherwise provided, the amount paid shall~~ be paid out of the property appraised or by the owner thereof.

Sec. 12. Section eighty-one point twelve (81.12), Code 1979, is amended to read as follows:

81.12 EXEMPTION FROM PEDDLER'S LICENSE. ~~Nothing in this~~ This chapter ~~shall be construed to~~ does not repeal or amend any statute delegating authority to any county or municipal corporation to license, tax, or regulate peddlers or itinerant merchants, ~~provided that any person licensed under the provisions of this chapter shall not be required to obtain the license required by section 332.45.~~

Sec. 13. Section ninety-seven B point forty-nine (97B.49), subsection six (6), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

On January 1, 1976, for each member who retired before January 1, 1976, the amount of regular monthly retirement allowance attributable to membership service and prior service that was payable to the member for December, 1975 is increased by ten percent for the first calendar year or portion of a calendar year the member was retired, and by an additional five percent for each calendar year after the first calendar year the member was retired through the calendar year beginning January 1, 1975. The total increase shall not exceed one hundred percent. There is appropriated from the general fund of the state to the ~~employment security commission~~ Iowa department of job service from funds not otherwise appropriated an amount sufficient to fund the provisions of this subsection.

Sec. 14. Section one hundred six point thirty (106.30), Code 1979, is amended to read as follows:

106.30 AIRCRAFT RESTRICTION. It ~~shall be~~ is unlawful for any aircraft to make use of the inland lakes of the state, except in the transportation of persons or property between points separated by a distance of thirty miles or more. ~~Nothing herein shall~~ However, this section does not prohibit the use of such waters by any aircraft in danger or distress or the use of such waters by the operators of private aircraft, not operated for hire. ~~The foregoing provisions notwithstanding~~ In addition, the commission may, on the recommendation of the ~~Iowa aeronautics commission~~ state department of transportation, designate certain areas on inland lakes of the state where seaplane flight instruction may be conducted under such conditions as may be adopted by the commission and the ~~Iowa aeronautics commission~~ state department of transportation.

Sec. 15. Section one hundred ten point twenty-one (110.21), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Upon the conviction of a licensee of any violation of chapter 109 of the Code, or of this ~~Act~~ chapter, or of any administrative order adopted and published by the state conservation commission, the magistrate may, as a part

of the judgment, revoke the license of said the licensee, or suspend ~~the same~~ it for any definite period.

Sec. 16. Section one hundred ten point twenty-five (110.25), unnumbered paragraph two (2), Code 1979, is amended by striking the paragraph.

Sec. 17. Section one hundred twenty-three point twenty (123.20), subsection eight (8), Code 1979, is amended to read as follows:

8. To accept intoxicating liquors ordered delivered to the Iowa beer and liquor control department pursuant to section ~~751.317-subsections-1-and-2~~ one hundred twenty-seven point eight (127.8), subsection one (1) of the Code, and offer such intoxicating liquors for sale through the state liquor stores, unless the director determines that such intoxicating liquors may be adulterated or contaminated. If the director determines that such intoxicating liquors may be adulterated or contaminated ~~he~~ the director shall order their destruction.

Sec. 18. Section one hundred twenty-three point ninety-one (123.91), subsection three (3), Code 1979, is amended to read as follows:

3. Any provision of the laws of the United States or of any other state relating to intoxicating liquors or beer, and who is thereafter convicted of a subsequent criminal offense against any provision of this chapter ~~shall be punished as follows~~ is guilty of the following offenses:

a. For ~~his~~ the second conviction, ~~by a fine of not less than five hundred dollars nor more than one thousand dollars, and by imprisonment in the county jail or the state penitentiary for not less than six months nor more than one year~~ a serious misdemeanor.

b. For ~~his~~ the third and each subsequent conviction, ~~by a fine of not less than one thousand dollars nor more than three thousand dollars and imprisonment in the state penitentiary for not more than three years~~ an aggravated misdemeanor.

Sec. 19. Section one hundred twenty-three point one hundred fifty (123.150), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Notwithstanding ~~sections 123.2, section 123.36, subsection 6, section 123.49, subsection 2, paragraph "b", and section 123.134, subsection 5,~~ a holder of any class of liquor control license or the holder of a class "B" beer permit may sell or dispense such liquor or beer to patrons for consumption on the premises between the hours of noon on Sunday and two a.m. on Monday when that Monday is New Years Day and beer for consumption off the premises between the hours of noon Sunday and ten p.m. Sunday when that Sunday is the day before New Years Day. The liquor control license fee or beer permit fee of licensees and permittees permitted to sell or dispense such liquor or beer on a Sunday when that Sunday is the day before New Years Day shall not be increased because of this privilege.

Sec. 20. Section one hundred forty-two A point seven (142A.7), subsection two (2), Code 1979, is amended to read as follows:

2. The time of death shall be determined by a physician who attends the donor at ~~his~~ the donor's death, or, if none, the physician who certifies the death. This physician shall not participate in the procedures for removing or transplanting a part, the enucleation of eyes being the exception. A

licensed funeral director ~~or--embalmer~~, as defined in chapter 156, upon successfully completing a course in eye enucleation and receiving a certificate of competence from the department of ophthalmology, college of medicine, of the University of Iowa, may enucleate the eyes of a donor.

Sec. 21. Section one hundred fifty-six point thirteen (156.13), Code 1979, is amended to read as follows:

156.13 CERTIFICATE OF NATIONAL BOARD IN LIEU OF EXAMINATION. The state department of health may, with the approval of the board, accept in lieu of the examination prescribed in section 156.4 ~~and-section-156-5~~, a certificate of examination issued by the National Conference of Funeral Service Examining Boards, and every applicant for a license upon the basis of such certificate shall be required to pay the fee.

Sec. 22. Section one hundred eighty-eight point twenty-five (188.25), Code 1979, is amended to read as follows:

188.25 UNLAWFUL RELEASE. Any A person who releases any an animal, distrained as provided in this chapter, without the consent of the person distraining the ~~same, shall-be~~ animal, is guilty of a simple misdemeanor.

Sec. 23. Section one hundred ninety-three point six (193.6), Code 1979, is amended to read as follows:

193.6 PENALTY. Any A person violating any a provision of this chapter ~~shall-be-deemed is~~ guilty of a simple misdemeanor ~~and shall--be--punished--by fine--of--not-less-than-twenty-five-dollars-nor-more-than-one-hundred-dollars or-imprisonment-in-the-county-jail-not-to-exceed-thirty-days, and on~~ upon a third violation ~~of--the-same~~ may be restrained by injunction from operating such a business.

Sec. 24. Section two hundred four point one hundred one (204.101), subsection seventeen (17), paragraph d, Code 1979, is amended to read as follows:

d. Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, stereoisomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

Sec. 25. Section two hundred four point two hundred six (204.206), subsection five (5), paragraph d, Code 1979, is amended to read as follows:

d. Methylphenidate and its salts.

Sec. 26. Section two hundred four point two hundred six (204.206), subsection six (6), is amended to read as follows:

6. Cocaine and its salts.

Sec. 27. Section two hundred eighteen point sixty (218.60), Code 1979, is amended to read as follows:

218.60 LETTING OF CONTRACTS--REPAIRS OR ALTERATIONS. The commissioner shall, in writing, let all contracts for authorized improvements costing in excess of five thousand dollars to the lowest responsible bidder, after such advertisement for bids as the commissioner may deem proper in order to secure full competition. The commissioner may reject all bids and readvertise. Provided, however, if the improvement be the repair or alteration of any building or grounds and is not new construction and the estimated cost

thereof does not exceed twenty-five thousand dollars, the commissioner with the approval of the ~~budget-and-financial-control-committee~~ executive council may proceed with such repairs or alterations under a negotiated contract on such terms as the commissioner and the ~~budget-and-financial-control-committee~~ executive council may determine to be for the best interests of the state.

Sec. 28. Section two hundred twenty-nine point eight (229.8), subsection one (1), Code 1979, is amended to read as follows:

1. Determine whether the respondent has an attorney who is able and willing to represent him or her in the hospitalization proceeding, and if not, whether the respondent is financially able to employ an attorney and capable of meaningfully assisting in selecting one. In accordance with those determinations, the court shall if necessary allow the respondent to select, or shall assign to him or her, an attorney. If the respondent is financially unable to pay an attorney, the attorney shall be compensated in substantially the manner provided by ~~sections-775-5-and-775-6~~ section eight hundred fifteen point seven (815.7) of the Code, except that if the county has a public defender the court may designate the public defender or an attorney on his or her staff to act as the respondent's attorney.

Sec. 29. Section two hundred twenty-nine point twenty (229.20), subsection two (2), Code 1979, is amended to read as follows:

2. When a proceeding under section 229.6 and succeeding sections of this chapter arises under ~~sections--783-5--or-789-8,~~ rule of criminal procedure twenty-two (22), subsection three (3), paragraph c and the respondent through his or her attorney waives the hearing otherwise required by section 229.12, the court may immediately order the respondent placed in a hospital for a complete psychiatric evaluation and appropriate treatment pursuant to section 229.13. In such cases, the court may in its discretion order or waive the physician's examination otherwise required under section 229.10.

Sec. 30. Section two hundred twenty-nine point twenty-one (229.21), subsection one (1), Code 1979, is amended to read as follows:

1. ~~As-seen-as-practicable-after-the-adoption-of-this-Act-the~~ 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 ~~section-125-19,-subsections-17,-27-5-and-9-(1977)~~ sections two hundred twenty-nine point fifty-one (229.51) to two hundred twenty-nine point fifty-three (229.53) of the Code. 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. 31. Section two hundred thirty point twenty (230.20), subsection five (5), Code 1979, is amended to read as follows:

5. An individual statement shall be prepared for any a patient on or before the fifteenth day of the month next succeeding the month in which that patient leaves the hospital, and a general statement shall be prepared at least quarterly for each county to which charges are made under this section. Except as otherwise required by ~~sections--224A-2--and-224A-3~~ section one hundred twenty-five point thirty-three (125.33) of the Code, the general statement shall list the name of each patient chargeable to that county who was served by the hospital during the preceding month or calendar quarter and the amount due on account of each patient, and the county shall be billed for one hundred percent of the stated charge for each patient, unless otherwise specified in the current appropriation for support of the state hospitals. The statement prepared for each county shall be certified by the superintendent of the hospital to the state comptroller and a duplicate statement shall be mailed to the auditor of that county.

Sec. 32. Section two hundred thirty-four point twenty-eight (234.28), Code 1979, is amended to read as follows:

234.28 OBSCENITY LAWS NOT APPLICABLE. The provisions of chapter ~~725~~ shall seven hundred twenty-eight (728) of the Code do not apply to services provided under the terms of this division.

Sec. 33. Section two hundred fifty-two B point seven (252B.7), paragraphs a, b, c and d, Code 1979, are amended to read as follows:

a 1. Contempt of court proceedings to enforce any order of court pertaining to child support.

b 2. Cases under chapter 252A, the Uniform Support of Dependents Law.

e 3. An information charging ~~desertion under the provisions of chapter 731~~ a violation of section seven hundred twenty-six point three (726.3), seven hundred twenty-six point five (726.5), or seven hundred twenty-six point six (726.6) of the Code.

d 4. Any other lawful action which will secure collection of support for minor children.

Sec. 34. Section two hundred sixty-one point twelve (261.12), subsection one (1), paragraph a, is amended to read as follows:

a. The total tuition and mandatory fees for that student for two semesters or the trimester or quarter equivalent, less the base amount determined annually by the ~~higher--education--facilities~~ college aid commission, which base amount shall be within ten dollars of the average tuition for two semesters or the trimester equivalent of undergraduate study at the state universities under the board of regents, but in any event the base amount shall not be less than four hundred dollars; or

Sec. 35. Section two hundred seventy-five point forty-one (275.41), subsections two (2) and five (5), Code 1979, are amended to read as follows:

2. The ~~boards~~ board of the ~~old~~ former school district with the largest population involved in the merger shall designate four directors to be retained as members of the board of the newly formed district. Other school districts involved in the merger shall each be allowed to retain directors in proportion to the ratio that the population of the former school district bears to the most populous district involved in the merger, except that no district involved in the merger shall retain less than one director.

5. The boards of directors of ~~ether~~ school districts which are involved in the merger which have three or more directors who are retained, shall each designate two of the directors who are retained to serve terms that expire at the organizational meeting following the second regular school election held thereafter. All other directors who are retained shall serve terms that expire at the organizational meeting following the third regular school election held thereafter.

Sec. 36. Section three hundred seven A point five (307A.5), unnumbered paragraphs one (1) and two (2), Code 1979, are amended to read as follows:

~~Municipalities~~ Cities and counties may assess the cost of a public improvement when such improvement benefits property owned by the state and under the jurisdiction and control of the highway division of the department. The commission shall pay from the primary road fund such portion of the cost of the improvement as would be legally assessable against the land if privately owned.

Assessments against property under the jurisdiction of the highway division of the department shall be made in the same manner as those made against private property, except that the ~~municipality~~ city or county making the assessment shall cause a copy of the public notice of hearing to be mailed to the ~~commission~~ director of transportation by ~~restricted~~ certified mail.

Sec. 37. Section three hundred ten point thirty-six (310.36), Code 1979, is amended to read as follows:

310.36 REPORT TO GOVERNOR. The research projects and engineering studies authorized herein shall be conducted in ~~co-operation~~ cooperation with the county engineers. ~~Once~~ On or before January thirty-first each year the department shall file a report with the governor, and county engineers, chief clerk of the house of representatives and secretary of the senate showing the work accomplished and projects undertaken under section 310.35; ~~and copies of a biennial report of the same for the use and benefit of the general assembly shall be filed with the chief clerk of the house of representatives and the secretary of the senate on or before January 31 of each odd-numbered year.~~

Sec. 38. Section three hundred sixteen point one (316.1), subsection nine (9), Code 1979, is amended to read as follows:

9. "~~Departmental~~ Administrative rules" means all rules subject to the provisions of chapter 17A.

Sec. 39. Section three hundred sixteen point five (316.5), subsection one (1), paragraph a, Code 1979, is amended to read as follows:

a. The amount, if any, which when added to the acquisition cost of the dwelling acquired by the department, equals the reasonable cost of a comparable replacement dwelling which is a decent, safe, and sanitary dwelling adequate to accommodate such displaced person, reasonably accessible to public services and places of employment and available on the private market. All determinations required to carry out this paragraph shall be made in accordance with ~~departmental~~ administrative rules established by the department in making these additional payments.

Sec. 40. Section three hundred sixteen point nine (316.9), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The department shall make ~~departmental~~ administrative rules and ~~regulations~~ necessary to effect the provisions of this chapter and to assure:

Sec. 41. Section three hundred sixteen point ten (316.10), Code 1979, is amended to read as follows:

316.10 APPLICABLE TO OTHER THAN FEDERAL-AID HIGHWAYS. The department or any political subdivision may provide all or a part of the programs and payments authorized under this chapter to persons displaced by any street or highway project which is financed in whole or in part by the state or a political subdivision, which is not a federal-aid project, and which requires the purchase or condemnation of private property for public use. To the extent that a program or payment is provided under this section, it shall be provided on a uniform basis to all persons so displaced. The department shall make ~~departmental~~ administrative rules ~~and--regulations~~ to assure reasonable standards, which need not conform to federal rules and guidelines, for programs and payments provided under this section.

Sec. 42. Section three hundred twenty-one point one (321.1), subsection fifty-three (53), Code 1979, is amended to read as follows:

53. "Through (or thru) highway" means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter or such entrances are controlled by a ~~police~~ peace officer or traffic-control signal. The term "arterial" ~~shall--be~~ is synonymous with "through" or "thru" when applied to highways of this state.

Sec. 43. Section three hundred twenty-one point eighty-nine (321.89), subsection three (3), paragraph a, Code 1979, is amended to read as follows:

a. A police authority which takes into custody an abandoned vehicle shall notify, within ~~ten~~ twenty days, by certified mail, the last known registered owner of the vehicle and all lienholders of record, addressed to their last known address of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model, and serial number of the vehicle, set forth the location of the facility where it is being held, inform the owner and any lienholders of their right to reclaim the vehicle within twenty-one days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of notice required pursuant to this subsection. The notice shall also state that the failure of the owner or lienholders to exercise their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner and all lienholders of all right, title, claim and interest in the vehicle and that such failure to reclaim the vehicle is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher. If the owner and lienholders do not exercise their right to reclaim such vehicle within the twenty-one-day reclaiming period, such owner and lienholders shall no longer have any right, title, claim, or interest in or to such vehicle. No court in any case in law or equity shall recognize any right, title, claim, or interest of any such owner and lienholders after the expiration of the twenty-one-day reclaiming period.

Sec. 44. Section three hundred twenty-one point one hundred forty-eight (321.148), Code 1979, is amended to read as follows:

321.148 MONTHLY ESTIMATE. The ~~auditor-of-the~~ department shall, on the first day of each month, furnish an estimate in writing to the treasurer of state of the amount of expenditures to be made by the department during that month.

Sec. 45. Section three hundred twenty-one point one hundred eighty-nine (321.189), subsection two (2), paragraph d, Code 1979, is amended to read as follows:

d. A motorized bicycle license is not required to operate a motorized bicycle if ~~possessed-of-an~~ the operator possesses a valid operator's or chauffeur's license.

Sec. 46. Section three hundred twenty-one point two hundred eighty-five (321.285), subsection eight (8), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Notwithstanding any other speed restrictions, the speed limits for all vehicular traffic, except vehicles subject to the provisions of section 321.286 on fully controlled-access, divided, multilaned highways including the national system of interstate highways designated by the federal highway administration and this state (23 U.S.C. 103 ~~(d)~~ (e) (1977)) shall be fifty-five miles per hour. However, the department or the cities, with the approval of the department, may establish a lower speed limit upon such highways located within the corporate limits of any city used as city alternate routes, commonly referred to as "freeways." For the purposes of this subsection a fully controlled-access highway is a highway that gives preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections. It is further provided that a minimum speed of forty miles per hour, road conditions permitting, shall be established on the highways referred to in this subsection.

Sec. 47. Section three hundred twenty-one point two hundred eighty-six (321.286), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

For the purposes of this section, interstate highways are those designated by the federal ~~bureau-of-public-roads~~ highway administration and this state, and primary and secondary roads ~~shall-be~~ are those designated by the federal ~~bureau-of-public-roads~~ highway administration and this state.

Sec. 48.* Section three hundred twenty-one point five hundred sixty-one (321.561), Code 1979, is amended to read as follows:

321.561 PUNISHMENT FOR VIOLATION. It ~~shall-be~~ is unlawful for any a person convicted as an habitual offender to operate any motor vehicle in this state during the period of time specified in section 321.560. Any A person guilty of violating the provisions of this section is guilty of an aggravated misdemeanor and shall ~~upon-conviction~~ be punished by imprisonment in the penitentiary for not more than two years, and notwithstanding the provisions of section ~~687-2,--such-conviction-shall-constitute-a-misdemeanor--and--not--a~~ felony nine hundred three point one (903.1), subsection one (1) of the Code.

*See also ch 1103, §18 herein

Sec. 49. Section three hundred twenty-five point eleven (325.11), Code 1979, is amended to read as follows:

325.11 RULES OF PROCEDURE. The ~~commission~~ board shall adopt rules governing the procedure to be followed in the filing of applications and in the conduct of hearings.

Sec. 50. Section three hundred twenty-five point thirty-four (325.34), Code 1979, is amended to read as follows:

325.34 SIMPLE MISDEMEANOR--PENALTY. Every owner, officer, agent, or employee of any motor carrier, and every other person who violates or fails to comply with, or who procures, aids, or abets in the violation of any provision of this chapter, or who fails to obey, observe, or comply with any order, decision, rule, or regulation, direction, demand, or requirement or any part or provision thereof, of the ~~commission~~ department, or who procures, aids, or abets any corporation or person in his or her failure to obey, observe, or comply with any such order, decision, rule, direction, demand, or regulation or any part or provision thereof, shall be guilty of a simple misdemeanor.

Sec. 51. Section three hundred twenty-six point two (326.2), subsection ten (10), Code 1979, is amended to read as follows:

10. "Preceding year" means a period of twelve consecutive months fixed by the board department, which period shall be within the sixteen months immediately preceding the commencement of the registration year for which proportional registration is sought.

Sec. 52. Section three hundred twenty-six point eleven (326.11), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The ~~executive-secretary~~ director may issue temporary written authorization to carriers for vehicles acquired by a fleet owner and added to ~~his~~ the fleet owner's prorated fleet after the beginning of the registration year. The temporary authority shall permit the operation of a commercial vehicle until permanent identification is issued, except that the temporary authority shall expire after thirty days.

Sec. 53. Section three hundred twenty-six point eighteen (326.18), Code 1979, is amended to read as follows:

326.18 FULLY REGISTERED FOR INTERSTATE MOVEMENT. When a nonresident fleet owner has registered vehicles on a prorated basis, the vehicles ~~shall be--considered~~ are fully registered insofar as interstate commerce is concerned. The privileges granted to a nonresident pursuant to this chapter ~~shall~~ permit the operation of a vehicle which is simultaneously engaged in interstate movements and intrastate commerce, provided that the owner has intrastate authority or rights granted by the transportation regulation board. The board may also enter into reciprocity agreements pursuant to section 326.5 to permit interstate and intrastate movement of vehicles registered on a prorated basis by a nonresident fleet owner, provided the owner has intrastate authority granted by the ~~Iowa-state-commerce--commission~~ transportation regulation board and the jurisdiction in which the nonresident is base plated grants the same privilege to an Iowa base plated vehicle. Each vehicle upon which an Iowa base plate is required to be displayed under this chapter ~~shall--be--considered~~ is fully registered for both interstate commerce and intrastate commerce.

Sec. 54. Section three hundred seventy-two point thirteen (372.13), subsection six (6), Code 1979, is amended to read as follows:

6. Within fifteen days following a regular or special meeting of the council, the clerk shall cause the minutes of the proceedings of the council, including the total expenditure from each city fund, to be published in a newspaper of general circulation in the city. The publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claim. Matters discussed in closed session pursuant to section 28A.3 shall not be published until entered on the public minutes. However, in cities having more than one hundred fifty thousand population the council shall each month print in pamphlet form a detailed itemized statement of all receipts and disbursements of the city, and a summary of its proceedings during the preceding month, and furnish copies to the city library, the daily newspapers of the city, and to persons who apply at the office of the city clerk, and the pamphlet shall constitute publication as required. Failure by the clerk to make publication is a simple misdemeanor. The provisions of this subsection are applicable in cities in which a newspaper is published, or in cities of two hundred population or over, but in all other cities, posting the statement in three public places in the city which have been permanently designated by ordinance is sufficient compliance with this subsection.

Sec. 55. Section three hundred eighty-eight point four (388.4), subsection four (4), Code 1979, is amended to read as follows:

4. Immediately following a regular or special meeting of a utility board, the secretary shall prepare a condensed statement of the proceedings of the board and cause the statement to be published in a newspaper of general circulation in the city. The statement must include a list of all claims allowed, showing the name of the person or firm making the claim, the reason for the claim, and the amount of the claim. Salary claims must show the gross amount of the claim except that salaries paid to persons regularly employed by the utility, for services regularly performed by them, must be published once annually showing the gross amount of the salary. In cities having more than one hundred fifty thousand population the utility board shall each month prepare in pamphlet form the statement herein required for the preceding month, and furnish copies to the city library, the daily newspapers of the city, the city clerk, and to persons who apply at the office of the secretary, and the pamphlet shall constitute publication as required. Failure by the secretary to make publication is a simple misdemeanor.

Sec. 56. Section four hundred twenty-seven point one (427.1), subsection twenty-two (22), Code 1979, is amended to read as follows:

22. PENSION AND WELFARE PLANS. All intangible property held pursuant to any pension, profit sharing, unemployment compensation, stock bonus or other retirement, deferred benefit or employee welfare plan the income from which is exempt from taxation under divisions II and III of chapter 422, ~~or as the same may hereafter be amended, provided that until the Korean War veterans bonus bonds are retired and paid the tax of twenty-seven cents per thousand dollars of assessed valuation imposed by section 35B.11 shall be levied and collected thereon.~~

Sec. 57. Section four hundred forty-two point two (442.2), subsection four (4), Code 1979, is amended by striking the subsection.

Sec. 58. Section four hundred forty-two point twenty-seven (442.27), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. For the school year beginning July 1, 1978, and for each subsequent school year, if an area education agency does not serve nonpublic school pupils in a manner comparable to services provided public school pupils for media and educational services, as determined by the state board of public instruction, the state board shall instruct the state comptroller to reduce the funds for media services and educational services one time by an amount to compensate for such reduced services. The media services budget shall be reduced by an amount equal to the product of the cost per pupil in basic enrollment for media services in the budget year times the difference between the enrollment served and the basic enrollment recorded for the area for the budget year beginning July 1, 1975. The educational services budget shall be reduced by an amount equal to the product of the cost per pupil in basic enrollment for educational services in the budget year times the difference between the enrollment served and the basic enrollment recorded for the budget year beginning July 1, 1975.

The provisions of this subsection shall apply only to media and educational services which cannot be diverted for religious purposes.

Notwithstanding the provisions of this subsection, an area education agency shall distribute to nonpublic schools media materials purchased wholly or partially with federal funds in a manner comparable to the distribution of such media materials to public schools as determined by the state board of public instruction.

Sec. 59. Section four hundred fifty-five point one hundred nine (455.109), Code 1979, is amended to read as follows:

455.109 REASSESSMENT TO CURE ILLEGALITY. Whenever any special assessment upon any lands within any drainage district shall have been ~~heretofore~~ adjudged to be void for any jurisdictional defect or for any illegality or uncertainty as to the terms of any contract and the improvement shall have been wholly completed, the board or boards of supervisors shall have power to remedy such illegality or uncertainty as to the terms of any such contract with the consent of the person with whom such contract shall have been entered into and make certain the terms of such contract and shall then cause a reassessment of such land to be made on an equitable basis with the other land in the district by taking the steps required by law in the making of an original assessment and relieving the tax in accordance with such assessment, and such tax shall have the same force and effect as though the board or boards of supervisors had jurisdiction in the first instance and no illegality or uncertainty existed in the contract.

Sec. 60. Section four hundred ninety-one point forty-six (491.46), Code 1979, is amended to read as follows:

491.46 BOOKS TO SHOW NAMES OF STOCKHOLDERS. The books of the corporation shall be kept to show the amount of capital stock actually paid in, the number of shares of stock issued, the original stockholders, and all transfers of shares of stock, and there shall be entered upon the books of

the corporation the name of the person by and to whom stock is transferred, the numbers or other designations of the shares of stock and the date of transfer. ~~Nothing herein contained shall~~ This section does not create any rights or impose any duties inconsistent with the provisions of chapter ~~493A~~ five hundred fifty-four (554) of the Code.

Sec. 61. Section five hundred seven B point four (507B.4), subsections twelve (12) and thirteen (13), Code 1979, are amended by striking the subsections.

Sec. 62. Section six hundred A point nine (600A.9), subsection one (1), paragraph a, Code 1979, is amended to read as follows:

a. Order the petition dismissed; or, ~~find that the petition should not be granted but that the child is a child in need of assistance as defined in section 232-27, subsection 13, and shall issue an order pursuant to section 232-33, or,~~

Sec. 63. Section seven hundred twenty-two point one (722.1), Code 1979, is amended to read as follows:

722.1 BRIBERY. A person who offers, promises or gives anything of value or any benefit to any person who is serving or has been elected, selected, appointed, employed or otherwise engaged to serve in a public capacity, including any public officer or employee, any referee, juror or venireman, or any witness in any judicial or arbitration hearing or any official inquiry, or any member of a board of arbitration, ~~with intent to~~ pursuant to an agreement or arrangement or with the understanding that the promise or thing of value or benefit will influence the act, vote, opinion, judgment, decision or exercise of discretion of such person with respect to his or her services in such capacity commits a class "D" felony. In addition, any person convicted under this section shall be disqualified from holding public office under the laws of this state.

Sec. 64. Section seven hundred twenty-two point two (722.2), Code 1979, is amended to read as follows:

722.2 ACCEPTING BRIBE. Any person who is serving or has been elected, selected, appointed, employed or otherwise engaged to serve in a public capacity, including any public officer or employee, any referee, juror or venireman, or any witness in any judicial or arbitration hearing or any official inquiry, or any member of a board of arbitration who shall solicit or knowingly accept or receive any promise or anything of value or any benefit given ~~with the intent to~~ pursuant to an understanding or arrangement that the promise or thing of value or benefit will influence the act, vote, opinion, judgment, decision or exercise of discretion of such person with respect to his or her services in that capacity commits a class "C" felony. In addition, any person convicted under this section shall be disqualified from holding public office under the laws of this state.

Sec. 65. Chapter six hundred seventy-five (675), Code 1979, is amended by adding the following new section:

NEW SECTION. For the purposes of this chapter, "child" means a person less than eighteen years of age.

Sec. 66. Section six hundred seventy-five point twenty-five (675.25), Code 1979, is amended to read as follows:

675.25 FORM OF JUDGMENT. The judgment shall be for annual amounts, equal or varying, having regard to the obligation of the father under section 675.1, as the court directs, until the child reaches the age of ~~sixteen~~ eighteen years. The payments may be required to be made at such periods or intervals as the court directs.

Sec. 67. Section seven hundred twenty-four point twenty-three (724.23), Code 1979, is amended to read as follows:

724.23 RECORDS KEPT BY COMMISSIONER. The commissioner of public safety shall maintain a permanent record of all permits to carry weapons authorized by this chapter and of permit revocations ~~and reports of sales of weapons required by this chapter~~.

Sec. 68. Section seven hundred twenty-four point four (724.4), subsection six (6), is amended to read as follows:

6. Any person who for any lawful purpose carries or transports an unloaded pistol or revolver in any vehicle inside a closed and fastened container or securely wrapped package which is too large to be concealed on the person or inside a cargo or luggage compartment where the pistol or revolver will not be readily accessible to any person riding in a vehicle or common carrier.

Sec. 69. Section eight hundred five point eight (805.8), subsection five (5), paragraph b, Code 1979, is amended to read as follows:

b. For violations of sections 109.54, 109.80, first paragraph, 109.82, 109.91, 109.122, 109.123 and ~~110.12~~ one hundred ten point nineteen (110.19) of the Code, the scheduled fine is twenty dollars.

Sec. 70. Senate File three hundred sixty-two (362), section four (4), subsection three (3), as enacted by the Sixty-eighth General Assembly, 1979 Session, is amended to read as follows:

3. To be eligible for the loans, the local development corporation must secure the agreement of the commission to make the loan for the ~~second~~ first year after completion before commencing construction of the building.

Approved March 6, 1980

CHAPTER 1016
MERIT SYSTEM APPOINTMENTS
H. F. 690

AN ACT relating to the persons eligible for appointment on the appropriate eligible list under the merit system.

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

Section 1. Section nineteen A point nine (19A.9), subsection seven (7), Code 1979, is amended to read as follows:

7. For the appointment by the appointing authority of a person standing among the highest ~~ten-percent~~ six scores on the appropriate eligible list to fill a vacancy ~~or among highest five if there are less than fifty on the list.~~

Sec. 2. This Act is effective January first following its enactment.

Approved April 21, 1980

CHAPTER 1017
TORT LIABILITIES
H. F. 2461

AN ACT relating to tort liability of regional boards of library trustees, soil conservation districts and their officers, employees, and agents.

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

Section 1. Section twenty-five A point two (25A.2), subsection one (1), Code 1979, is amended to read as follows:

1. "State agency" includes all executive departments, agencies, boards, bureaus, and commissions of the state of Iowa, and corporations whose primary function is to act as, and while acting as, instrumentalities or agencies of the state of Iowa, whether or not authorized to sue and be sued in their own names. This definition shall not be construed to include any contractor with the state of Iowa. Soil conservation districts as defined in section four hundred sixty-seven A point three (467A.3), subsection one (1), of the Code, and regional boards of library trustees as defined in section three hundred three B (303B) of the Code, are state agencies for purposes of this chapter.

Sec. 2. Section six hundred thirteen A point one (613A.1), subsection one (1), Code 1979, is amended to read as follows:

1. "Municipality" means city, county, township, school district, and any other unit of local government except a soil conservation district as defined in section four hundred sixty-seven A point three (467A.3), subsection one (1), of the Code.

Approved April 21, 1980

CHAPTER 1018
IOWA NATIONAL GUARD
H. F. 2518

AN ACT relating to the administration of the Iowa national guard.

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

Section 1. Chapter twenty-nine A (29A), Code 1979, is amended by adding the following new sections:

NEW SECTION. SPECIAL POLICE. The adjutant general may by order entered of record commission one or more of the employees of the military department as special police. Such special police shall on the premises of any state military reservation or other state military property have and exercise the powers of regular peace officers.

NEW SECTION. BREVET RANK. The commander in chief, on the recommendation of the adjutant general, may commission by brevet general and field grade officers of the national guard whose names appear on the roll of retired military personnel as defined in section twenty-nine A point twenty-three (29A.23) of the Code in the next higher grade than that held at retirement or resignation. Brevet rank is only honorary and does not confer any privilege, precedence or command or pay any emoluments. Brevet officers may wear the uniform of their brevet rank on occasions of ceremonies related to state functions only.

Sec. 2. Section twenty-nine A point one (29A.1), subsections two (2), three (3), four (4), five (5), six (6) and seven (7), Code 1979, are amended by striking the subsections and inserting in lieu thereof the following:

2. "National guard" means the Iowa units, detachments and organizations of the army national guard of the United States and the air national guard of the United States as those forces are defined in the National Defense Act and its amendments, the Iowa army national guard and the Iowa air national guard.

3. "Unit" means a military element of an organization whose structure is prescribed by competent authority such as a table of organization, table of distribution, or unit manning document. For the purposes of this chapter, a unit shall include one or more companies, flights, troops, batteries or detachments and the state officer candidate school.

4. "Organization" means a command composed of two or more subordinate units and includes the state headquarters for both the army and the air

national guard, one or more divisions, wings, brigades, groups, battalions, squadrons or flights as defined by an appropriate table of organization, a table of distribution or unit manning document.

5. "Active state service" means service on behalf of the state when public disaster, riot, tumult, breach of the peace or resistance of process occurs or threatens to occur, when called upon in aid of civil authorities or when under martial law or at encampments ordered by state authority. Active state service also includes serving as adjutant general, deputy adjutant general, state quartermaster and administrative orders officer, but does not include training or duty required or authorized under U.S.C. ss. 502-505, or any other training or duty required or authorized by federal laws and regulations.

6. "Federal service" means duty authorized and performed under the provisions of 10 U.S.C. or 32 U.S.C., ss. 502-505 which includes unit training assemblies commonly known as "drills", annual training, rifle marksmanship, full-time training for school purposes and recruiting.

7. "On duty" means unit training assemblies, all other training, and service which may be required under state or federal law, regulations, or orders, and the necessary travel of an officer or enlisted person to the place of performance and return home after performance of that duty, but does not include federal service under 10 U.S.C.

Sec. 3. Section twenty-nine A point seven (29A.7), Code 1979, is amended to read as follows:

29A.7 COMMANDER IN CHIEF. The governor ~~shall--be~~ is the commander in chief of the military forces, except ~~so-much-thereof-as-may-be~~ when they are in federal service. The governor may employ the military forces of the state for the defense or relief of the state, the enforcement of its laws, the protection of life and property, ~~and~~ emergencies resulting from disasters or public disorders as defined in section 29C.2, and parades and ceremonies of a civic nature.

Sec. 4. Section twenty-nine A point nine (29A.9), Code 1979, is amended to read as follows:

29A.9 FIELD TRAINING. The governor may order the national guard into ~~camp-for-field~~ training for ~~such any period or periods-as-he-may-direct~~. He The governor may, ~~in-his-discretion,~~ order ~~such the~~ organizations or personnel of the national guard, or persons who have retired from the national guard, ~~both--army--and-air,-as-he-may-deem-proper,~~ to active state service, or duty, or to assemble for purposes of security, drill, instruction, parade, ceremonies of a civic nature, guard, recruiting and escort duty, and schools of instruction as a student or instructor, including the Iowa military academy, and prescribe all regulations and requirements ~~therefor~~ for those duties.

The governor shall also provide for the participation of the national guard, or any ~~portion-thereof~~ part of it, in ~~field~~ training at such times and places as ~~may-be~~ designated by the secretary of defense.

Sec. 5. Section twenty-nine A point nine (29A.9), Code 1979, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. A state employee shall take either a full day's leave or eight hours of compensatory time on any day in which the state employee receives a full day's pay from federal sources for national guard duty.

NEW UNNUMBERED PARAGRAPH. A member of the national guard shall be considered to be on duty when he or she is called to testify about an incident which the member observed or was involved in while that member was on duty.

Sec. 6. Section twenty-nine A point ten (29A.10), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The governor may appoint an officer of the national guard to serve as special investigator for a period determined by the governor. Service as special investigator shall be active state service. The special investigator shall report to and serve at the pleasure of the governor. The duty of special investigator shall be assigned as additional duty. The special investigator shall not be the person designated as inspector general pursuant to federal national guard bureau regulation.

Sec. 7. Section twenty-nine A point eleven (29A.11), Code 1979, is amended to read as follows:

29A.11 ADJUTANT GENERAL--APPOINTMENT, TERM AND REMOVAL. There shall be an adjutant general of the state who shall be appointed and commissioned by the governor with the approval and confirmation of two-thirds of the senate and who shall serve at the pleasure of the governor. The rank of the adjutant general shall be at least that of brigadier general and ~~he or she~~ the adjutant general shall hold office for a term of four years. At the time of appointment the adjutant general shall be or have been a federally recognized commissioned officer ~~with not less than ten years military service in the armed forces, at least five of which have been commissioned service,~~ and who shall have reached the grade of a field officer.

Sec. 8. Section twenty-nine A point twelve (29A.12), Code 1979, is amended to read as follows:

29A.12 POWERS AND DUTIES--SPECIAL--POLICE. The adjutant general shall have command and control of the military department, and perform such duties as pertain to the office of the adjutant general under law and regulations, pursuant to the authority vested in the adjutant general by the governor. He The adjutant general shall superintend the preparation of all letters and reports required by the United States from the state, and perform all the duties prescribed by law. He The adjutant general shall have charge of the state military reservations, and all other property of the state kept or used for military purposes. ~~The adjutant general may by order entered of record commission one or more of the employees of the military department as special police.--Such special police shall on the premises of any state military reservation or other state military property have and exercise the powers of regular peace officers.--It shall be the duty of the~~ The adjutant general to shall cause an inventory to be taken at least once each year of all military stores, property and funds under his or her jurisdiction. In each year preceding a regular session of the general assembly he the adjutant general shall prepare a detailed report of the transactions of his that office, the

its expenses thereof, and such other matters ~~as shall be~~ required by the governor for the period since the last preceding report, and the governor may at any time require a similar report.

The adjutant general ~~is authorized to~~ may enter into an agreement with the secretary of defense to operate the water plant at Camp Dodge for the use and benefit of the United States, and the state of Iowa upon such terms and conditions as ~~shall be~~ approved by the governor.

Sec. 9. Section twenty-nine A point thirteen (29A.13), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

29A.13 APPROPRIATED FUNDS. Operating expenses for the national guard including the purchase of land, maintenance of facilities, improvement of state military reservations, installations, and weapons firing ranges owned or leased by the state of Iowa or the United States shall be paid from funds appropriated for the support and maintenance of the national guard. Claims for payment of such expenses shall be subject to the approval of the adjutant general. Upon approval of the adjutant general the claim shall be submitted to the state comptroller in accordance with the procedures established by the state comptroller under chapter eight (8) of the Code.

Payment for personnel compensation and authorized benefits shall be approved by the adjutant general prior to submission to the state comptroller for payment.

Sec. 10. Section twenty-nine A point fifteen (29A.15), Code 1979, is amended to read as follows:

29A.15 ~~MERIT--AND--SERVICE--BADGES~~ STATE AWARDS AND DECORATIONS. The adjutant general, from the funds appropriated for the support and maintenance of the national guard, shall procure and issue to the members of the national guard, ~~entitled thereto,~~ merit or service badges or other appropriate awards for such service ~~and periods of service~~ under such regulations and according to the design and pattern ~~thereof, as may be~~ determined by the adjutant general. Members of the national guard who, by order of the president, ~~have served or shall~~ serve in federal forces during national emergency, ~~shall be entitled to~~ may count the period of such that federal service toward the procurement of a service badge.

Sec. 11. Section twenty-nine A point sixteen (29A.16), Code 1979, is amended to read as follows:

29A.16 DEPUTY ADJUTANT GENERAL AND ASSISTANTS. The governor shall appoint a deputy adjutant general, who shall be or have been a commissioned officer, and an assistant adjutant general for the army national guard who shall be a commissioned officer, and an assistant adjutant general for the air national guard who shall be a commissioned officer, upon the recommendation of the adjutant general. They shall have such rank as is consistent with federal law and regulations to and including the rank of brigadier general and at the time of their appointment shall be federally ~~recognized~~ commissioned officers ~~with not less than five years' service, at least three years of which shall have been commissioned service~~ and they shall have reached the grade of a field officer. They shall serve at the pleasure of the governor.

The deputy adjutant general shall serve in the office of the adjutant general and aid ~~him~~ by performing such duties as the adjutant general may assign ~~him~~. In the absence or disability of the adjutant general he the deputy shall perform the duties of that office as acting adjutant general. Each assistant adjutant general shall be responsible for ~~such~~ duties with the army national guard or the air national guard, respectively, as ~~may--be~~ prescribed by the adjutant general.

The adjutant general may appoint a full-time staff within prescribed manning authorization. Members of that staff who are not in state active duty status are authorized salaries with allowances as provided by the executive council exempt pay plan.

Sec. 12. Section twenty-nine A point seventeen (29A.17), Code 1979, is amended to read as follows:

29A.17 GOVERNOR'S STAFF. The military ~~and-naval~~ staff of the governor shall consist of the adjutant general, who shall be the chief of staff; the assistant adjutant general, who shall be the assistant chief of staff and such aides, residents of the state, as the governor may appoint, or may detail from the armed forces of the state.

The aides appointed shall be commissioned at a rank not higher than the military rank of colonel ~~or-the-naval-rank-of-captain~~, except ~~in-the-case--of~~ that if a person ~~who~~ holds or has held a higher rank in the armed forces of the state or nation ~~in-which-case~~ the commission may issue for such higher rank.

Sec. 13. Section twenty-nine A point eighteen (29A.18), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

29A.18 UNITED STATES PROPERTY AND FISCAL OFFICER. Subject to the approval of the secretary of the army and secretary of the air force, the governor shall detail through the national guard bureau a qualified commissioned officer of the national guard who is also a commissioned officer of the army or the air force of the United States to be the United States property and fiscal officer for Iowa. Subject to the approval of the governor, the adjutant general shall nominate a qualified commissioned officer for the detail to this position.

The United States property and fiscal officer for Iowa shall perform the duties provided by 32 U.S.C. s. 708.

The governor may request the removal for cause of the United States property and fiscal officer for Iowa through the chief of the national guard bureau to the secretary of the army or air force.

Sec. 14. Section twenty-nine A point nineteen (29A.19), Code 1979, is amended to read as follows:

29A.19 QUARTERMASTER. ~~There--shall--be-detailed-a~~ A present or retired commissioned officer of the national guard ~~or-one-retired-therefrom-with--not less--than~~ who has ten years' service in the Iowa national guard or the Iowa air national guard and ~~who-shall-have~~ has attained the grade of a field officer, shall be detailed to be the quartermaster and property officer of the state, ~~and-as-such,~~ who shall have charge of and be accountable for, under the adjutant general, all state military property, ~~and-who-may-be-the United-States-property-and-fiscal-officer.~~ He The quartermaster shall keep

such property returns and reports ~~on-the-same~~ and shall give such bond to the state of Iowa as the governor may direct.

Sec. 15. Section twenty-nine A point twenty-three (29A.23), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

29A.23 ROLL OF RETIRED OFFICERS AND ENLISTED PERSONNEL. An officer or enlisted person of the Iowa national guard who has completed twenty years of military service under 10 U.S.C. s. 1331(d), as evidenced by a letter of notification of retired pay at age sixty, shall upon retirement and his or her written request to the adjutant general be placed by order of the commander in chief on a roll in the office of the adjutant general to be known as the "roll of retired military personnel." A member registered on the roll is entitled to wear the uniform of the rank last held on state or other occasions of ceremony, when the wearing of such uniform is not in conflict with federal law.

Sec. 16. Section twenty-nine A point twenty-seven (29A.27), unnumbered paragraphs three (3), five (5), and six (6), Code 1979, are amended to read as follows:

Any officer or enlisted ~~man~~ person who suffers injuries or contracts a disease causing disability, in line of duty, while on duty or in active state service, shall receive hospitalization and medical treatment, and during the period that he or she is totally disabled from ~~engaging-in-any-gainful-occupation~~ returning to military duty he or she shall also receive the pay and allowances of his or her grade. In the event of partial disability, he the officer or enlisted person shall be allowed such partial pay and allowances as ~~may-be~~ determined by a an evaluation board of three officers to be appointed by the ~~governor~~ adjutant general. At least one member of the board shall be a medical officer.

Where the provisions of this section may be applicable or at ~~such~~ other times as ~~he-may-consider-it~~ considered necessary, but at least once a year, the adjutant general shall appoint a state review board ~~of-officers~~ consisting of three officers, one of whom shall be a medical officer, ~~upon the-occurrence-of-each-instance-of-an-accident-or-incident-resulting--in--the-injury--illness--disease--or-death-of-a-member-of-the-military-forces-of-the-state--The--board--of--officers--shall--be--appointed--for--the--purpose--of-determining--eligibility--of--individuals--designated--in--this--section--for-benefits-authorized-therein--The-adjutant-general-shall-appoint-such-a-board-at-least-once-each-year~~ for the purpose of determining the continuation of ~~eligibility--of--all--recipients--of--such~~ benefits for individuals who have established their eligibility under this section. ~~The-boards-provided-herein shall-be-in-addition-to-the-board-authorized-for-appointment-by-the-governor-for-the-purpose-of-determining-entitlement-to-partial-pay-and-allowances-for-partial-disability-as-heretofore-provided-~~ Once established, benefits shall be paid until terminated by the review board and shall continue for the duration of the disability even though the individual may no longer be medically qualified for military service and may have been discharged from the national guard.

Judicial review of any decision of the evaluation or state review board may be sought in accordance with the terms of the Iowa administrative

procedure Act. Notwithstanding the terms of the Iowa administrative procedure Act, petitions for judicial review must be filed within a period of thirty days from date of mailing by the adjutant general by certified mail of notice of ~~such~~ the board's decision. Within thirty days after the filing of ~~such~~ a petition for judicial review, the adjutant general shall make, certify, and file in the office of the clerk of the district court in which the judicial review is sought a full and complete transcript of all documents in the proceeding. The transcript shall include any depositions and a transcript or certification of the evidence, if reported. The attorney general of Iowa, upon the request of the adjutant general, shall represent the board appointed by the adjutant general against whom any such appeal has been instituted.

Sec. 17. Section twenty-nine A point thirty-three (29A.33), Code 1979, is amended to read as follows:

29A.33 PER CAPITA ALLOWANCE TO COMPANY UNIT. Each ~~company--or--similar~~ unit of the national guard showing attendance and actual drill of those present for such drills as are prescribed in compliance with the national defense Act or its amendments ~~thereto,--or--substitutes--therefor,~~ and such regulations as ~~may-be~~ prescribed ~~from--time--to--time~~ by the secretary of defense, ~~pursuant--thereto,~~ shall receive an annual allowance for military purposes, in the sum of ~~five~~ ten dollars per capita, to be paid in semiannual installments on the basis of ~~two-dollars-and-fifty--cents~~ five dollars per capita. For the purpose of computing each semiannual installment the per capita strength shall be the average enlisted strength of the unit, for that semiannual period, ~~provided~~ however, ~~that--in--the--event~~ if the average attendance of any unit during any semiannual period falls below fifty percent of the average enlisted strength of such unit in that period, ~~such~~ the allowance shall not be paid for that period. The semiannual periods ~~herein referred-to~~ shall begin January 1 and July 1. ~~Such~~ The allowance shall be paid from the funds appropriated for the support and maintenance of the national guard, and the adjutant general shall prescribe regulations requiring an itemized statement of the allowance and governing its expenditure. The allowance shall not be used to purchase an alcoholic beverage or beer.

Sec. 18. Section twenty-nine A point thirty-four (29A.34), Code 1979, is amended to read as follows:

29A.34 CLOTHING AND EQUIPMENT. The commanding officer of a company unit or organization receiving clothing or equipment for the use of ~~his~~ that command shall distribute ~~same~~ it to the members of ~~his~~ that command, taking receipts and requiring the return of each article at such time and place as ~~he--shall--direct~~ that officer directs.

Upon the direction of any company unit or organization commander ~~it--shall~~ ~~be--the--duty-of~~ the county attorney ~~to~~ shall bring action in the name of the state of Iowa against any person for the recovery of any property issued by ~~said--company~~ a unit or organization commander ~~or--his--predecessor,~~ or for ~~the~~ its value ~~thereof~~ as set forth in the price list promulgated by the federal government.

All sums so collected shall be paid to ~~such company commander and used for the replacement of military property charged to the organization~~ the treasurer of the United States and forwarded to the United States property and fiscal officer for Iowa.

Sec. 19. Section twenty-nine A point thirty-seven (29A.37), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Each officer responsible or accountable for property for military use, or funds of the state or of the United States, shall execute and deliver to the adjutant general a bond ~~therefor~~, with sureties to be approved by the ~~governor~~ adjutant general, and payable to the state, in such amount as ~~may be~~ fixed by the ~~governor~~ adjutant general, conditioned for the proper care, use, and return in good order, wear, use and unavoidable loss and damage excepted, of all such state and United States property, and the proper care and faithful disbursement and accounting of all ~~such~~ those funds coming into the hands of ~~such~~ that officer. ~~Provided, however, that~~ However, the adjutant general, with the approval of the governor, may obtain an adequate indemnity bond covering all or part of ~~the~~ those officers ~~so~~ accountable or responsible ~~in which case~~ and the officers ~~so~~ covered shall not be required to furnish individual bonds ~~as hereinbefore provided.~~

Sec. 20. Section twenty-nine A point forty-eight (29A.48), Code 1979, is amended to read as follows:

29A.48 COMMITMENT AND FINES. In default of payment of any fine imposed by any military court acting under martial law, ~~or by any courts martial~~, the offender ~~shall~~ may be committed to any county jail designated by any court of this state for a period equal to one day for each three dollars of fine imposed and unpaid.

Sec. 21. Section twenty-nine A point fifty-one (29A.51), Code 1979, is amended to read as follows:

29A.51 SUIT OR PROCEEDING--DEFENSE. ~~In the event any~~ If a suit or proceeding ~~shall be~~ is commenced in any court by any person against ~~any~~ an officer of the military forces for ~~any~~ an act done by ~~such~~ that officer in the officer's official capacity in the discharge of ~~any~~ a duty under this chapter or chapter twenty-nine B (29B) of the Code, or against ~~any~~ an enlisted person acting under the authority or order of ~~any such~~ an officer, or by virtue of ~~any~~ a warrant issued by the officer pursuant to law, ~~it shall be the duty of~~ the attorney general or state judge advocate, upon the request of the adjutant general, ~~to~~ shall defend ~~any~~ the member of the military forces of the state against whom ~~any such~~ the suit or proceeding has been instituted. The costs of ~~such~~ the defense shall be paid out of any funds in the state treasury not otherwise appropriated. Before ~~any~~ the suit or proceeding ~~shall be~~ is filed or maintained against ~~any~~ the officer or enlisted person ~~as herein provided~~, the plaintiff ~~shall be required to~~ must give security, to be approved by the court in a sum not less than one hundred dollars to secure the costs. If the plaintiff fails to recover judgment, ~~such~~ the costs shall be taxed and judgment rendered ~~therefor~~ against the plaintiff and the plaintiff's sureties. When troops are called into active state service by the governor under martial law or as aid to the civil authorities, in addition to the judge advocate's other duties, any judge

advocate on duty with ~~such~~ those troops may be appointed by the attorney general as an assistant attorney general, without pay for the judge advocate's services for acting in ~~such~~ that capacity.

Sec. 22. Section twenty-nine A point fifty-four (29A.54), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

29A.54 SENIOR COMMANDER ALLOWANCES. A fund shall be established from an annual appropriation of funds to be used by senior commanders as an expense allowance to defer expenses incurred in conducting command functions or escorting military guests while acting in their official capacity as commander. Appropriations to the fund shall be made at the beginning of each fiscal year in the amount of four hundred fifty dollars for each federally recognized general officer of the army national guard and the air national guard. The adjutant general of Iowa shall have custodial and administrative responsibility for the fund and shall prescribe regulations requiring an itemized statement of expenditures from the fund. The fund shall not be used to purchase an alcoholic beverage or beer.

Sec. 23. Section twenty-nine A point fifty-seven (29A.57), unnumbered paragraphs one (1), eight (8) and nine (9), Code 1979, are amended to read as follows:

The governor shall appoint an armory board which shall consist of the adjutant general serving as chairperson, at least two officers from the active commissioned personnel of the national guard, and at least one other person, who is a citizen of the state of Iowa, of good moral character. One member of ~~such~~ the board shall have had at least five years' experience in the building construction trade. The board shall meet at ~~such~~ such times and places as ~~are~~ are ordered by the governor. The members, ~~so-appointed,~~ shall serve at the pleasure of the governor. Members of the board shall receive compensation of thirty dollars and actual expenses for each day actually employed under the provisions of this chapter.

The board shall fix the amount to be paid to commanding officers of each ~~division,--brigade,--battle--group,--battalion,--company,--or--other~~ organization and unit of the national guard for headquarters expenses and shall provide by regulation how the ~~same~~ amount shall be disbursed by ~~such~~ the commanding officers. ~~The--actions-of-the-armory-board-shall-be-subject-to-the-approval-of-the-governor.~~ The governor may disapprove the actions of the armory board.

The allowances made by the armory board shall, ~~when-approved-by-the-governor,~~ be paid from the funds appropriated for the support and maintenance of the national guard.

Sec. 24. Section twenty-nine A point sixty-one (29A.61), unnumbered paragraph two (2), Code 1979, is amended by striking the paragraph and inserting in lieu thereof the following:

The proceeds of all fines imposed by a military court or a commander administering nonjudicial punishment shall be transmitted to the adjutant general. The adjutant general shall deposit all fines and penalties received with the state treasurer for credit to the general fund of the state.

Sec. 25. Section twenty-nine A point sixty-six (29A.66), Code 1979, is amended to read as follows:

29A.66 APPLICABLE POWERS AND DUTIES. The powers and duties of the governor, the adjutant general and the ~~assistant~~ deputy adjutant general, with relation to the Iowa state guard shall be the same as those powers and duties prescribed in this chapter for such officers with relation to the national guard.

Approved May 1, 1980

CHAPTER 1019
DISASTER GRANTS

S. F. 2371

AN ACT relating to the executive council providing disaster grants to governmental subdivisions.

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

Section 1. Section twenty-nine C point twenty (29C.20), subsections one (1) and two (2), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section fifteen (15), are amended to read as follows:

1. A contingent fund is created in the state treasury for the use of the executive council which may be expended for the purpose of paying the expenses of suppressing ~~any an~~ insurrection or riot, actual or threatened, when state aid has been rendered by order of the governor, and for repairing, rebuilding, or restoring ~~any~~ state property injured, destroyed, or lost by fire, storm, theft, or unavoidable cause, and for aid to ~~any a~~ governmental subdivision in an area declared by the governor to be a disaster area due to natural disasters or to expenditures necessitated by the governmental subdivision toward averting or lessening the impact of ~~such the~~ potential disaster, where the effect of ~~such the~~ disaster or ~~such the~~ action on the governmental subdivision is the immediate financial inability to meet the continuing requirements of local government. Upon application by a governmental subdivision in such an area, accompanied by a showing of obligations and expenditures necessitated by ~~such the~~ actual or potential disaster in ~~such the~~ form and with ~~such further~~ information as the executive council may require, ~~such the~~ aid may be made in the discretion of the executive council and, if made, shall be in the nature of a loan up to a limit of seventy-five percent of the showing of ~~such the~~ obligations and expenditures. The executive council may provide fifty percent of the loan as a grant. However, the grant shall not exceed fifty thousand dollars and shall not be provided for the purpose of snow removal and other expenses resulting from a blizzard. The loan, without interest, ~~shall~~ may be repaid by the maximum annual emergency levy as authorized by section 24.6. The loan shall be repaid within twenty years. The aggregate total of ~~such the~~ loans

and grants shall not exceed one million dollars during any a fiscal year. A ~~loan--shall--not--be--for--any--obligation--or--expenditure--occurring--more--than--two--years--previous--to--the--application.~~ The executive council may provide a grant for an existing loan of a governmental subdivision.

2. The proceeds of ~~such~~ a loan or a loan and grant shall be applied toward the payment of costs and obligations necessitated by ~~such~~ the actual or potential disaster and the reimbursement of local funds from which ~~such~~ the expenditures have been made. ~~Any-such~~ A project for repair, rebuilding or restoration of state property for which no specific appropriation has been made, shall, before work is begun, be subject to approval or rejection by the executive council.

Sec. 2. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section fifteen (15) amending section twenty-nine C point twenty (29C.20), Code 1979, is repealed.

Sec. 3. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section sixteen (16), is repealed.

Sec. 4. This Act is repealed effective July 1, 1982 and all unencumbered and unobligated funds within the contingency fund established by section one (1) of this Act shall expire on that same date and shall revert to the general fund of the state.

Approved May 17, 1980

CHAPTER 1020
VETERANS BONUS FUND
S. F. 2126

AN ACT abolishing the additional bonus and disability fund.

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

Section 1. The additional bonus and disability fund created by section eight (8), chapter three hundred thirty-two (332), Acts of the Thirty-ninth General Assembly, is abolished.

Sec. 2. Section thirty-five A point six (35A.6), Code 1979, is amended by striking subsection eight (8).

Sec. 3. Sections thirty-five point two (35.2) through thirty-five point six (35.6), Code 1979, are repealed.

Sec. 4. Unencumbered funds remaining in the additional bonus and disability fund on the effective date of this Act shall be deposited by the treasurer of state in the general fund of the state.

Approved March 20, 1980

CHAPTER 1021

GENERAL ASSEMBLY AND CONGRESSIONAL DISTRICTS

H. F. 707

AN ACT authorizing certain preparations for and prescribing a procedure for the redistricting of the general assembly and the redrawing of congressional districts following the 1980 federal decennial census.

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 requires otherwise:

1. "Chief election officer" means the state commissioner of elections as defined by section forty-seven point one (47.1) of the Code.

2. "Commission" means the temporary redistricting advisory commission established pursuant to this Act.

3. "Federal census" means the decennial census required by federal law to be conducted by the United States bureau of the census in every year ending in zero.

4. "Four selecting authorities" means:

a. The majority floor leader of the state senate.

b. The minority floor leader of the state senate.

c. The majority floor leader of the state house of representatives.

d. The minority floor leader of the state house of representatives.

5. "Plan" means a plan for legislative and congressional reapportionment drawn up pursuant to the requirements of this Act.

6. "Political party office" means an elective office in the national or state organization of a political party, as defined by section forty-three point two (43.2) of the Code.

7. "Partisan public office" means:

a. An elective or appointive office in the executive or legislative branch or in an independent establishment of the federal government.

b. An elective office in the executive or legislative branch of the government of this state, or an office which is filled by appointment and is exempt from the merit system under section nineteen A point three (19A.3), subsection fourteen (14) of the Code.

c. An office of a county, city or other political subdivision of this state which is filled by an election process involving nomination and election of candidates on a partisan basis.

8. "Relative" means an individual who is related to the person in question as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.

Sec. 2. NEW SECTION. PREPARATIONS FOR REDISTRICTING.

1. The legislative service bureau shall acquire appropriate information, review and evaluate available facilities, and develop programs and procedures in preparation for drawing congressional and legislative redistricting plans on the basis of each federal census. Funds shall be expended for the purchase or lease of equipment and materials only with prior approval of the legislative council.

2. By December thirty-first of each year ending in zero, the legislative service bureau shall obtain from the United States bureau of the census information regarding geographic and political units in this state for which federal census population data has been gathered and will be tabulated. The legislative service bureau shall use the data so obtained to:

a. Prepare necessary descriptions of geographic and political units for which census data will be reported, and which are suitable for use as components of legislative districts.

b. Prepare maps of counties, cities and other geographic units within the state, which may be used to illustrate the locations of legislative district boundaries proposed in plans drawn in accordance with section four (4) of this Act.

3. As soon as possible after January first of each year ending in one, the legislative service bureau shall obtain from the United States bureau of the census the population data needed for legislative districting which the census bureau is required to provide this state under United States Pub. L. 94-171, and shall use that data to assign a population figure based upon certified federal census data to each geographic or political unit described pursuant to subsection two (2), paragraph a of this section. Upon completing that task, the legislative service bureau shall begin the preparation of congressional and legislative districting plans as required by section three (3) of this Act.

Sec. 3. NEW SECTION. TIMETABLE FOR PREPARATION OF PLAN.

1. Not later than April first of each year ending in one, the legislative service bureau shall deliver to the secretary of the senate and the chief clerk of the house of representatives identical bills embodying a plan of legislative and congressional districting prepared in accordance with section four (4) of this Act. It is the intent of this Act that the general assembly shall bring the bill to a vote in either the senate or the house of representatives expeditiously, but not less than seven days after the report of the commission required by section six (6) of this Act is received and made available to the members of the general assembly, under a procedure or rule permitting no amendments except those of a purely corrective nature. It is further the intent of this Act that if the bill is approved by the first house in which it is considered, it shall expeditiously be brought to a vote in the second house under a similar procedure or rule.

2. If the bill embodying the plan submitted by the legislative service bureau under subsection one (1) of this section fails to be approved by a constitutional majority in either the senate or the house of representatives, the secretary of the senate or the chief clerk of the house, as the case may be, shall at once transmit to the legislative service bureau information which the senate or house may direct regarding reasons why the plan was not

approved. The legislative service bureau shall prepare a bill embodying a second plan of legislative and congressional districting prepared in accordance with section four (4) of this Act, and taking into account the reasons cited by the senate or house of representatives for its failure to approve the plan insofar as it is possible to do so within the requirements of section four (4) of this Act. If a second plan is required under this subsection, the bill embodying it shall be delivered to the secretary of the senate and the chief clerk of the house of representatives not later than May first of the year ending in one, or fourteen days after the date of the vote by which the senate or the house of representatives fails to approve the bill submitted under subsection one (1) of this section, whichever date is later. It is the intent of this Act that, if it is necessary to submit a bill under this subsection, the bill be brought to a vote not less than seven days after the bill is printed and made available to the members of the general assembly, in the same manner as prescribed for the bill required under subsection one (1) of this section.

3. If the bill embodying the plan submitted by the legislative service bureau under subsection two (2) of this section fails to be approved by a constitutional majority in either the senate or the house of representatives, the same procedure as prescribed by subsection two (2) of this section shall be followed. If a third plan is required under this subsection, the bill embodying it shall be delivered to the secretary of the senate and the chief clerk of the house of representatives not later than June first of the year ending in one, or fourteen days after the date of the vote by which the senate or the house of representatives fails to approve the bill submitted under subsection two (2) of this section, whichever date is later. It is the intent of this Act that, if it is necessary to submit a bill under this subsection, the bill be brought to a vote within the same time period after its delivery to the secretary of the senate and the chief clerk of the house of representatives as is prescribed for the bill submitted under subsection two (2) of this section, but shall be subject to amendment in the same manner as other bills.

4. Notwithstanding subsections one (1), two (2) and three (3) of this section:

a. If population data from the federal census which is sufficient to permit preparation of a congressional districting plan complying with article three (III), section thirty-seven (37) of the Constitution of the State of Iowa becomes available at an earlier time than the population data needed to permit preparation of a legislative districting plan in accordance with section four (4) of this Act, the legislative service bureau shall so inform the presiding officers of the senate and house of representatives. If the presiding officers so direct, the legislative service bureau shall prepare a separate bill establishing congressional districts and submit it separately from the bill establishing legislative districts. It is the intent of this Act that the general assembly shall proceed to consider the congressional districting bill in substantially the manner prescribed by subsections one (1), two (2) and three (3) of this section.

b. If the population data for legislative districting which the United States census bureau is required to provide this state under United States Pub. L. 94-171 is not available to the legislative service bureau on or before February first of the year ending in one, the dates set forth in this section shall be extended by a number of days equal to the number of days after February first of the year ending in one that the federal census population data for legislative districting becomes available.

Sec. 4. NEW SECTION. REDISTRICTING STANDARDS.

1. Legislative and congressional districts shall be established on the basis of population.

a. Senatorial and representative districts, respectively, shall each have a population as nearly equal as practicable to the ideal population for such districts, determined by dividing the number of districts to be established into the population of the state reported in the federal decennial census. Senatorial districts and representative districts shall not vary in population from the respective ideal district populations except as necessary to comply with one of the other standards enumerated in this section. In no case shall the quotient, obtained by dividing the total of the absolute values of the deviations of all district populations from the applicable ideal district population by the number of districts established, exceed one percent of the applicable ideal district population. No senatorial district shall have a population which exceeds that of any other senatorial district by more than five percent, and no representative district shall have a population which exceeds that of any other representative district by more than five percent.

b. Congressional districts shall each have a population as nearly equal as practicable to the ideal district population, derived as prescribed in paragraph a of this subsection. No congressional district shall have a population which varies by more than one percent from the applicable ideal district population, except as necessary to comply with article three (III), section thirty-seven (37) of the Constitution of the State of Iowa.

c. If a challenge is filed with the supreme court alleging excessive population variance among districts established in a plan adopted by the general assembly, the general assembly has the burden of justifying any variance in excess of one percent between the population of a district and the applicable ideal district population.

2. To the extent consistent with subsection one (1) of this section, district boundaries shall coincide with the boundaries of political subdivisions of the state. The number of counties and cities divided among more than one district shall be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions shall be divided before the less populous, but this statement does not apply to a legislative district boundary drawn along a county line which passes through a city that lies in more than one county.

3. Districts shall be composed of convenient contiguous territory. Areas which meet only at the points of adjoining corners are not contiguous.

4. It is preferable that districts be compact in form, but the standards established by subsections one (1), two (2) and three (3) of this section

take precedence over compactness where a conflict arises between compactness and these standards. In general, compact districts are those which are square, rectangular or hexagonal in shape to the extent permitted by natural or political boundaries. When it is necessary to compare the relative compactness of two or more districts, or of two or more alternative districting plans, the tests prescribed by paragraphs b and c of this subsection shall be used. Should the results of these two tests be contradictory, the standard referred to in paragraph b of this subsection shall be given greater weight than the standard referred to in paragraph c of this subsection.

a. As used in this subsection:

(1) "Population data unit" means a civil township, election precinct, census enumeration district, census city block group, or other unit of territory having clearly identified geographic boundaries and for which a total population figure is included in or can be derived directly from certified federal census data.

(2) The "geographic unit center" of a population data unit is that point approximately equidistant from the northern and southern extremities, and also approximately equidistant from the eastern and western extremities, of a population data unit. This point shall be determined by visual observation of a map of the population data unit, unless it is otherwise determined within the context of an appropriate coordinate system developed by the federal government or another qualified and objective source and obtained for use in this state with prior approval of the legislative council.

(3) The "x coordinate" of a point in this state refers to the relative location of that point along the east-west axis of the state. Unless otherwise measured within the context of an appropriate coordinate system obtained for use as permitted by subparagraph two (2) of this paragraph, the x coordinate shall be measured along a line drawn due east from a due north and south line running through the point which is the northwestern extremity of the state of Iowa, to the point to be located.

(4) The "y coordinate" of a point in this state refers to the relative location of that point along the north-south axis of the state. Unless otherwise measured within the context of an appropriate coordinate system obtained for use as permitted by subparagraph two (2) of this paragraph, the y coordinate shall be measured along a line drawn due south from the northern boundary of the state or the eastward extension of that boundary, to the point to be located.

b. The compactness of a district is greatest when the length of the district and the width of the district are equal. The measure of a district's compactness is the absolute value of the difference between the length and the width of the district.

(1) In measuring the length and the width of a district by means of electronic data processing, the difference between the x coordinates of the easternmost and the westernmost geographic unit centers included in the district shall be compared to the difference between the y coordinates of the northernmost and southernmost geographic unit centers included in the district.

(2) To determine the length and width of a district by manual measurement, the distance from the northernmost* point or portion of the boundary of a district to the southernmost point or portion of the boundary of the same district and the distance from the westernmost point or portion of the boundary of the district to the easternmost point or portion of the boundary of the same district shall each be measured. If the northernmost or southernmost portion of the boundary, or each of these points, is a part of the boundary running due east and west, the line used to make the measurement required by this paragraph shall either be drawn due north and south or as nearly so as the configuration of the district permits. If the easternmost or westernmost portion of the boundary, or each of these points, is a part of the boundary running due north and south, a similar procedure shall be followed. The lines to be measured for the purpose of this paragraph shall each be drawn as required by this paragraph, even if some part of either or both lines lies outside the boundaries of the district which is being tested for compactness.

(3) The absolute values computed for individual districts under this paragraph may be cumulated for all districts in a plan in order to compare the overall compactness of two or more alternative districting plans for the state, or for a portion of the state. However, it is not valid to cumulate or compare absolute values computed under subparagraph one (1) with those computed under subparagraph two (2) of this paragraph.

c. The compactness of a district is greatest when the ratio of the dispersion of population about the population center of the district to the dispersion of population about the geographic center of the district is one to one, the nature of this ratio being such that it is always greater than zero and can never be greater than one to one.

(1) The population dispersion about the population center of a district, and about the geographic center of a district, is computed as the sum of the products of the population of each population data unit included in the district multiplied by the square of the distance from that geographic unit center to the population center or the geographic center of the district, as the case may be. The geographic center of the district is defined by averaging the locations of all geographic unit centers which are included in the district. The population center of the district is defined by computing the population-weighted average of the x coordinates and y coordinates of each geographic unit center assigned to the district, it being assumed for the purpose of this calculation that each population data unit possesses uniform density of population.

(2) The ratios computed for individual districts under this paragraph may be averaged for all districts in a plan in order to compare the overall compactness of two or more alternative districting plans for the state, or for a portion of the state.

5. No district shall be drawn for the purpose of favoring a political party, incumbent legislator or member of congress, or other person or group, or for the purpose of augmenting or diluting the voting strength of a language or racial minority group. In establishing districts, no use shall be made of any of the following data:

*According to enrolled Act

- a. Addresses of incumbent legislators or members of congress.
- b. Political affiliations of registered voters.
- c. Previous election results.

d. Demographic information, other than population head counts, except as required by the constitution and the laws of the United States.

6. In order to minimize electoral confusion and to facilitate communication within state legislative districts, each plan drawn under this section shall provide that each representative district is wholly included within a single senatorial district and that, so far as possible, each representative and each senatorial district shall be included within a single congressional district.

7. Each bill embodying a plan drawn under this section shall provide that any vacancy in the general assembly which takes office in the year ending in one, occurring at a time which makes it necessary to fill the vacancy at a special election held pursuant to section sixty-nine point fourteen (69.14) of the Code, shall be filled from the same district which elected the senator or representative whose seat is vacant.

8. Each bill embodying a plan drawn under this section shall include provisions for election of senators to the general assemblies which take office in the years ending in three and five, which shall be in conformity with article three (III), section six (6) of the Constitution of the State of Iowa. With respect to any plan drawn for consideration in the year 1981, those provisions shall be substantially as follows:

a. Each odd-numbered senatorial district shall elect a senator in 1982 for a four-year term commencing in January, 1983. If an incumbent senator who was elected to a four-year term which commenced in January, 1981, or was subsequently elected to fill a vacancy in such a term, is residing in an odd-numbered senatorial district on April 2, 1982, that senator's term of office shall be terminated on January 1, 1983.

b. Each even-numbered senatorial district shall elect a senator in 1984 for a four-year term commencing in January, 1985.

(1) If one and only one incumbent state senator is residing in an even-numbered senatorial district on April 2, 1982, and that senator was elected to a four-year term which commenced in January, 1981 or was subsequently elected to fill a vacancy in such a term, the senator shall represent the district in the senate for the Seventieth General Assembly.

(2) Each even-numbered senatorial district to which subparagraph one (1) of this paragraph is not applicable shall elect a senator in 1982 for a two-year term commencing in January, 1983.

Sec. 5. NEW SECTION. TEMPORARY REDISTRICTING ADVISORY COMMISSION.

1. Not later than February fifteenth of each year ending in one, a five member temporary redistricting advisory commission shall be established as provided by this section. The commission's only functions shall be those prescribed by section six (6) of this Act.

a. Each of the four selecting authorities shall certify to the chief election officer his or her appointment of a person to serve on the commission. The certifications may be made at any time after the majority and minority floor leaders have been selected for the general assembly which

takes office in the year ending in one, even though that general assembly's term of office has not actually begun.

b. Within thirty days after the four selecting authorities have certified their respective appointments to the commission, but in no event later than February fifteenth of the year ending in one, the four commission members so appointed shall select, by a vote of at least three members, and certify to the chief election officer the fifth commission member, who shall serve as chairperson.

c. A vacancy on the commission shall be filled by the initial selecting authority within fifteen days after the vacancy occurs.

d. Members of the commission shall receive a per diem of forty dollars, travel expenses at the rate provided by section seventy-nine point nine (79.9) of the Code, and reimbursement for other necessary expenses incurred in performing their duties under this section and section six (6) of this Act. The per diem and expenses shall be paid from funds appropriated by section two point twelve (2.12) of the Code.

2. No person shall be appointed to the commission who:

a. Is not an eligible elector of the state at the time of selection.

b. Holds partisan public office or political party office.

c. Is a relative of or is employed by a member of the general assembly or of the United States congress, or is employed directly by the general assembly or by the United States congress.

Sec. 6. NEW SECTION. DUTIES OF COMMISSION. The functions of the commission shall be as follows:

1. If, in preparation of plans as required by this Act, the legislative service bureau is confronted with the necessity to make any decision for which no clearly applicable guideline is provided by section four (4) of this Act, the bureau may submit a written request for direction to the commission.

2. Prior to delivering any plan and the bill embodying that plan to the secretary of the senate and the chief clerk of the house of representatives in accordance with section three (3) of this Act, the legislative service bureau shall provide to persons outside the bureau staff only such information regarding the plan as may be required by policies agreed upon by the commission. This subsection does not apply to population data furnished to the legislative service bureau by the United States bureau of the census.

3. Upon each delivery by the legislative service bureau to the general assembly of a bill embodying a plan, pursuant to section three (3) of this Act, the commission shall at the earliest feasible time make available to the public the following information:

a. Copies of the bill delivered by the legislative service bureau to the general assembly.

b. Maps illustrating the plan.

c. A summary of the standards prescribed by section four (4) of this Act for development of the plan.

d. A statement of the population of each district included in the plan, and the relative deviation of each district population from the ideal district population.

4. Upon the delivery by the legislative service bureau to the general assembly of a bill embodying an initial plan, as required by section three (3), subsection one (1) of this Act, the commission shall:

a. As expeditiously as reasonably possible, schedule and conduct at least three public hearings, in different geographic regions of the state, on the plan embodied in the bill delivered by the legislative service bureau to the general assembly.

b. Following the hearings, promptly prepare and submit to the secretary of the senate and the chief clerk of the house a report summarizing information and testimony received by the commission in the course of the hearings. The commission's report shall include any comments and conclusions which its members deem appropriate on the information and testimony received at the hearings, or otherwise presented to the commission.

Sec. 7. SPECIAL ARRANGEMENTS FOR 1980-1981.

1. Beginning not later than July 1, 1980 and continuing until the legislative service bureau has discharged the responsibilities imposed on it by this Act, the department of general services shall provide the bureau space in the same state office building in which is located the state electronic data processing facilities which may be used to assist in preparation of districting plans. The space shall be reasonably near the data processing facilities, and shall be suitably arranged and equipped for storage and use of the maps and other materials necessary for preparation and drawing of congressional and legislative districting plans.

2. If the general assembly fails to enact a legislative districting plan by September 15, 1981, or a plan enacted by the general assembly is nullified by the Iowa supreme court, all materials gathered and prepared by the legislative service bureau under section one (1) of this Act shall be made available to the supreme court or any other person or agency designated by the supreme court pursuant to article three (III), sections thirty-five (35) and thirty-six (36) of the Constitution of the State of Iowa.

3. This section is repealed effective December 31, 1981 or on the date a legislative districting plan based on the 1980 federal decennial census takes effect or is upheld by the supreme court, whichever is later.

Approved May 19, 1980

CHAPTER 1022
JUDGES AND MAGISTRATES

H. F. 54

AN ACT relating to district associate judges and judicial magistrates.

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

Section 1. Section forty-six point sixteen (46.16), Code 1979, is amended to read as follows:

46.16 TERMS OF JUDGES.

1. Subject to the provisions of sections 605.24 and 605.25 and to removal for cause:

± a. The initial term of office of judges of the supreme court, court of appeals and district court shall be for one year after appointment and until January 1 following the next judicial election after expiration of such year; and

2 b. The regular term of office of judges of the supreme court retained at a judicial election shall be eight years, and of judges of the court of appeals and district court so retained shall be six years, from the expiration of their initial or previous regular term as the case may be.

For the purpose of initial appointments to the court of appeals, two of the judges appointed shall serve an irregular term ending December 30 thirty-first of the fourth year after expiration of the initial term prescribed in subsection 1 and two of the judges appointed shall serve an irregular term ending December 30 thirty-first of the fifth year after expiration of the initial term prescribed in subsection 1. Expiration of irregular terms shall be deemed expiration of regular terms for all purposes.

2. Subject to removal for cause, the initial term of office of a district associate judge shall be for one year after appointment and until January first following the next judicial election after expiration of such year, and the regular term of office of a district associate judge retained at a judicial election shall be four years from the expiration of the initial or previous regular term, as the case may be.

Sec. 2. Section forty-six point twenty (46.20), Code 1979, is amended to read as follows:

46.20 DECLARATION OF CANDIDACY. At least ninety days prior to the judicial election preceding expiration of his or her initial or regular term of office, a judge of the supreme court, court of appeals or district court including district associate judges may file a declaration of candidacy with the state commissioner of elections, whereupon such judge shall stand for retention or rejection at that election. If a judge fails to file such declaration, his or her office shall be vacant at the end of his or her term. District associate judges filing such a declaration shall stand for retention in the county judicial election district of their residence.

Sec. 3. Section two hundred thirty-one point three (231.3), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The chief judge of the district shall designate one or more of the district judges, or district associate judges, ~~judicial magistrates serving pursuant to section 602.51,~~ or any thereof, to act as judge or judges of the juvenile court in any county or counties.

Sec. 4. Section six hundred two point four (602.4), Code 1979, is amended to read as follows:

602.4 DISTRICT JUDGES. Iowa district judges shall possess the full jurisdiction of the Iowa district court, including the jurisdiction respective jurisdictions of district associate judges and judicial magistrates. While exercising the jurisdiction possessed by judicial magistrates, district judges shall employ judicial magistrates' practice and procedure, and may hold court at any place where a judicial magistrate may do so.

Sec. 5. Section six hundred two point twenty-eight (602.28), Code 1979, is amended to read as follows:

602.28 DISTRICT ASSOCIATE JUDGES.

1. The regular judges of the municipal courts of Iowa who are in office on June 30, 1973, and who are less than seventy-two years of age on July 1, 1973, and who have not been appointed district court judges shall become district associate judges on the latter date. Those retained in office at the judicial election in 1978 shall stand for retention in office at the judicial election in 1982 and every fourth year thereafter.

2. Judicial magistrates who were appointed for terms of office pursuant to either section six hundred two point fifty-one (602.51) or section six hundred two point fifty-nine (602.59) of the Code, and who are in office on January 1, 1981, and who meet the qualifications for appointment to the office of district associate judge, shall become district associate judges on January 1, 1981. Alternates who are appointed pursuant to section six hundred two point seventy-one (602.71) of the Code, and who are in office on January 1, 1981, and who meet the qualifications for appointment to the office of district associate judge, shall become alternate district associate judges on January 1, 1981, and shall be subject to section twelve (12) of this Act.

3. Judicial magistrates and alternate judicial magistrates who become district associate judges by virtue of subsection two (2) of this section shall stand for retention in office at the judicial election in 1982. Irrespective of the existing terms of office to which they were appointed, these magistrates shall serve as district associate judges until January 1, 1983. Those who are retained in office at the judicial election in 1982 shall begin the regular four-year term of office for district associate judges on January 1, 1983. Those who are not retained in office at the judicial election in 1982 shall cease to hold office on January 1, 1983.

4. A judicial magistrate who was appointed pursuant to section six hundred two point fifty-one (602.51), six hundred two point fifty-nine (602.59) or six hundred two point seventy-one (602.71) of the Code, and who is in office on January 1, 1981, but who does not meet the qualifications for

appointment to the office of district associate judge, shall continue to serve as a judicial magistrate until the expiration of the term to which the person was appointed or until the person otherwise leaves office. Upon the person's leaving office, the vacancy shall be filled as provided in section eleven (11) of this Act.

Sec. 6. Section six hundred two point twenty-nine (602.29), Code 1979, is amended to read as follows:

602.29 TERM, RETENTION, QUALIFICATIONS.

1. District associate judges shall serve initial terms and shall stand for retention in office within the county judicial election district of their residence at the judicial election in 1974 1982 and every four years thereafter, under sections 46.17 to 46.24. The term of office of the judges who are retained in office at the judicial election shall extend for four years after January 1 next following the election, and the term of office of the judges who are not retained in office at such a judicial election shall extend until January 1 next following such election. District associate judges shall cease to hold office upon attaining age seventy-two.

2. A person shall not qualify for appointment to the office of district associate judge unless the person is at the time of application a resident of the county in which the vacancy exists, and unless the person is licensed to practice law in Iowa, and unless the person will be able, measured by his or her age at the time of appointment, to complete the initial term of office plus a four-year term of office prior to reaching age seventy-two.

3. A district associate judge shall be a resident of the county in which the office is held during his or her entire term. A district associate judge shall cease to hold office at age seventy-two.

Sec. 7. Section six hundred two point thirty (602.30), Code 1979, is amended to read as follows:

602.30 VACANCIES. ~~A vacancy in the office of district associate judge after June 30, 1973, shall not be filled and~~ Whenever a district associate judge leaves office, all funds, dockets and records relating to the office so vacated shall be promptly deposited by the district associate judge with the clerk of court who issued the docket.

Sec. 8. Section six hundred two point thirty-one (602.31), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter two (2), section thirteen (13) is amended to read as follows:

602.31 SALARY, EXPENSES, RETIREMENT. The annual salary of each district associate judge, payable from the general fund of the state of Iowa, shall be a sum set by the general assembly. District associate judges shall also receive from the state their actual and necessary expenses in the performance of their duties away from the city of their residence, in accordance with section 605.2. District associate judges who were municipal court judges prior to July 1, 1973, and who are members of the judicial retirement system under chapter 605A shall remain members thereof; but the state of Iowa, instead of the city and county, shall deduct four percent from their salaries for the judicial retirement fund and shall contribute the public's portion to the judicial retirement fund. A person who becomes a district associate judge on the effective date of this Act by virtue of section five (5) of this

Act or who is appointed to the office of district associate judge after the effective date of this Act shall be a member of the Iowa public employees' retirement system as long as the person continues to hold office as a district associate judge.

Sec. 9. Section six hundred two point thirty-two (602.32), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

District associate judges shall have the jurisdiction provided in section 602.60~~----~~District--associate--judges for judicial magistrates, and when exercising that jurisdiction shall hold court as directed at any place within the judicial district that a judicial magistrate may do so, and shall employ judicial magistrates' practice and procedure. In addition, district associate judges shall have jurisdiction in civil actions for money judgments where the amount in controversy does not exceed three thousand dollars, jurisdiction of indictable misdemeanors, and the jurisdiction provided for in section 231.3 when designated as a judge of the juvenile court; and while ~~exercising the additional jurisdiction granted herein,~~ presiding over any of those subject matters the district associate judge shall employ district judges' practice and procedure. When a district ~~court~~ judge is unable to serve as a result of temporary incapacity, a district associate judge may, by order of the chief judge of the district enrolled in the records of the clerk of the district court, temporarily exercise any ~~of~~ judicial authority within the jurisdiction of a district judge during the time of incapacity and--as with respect to the specific matters or classes of matters specified in that order. District associate judges shall have power to act at any place within their respective judicial districts, and venue shall be the same as in other district court proceedings.

Sec. 10. Section six hundred two point thirty-three (602.33), Code 1979, is amended to read as follows:

602.33 REPORTERS. Each district associate judge ~~and judicial magistrate appointed pursuant to section 602.51~~ may appoint a shorthand reporter subject to the approval of the chief judge of the district. All shorthand reporters appointed are reporters for the judicial district and their compensation shall be in accordance with section 605.8.

Sec. 11. Chapter six hundred two (602), Code 1979, is amended by adding the following new section as section six hundred two point thirty-seven (602.37):

602.37 NEW SECTION. NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE JUDGES.

1. There shall be one district associate judge in counties having a population, according to the most recent federal decennial census, of more than thirty-five thousand and less than eighty thousand; two in counties having a population of more than eighty thousand and less than one hundred twenty-five thousand; three in counties having a population of more than one hundred twenty-five thousand and less than two hundred thousand; and four in counties having a population of two hundred thousand or above. A district associate judge appointed pursuant to section six hundred two point fifty-nine (602.59) of the Code shall not be counted for the purposes of this subsection.

2. The district associate judges authorized by this section and section six hundred two point fifty-nine (602.59) of the Code shall be appointed by the district judges of the judicial election district from persons nominated by the county judicial magistrate appointing commission.

3. In November of any year in which an impending vacancy is created because a district associate judge is not retained in office pursuant to a judicial election, the county judicial magistrate appointing commission shall publicize notice of the vacancy in at least two publications in the official county newspaper. The commission shall accept applications for consideration for nomination as district associate judge for a minimum of fifteen days prior to certifying nominations. The commission shall consider the applications and shall, by majority vote, certify to the chief judge of the judicial district not later than December fifteenth of that year the names of three applicants who are nominated by the commission for the vacancy. If there are three or fewer applicants the commission shall certify all applicants who meet the statutory qualifications. Nominees shall be chosen solely on the basis of the qualifications of the applicants, and political affiliation shall not be considered.

4. Within thirty days after a county judicial magistrate appointing commission receives notification of an actual or impending vacancy in the office of district associate judge, other than a vacancy referred to in subsection three (3) of this section, the commission shall certify to the chief judge of the judicial district the names of three applicants who are nominated by the commission for the vacancy. The commission shall publicize notice of the vacancy in at least two publications in the official county newspaper. The commission shall accept applications for consideration for nomination as district associate judge for a minimum of fifteen days prior to certifying nominations. The commission shall consider the applications and shall, by majority vote, certify to the chief judge of the judicial district the names of three applicants who are nominated by the commission for the vacancy. If there are three or fewer applicants the commission shall certify all applicants who meet the statutory qualifications. Nominees shall be chosen solely on the basis of the qualifications of the applicants, and political affiliation shall not be considered. As used in this subsection, a vacancy may be created by the death, retirement, resignation or removal of an existing district associate judge, or an increase in the number of positions authorized.

5. Within fifteen days after the chief judge of a judicial district has received the list of nominees to fill a vacancy in the office of district associate judge, the district judges in the election district shall, by majority vote, appoint one of those nominees to fill the vacancy.

6. The supreme court may adopt administrative rules establishing procedures to be used by judicial magistrate appointing commissions when exercising the duties specified in this section.

Sec. 12. Chapter six hundred two (602), Code 1979, is amended by inserting the following new section as section six hundred two point thirty-eight (602.38):

602.38 NEW SECTION. ALTERNATE DISTRICT ASSOCIATE JUDGE.

1. In a county having only one district associate judge, the county judicial magistrate appointing commission, by majority vote, may authorize that an alternate district associate judge be selected.

2. The procedures for selecting an alternate shall be those provided in section eleven (11) of this Act for selection of a district associate judge, but a person appointed under this section shall be designated as an alternate and shall be subject to the provisions of this section.

3. An alternate district associate judge shall have the same qualifications, and when serving, the same jurisdiction, obligations and liabilities as a regularly appointed district associate judge. An alternate shall serve initial and regular terms and shall stand for retention in office in the same manner as regular district associate judges. However, a vacancy in the office of alternate district associate judge shall not be filled unless the conditions of subsection one (1) of this section are satisfied after the vacancy occurs.

4. The chief judge of the judicial district may order that the alternate temporarily sit in place of the district associate judge while the latter is unable to act. The words "unable to act" mean a temporary absence from court duties, including a reasonable vacation period. An alternate may practice as an attorney except when serving as a district associate judge. When serving as a district associate judge an alternate shall be subject to section six hundred five point seventeen (605.17) of the Code.

5. An alternate district associate judge shall be compensated by the state at the rate of forty dollars per day for each day of actual duty, and for actual expenses incurred in the performance of duties, upon certification to the comptroller by the chief judge of the days of duty and the expenses incurred. An alternate shall not be a member of the Iowa public employees' retirement system or the judicial retirement system.

6. The appointment of an alternate district associate judge shall not affect the rights, duties or remuneration of the regularly-appointed district associate judge, and the appointment of an alternate shall not affect the number or apportionment of district associate judges authorized by this chapter.

Sec. 13. Section six hundred two point forty-seven (602.47), Code 1979, is amended to read as follows:

602.47 NO MEMBER OF COMMISSION TO BE APPOINTED MAGISTRATE TO OFFICE. No ~~person-while--a~~ member of ~~the~~ a county judicial magistrate appointing commission shall be appointed to the office of judicial magistrate, nor shall a member be nominated for or appointed to the office of district associate judge.

Sec. 14. Section six hundred two point fifty-two (602.52), Code 1979, is amended to read as follows:

602.52 QUALIFICATIONS, AGE. A judicial magistrate ~~shall~~ must be an elector of the county of appointment during his or her term of office. A person ~~shall--not--be~~ is not qualified for appointment ~~and--shall--not--be~~ appointed as a judicial magistrate unless ~~that~~ the person can complete ~~prior~~ prior ~~to--his--or--her--reaching--the--age--of--seventy--two--years~~ the entire ~~two-year--or~~

~~four-year term of office of judicial magistrate for which nomination and appointment is being made prior to reaching age seventy-two. A judicial magistrate appointed pursuant to section 602.50 may be licensed to practice law in Iowa, and the commission in selecting persons for those positions shall first consider for appointment applicants so licensed. After July 1, 1973, a judicial magistrate nominated and appointed pursuant to section 602.51 shall be licensed to practice law in Iowa.~~

Sec. 15. Section six hundred two point fifty-three (602.53), subsection two (2), Code 1979, is amended to read as follows:

2. If a judicial magistrate appears as counsel for a client in a matter that is within the jurisdiction of a magistrate, that matter shall be heard only by a district judge, or a district associate judge, ~~or a judicial magistrate appointed pursuant to section 602.51.~~ A disqualification under this section shall be had upon motion of the judicial magistrate or of any party, either orally or in writing, and the clerk shall be advised to reassign the matter to a proper judicial officer.

Sec. 16. Section six hundred two point fifty-four (602.54), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter two (2), section fourteen (14), 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 in section six hundred two point fifty-eight (602.58) of the Code, shall be the sum set by the general assembly. ~~The judicial magistrates serving pursuant to section 602.51 shall receive an annual salary in an amount set by the general assembly. Judicial magistrates appointed pursuant to section 602.51 except district associate judges shall be members of the Iowa public employees' retirement system.~~ Judicial magistrates appointed pursuant to either section 602.50 or section 602.58 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. 17. Section six hundred two point fifty-nine (602.59), Code 1979, is amended to read as follows:

602.59 SUBSTITUTION FOR APPORTIONMENT.

1. ~~APPLICABILITY.~~ In any county having an apportionment of three or more judicial magistrates ~~appointable pursuant to section 602.50,~~ the chief judge of the district, subject to the limitations of this section, may designate by order that ~~magistrates appointed pursuant to this section be utilized~~ a district associate judge be appointed pursuant to this section in lieu of magistrates appointed pursuant to section 602.50. The order of substitution may be made only upon the affirmative vote of a majority of the district judges in that judicial election district that the substitution be made, and only upon a finding by a majority of those district judges that a substitution would provide more speedy and efficient dispatch of judicial business within that judicial election district. An order of substitution ~~is~~

~~renewable--for-successive-terms-upon-the-vote-of-the-judges,-but-shall-not-be effective-for-any-term~~ shall not take effect unless a copy of the order is received by the chairman of the county judicial magistrate appointing commission not later than the thirty-first day of March of the year in which the substitution is to take effect. A copy of the order also shall be sent to the supreme court administrator.

~~The-district-judges-of-a-judicial-election-district-may-determine,-for-the year-1974,-that-a-substitution-be--made--pursuant--to--this--section,-by--an affirmative--vote--of--a--majority--rendered--and-with-written-notice--thereof delivered-to-the--chairman--of--the--county--judicial--magistrate--appointing commission--not--later--than--June--17--1974.--A-magistrate-appointed-in-1974 pursuant-to-this-subsection-shall-be-subject-to-all-of-the-provisions-of-this section,-except-that-the-term-of-office-shall--be--an--irregular--one--for--a period-of-five-years-from-July-17-1974-~~

2. ~~REDUCTION--IN--APPOINTMENTS-~~ For any county in which such an a substitution order is in effect, the number of magistrates actually appointed pursuant to section 602.50 shall be reduced by three for each magistrate district associate judge substituted under the provisions of this section.

Upon any subsequent reduction in the apportionment of magistrates to the county, ~~either~~ the commission shall further reduce the number of magistrates appointed, ~~or the chief judge shall revoke an order of substitution.~~

3. ~~APPOINTMENT-~~ A judicial magistrate district associate judge ordered pursuant to this section shall be nominated and appointed in the same manner, and shall have the same qualifications, rights, salary, duties, responsibilities, liabilities, authority and jurisdiction, ~~--the--same~~ as a magistrate district associate judge authorized by ~~paragraph--(1)--of~~ section 602.51 eleven (11) of this Act.

4. ~~LIMITATIONS-~~

a. Except as provided in subsections 1 and 2, a substitution shall not increase or decrease the number of judicial magistrates authorized by this chapter.

b. A substitution ~~or reversion~~ pursuant to this section shall not ~~take effect during the term of office of any magistrate~~ be made if the effect would be to remove a magistrate from office prior to the expiration of his or her term.

c. A substitution shall not be made ~~or maintained~~ where the apportionment to a county is insufficient to permit the full reduction in appointments of magistrates as required by subsection 2.

5. ~~REVERSION-~~ If an apportionment by the supreme court administrator pursuant to section 602.57 reduces the number of judicial magistrate offices in the county to less than three, or a majority of the district judges in that judicial election district determines that a substitution is no longer desirable, then the substituted office shall ~~not be renewed for a--successive term~~ be terminated. However, a reversion pursuant to this subsection, irrespective of cause, shall not take effect until the substitute district associate judge fails to be retained in office at a judicial election or otherwise leaves office, whether voluntarily or involuntarily. At the end--of the--term Upon the terminaton* of office of that district associate judge,

*According to enrolled Act

appointments shall be made pursuant to section 602.50 as necessary to reestablish terms of office as provided in subsection four (4) of that section.

Sec. 18. Section six hundred two point sixty (602.60), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Judicial magistrates shall have jurisdiction of simple misdemeanors, including traffic and ordinance violations, preliminary hearings, search warrant proceedings, and small claims. They shall also have jurisdiction to exercise the powers specified in sections 644.2 and 644.12 and the power to hear complaints, or preliminary informations, issue warrants, order arrests, make commitments and take bail. They shall have power to act any place within the judicial district as directed, and venue shall be the same as in other district court proceedings. ~~In--addition,---judicial---magistrates appointed--pursuant--to--section-602-51-shall-have-jurisdiction-of-indictable misdemeanors,--the-jurisdiction-provided-for-in-section-231-3-when--designated a--judge--of--the--juvenile-court,--and-jurisdiction-in-civil-actions-for-money judgments--where-the-amount-in-controversy--does--not--exceed--three--thousand dollars--and--while--exercising-that-jurisdiction,--judicial-magistrates-shall employ-district-judges'-practice-and-procedure-~~

Sec. 19. Chapter six hundred two (602), Code 1979, is amended by adding the following new section:

NEW SECTION. JUDICIAL MAGISTRATE DEFINED. As used in this chapter, "judicial magistrate" and "magistrate" mean only those persons appointed to office under the authority of sections six hundred two point fifty (602.50) and six hundred two point fifty-eight (602.58) of the Code.

Sec. 20. Section six hundred five point fifteen (605.15), Code 1979, is amended to read as follows:

605.15 PRACTICE PROHIBITED. ~~During-the-time-that~~ While holding office, a supreme court judge, court of appeals judge, district judge, or district associate judge, ~~or-judicial-magistrate-appointed-pursuant-to-section--602-51 is--holding--such-office-~~ he shall not practice as an attorney or counselor or give advice in relation to any action pending or about to be brought in any of the courts of the state.

Sec. 21. Section six hundred five point seventeen (605.17), Code 1979, is amended to read as follows:

605.17 WHEN JUDGE DISQUALIFIED. A supreme court judge, judge of the court of appeals, district judge, district associate judge or magistrate is disqualified from acting ~~as-such,~~ except by mutual consent of parties, in any case wherein he the judge or magistrate or any member of any corporation, partnership, firm or association with which he or she may be associated is a party or interested, or where he the judge or magistrate is related to either party by consanguinity or affinity within the fourth degree, or where he the judge or magistrate or any member of any ~~firm,--partnership~~ corporation, partnership, firm or association with which he or she may be associated has been attorney for either party in the action or proceeding. This section shall not prevent him a judge or magistrate from disposing of any preliminary matter not affecting the merits of the case.

Sec. 22. Section eight hundred thirteen point three (813.3), rule fifty-four (54), subsection one (1), Code 1979, is amended to read as follows:

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, or district associate judge, ~~ex-magistrate-appointed-under--sections--602-51--or 602-59~~ 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 judicial magistrate ~~appointed--under--sections 602-50--or-602-58~~, 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 XIV, section 1406.

Sec. 23. Sections six hundred two point fifty-one (602.51) and six hundred two point seventy-one (602.71), Code 1979, are repealed.

Sec. 24. This Act shall take effect January 1, 1981.

Approved May 26, 1980

CHAPTER 1023
VOTING BY CITIZENS ABROAD
S. F. 2235

AN ACT relating to the right of citizens of the United States, who are residing outside the United States and were last domiciled in Iowa before departing from the United States, to vote by absentee ballot in elections held in Iowa.

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

Section 1. Section forty-seven point four (47.4), Code 1979, is amended to read as follows:

47.4 VOTER QUALIFICATIONS.

1. Eligibility to vote in elections in this state shall be determined in accordance with the following requirements:

~~1-~~ a. Every citizen of the United States of the age of eighteen years or older who is a resident of this state ~~shall-be~~ is an eligible elector.

~~2-~~ b. Every qualified elector of the state ~~shall-have~~ has only one voting residence.

~~3-~~ c. Every citizen of the United States of the age of eighteen or older is presumed to have a residence some place in the United States for the purpose of voting for president and vice president of the United States.

~~4-~~ d. A person's residence, for voting purposes only, is the place which ~~he~~ the person declares is his or her home with the intent to remain there permanently or for a definite or indefinite or undeterminable length of time.

~~5-~~ e. Every eligible elector shall be registered pursuant to the provisions of chapter 48 to qualify to vote in any election.

2. If a person who meets the above requirements set forth in subsection one (1) of this section moves to a new residence, within or without the state, and does not meet the voter requirements at his or her new residence, ~~he~~ the person may vote at his or her former precinct in Iowa until ~~he~~ the person meets the voter requirements of his or her new residence. However, a person who has moved to a new residence and fails to register to vote at his or her new residence after becoming eligible to do so shall not thereafter be entitled to vote at his or her former precinct in Iowa.

3. Each citizen of the United States who is residing outside of the United States has the right to register and to vote as if he or she were a resident of a precinct in this state if the citizen was last domiciled in this state immediately prior to departure from the United States and at the time so domiciled could have met all voting qualifications, except age, which a voter in that precinct must currently meet under the laws of this state, even though while residing outside the United States the citizen does not have a place of abode or other address in that precinct, and the citizen's intent to return to this state or to that precinct is uncertain, if the citizen:

a. Has complied with all applicable requirements of sections fifty-three point thirty-seven (53.37) through fifty-three point fifty-two (53.52) of the Code concerning absentee registration for, and voting by, absentee ballots.

b. Does not maintain a domicile, is not registered to vote, and is not voting in any other state, territory or possession of the United States.

c. Has a valid passport or card of identity and registration issued under the authority of the United States secretary of state or, in lieu thereof, an alternative form of identification consistent with the provisions of applicable federal and state requirements, if the citizen does not possess a valid passport or card of identity and registration.

Sec. 2. Section fifty-three point thirty-seven (53.37), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Citizens of the United States who do not fall under any of the categories described in subsections one (1) through four (4) of this section, but who are entitled to register and vote pursuant to section forty-seven point four (47.4), subsection three (3) of the Code.

Sec. 3. Section fifty-three point forty-nine (53.49), unnumbered paragraph two (2), Code 1979, is amended by striking the unnumbered paragraph.

Sec. 4. This Act, being deemed of immediate importance, takes effect from and after its publication in The Boone News-Republican, a newspaper published in Boone, Iowa, and in The Daily Freeman-Journal, a newspaper published in Webster City, Iowa.

Approved April 14, 1980

I hereby certify that the foregoing Act, Senate File 2235, was published in The Boone News-Republican, Boone, Iowa on April 16, 1980, and in The Daily Freeman-Journal, Webster City, Iowa on April 17, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1024
LIBRARY RECORDS

H. F. 2240

AN ACT relating to the confidentiality of certain library records.

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

Section 1. Section sixty-eight A point seven (68A.7), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. The records of a library which, by themselves or when examined with other public records, would reveal the identity of the library patron checking out or requesting an item from the library.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in The Waterloo Courier, a newspaper published in Waterloo, Iowa, and in the Atlantic-News Telegraph, a newspaper published in Atlantic, Iowa.

Approved March 21, 1980

I hereby certify that the foregoing Act, House File 2240, was published in The Waterloo Courier, Waterloo, Iowa on March 26, 1980, and in the Atlantic News-Telegraph, Atlantic, Iowa on March 25, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1025
PUBLIC INTEREST-BEARING OBLIGATIONS

S. F. 2282

AN ACT relating to the rates of interest payable on interest-bearing obligations issued by public agencies and on special assessments levied by public agencies, and including a correlating amendment removing the limitation on the tax levy authorized by section three hundred fifty-eight point twenty-one (358.21) of the Code with respect to interest-bearing obligations issued under that section.

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

DIVISION I*

Section 1. Section seventy-four point one (74.1), Code 1979, is amended to read as follows:

74.1 APPLICABILITY.

*References in this Act to chapter 74A of the Code are referring to sections 9 to 15 of this Act

1. ~~This~~ The procedures of this chapter shall apply to all warrants which are legally drawn on a public treasury, including the treasury of a city, and which, when presented for payment, are not paid for want of funds.

2. ~~This~~ The procedures of this chapter and--its--precedures--shall also apply whenever a municipality, as defined in section 24.2, or a city shall determine that there are not or will not be sufficient funds on hand to pay the legal obligations of a fund. ~~Said--municipality~~ Each of these municipalities and cities is authorized to provide for the payment of such present and future obligations by drawing one or more anticipatory warrants payable to a bank or other business entity authorized by law to loan money in an amount or amounts legally available and believed to be sufficient to cover the anticipated deficiencies. The duties imposed on the treasurer by this chapter may be assigned by ~~the~~ a city council to another city officer.

3. The procedures of this chapter also apply to the issuance of anticipatory warrants by the state under section nineteen point eight (19.8) of the Code.

4. The procedures of this chapter also apply to anticipatory warrants, pledge orders, improvement certificates, anticipatory certificates or similar obligations payable from special assessments against benefited properties, or payable from charges, fees or other operating income from a publicly owned enterprise or utility.

Sec. 2. Section seventy-four point two (74.2), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-four (24), section three (3), is amended to read as follows:

74.2 ENDORSEMENT AND INTEREST. ~~Except-as-provided-in-section-74-87-when any-such~~ If a warrant other than an anticipatory warrant is presented for payment, and is not paid for want of funds, or is only partially paid, the treasurer shall endorse the fact thereon, with the date of presentation, and sign the endorsement, and thereafter the warrant or the balance due thereon, shall draw bear interest at ~~six--percent--per--annum--on--state--and--county warrants,--and--six-percent-per-annum-on-city-and-school-warrants,--unless-the treasurer-arranges-for-the-sale-of-said-warrant-at-par-at--a--lower--rate--of interest~~ the rate specified in section ten (10) of this Act.

An anticipatory warrant issued under the authority of section seventy-four point one (74.1), subsection one (1) of the Code shall bear interest at a rate determined by the issuing governmental body, but not exceeding that permitted by chapter seventy-four A (74A) of the Code.

Sec. 3. Section seventy-four point three (74.3), Code 1979, is amended to read as follows:

74.3 RECORD OF WARRANTS OBLIGATIONS. The treasurer shall keep a record of ~~all-warrants-so-endorsed,~~ each interest-bearing obligation which ~~record~~ shall show the number and amount, the date ~~of--presentation~~ interest commences, the rate of interest, and the name and post-office address of the holder, ~~of-each-warrant~~ of the obligation.

Sec. 4. Section seventy-four point four (74.4), Code 1979, is amended to read as follows:

74.4 ASSIGNMENT OF WARRANT OBLIGATION. When ~~any--warrant--shall--be~~ a nonnegotiable interest-bearing obligation is assigned or transferred ~~after~~

~~being so endorsed, the assignee or transferee shall be under duty, for his own protection, to~~ shall notify the treasurer in writing of such the assignment or transfer and of his the post-office address of the assignee or transferee. Upon receiving ~~such~~ notification, the treasurer accordingly shall correct the aforesaid record accordingly the record maintained under section three (3) of this Act.

Sec. 5. Section seventy-four point five (74.5), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

74.5 CALL FOR PAYMENT. When a fund contains sufficient money to pay one or more interest-bearing obligations which are outstanding against the fund, the treasurer shall call those obligations for payment. Obligations may be paid in the order of presentation. This section does not authorize a fixed-term obligation to be called at a date earlier than is provided by the conditions and terms upon which it was issued.

Sec. 6. Section seventy-four point six (74.6), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

74.6 NOTICE OF CALL--TERMINATION OF INTEREST.

1. The treasurer shall make a call for payment under section five (5) of this Act by mailing to the holder of the obligation, as shown in the records maintained under section three (3) of this Act, a notice of call which describes the obligation by number and amount, and which specifies a date, not more than ten days thereafter when interest ceases to accrue on the obligation. The treasurer shall enter the date of mailing of the notice in the records maintained under section three (3) of this Act.

2. Interest on an interest-bearing obligation shall cease to accrue as of the date specified in the notice of call issued under subsection one (1) of this section.

3. This section does not apply if the parties have otherwise agreed in writing.

Sec. 7. Section seventy-four point seven (74.7), Code 1979, is amended to read as follows:

74.7 ENDORSEMENT OF INTEREST. When ~~a warrant~~ an obligation which legally draws interest is paid, the treasurer shall endorse upon it the date of payment, and the amount of interest ~~allowed paid.~~ The treasurer also shall enter into the records maintained under section three (3) of this Act the date of payment and the amount of interest paid.

Sec. 8. Sections nine (9) through fifteen (15) of this Act are enacted as a new chapter seventy-four A (74A) of the Code, which shall be entitled "INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS".

Sec. 9. NEW SECTION. APPLICABILITY.

1. Except as otherwise provided by law, this chapter establishes the interest rates which are applicable to all bonds, warrants, anticipatory warrants, pledge orders, improvement certificates, and anticipation certificates issued by a governmental body or agency under the laws of this state, and the interest rates which are applicable to assessments levied by a governmental body or agency under the laws of this state against benefited properties for the retirement of public debt.

2. This chapter does not authorize the issuance of a public obligation or the levying of an assessment, and does not create an obligation to pay interest, and does not determine when interest commences or ceases to accrue.

3. This chapter does not impose an interest rate or interest rate limitation where by law the rate of interest payable on an obligation is within the discretion of the governmental body or agency, unless that discretion is expressly made subject to the limitations contained in this chapter.

Sec. 10. NEW SECTION. UNPAID WARRANTS. A warrant not paid upon presentation for want of funds bears interest on unpaid balances at the rate in effect at the time the warrant is first presented for payment, as established by rule pursuant to section fourteen (14), subsection two (2) of this Act. This section does not apply to an obligation which by law bears interest from the time it is issued.

Sec. 11. NEW SECTION. INTEREST RATES FOR PUBLIC OBLIGATIONS. Except as otherwise provided by law, the rates of interest on obligations issued by this state, or by a county, school district, city special improvement district, or any other governmental body or agency are as follows:

1. General obligation bonds, warrants, or other evidences of indebtedness which are payable from general taxation or from the state's sinking fund for public deposits may bear interest at a rate to be set by the issuing governmental body or agency.

2. Revenue bonds, warrants, pledge orders or other obligations, the principal and interest of which are to be paid solely from the revenue derived from the operations of the publicly owned enterprise or utility for which the bonds or obligations are issued, may bear interest at a rate to be set by the issuing governmental body or agency.

3. Special assessment bonds, certificates, warrants or other obligations, the principal and interest of which are payable from special assessments levied against benefited property may bear interest at a rate to be set by the issuing governmental body or agency.

Sec. 12. NEW SECTION. MAXIMUM RATES ON SPECIAL ASSESSMENTS. Except as otherwise provided by law, the rate of interest payable on unpaid balances of special assessments levied against benefited properties shall not exceed the maximum rate in effect at the time of adoption of the final assessment schedule, as established by rule pursuant to section fourteen (14), subsection two (2) of this Act.

Sec. 13. NEW SECTION. RELATIVE RATE ON ASSESSMENT BONDS. Bonds payable from special assessments shall not be sold bearing a higher rate of interest than is payable on the assessments from which those bonds are made payable.

Sec. 14. NEW SECTION. RULES TO ESTABLISH RATES.

1. The rule-making authority contained in this section shall be exercised by a committee composed of the treasurer of state, the superintendent of banking and the commissioner of insurance.

2. The committee shall adopt rules pursuant to chapter seventeen A (17A) of the Code establishing the annual interest rate to be applicable to obligations referred to in section ten (10) of this Act, and the maximum* annual interest rate to be applicable to obligations referred to in section twelve (12) of this Act.

*According to enrolled Act

3. The committee shall adopt rules pursuant to section*seventeen A (17A) of the Code establishing recommended rates, or formulae for determining recommended rates, to be applicable to obligations referred to in sections eleven (11) and fifteen (15) of this Act.

4. The committee shall establish and from time to time modify one or more of the interest rates referred to in subsections two (2) and three (3) of this section as may be necessary in the opinion of the committee to permit the orderly financing of governmental activities, and to minimize interest costs to governmental bodies while permitting a fair return to persons whose funds are used to finance governmental activities. The committee shall consider relevant indices of actual interest rates in the economy when establishing rates under this section, including but not necessarily limited to maximum lawful interest rates payable by depository financial institutions on customer deposits, interest rates payable on obligations issued by the United States government, and interest rates payable on obligations issued by governmental bodies other than those of this state.

5. An interest rate established by the committee under this section shall be in effect commencing on the date specified in the rule, and until superseded by a subsequent rule.

6. The committee shall not establish interest rates for types or categories of obligations other than as specified in this section.

Sec. 15. NEW SECTION. SCHOOL DISTRICT WARRANTS.

1. The treasurer of a school district shall sell anticipatory warrants authorized by section one (1), subsection two (2) of this Act at a rate of interest to be determined by the board of the school district.

2. The treasurer may offer the warrants for public sale at par, by publishing notice of the sale for two consecutive weeks in a newspaper of general circulation in the jurisdiction of the school district issuing the warrants, giving not less than ten days' notice of the time and place of the sale. The notice shall include a statement of the amount of the warrants offered for sale.

3. Sealed bids may be received at any time up to the time all bids are opened. The treasurer shall sell the warrants to the bidder offering the lowest interest rate, provided that the treasurer may reject all bids and readvertise the sale of the warrants pursuant to the provisions of this section.

4. This section applies only to school districts whose anticipated receipts allocable to the current budget are at least equal to their legally approved budget for the current year.

DIVISION II

Sec. 16. Section nineteen point eight (19.8), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-four (24), section one (1), is amended to read as follows:

19.8 ANTICIPATION OF REVENUES. The executive council may anticipate the revenues for any year, when the current revenues for that year are insufficient to pay all warrants issued in that year, by causing state warrants, in an amount not exceeding the estimated state revenues for that year, and ~~drawing-not-to-exceed-six-percent-per-annum~~ bearing interest at a

*According to enrolled Act

rate not exceeding that permitted by chapter seventy-four A (74A) of the Code, to be issued, advertised, and sold on sealed bids, and to the highest bidder offering the lowest interest rate. All bids and all records pertaining thereto, ~~and the names of all purchasers~~ shall be kept on file. The treasurer of state shall comply with the provisions of chapter seventy-four (74) of the Code.

Sec. 17. Section twenty-eight F point eight (28F.8), Code 1979, is amended to read as follows:

28F.8 DETAILS OF REVENUE BONDS. Revenue bonds issued pursuant to the provisions of this chapter shall bear interest at a rate or rates not exceeding ~~seven-percentum-per-annum~~ that permitted by chapter seventy-four A (74A) of the Code, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding forty years from their respective dates, may be payable in such medium of payment, at such place or places within the state, may carry such registration privileges, may be subject to such terms of prior redemption, with or without premium, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form otherwise, as such resolution or subsequent resolutions shall provide.

Sec. 18. Section thirty-seven point six (37.6), Code 1979, is amended to read as follows:

37.6 BONDS. For the purpose of providing funds for the acquisition of necessary ground therefor, and for purchasing, erecting, constructing, or reconstructing such building or monument, and for the necessary equipment therefor, the county may issue bonds to be known as liberty memorial bonds, to be issued and sold as provided by law relative to general county bonds; it shall provide for portions of such bonds to become due at different, definite periods, but none in more than twenty years from date. In issuing such bonds, such county may become indebted in an amount which, added to all other indebtedness, shall not exceed five percent of the actual value of the taxable property in such county as determined by the last state and county tax lists. Such bonds shall bear interest at a rate not exceeding ~~seven percent-per-annum~~ that permitted by chapter seventy-four A (74A) of the Code. Bonds issued by a city must be issued in accordance with provisions of law relating to general corporate purpose bonds of a city.

Sec. 19. Section thirty-seven point twenty-eight (37.28), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-four (24), section two (2), is amended to read as follows:

37.28 ANTICIPATORY WARRANTS. If the funds raised under the provisions of this chapter are insufficient for any fiscal year to pay the principal and interest due in that year on any bonds issued for hospital purposes under section 37.6 and to pay the expenses of the operation and maintenance of the hospital and any other hospital expenses authorized by this chapter for the fiscal year, the commission may issue tax anticipatory warrants drawn on the funds to be raised by the taxes levied under sections 37.7 and 37.8. The warrants shall be in denominations of one hundred, five hundred and one thousand dollars and shall draw interest at a rate not ~~to exceed six-percent per-annum~~ exceeding that permitted by chapter seventy-four A (74A) of the

Code. These warrants shall not be a general obligation of any political subdivision which owns the hospital.

Sec. 20. Section one hundred eleven A point six (111A.6), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

In order to make immediately available to the county conservation board the proceeds of the annual tax hereinbefore authorized to be levied for recreation and conservation purposes, bonds of any county may be issued in anticipation of the collection of such tax in the manner hereinafter provided. Upon the filing of a petition by the conservation board with the county board of supervisors asking that bonds be issued in a specified amount for the purpose of paying the cost of acquiring land and developing the same for public museum, park, parkway, preserve, playground, or other recreation or conservation purposes within the county, then the board of supervisors may call a special election to be held in the county to vote on the proposition of issuing such bonds. Notice of such election shall be published once each week for at least four consecutive weeks in one of the official county newspapers, and the election shall be held on a day not less than five nor more than twenty days after the last publication of such notice. Voting machines may be used for the purpose of voting on said proposition or, in the discretion of the board of supervisors, the proposition may be submitted to the voters on paper ballots. The proposition shall be submitted in substantially the following form:

"Shall County, Iowa, issue its bonds in the amount of \$..... for the purpose of"

The expenses incurred in connection with the conduct of such election shall be paid by the conservation board from the county conservation fund. If the vote in favor of issuing the bonds is equal to at least sixty percent of the total votes cast for and against the proposition, the board of supervisors shall issue the bonds in the amount voted, and shall provide for the levy of an annual tax, within the limits of the special tax hereinbefore authorized, sufficient to pay said bonds and the interest thereon as the same respectively become due. Said bonds shall mature in not more than twenty years, shall bear interest at a rate or rates not exceeding ~~seven-percent-per annum~~ that permitted by chapter seventy-four A (74A) of the Code, shall be in such form as the board of supervisors shall by resolution provide, and shall be payable as to both principal and interest from the proceeds of the annual levy of the tax hereinbefore authorized to be levied for recreation and conservation purposes, or so much thereof as will be sufficient to pay the principal thereof and interest thereon, and prior to the authorization and issuance of such bonds the board of supervisors may, with or without notice, negotiate and enter into an agreement or agreements with any bank, investment banker, trust company or insurance company or group thereof whereunder the marketing of such bonds may be assured and consummated. The proceeds of such bonds shall be deposited in a special fund, to be kept separate and apart from all other funds of the county, and shall be paid out upon warrants drawn by the county auditor upon requisition of the conservation board to pay the cost of acquiring land and developing the same for recreation and conservation purposes as specified in the election proposition.

Sec. 21. Section one hundred forty-five A point seventeen (145A.17), Code 1979, is amended to read as follows:

145A.17 INDEBTEDNESS AND BONDS. Boards of hospital trustees may acquire sites and erect and equip buildings for use by area hospitals and may contract indebtedness and issue bonds bearing interest at a rate not exceeding ~~seven-percent-per-annum~~ that permitted by chapter seventy-four A (74A) of the Code to raise funds for such purposes in accordance with chapter 75.

Sec. 22. Section two hundred two point five (202.5), Code 1979, is amended to read as follows:

202.5 INTEREST ON INSTALLMENTS. All unpaid installments of the special assessment tax levied against the property described in section 202.4 shall bear interest at ~~the rate of six-percent~~ a rate not exceeding that permitted by chapter seventy-four A (74A) of the Code and all delinquent installments shall be subject to the same penalties as are now applied to delinquent general taxes.

Sec. 23. Section two hundred two point six (202.6), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-four (24), section four (4), is amended to read as follows:

202.6 ANTICIPATORY WARRANTS. The board shall have the authority for the purpose of financing and carrying out the provisions of this chapter to issue anticipatory warrants drawn on the county, in denominations of one hundred dollars, five hundred dollars and one thousand dollars, which anticipatory warrants shall draw interest at ~~not more than six-percent-per-annum~~ a rate not exceeding that permitted by chapter seventy-four A (74A) of the Code; and shall not be a general obligation on the county and be secured only by the special assessment tax levy as herein provided.

Sec. 24. Section two hundred eighty A point twenty-two (280A.22), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

In order to make immediately available to the merged area the proceeds of the voted tax hereinbefore authorized to be levied, the board of directors of any such merged area is hereby authorized, without the necessity for any further election, to borrow money and enter into loan agreements in anticipation of the collection of such tax, and such board shall, by resolution, provide for the levy of an annual tax, within the limits of the special voted tax hereinbefore authorized, sufficient to pay the amount of any such loan and the interest thereon to maturity as the same becomes due. A certified copy of this resolution shall be filed with the county auditors of the counties in which such merged area is located, and the filing thereof shall make it a duty of such auditors to enter annually this levy for collection until funds are realized to repay the loan and interest thereon in full. Said loan must mature within the number of years for which the tax has been voted and shall bear interest at a rate or rates not exceeding ~~seven percent-per-annum~~ that permitted by chapter seventy-four A (74A) of the Code. Any loan agreement entered into pursuant to authority herein contained shall be in such form as the board of directors shall by resolution provide and the loan shall be payable as to both principal and interest from the proceeds of the annual levy of the voted tax hereinbefore authorized, or so much thereof

as will be sufficient to pay the loan and interest thereon. In furtherance of the foregoing the board of directors of such merged area may, with or without notice, negotiate and enter into a loan agreement or agreements with any bank, investment banker, trust company, insurance company or group thereof, whereunder the borrowing of the necessary funds may be assured and consummated. The proceeds of such loan shall be deposited in a special fund, to be kept separate and apart from all other funds of the merged area, and shall be paid out upon warrants drawn by the president and secretary of the board of directors to pay the cost of acquiring the school facilities for which the tax was voted.

Sec. 25. Section two hundred eighty-five point ten (285.10), subsection seven (7), paragraph b, Code 1979, is amended to read as follows:

b. May purchase buses and enter into contract to pay for such buses over a five-year period as follows: One-fourth of the cost when bus is delivered and the balance in equal annual installments, plus simple interest due. The interest rate shall be the lowest rate available and shall not exceed ~~four percent--simple--interest~~ the rate in effect under section ten (10) of this Act. The bus shall serve as security for balance due. Bus bodies and chassis shall be purchased on separate contracts unless the bus is constructed as an integral unit, inseparable as to body and chassis, by the manufacturer or is a used or demonstrator bus.

Sec. 26. Section two hundred ninety-six point one (296.1), Code 1979, is amended to read as follows:

296.1 INDEBTEDNESS AUTHORIZED. Subject to the approval of the voters thereof, school districts are hereby authorized to contract indebtedness and to issue general obligation bonds to provide funds to defray the cost of purchasing, building, furnishing, reconstructing, repairing, improving or remodeling a schoolhouse or schoolhouses and additions thereto, gymnasium, stadium, field house, school bus garage, teachers' or superintendent's home or homes, and procuring a site or sites therefor, or purchasing land to add to a site already owned, or procuring and improving a site for an athletic field, or improving a site already owned for an athletic field, and for any one or more of such purposes. Taxes for the payment of said bonds shall be levied in accordance with chapter 76, and said bonds shall mature within a period not exceeding twenty years from date of issue, shall bear interest at a rate or rates not exceeding ~~seven--percent--per--annum~~ that permitted by chapter seventy-four A (74A) of the Code and shall be of such form as the board of directors of such school district shall by resolution provide, but the aggregate indebtedness of any school district shall not exceed five percent of the actual value of the taxable property within said school district, as ascertained by the last preceding state and county tax lists.

Sec. 27. Section two hundred ninety-eight point twenty-two (298.22), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

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~~ that permitted by chapter seventy-four A

(74A) of the Code, 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.

Sec. 28. Section three hundred two point twelve (302.12), Code 1979, is amended to read as follows:

302.12 BONDS TO COVER LOSSES. When any sum not less than one thousand dollars shall be so audited and so become a debt of the state to the fund, as provided by the Constitution, the auditor of state shall issue the bond or bonds of the state in favor of the fund, bearing ~~six-percent~~ interest at a rate not exceeding that permitted by chapter seventy-four A (74A) of the Code, payable semiannually on the first day of January and July after issuance, and the amount to pay the interest as it becomes due is appropriated out of any funds in the state treasury.

Sec. 29. Section three hundred nine point forty-seven (309.47), subsection four (4), Code 1979, is amended to read as follows:

4. The rate of interest which each certificate shall bear which shall not exceed ~~five-percent-per-annum~~ that permitted by chapter seventy-four A (74A) of the Code, payable annually.

Sec. 30. Section three hundred nine point seventy-three (309.73), unnumbered paragraph three (3), Code 1979, is amended to read as follows:

Taxes for the payment of county bonds shall be levied in accordance with chapter 76 and said bonds shall be payable in not more than twenty years and bear interest at a rate not exceeding ~~five-percent-per-annum~~ that permitted by chapter seventy-four A (74A) of the Code, and shall be of such form as the respective councils or board of supervisors shall by resolution provide, but no city or county shall become indebted in excess of five percent of the actual value of taxable property within its taxing jurisdiction as shown by the last preceding state and county tax lists. The indebtedness incurred for the purpose provided in this section shall not be considered an indebtedness incurred for general or ordinary purposes.

Sec. 31. Section three hundred eleven point sixteen (311.16), unnumbered paragraph two (2), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter sixty-eight (68), section one (1), is amended to read as follows:

On the final determination the board shall levy the assessments and all installments thereof upon the real estate within the district as finally established. The entire amount of the assessment shall be then due and payable, and bear interest at ~~six-percent-per-annum~~ a rate not exceeding that permitted by chapter seventy-four A (74A) of the Code commencing twenty days from the date of the levy, and shall be collected at the succeeding September semiannual payment of ordinary taxes.

Sec. 32. Section three hundred eleven point seventeen (311.17), unnumbered paragraph one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter sixty-eight (68), section two (2), is amended to read as follows:

If an owner other than the state or a county or city, of any tracts of land on which the assessment is more than ten dollars, shall, within twenty

days from the date of the assessment, agree in writing filed in the office of the county auditor, that in consideration of the owner having the right to pay the assessment in installments, the owner will not make any objection of illegality or irregularity as to the assessment upon the real estate, and will pay the assessment plus ~~six-percent-annual~~ interest, the assessment shall be payable in ten equal installments. The first installment shall be payable on the date of the agreement. The other installments with interest on the whole amount unpaid shall be paid annually at the same time and in the same manner as the September semiannual payment of ordinary taxes. The rate of interest shall be as established by the board, but not exceeding that permitted by chapter seventy-four A (74A) of the Code.

Sec. 33. Section three hundred eleven point twenty-eight (311.28), Code 1979, is amended to read as follows:

311.28 CERTIFICATES ANTICIPATING ASSESSMENTS. In order to render immediately available that amount of the estimated cost of an improvement which has been specially assessed, the board may issue road certificates in the name of the county in an aggregate amount not exceeding the then unpaid amount of the special assessment levied in said district. Each issue of certificates shall be under, and in accordance with, a duly adopted resolution of the board and which shall recite (1) the name or designation of the road district on account of which the certificates are issued; (2) that a stated amount (naming the amount) has been specially assessed against the lands within said district; (3) that a stated amount of said aggregate special assessment has not yet been paid (naming the unpaid amount); (4) that it is necessary to render such unpaid amount immediately available; (5) the number of road certificates authorized and the specific amount of each certificate; (6) the specific numbering or designation of such certificates; (7) the rate of interest which each certificate shall bear from date, ~~to-wit,~~ not to exceed six-percent-per-annum exceeding that permitted by chapter seventy-four A (74A) of the Code; (8) the fact that said certificates are payable solely from the proceeds of the special assessments which have been levied on the lands within said districts; (9) that each certificate shall be payable on or before the first day of January of the first year following the maturity of the last installment of such special assessments, and that interest thereon shall be paid annually; (10) the authorization to the chairman of the board, and to the county auditor, respectively, to sign and countersign each of said certificates.

Sec. 34. Section three hundred thirty point seven (330.7), unnumbered paragraph five (5), Code 1979, is amended to read as follows:

Taxes for the payment of said bonds shall be levied in accordance with chapter 76 and said bonds shall be payable in not more than twenty years and bear interest at a rate not exceeding ~~seven-percent-per-annum~~ that permitted by chapter seventy-four A (74A) of the Code and shall be of such form as the governing body shall by resolution provide, but no county or township shall become indebted in excess of five percent of the actual value of its taxable property, as shown by the last preceding state and county tax lists. The indebtedness incurred for the purpose provided in this section shall not be considered an indebtedness incurred for general or ordinary purposes.

Sec. 35. Section three hundred thirty point fourteen (330.14), Code 1979, is amended to read as follows:

330.14 PAYMENT FROM EARNINGS. All political subdivisions authorized by this chapter to acquire, establish, improve, maintain, and operate airports may, in connection therewith, purchase or construct, or contract for the construction of, and maintain and operate, hangars, administration and office buildings and other aeronautical and commercial facilities for which fees are charged, and pay for the same solely and only out of the earnings thereof. Such political subdivisions are authorized to borrow money for the purpose of purchasing or constructing the improvements herein authorized, and as evidence of such money borrowed to issue their bonds payable solely and only from the revenues derived from such improvements. Such bonds may be issued in such amounts as may be necessary to provide sufficient funds to pay all the costs of construction and operation of such improvement, including engineering and other expenses, together with interest to a date six months subsequent to the estimated date of completion. Bonds issued under the provisions of this section are declared to be negotiable instruments. The principal and interest of said bonds shall be payable solely and only from the special fund herein provided for such payments, and said bonds shall not in any respect be a general obligation of such political subdivision, nor shall they be payable in any manner by taxation. All details pertaining to the issuance of such bonds and the terms and conditions thereof shall be determined by ordinance or resolution duly adopted by the governing body of such political subdivision, which may pledge the property purchased or constructed, and the net earnings thereof, to the payment of said bonds and the interest thereon, and provide that the net earnings thereof shall be set apart as a sinking fund for that purpose. Such political subdivision is authorized and directed to charge the users of such improvements at rates which at all time, shall be sufficient to pay the principal and interest on the bonds issued under the provisions of this chapter, and the cost of operation and maintenance, and to provide an adequate depreciation fund. Bonds issued pursuant to the provisions of this section shall bear interest at a rate not exceeding ~~seven-percent-per-annum~~ that permitted by chapter seventy-four A (74A) of the Code. This section shall be construed as granting additional power, without limiting the power already existing in political subdivisions.

Sec. 36. Section three hundred thirty point sixteen (330.16), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

Taxes for the payment of said bonds shall be levied in accordance with chapter 76 and said bonds shall be payable in not more than twenty years and bear interest at a rate not exceeding ~~seven-percent-per-annum~~ that permitted by chapter seventy-four A (74A) of the Code and shall be of such form as the governing body shall by resolution provide, but no county or township shall become indebted in excess of five percent of the actual value of its taxable property, as shown by the last preceding state and county tax lists. The indebtedness incurred for the purpose provided in this section shall not be considered an indebtedness incurred for general or ordinary purposes.

Sec. 37. Section three hundred thirty A point nine (330A.9), subsection one (1), Code 1979, is amended to read as follows:

1. The bonds issued by an authority pursuant to this chapter shall be authorized by resolution of the board thereof and shall be either term or serial bonds, shall bear such date or dates, mature at such time or times, not exceeding forty years from their respective dates, bear interest at such rate or rates, not exceeding ~~eight-per-centum-per-annum~~ that permitted by chapter seventy-four A (74A) of the Code, payable semiannually, be in such denominations, be in such form, either coupon or fully registered, shall carry such registration, exchangeability and interchangeability privileges, be payable in such medium of payment and at such place or places, within or without the state, be subject to such terms of redemption and be entitled to such priorities on the revenues, rates, fees, rentals, or other charges or receipts of the authority as such resolution or any resolution subsequent thereto may provide. The bonds shall be executed either by manual or facsimile signature by such officers as an authority shall determine, provided that such bonds shall bear at least one signature which is manually executed thereon, and the coupons attached to such bonds shall bear the facsimile signature or signatures of such officer or officers as shall be designated by an authority and the bonds shall have the seal of the authority, affixed, imprinted, reproduced, or lithographed thereon, all as may be prescribed in such resolution or resolutions. Said bonds shall be sold at public sale at such price or prices as the authority shall determine to be in the best interests of the authority provided that such bonds shall not be sold at less than the par value thereof, plus accrued interest and provided that the net interest cost shall not exceed ~~eight--per--centum--per~~ annum that permitted by chapter seventy-four A (74A) of the Code. Pending the preparation of definitive bonds, interim certificates or temporary bonds may be issued to the purchaser or purchasers of such bonds, and may contain such terms and conditions as the authority may determine.

Sec. 38. Section three hundred thirty-two point forty-four (332.44), subsection eight (8), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

Bonds issued pursuant to the provisions of this section shall bear interest at a rate not exceeding ~~seven-percent-per-annum~~ that permitted by chapter seventy-four A (74A) of the Code.

Sec. 39. Section three hundred forty-five point sixteen (345.16), Code 1979, is amended to read as follows:

345.16 INTEREST RATE ON BONDS. Bonds issued pursuant to the provisions of this chapter shall bear interest at a rate not exceeding ~~seven-percent-per~~ annum that permitted by chapter seventy-four A (74A) of the Code.

Sec. 40. Section three hundred forty-six point three (346.3), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Said bonds shall bear interest ~~not-exceeding-seven-percent-per-annum~~ at a rate not exceeding that permitted by chapter seventy-four A (74A) of the Code, payable semiannually, and be substantially in the following form, but subject to changes that will conform them to the resolution of said board, to wit:

Sec. 41. Section three hundred forty-six point twenty-three (346.23), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

Such bonds shall be in denominations of not less than one hundred dollars nor more than ten thousand dollars, and shall draw interest at a rate not ~~to exceed--seven--percent-per-annum~~ exceeding that permitted by chapter seventy-four A (74A) of the Code, payable annually or semiannually. Such bonds shall be due and payable in not more than twenty years from the date of issuance but may be made subject to redemption in such manner and upon such terms as is stated on the face thereof, shall be in such form as the board of supervisors shall by resolution provide, and shall show on their face that they are county sanitary disposal bonds payable from the fund hereinafter provided. Funds available pursuant to the levy authorized by section 455B.81 shall be used to pay the interest and principal of such bonds as they become due. The limitation referred to in section 455B.81 shall not limit the source of payment of bonds and interest but shall only restrict the amount of bonds which may be issued. The money arising from such levies shall be known as the sanitary disposal bond fund and shall be used for the payment of such bonds and interest thereon only; and the treasurer shall open and keep in his or her books a separate account thereof, which shall show the exact condition of such fund. Such bonds shall be sold at public sale and the county treasurer shall comply with and be governed by all provisions of chapter 75.

Sec. 42. Section three hundred forty-six point twenty-six (346.26), subsection three (3), Code 1979, is amended to read as follows:

3. County bonds may bear interest at a rate not exceeding ~~seven-percent-per-annum~~ that permitted by chapter seventy-four A (74A) of the Code payable semiannually and the principal shall be scheduled to mature in not more than twenty years from the date of the bonds. When a county has issued bonds it shall annually levy on all taxable property in the county, a tax sufficient to pay the interest and principal of the bonds as they become due, and each county may levy taxes sufficient to pay its portion of the cost of operating, maintaining, and keeping insured the building acquired or constructed under this section.

Sec. 43. Section three hundred forty-six point twenty-seven (346.27), subsection fourteen (14), Code 1979, is amended to read as follows:

14. Bonds issued under this section may be issued as serial or term bonds, shall be of such denomination or denominations and form, including interest coupons to be attached, shall be payable at such place or places and bear such date as the board of commissioners fix by the resolution authorizing the bonds, shall mature within a period not to exceed fifty years, and may be redeemable prior to maturity with or without premium, at the option of the board of commissioners, upon terms and conditions the board shall fix by the resolution authorizing the issuance of bonds. The board of commissioners may provide for the registration of bonds in the name of the owner as to the principal alone or as to both principal and interest upon terms and conditions the board determines. All bonds issued by an authority shall be sold at a price so that the interest cost to the commission of the proceeds of the bonds shall not exceed ~~seven-percent-per-annum~~ that permitted by chapter seventy-four A (74A) of the Code, payable semiannually, computed

to maturity, and shall be sold in the manner and at the time the board of commissioners determines.

Sec. 44. Section three hundred forty-six A point three (346A.3), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

"Shall the county of, in the state of Iowa issue bonds in the amount of for the purpose of" No such proposition shall be declared carried unless the vote in favor of the issuance of the bonds is equal to at least sixty percent of the total vote cast for and against the proposition at the election. Before the issuance of bonds under this chapter, the board shall adopt a resolution providing for the levy of annual taxes sufficient to pay maturing installments of the principal of and interest on said bonds in accordance with the provisions of chapter 76, and said bonds shall mature within a period not exceeding twenty years from date of issue, shall bear interest at a rate or rates not exceeding ~~seven-percent per-annum~~ that permitted by chapter seventy-four A (74A) of the Code and shall be of such form as the board shall by resolution provide, but the aggregate indebtedness of any such county shall not exceed five percent of the actual value of the taxable property within the county as ascertained by the last preceding state and county tax lists.

Sec. 45. Section three hundred forty-seven point five (347.5), Code 1979, is amended to read as follows:

347.5 BONDS. Should a majority of all the votes cast upon the proposition at a general election be in favor of establishing such hospital, the board of supervisors shall proceed to issue bonds of the county not to exceed the amount specified in said proposition, in denominations of not less than one hundred dollars nor more than one thousand dollars, drawing interest at a rate not ~~to exceed seven-percent-per-annum~~ exceeding that permitted by chapter seventy-four A (74A) of the Code, payable annually or semiannually. Said bonds shall be due and payable in twenty years from date of issuance, but at the option of the county payable at any time after ten years from such date, and shall be substantially in the form provided for county bonds, and shall show on their face that they are county public hospital bonds payable only from the county public hospital fund as provided for in section 347.7.

Sec. 46. Section three hundred forty-seven point twenty-seven (347.27), unnumbered paragraphs one (1) and three (3), Code 1979, are amended to read as follows:

Any county having theretofore established a county public hospital being operated under the provisions of this chapter may equip, enlarge, and improve the county public hospital and acquire the necessary lands, rights of way, and other property. For the purpose of equipping, enlarging, and improving any such county public hospital, including the acquisition of the necessary lands, rights of way, and other property, any county may, pursuant to resolution of the board of supervisors of the county and after it has been determined by the board of hospital trustees to be advisable, from time to time issue and dispose of its negotiable interest-bearing revenue bonds, payable solely as to both principal and interest from the revenues derived from the operation of the county public hospital. All such bonds may bear such date or dates, may mature at such time or times not exceeding thirty

years from their respective dates, may bear interest at such rate or rates not exceeding ~~seven-percent-per-annum~~ that permitted by chapter seventy-four A (74A) of the Code payable semiannually, may be in such form and payable at such place or places, and may be subject to such redemption privileges as are stated on the face thereof and as may be provided in the resolution.

Under no circumstances shall any revenue bonds issued under the provisions of this section be or become an indebtedness of the county within the purview of any constitutional or statutory limitation or provision. It shall be plainly stated on the face of each bond that it does not constitute such an indebtedness, but is payable solely from revenues derived from the operation of the county hospital. All the bonds shall be sold in a manner and upon terms prescribed by the resolution authorizing the issuance of the bonds, however no bonds shall be sold upon terms that will result in an interest cost computed to maturity of the bonds according to standard tables of bond values ~~of more than seven-percent-per-annum~~ which exceeds that permitted by chapter seventy-four A (74A) of the Code. The resolution authorizing the revenue bonds may contain any covenants determined by the board of supervisors to be desirable in connection with the use and application of the bond proceeds, the operation of the county public hospital, and the custody and application of the revenues from this operation. The sole remedy for any breach or default of the terms of any bonds or proceedings for their issuance shall be by mandamus in a court of competent jurisdiction to compel performance and compliance therewith.

Sec. 47. Section three hundred forty-seven A point two (347A.2), Code 1979, is amended to read as follows:

347A.2 BONDS--AUTHORIZATION--PAYMENT. For the purpose of acquiring, constructing, equipping, enlarging or improving such hospital or any part thereof, any such county may, pursuant to resolution of the board of supervisors of such county, from time to time issue and dispose of its negotiable interest-bearing revenue bonds payable solely as to both principal and interest from the revenues to be derived from the operation of such hospital. All such bonds may bear such date or dates, may mature at such time or times not exceeding thirty years from their respective dates, may bear interest at such rate or rates not exceeding ~~seven-percent-per-annum~~ that permitted by chapter seventy-four A (74A) of the Code payable semiannually, may be in such form and payable at such place or places, and may be subject to such redemption privileges as is stated on the face thereof and as may be provided in such resolution. After a resolution authorizing such revenue bonds has been adopted the county auditor shall publish notice of such adoption in at least one newspaper of general circulation in the county at least once each week for two consecutive weeks. Such notice shall identify the resolution by the date of its adoption and shall specify the amount of bonds proposed to be issued, and if within twenty days following the date of the first publication of such notice a petition is filed with the county auditor signed by qualified voters of said county in number equal to or exceeding twenty percent of the total number of votes cast in such county for governor at the last preceding regular election whereat a governor was elected then the bonds authorized by such resolution shall not be issued

unless and until the proposition to issue same shall have been submitted at an election throughout the county and approved by not less than sixty percent of the votes cast for and against the proposition. When any such petition is filed it shall be referred to the board of supervisors at its next meeting and thereupon the board of supervisors may either repeal the bond resolution or order the election which shall be called and conducted in the manner provided by chapter 345. If there be no petition filed within the time hereinbefore provided or if there be a petition filed and the proposition of issuing such bonds is approved at such election then the board of supervisors may proceed with the acquisition, construction, equipment, operation and maintenance of the county hospital and the issuance of bonds in connection therewith, all as in this chapter permitted and provided. Under no circumstances shall any revenue bonds issued under the provisions of this chapter be or become an indebtedness of the county within the purview of any constitutional or statutory limitation or provision, and it shall be plainly stated on the face of each bond that it does not constitute such an indebtedness, but is payable solely from the revenues as aforesaid. All such bonds shall be sold in such manner and upon such terms as is prescribed by the resolution authorizing the issuance thereof, provided, that no bonds shall be sold upon terms that will result in an interest cost computed to maturity of the bonds according to standard tables of bond values ~~of--more than-seven-percent-per-annum~~ which exceeds that permitted by chapter seventy-four A (74A) of the Code. The resolution authorizing such revenue bonds may contain such covenants as are determined by the board of supervisors to be desirable in connection with the use and application of the bond proceeds, the operation of the county hospital and the custody and application of the revenues from such operation. The sole remedy for any breach or default of the terms of any such bonds or proceedings for their issuance shall be by mandamus in a court of competent jurisdiction to compel performance and compliance therewith.

Sec. 48. Section three hundred forty-seven A point seven (347A.7), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

For the purpose of enlarging and improving any county hospital or hospitals theretofore acquired and being operated under the provisions of this chapter, any such county, upon petition and recommendation of the board of hospital trustees, and pursuant to resolution of the board of supervisors of such county, may from time to time incur indebtedness and issue and sell the negotiable interest-bearing general obligation bonds of said county, provided that the principal amount of all such bonds which may be issued and outstanding under this section shall not be in excess of two percent of the assessed value of the taxable property in such county as shown by the latest state and county tax lists. All such bonds may bear such date or dates, may mature at such time or times not exceeding twenty years from their respective dates, may bear interest at such rate or rates not exceeding ~~seven-percent per-annum~~ that permitted by chapter seventy-four A (74A) of the Code payable semiannually, may be in such form and payable at such place or places, and may be made subject to such privileges of redemption prior to maturity and upon such terms of redemption as are stated on the face of such bonds and as may be provided in such resolution.

Sec. 49. Section three hundred fifty-seven point twenty (357.20), Code 1979, is amended to read as follows:

357.20 DUE DATE--BONDS. Assessments of less than ten dollars will come due at the first tax-paying date after the approval of the final assessment, and assessments of ten dollars or more may be paid in ten annual installments with interest ~~at six percent~~ on the unpaid balance at a rate not exceeding that permitted by chapter seventy-four A (74A) of the Code. The board of supervisors shall issue bonds against the completed assessment in an amount equal to the total cost of the project, so that the amount of the assessment will be approximately ten percent greater than the amount of the bonds.

Sec. 50. Section three hundred fifty-seven A point eleven (357A.11), subsection eight (8), Code 1979, is amended to read as follows:

8. Have power to finance up to ninety-five percent of the cost of the construction or purchase of any project necessary to carry out the purposes for which the district is incorporated, provided the balance of the cost of construction or purchase is acquired by subscription, donation, gift, or otherwise than through the medium of loans, or to refinance up to ninety-five percent of the original cost of any such project, and to evidence such financing by issuance of revenue bonds or notes which shall mature in a period not to exceed forty years from date of issuance, shall bear interest, or combined interest and insurance charges, at a rate not to exceed ~~six percent-per-annum~~ that permitted by chapter seventy-four A (74A) of the Code, shall be payable only from revenue derived from sale of water by the district, and shall never become or be construed to be a debt against the state of Iowa or any of its political subdivisions other than the district issuing the bonds. A statutory mortgage lien shall exist upon the water system and appurtenances and extensions so acquired in favor of the holders of the bonds and notes.

Sec. 51. Section three hundred fifty-seven B point four (357B.4), Code 1979, 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~~ that permitted by chapter seventy-four A (74A) of the Code. 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 384 shall apply to such bonds to the extent applicable.

Sec. 52. Section three hundred fifty-seven C point ten (357C.10), Code 1979, is amended to read as follows:

357C.10 BONDS IN ANTICIPATION OF REVENUE. Benefited street lighting districts may anticipate the collection of taxes by the levy herein provided, and to carry out the purposes of this chapter may issue bonds payable in not more than ten equal installments, with the rate of interest thereon ~~to not exceed seven-percent-per-annum~~ exceeding that permitted by chapter seventy-four A (74A) of the Code. No indebtedness shall be incurred under this Act until authorized by an election. Such election shall be held and notice

given in the same manner as the election provided herein for the authorization of a tax levy, and the same sixty percent vote shall be necessary to authorize indebtedness. Both propositions may be submitted to the voters in the same election.

Sec. 53. Section three hundred fifty-eight point twenty-one (358.21), unnumbered paragraph four (4), Code 1979, is amended to read as follows:

The proceeds of any bond issue made under the provisions of this section shall be used only for the purpose of acquiring, locating, laying out, establishing and construction of drainage facilities, conduits, treatment plants, pumping plants, works, ditches, channels and outlets of such capacity and character as may be required for the treatment, carrying off and disposal of the sewage and industrial wastes and other drainage incidental thereto of such district, or to repair, change, enlarge and add to such facilities as may be necessary or proper to meet the requirements present and future for the purposes aforesaid. Proceeds from such bond issue may also be used for the payment of special assessment deficiencies. Said bonds shall be payable in not more than forty annual installments and ~~at--interest--not--exceeding seven--percent--per--annum~~ with interest at a rate not exceeding that permitted by chapter seventy-four A (74A) of the Code, and shall be made payable at such place and be of such form as the board of trustees shall by resolution designate. Any sanitary district issuing bonds as authorized in this section is hereby granted authority to pledge the future avails of a tax levy ~~not exceeding--one--dollar--and--thirty--five--cents--per--thousand--dollars--of--assessed value--of--taxable--property--per--annum~~ to the payment of the principal and interest of such bonds after the same come due, and the power to impose and certify said levy is hereby granted to the trustees of sanitary districts organized under the provisions of this chapter.

Sec. 54. Section three hundred fifty-nine point forty-five (359.45), Code 1979, is amended to read as follows:

359.45 ANTICIPATORY BONDS. Townships may anticipate the collection of taxes authorized by section 359.43 and for such purposes may issue bonds payable in not more than ten equal annual installments and at a rate of interest not exceeding ~~seven--percent--per--annum~~ that permitted by chapter seventy-four A (74A) of the Code and payable at such place and be in such form as the board of trustees shall designate by resolution. Sections 23.12 to 23.16, inclusive, and provisions of law relating to essential corporate purpose bonds of a city, so far as applicable, shall apply to such bonds.

Sec. 55. Section three hundred eighty-four point fifty-seven (384.57), Code 1979, is amended to read as follows:

384.57 MONTHLY PAYMENTS. The city may contract to pay not to exceed ninety percent of the engineer's estimated value of the acceptable work completed during the month to the contractor at the end of each month. Payment may be made in warrants drawn on any fund or funds from which payment for the work may be made. ~~The warrants, unless paid upon presentation, draw interest--at--a--rate--not--to--exceed--seven--percent--per--annum--from--and--after--the--date--of--presentation--for--payment.~~ If such funds are depleted, anticipatory warrants may be issued bearing a rate of interest not exceeding that permitted by chapter seventy-four A (74A) of the Code, which do not

constitute a violation of section 384.10, even if the collection of taxes or special assessments or income from the sale of bonds applicable to the public improvement is after the end of the fiscal year in which the warrants are issued. If the city arranges for the private sale of anticipatory warrants, they may be sold and the proceeds used to pay the contractor. Such warrants may also be used to pay other persons furnishing services constituting a part of the cost of the public improvement.

Sec. 56. Section three hundred eighty-four point sixty (384.60), subsections three (3) and five (5), Code 1979, are amended to read as follows:

3. Provide for interest on all unpaid installments at ~~not more than seven percent-per-annum~~ a rate not exceeding that permitted by chapter seventy-four A (74A) of the Code.

5. Direct the clerk to certify the final schedule to the auditor of the county or counties in which the assessed property is located, and to publish notice thereof once each week for two consecutive weeks in the manner provided in section 362.3, the first publication of which shall be not more than fifteen days from the date of filing of the final schedule. On or before the second publication of the notice, the clerk shall send by certified mail to each property owner whose property is subject to assessment for the improvement, as shown by the records in the office of the county auditor, a copy of the notice. Such notice shall also include a statement in substance that assessments may be paid in full or in part without interest within thirty days after the date of certification, and thereafter all unpaid special assessments ~~will draw annual interest at seven percent~~ bear interest at the rate specified by the board, but not exceeding that permitted by chapter seventy-four A (74A) of the Code, computed to the December 1 next following the due dates of the respective installments, and each installment will be delinquent on September 30 following its due date, and will draw additionally the same delinquent interest and the same penalties as ordinary taxes. Such notice shall also state substantially that property owners may elect to pay any installment semiannually in advance. If a property is shown by the records to be in the name of more than one owner at the same mailing address, a single notice may be mailed to all owners at that address. Failure to receive a mailed notice is not a defense to the special assessment.

The county auditor shall place on the tax list the amounts to be assessed against each lot within the assessment district, as certified.

Sec. 57. Section three hundred eighty-four point sixty-eight (384.68), subsections two (2) and four (4), Code 1979, are amended to read as follows:

2. All special assessment bonds are negotiable, must state on their face that they are issued under the provisions of this division, and are payable as to both principal and interest from the proceeds of the special assessments levied for the public improvement. Such bonds may bear interest at a rate not exceeding ~~seven percent-per-annum~~ that permitted by chapter seventy-four A (74A) of the Code payable annually or semiannually, must mature serially on December 1 of the years in which any of the principal is scheduled to become due, and may contain a provision that the city reserves

the right and option of calling and redeeming any or all of the bonds prior to maturity on any interest payment date or within forty-five days thereafter upon the terms specified therein. Such bonds must be called "improvement bonds", must designate the general type of improvement or improvements for which issued, and may be issued in any denomination, not exceeding ten thousand dollars. Bonds issued for a public improvement authorized in section 384.38, subsection 2, must be named in a way to distinguish them from other improvement bonds of the city, and to designate the property specially assessed for the improvement. Improvement bonds issued for any one levy must bear the same date and be divided into as many series as there are years in which installments of the special assessment mature, and each series must be as nearly equal in amount as practicable.

4. Special assessment bonds must be sold at public or private sale in the manner provided by chapter 75, and may not be sold for less than par value with accrued interest from date to the time of delivery, or if no bids are received at public sale, bonds bearing the same rate of interest as the special assessment may be delivered to the contractor in payment of the cost of the public improvement. The proceeds of the sale must be applied to the payment of the cost of the public improvement.

Sec. 58. Section three hundred eighty-four point eighty-three (384.83), subsections three (3) and six (6), Code 1979, are amended to read as follows:

3. Revenue bonds may bear dates, bear interest at rates not exceeding ~~any limitations imposed by chapter 75~~ that permitted by chapter seventy-four A (74A) of the Code, mature in one or more installments, be in either coupon or registered form, carry registration and conversion privileges, be payable as to principal and interest at times and places, be subject to terms of redemption prior to maturity with or without premium, and be in one or more denominations, all as provided by the resolution of the governing body authorizing their issuance. The resolution may also prescribe additional provisions, terms, conditions, and covenants which the governing body deems advisable, consistent with the provisions of the city code, including provisions for creating and maintaining reserve funds, the issuance of additional revenue bonds ranking on a parity with such revenue bonds and additional revenue bonds junior and subordinate to such revenue bonds, and that such revenue bonds shall rank on a parity with or be junior and subordinate to any revenue bonds which may be then outstanding. Revenue bonds are a contract between the city and holders and the resolution is a part of the contract.

6. A city may issue pledge orders pursuant to a resolution of the governing body of the city utility, combined utility system, city enterprise, or combined city enterprise, adopted by a majority of the total number of members to which the governing body is entitled, at a regular or special meeting, ordering their issuance and delivery in payment for all or part of the cost of a project. Pledge orders may bear interest at rates not exceeding ~~eight percent per annum~~ that permitted by chapter seventy-four A (74A) of the Code.

Sec. 59. Section three hundred eighty-six point twelve (386.12), subsection four (4), Code 1979, is amended to read as follows:

4. Payment for the costs of an improvement may also be made in warrants drawn on any fund from which payment for the improvement may be made. ~~The warrants,--unless--paid--upon--presentation,--draw--interest--at--a--rate--not--to--exceed--seven--percent--per--annum--from--the--date--of--presentation--for--payment.~~ If such funds are depleted, anticipatory warrants may be issued bearing a rate of interest not exceeding that permitted by chapter seventy-four A (74A) of the Code, which do not constitute a violation of section 384.10, even if the collection of taxes or income from the sale of bonds applicable to the improvement is after the end of the fiscal year in which the warrants are issued. If the city arranges for the private sale of anticipatory warrants, they may be sold and the proceeds used to pay the costs of the improvement. Such warrants may be used to pay other persons furnishing services constituting a part of the cost of the improvement.

Sec. 60. Section three hundred ninety-four point one (394.1), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

Taxes for the payment of said bonds shall be levied in accordance with chapter 76, and said bonds shall be payable through the debt service fund in not more than twenty years, and bear interest at a rate not exceeding ~~seven percent-per-annum~~ that permitted by chapter seventy-four A (74A) of the Code, and shall be of such form as the city council shall by resolution provide, but no city shall become indebted in excess of five percent of the actual value of the taxable property within said city, as shown by the last preceding state and county tax lists. The indebtedness incurred for the purpose provided in this section shall not be considered an indebtedness incurred for general or ordinary purposes.

Sec. 61. Section four hundred three point nine (403.9), subsection three (3), Code 1979, is amended to read as follows:

3. Bonds issued under this section shall be authorized by resolution or ordinance of the local governing body and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates not exceeding ~~seven-per-centum-per-annum~~ that permitted by chapter seventy-four A (74A) of the Code, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, with or without premium, be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

Sec. 62. Section four hundred three A point thirteen (403A.13), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Bonds of a municipality shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding ~~seven per-centum-per-annum~~ that permitted by chapter seventy-four A (74A) of the Code, be in such denomination or denominations, be in such form either coupon

or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide.

Sec. 63. Section four hundred fifty-four point twenty (454.20), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-four (24), section five (5), is amended to read as follows:

454.20 INTEREST. The warrants shall bear interest from date at a rate not to exceed ~~six-percent~~ that permitted by chapter seventy-four A (74A) of the Code, which interest shall be payable at the end of each year, or for such shorter period as the warrants may remain unpaid.

Sec. 64. Section four hundred fifty-five point sixty-four (455.64), subsections one (1) and two (2), Code 1979, are amended to read as follows:

1. To pay one-third of the amount of such assessment at the time of filing such agreement; one-third within twenty days after the engineer in charge shall certify to the auditor that the improvement is one-half completed; and the remaining one-third within twenty days after the improvement has been completed and accepted by the board. All such installments shall be without interest if paid at said times, otherwise said assessments shall bear interest from the date of the levy at ~~the rate of not to exceed seven-percent-per-annum~~ a rate not exceeding that permitted by chapter seventy-four A (74A) of the Code, payable annually, and be collected as other taxes on real estate, with like penalty for delinquency.

2. To pay such assessments in not less than ten nor more than twenty equal installments, the number to be fixed by the board and interest at the rate fixed by the board, not exceeding ~~seven-percent-per-annum~~ that permitted by chapter seventy-four A (74A) of the Code. One such installment shall be payable at the September semiannual taxpaying date in each year; provided, however, that the county treasurer shall, at the September semiannual taxpaying date, require only the payment of a sufficient portion of the assessments to meet the interest and the amount maturing on bonds or certificates prior to the regular time for the payment of the second installment of taxes and the balance shall be collected with such second installment and without penalty.

Sec. 65. Section four hundred fifty-five point seventy-seven (455.77), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The board may provide by resolution for the payment of assessments in not more than twenty annual installments with interest at ~~not-to-exceed-seven-percent-per-annum~~ a rate not exceeding that permitted by chapter seventy-four A (74A) of the Code. The board may issue warrants bearing interest at the same rate, which warrants shall be numbered and state a maturity date in which event they shall bear interest from the date of issuance without being presented for payment and marked unpaid for want of funds. The warrants may be sold by the board for cash in an amount not less than the face value thereof, together with accrued interest, if any.

Sec. 66. Section four hundred fifty-five point seventy-nine (455.79), Code 1979, is amended to read as follows:

455.79 INTEREST--PLACE OF PAYMENT. Such certificates shall bear interest ~~not to exceed seven percent per annum~~ at a rate not exceeding that permitted by chapter seventy-four A (74A) of the Code, payable annually, and shall be paid by the taxpayer to the county treasurer, who shall receipt for the same and cause the amount to be credited on the certificates issued therefor.

Sec. 67. Section four hundred fifty-five point eighty-three (455.83), Code 1979, is amended to read as follows:

455.83 AMOUNT--INTEREST--MATURITY. In no case shall the aggregate amount of all bonds issued exceed the benefits assessed. ~~Such~~ The bonds shall not be issued for a greater amount than the aggregate amount of assessments for the payment of which they are issued, nor for a longer period of maturity than twenty years, ~~and bear a rate of interest not to exceed seven percent per annum.~~ The bonds shall bear interest at a rate not exceeding that permitted by chapter seventy-four A (74A) of the Code, payable semiannually, on June 1 and December 1 of each year. Whenever the interest on bonds issued pursuant to the provisions of this chapter exceeds four percent per annum the interest on unpaid assessments shall equal the interest on such bonds but not to exceed seven percent per annum, the provisions of sections 455.57 and 455.64 to the contrary notwithstanding. The interest on unpaid assessments shall be at a rate not exceeding that permitted by chapter seventy-four A (74A) of the Code.

Sec. 68. Section four hundred fifty-five point one hundred seventy-five (455.175), Code 1979, is amended to read as follows:

455.175 FUNDS. Payment to the county auditor for such certificate shall be from the fund of said drainage or levee district, or subdistrict, on a warrant issued against that fund which shall have precedence over all other outstanding warrants drawn against that fund in the order of their payment. Should there not be a sufficient amount in the fund of said district, or subdistrict, to pay said warrant then the board of supervisors, or the trustees of the district, as the case may be, are authorized to borrow a sum of money sufficient for that purpose on a warrant for that amount on the fund of the district, or subdistrict, which warrant shall bear interest from date at ~~six percent per annum~~ a rate not exceeding that permitted by chapter seventy-four A (74A) of the Code and shall have preference in payment over all other unpaid warrants on said fund, and the county treasurer shall so enter the same on the list of warrants in his office and call the same for payment as soon as there is sufficient money in said fund.

Sec. 69. Section four hundred fifty-five point one hundred ninety-eight (455.198), Code 1979, is amended to read as follows:

455.198 WARRANTS NOT PAID FOR WANT OF FUNDS. Chapter 74 shall be applicable to all warrants which are legally drawn on levee and drainage district funds and are not paid for want of funds, ~~except that such warrants shall bear interest at not to exceed seven percent per annum.~~

Sec. 70. Section four hundred fifty-five point two hundred thirteen (455.213), Code 1979, is amended to read as follows:

455.213 INSTALLMENTS--WARRANTS. The board shall levy the costs contemplated in section 455.202 upon all of the lands of the district on the basis of the classification for benefits as finally established and the

assessments so levied shall be paid in one installment unless the board in its discretion shall provide for the payment thereof in not more than twenty equal installments with interest at ~~not to exceed seven percent per annum~~ a rate not exceeding that permitted by chapter seventy-four A (74A) of the Code. The board may issue anticipatory warrants bearing interest at ~~not to exceed seven percent per annum against assessments~~ a rate not exceeding that permitted by chapter seventy-four A (74A) of the Code. The warrants may be numbered and state a maturity date ~~in which event they shall bear interest from the date of issue without being presented for payment and marked unpaid for want of funds.~~ The warrants may be sold by the board for cash in an amount not less than the face value thereof, together with accrued interest, if any.

Sec. 71. Section four hundred sixty point seven (460.7), Code 1979, is amended to read as follows:

460.7 ADVANCED PAYMENTS. The board on construction of such improvement may advance out of the secondary road construction fund or the secondary road maintenance fund, or out of both of said funds that portion to be collected by special assessment, the amount so advanced to be replaced in said road funds as the first special assessments are collected. The board may in lieu of making such advancements, issue warrants to be known as "Drainage Warrants", said warrants to ~~draw not to exceed four percent interest per annum~~ bear interest at a rate not exceeding that permitted by chapter seventy-four A (74A) of the Code payable annually from the date of issue and to be paid out of the special assessments levied therefor, when the same are collected.

Sec. 72. Section four hundred sixty-one point fourteen (461.14), Code 1979, is amended to read as follows:

461.14 FORM OF BONDS. Such bonds shall be issued in sums of not less than one hundred dollars or more than one thousand dollars each, running not more than twenty years, bearing interest not exceeding ~~six percent per annum~~ that permitted by chapter seventy-four A (74A) of the Code, payable annually or semiannually, and shall be substantially in the form provided by law for funding bonds issued for drainage purposes.

Sec. 73. Section four hundred sixty-three point ten (463.10), Code 1979, is amended to read as follows:

463.10 FORM OF BONDS. Drainage refunding bonds shall be issued in denominations of not less than one hundred dollars nor more than one thousand dollars, each, running not more than forty years, bearing interest ~~not exceeding six percent per annum~~ at a rate not exceeding that permitted by chapter seventy-four A (74A) of the Code, payable semiannually, and shall be substantially in the form provided by law relating to drainage bonds, with such changes as shall be necessary to conform with this chapter.

Sec. 74. Section four hundred sixty-four point nine (464.9), Code 1979, is amended to read as follows:

464.9 REFUNDING BONDS. The court shall direct the board of supervisors to issue bonds in lieu of the outstanding drainage bonds for said drainage district, and additional bonds for the accrued interest and other indebtedness of said drainage district. Said bonds shall be payable in

amounts, and at the time and manner, and with priority of payments as has been determined by order of court, as provided by section 464.8, and shall be called "conservator's drainage district bonds". Each bond shall be numbered and shall state on its face that it is a conservator's drainage district bond; that it is issued in pursuance of a resolution adopted by the board of supervisors, under order of court, and giving the name of the court and the county where such court is held; that it is issued to pay indebtedness of the drainage district; shall state the county where such district is located, and the number of the drainage district for which it is issued; shall state the date of maturity of the bond, the rate of interest thereon, which rate shall not ~~be--less-than-three-and-one-half-percent-per-annum~~ exceed that permitted by chapter seventy-four A (74A) of the Code, and that the bond is to be paid only from taxes assessed, levied and collected on the lands within the drainage district for which the bond is issued subject to the provisions of section 464.8. All bonds shall be signed by the chairman of the board of supervisors and countersigned by the conservator designated as such. The interest coupons attached to said bonds shall be attested by the signature of the conservator or a facsimile thereof. When the bonds have been executed as herein required, the conservator may sell said bonds at not less than par with accrued interest thereon, and pay the indebtedness of said drainage district, or may exchange said bonds with the creditors of said drainage district in amounts as have been fixed and determined by the court, and the conservator shall cancel all drainage bonds, improvement certificates, warrants or other evidence of indebtedness received by him in lieu of the conservator's bonds.

Sec. 75. Section four hundred sixty-seven A point thirty-three (467A.33), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The governing body upon receiving the reports from three appointed appraisers and after holding the hearings shall transmit and certify the amounts of assessments to the respective boards of supervisors which upon receipt of certification from the governing body of the district, make the necessary levy of such assessments as fixed by the governing body upon the land within such subdistrict and all assessments shall be levied at that time as a tax and shall bear interest at ~~not-more-than-four-percent--per--annum~~ a rate not exceeding that permitted by chapter seventy-four A (74A) of the Code from that date payable annually except as hereafter provided as to cash payments therefor within a specified time. The assessment so levied shall be kept in a separate account by the appropriate county treasurer or treasurers, identified by the official name of the subdistrict and expenditures therefrom shall be made on requisition of the chairman and secretary of the governing body of the subdistrict.

Sec. 76. Section four hundred sixty-seven A point thirty-five (467A.35), subsections one (1) and two (2), Code 1979, are amended to read as follows:

1. To pay one half of the amount of such assessment at the time of filing such agreement and the remaining one half shall become due and payable one year from the date of filing such agreement. All such installments shall be without interest if paid at said times, otherwise said assessments shall bear interest from the date of the levy at ~~the-rate-of-four-percent-per-annum~~ a

rate fixed by the governing body of the subdistrict, but not exceeding that permitted by chapter seventy-four A (74A) of the Code, payable annually, and be collected as other taxes on real estate, with like penalty for delinquency.

2. To pay such assessments in not less than ten nor more than forty equal installments, the number to be fixed by the governing body of the subdistrict and interest at the rate fixed by the governing body of the subdistrict, not exceeding ~~four-percent-per-annum~~ that permitted by chapter seventy-four A (74A) of the Code. The first installment of each assessment shall become due and payable at the October semiannual tax paying date after the date of filing such agreement, unless the agreement is filed with the county auditor less than thirty days prior to such October semiannual tax paying date, in that event, the first installment shall become due and payable at the next succeeding October semiannual tax paying date. The second and each subsequent installment shall become due and payable at the October semiannual tax paying date each year thereafter. All such installments shall be collected with interest accrued on the unpaid balance to the October semiannual tax paying date and as other taxes on real estate, with like penalty for delinquency.

Sec. 77. Sections seventy-four point eight (74.8), seventy-five point eleven (75.11) and seventy-five point twelve (75.12), Code 1979, are repealed. It is the intent of the general assembly that the repeal of these sections, and the enactment of sections eleven (11), thirteen (13) and fifteen (15) of this Act shall be construed as a continuation of prior law, except to the extent amended by sections eleven (11) and fifteen (15) of this Act.

Sec. 78. Bonds sold on or after the effective date of this Act to finance an improvement for which a final assessment schedule was adopted prior to the effective date of this Act may bear any rate of interest permitted by section eleven (11) of this Act, and section thirteen (13) of this Act and any similar statutory restrictions do not apply to these bonds.

Sec. 79. Commencing on December 1, 1980, the rate of interest payable on the unpaid balance of a special assessment which was levied on or after November 1, 1979, and prior to the effective date of Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File 500, shall be increased to the rate of ten percent per annum.

Sec. 80. The provisions of this Act which remove limitations on rates of interest supersede limitations on rates of interest established by Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File five hundred (500), section six (6). Rules adopted pursuant to this Act which establish rates of interest applicable under sections ten (10) and twelve (12) of this Act supersede any rates of interest established by Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File five hundred (500), section six (6).

Sec. 81. This Act, being deemed of immediate importance, shall take effect from and after its publication in the Muscatine Journal, a newspaper

published in Muscatine, Iowa, and in the Carroll Daily Times-Herald, a newspaper published in Carroll, Iowa.

Approved May 20, 1980

I hereby certify that the foregoing Act, Senate File 2282, was published in the Muscatine Journal, Muscatine, Iowa on May 29, 1980 and republished on June 6, 1980 and published in the Carroll Daily Times-Herald, Carroll, Iowa on May 29, 1980 and republished June 10, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1026
OCCUPATIONAL HEARING LOSS

S. F. 359

AN ACT relating to workers' compensation for occupational hearing loss.

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

Section 1. NEW SECTION. Sections two (2) through fifteen (15) of this Act shall be known as the "Iowa occupational hearing loss Act".

Sec. 2. NEW SECTION. All employers as defined in chapter eighty-five (85) of the Code are subject to sections two (2) through fifteen (15) of this Act.

Sec. 3. NEW SECTION. All employees as defined in chapter eighty-five (85) of the Code who incur an occupational hearing loss arising out of and in the course of employment, are subject to sections two (2) through fifteen (15) of this Act.

Sec. 4. NEW SECTION.

1. "Occupational hearing loss" means a permanent sensorineural loss of hearing in one or both ears in excess of twenty-five decibels if measured from international standards organization or American national standards institute zero reference level, which arises out of and in the course of employment caused by prolonged exposure to excessive noise levels.

In the evaluation of occupational hearing loss, only the hearing levels at the frequencies of five hundred, one thousand, two thousand, and three thousand Hertz shall be considered.

2. "Excessive noise level" means sound capable of producing occupational hearing loss.

Sec. 5. NEW SECTION. An excessive noise level is sound which exceeds the times and intensities listed in the following table:

<u>Duration</u> <u>per day</u> <u>hours</u>	<u>Sound level,</u> <u>dBA slow</u> <u>response</u>	<u>Duration</u> <u>per day</u> <u>minutes</u>	<u>Sound level,</u> <u>dBA slow</u> <u>response</u>
8	90	52	106
7	91	45	107
6	92	37	108

5	93	33	109
4 1/2	94	30	110
4	95	26	111
3 1/2	96	22	112
3	97	18	113
2 1/2	98	16	114
2 1/4	99	15	115
2	100	No exposure	Greater than
1 3/4	101	permitted	115
1 1/2	102		
1 1/4	103		
1 1/8	104		
1	105		

The industrial commissioner may promulgate rules pursuant to chapter seventeen A (17A) of the Code to amend this table based upon changes recommended in nationally recognized consensus standards.

An employer shall immediately inform an employee if the employer learns that the employee is being subjected to sound levels and duration in excess of those indicated in the above table. In instances of occupational hearing loss alleged to have occurred, either in whole or in part prior to the effective date of this Act, an employer shall provide upon request by an affected employee whatever evidence is available to the employer of the date, duration, and intensities of noise to which the employee was subjected in employment.

Sec. 6. NEW SECTION. Compensation is payable for a maximum of one hundred seventy-five weeks for total occupational hearing loss. For partial occupational hearing loss compensation is payable for a period proportionate to the relation which the calculated binaural, both ears, hearing loss bears to one hundred percent, or total loss of hearing.

Sec. 7. NEW SECTION. Compensation is not payable to an employee who willfully fails to submit for reasonable periodic physical and audiometric examinations. Reasonable written notice of the dates and times of examinations required by the employer shall be given the employee. Examinations shall be scheduled during times the employee, examining personnel, and examination facilities are reasonably available. Physical and audiometric examinations shall be at the expense of the employer. The employee shall be compensated for any time lost from work occasioned by employer examinations. Compensation is not payable to an employee if the employee fails or refuses to use employer-provided hearing protective devices required by the employer and communicated in writing to the employee at the time the employee is employed or at the time the protective devices are provided by the employer.

Sec. 8. NEW SECTION. A claim for occupational hearing loss due to excessive noise levels may be filed six months after separation from the employment in which the employee was exposed to excessive noise levels. The date of the injury shall be the date of occurrence of any one of the following events:

1. Transfer from excessive noise level employment by an employer.
2. Retirement.
3. Termination of the employer-employee relationship.

The date of injury for a layoff which continues for a period longer than one year shall be six months after the date of the layoff. However, the date of the injury for any loss of hearing incurred prior to the effective date of this Act shall not be earlier than the occurrence of any one of the above events.

Sec. 9. NEW SECTION. Pure tone air conduction audiometric instruments, properly calibrated according to accepted national standards used to define occupational hearing loss shall be used for measuring hearing loss, and the audiograms shall be taken and the tests given in an environment such as is prescribed by accepted national standards. If more than one audiogram is taken following notice of an occupational hearing loss claim, the audiogram having the lowest threshold will be used to calculate occupational hearing loss. If the losses of hearing average less than those levels that constitute an occupational hearing loss, the losses of hearing are not a compensable hearing disability. If the losses of hearing average ninety-two decibels American national standards institute (ANSI) or international standards organization (ISO), or more in the four frequencies, then the losses are total, or one hundred percent, compensable hearing loss. In measuring hearing impairment the lowest measured losses in each of the four frequencies shall be added together and divided by four to determine the average decibel loss. For each resulting decibel of loss exceeding twenty-five decibels ANSI or ISO, an allowance of one and one-half percent shall be made up to the maximum of one hundred percent, which is reached at ninety-two decibels ANSI or ISO. In determining the binaural percentage of loss, the percentage of impairment in the better ear shall be multiplied by five. The resulting figure shall be added to the percentage of impairment in the poorer ear, and the sum of the two divided by six. The final percentage shall represent the binaural hearing impairment. Audiometric examinations shall be made by persons trained by formal course work in air conduction audiometry at an accredited educational institution or licensed as audiologists under chapter one hundred forty-seven (147) of the Code, as physicians under chapter one hundred forty-eight (148) of the Code, as osteopathic physicians under chapter one hundred fifty (150) of the Code, or as osteopathic physicians and surgeons under chapter one hundred fifty A (150A) of the Code if such licensed persons are trained in air conduction audiometry. The interpretation of the audiometric examination shall be by the employer's regular or consulting physician who is trained and has had experience with such interpretation, or by a licensed audiologist. If the employee disputes the interpretation, the employee may select a physician similarly trained and experienced or a licensed audiologist to give an interpretation of the audiometric examination. This section is applicable in the event of partial permanent or total permanent occupational hearing loss in one or both ears.

Sec. 10. NEW SECTION. The employer shall communicate to the employee, in writing, the results of an audiometric examination or physical examination of an employee which reflects an average hearing loss of the employee in one or

both ears in excess of twenty-five decibels ANSI or ISO for the test frequencies of five hundred, one thousand, two thousand, and three thousand Hertz, as soon as practicable after the examination. The communication shall include the name and address of the person conducting the audiometric examination or physical examination, the kind or type of test or examinations given, the results of each, the average decibel loss, in the four frequencies, in each ear, if any, and, if known to the employer, whether the loss is sensorineural hearing loss and, if the hearing loss resulted from another cause, the name of the cause.

Sec. 11. NEW SECTION. An employer is liable, as provided in this Act and subject to the provisions of chapter eighty-five (85) of the Code, for an occupational hearing loss to which the employment has contributed, but if previous hearing loss, whether occupational or not, is established by an audiometric examination or other competent evidence, whether or not the employee was exposed to excessive noise level within six months preceding the test, the employer is not liable for the previous loss, nor is the employer liable for a loss for which compensation has previously been paid or awarded. The employer is liable only for the difference between the percent of occupational hearing loss determined as of the date of the audiometric examination used to determine occupational hearing loss and the percentage of loss established by the preemployment audiometric examination. An amount paid to an employee for occupational hearing loss by any other employer shall be credited against compensation payable by an employer for the hearing loss. An employee shall not receive in the aggregate greater compensation from all employers for occupational hearing loss than that provided in this section for total occupational hearing loss. A payment shall not be made to an employee unless the employee has worked in excessive noise level employment for a total period of at least ninety days for the employer from whom compensation is claimed.

Sec. 12. NEW SECTION. A reduction of the compensation payable to an employee for occupational hearing loss shall not be made because the employee's ability to communicate may be improved by the use of a hearing aid. An employer who is liable for occupational hearing loss of an employee is required to provide the employee with a hearing aid unless it will not materially improve the employee's ability to communicate.

Sec. 13. NEW SECTION. Payments of compensation and compliance with other provisions of sections two (2) through fifteen (15) of this Act by the employer or the employer's insurance carrier in accordance with the findings and orders of the industrial commissioner or a court making a final adjudication in appealed cases, discharges the employer from further obligation.

Sec. 14. NEW SECTION. Chapters seventeen A (17A), eighty-five (85), and eighty-six (86) of the Code, so far as applicable, and not inconsistent with sections two (2) through fifteen (15) of this Act, apply in cases of compensable occupational hearing loss.

Sec. 15. NEW SECTION. The industrial commissioner has jurisdiction over the operation and administration of the compensation provisions of sections two (2) through fifteen (15) of this Act.

Sec. 16. Section eighty-five point three (85.3), subsection two (2), Code 1979, is amended to read as follows:

2. Any employer who is a nonresident of the state, for whom services are performed within the state by employees entitled to rights under this ~~or~~ chapter, chapter 85A or sections two (2) through fifteen (15) of this Act, by virtue of having such services performed shall be subject to the jurisdiction of the industrial commissioner and to all of the provisions of this chapter, chapters 85A, 86, ~~and~~ 87, and sections two (2) through fifteen (15) of this Act, as to any and all personal injuries sustained by an employee arising out of and in the course of such employment within this state.

In addition to those persons authorized to receive personal service as in civil actions as permitted by chapter 17A, 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, 87, and 17A, and sections two (2) through fifteen (15) of this Act, 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. 17. Section eighty-five point twenty (85.20), Code 1979, is amended to read as follows:

85.20 RIGHTS OF EMPLOYEE EXCLUSIVE. The rights and remedies provided in this chapter ~~or~~, chapter 85A or sections two (2) through fifteen (15) of this Act for an employee on account of injury ~~or~~, occupational disease or occupational hearing loss for which benefits under this chapter ~~or~~, chapter 85A or sections two (2) through fifteen (15) of this Act are recoverable, shall be the exclusive rights and remedies of such employee, ~~his~~ the employee's personal or legal representatives, dependents, or next of kin, at common law or otherwise, on account of such injury ~~or~~, occupational disease, or occupational hearing loss against his or her employer; or any other employee of such employer, provided that such injury ~~or~~, occupational disease, or occupational hearing loss arises out of and in the course of such employment and is not caused by the other employee's gross negligence amounting to such lack of care as to amount to wanton neglect for the safety of another.

Sec. 18. Section eighty-five point twenty-two (85.22), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

When an employee receives an injury or incurs an occupational disease or an occupational hearing loss for which compensation is payable under this chapter ~~or~~, chapter 85A or sections two (2) through fifteen (15) of this Act, and which injury or occupational disease or occupational hearing loss is caused under circumstances creating a legal liability against some person, other than his or her employer or any employee of such employer as provided in section 85.20 to pay damages, the employee, or ~~his~~ the employee's dependent, or the trustee of such dependent, may take proceedings against ~~his~~ the employer for compensation, and the employee or, in case of death, ~~his~~ the employee's legal representative may also maintain an action against such third party for damages. When an injured employee or ~~his~~ the employee's

legal representative brings an action against such third party, a copy of the original notice shall be served upon the employer by the plaintiff, not less than ten days before the trial of the case, but a failure to give such notice shall not prejudice the rights of the employer, and the following rights and duties shall ensue:

Sec. 19. Section eighty-five point twenty-six (85.26), subsections one (1), two (2) and three (3), Code 1979, are amended to read as follows:

1. No original proceedings for benefits under this chapter, chapter 85A or 86 or sections two (2) through fifteen (15) of this Act, 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 86.20.

2. Any award for payments or agreement for settlement provided by section 86.13 for benefits under the workers' compensation or occupational disease law or the Iowa occupational hearing loss Act 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 86.13 for benefits under the workers' compensation or occupational disease law or the Iowa occupational hearing loss Act 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 85.27.

3. Notwithstanding the terms of chapter 17A, 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 86.13, for benefits under the workers' compensation or occupational disease law or the Iowa occupational hearing loss Act shall be the only act constituting "commencement" for purposes of this statutory section.

Sec. 20. Section eighty-five point thirty-four (85.34), subsection two (2), paragraph r, Code 1979, is amended by striking the paragraph and inserting in lieu thereof the following:

r. For the loss of hearing, other than occupational hearing loss as defined in section four (4), subsection one (1) of this Act, weekly compensation during fifty weeks, and for the loss of hearing in both ears, weekly compensation during one hundred seventy-five weeks. For occupational hearing loss, weekly compensation as provided in the Iowa occupational hearing loss Act.

Sec. 21. Section eighty-five point thirty-four (85.34), subsection three (3), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

Such compensation shall be in addition to the benefits provided in sections 85.27 and 85.28. No compensation shall be payable under this subsection for any injury for which compensation is payable under subsection 2 of this section. In the event compensation has been paid to any person under any provision of this chapter ~~or~~, chapter 85A or sections two (2) through fifteen (15) of this Act for the same injury producing a total

permanent disability, any such amounts so paid shall be deducted from the total amount of compensation payable for such permanent total disability.

Sec. 22. Section eighty-five point thirty-five (85.35), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

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, chapter 85A ~~or~~, chapter 86, or sections two (2) through fifteen (15) of this Act 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 86.13 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. 23. Section eighty-five point thirty-five (85.35), subsection seven (7) and unnumbered paragraph two (2), Code 1979, are amended to read as follows:

7. This chapter or chapter 85A, 86 ~~or~~, 87 or sections two (2) through fifteen (15) of this Act, applies to the party making the claim.

Approval by the industrial commissioner shall be binding on the parties and shall not be construed as an original proceeding. Notwithstanding any provisions of this chapter and chapters 85A, 86, ~~and~~ 87, and sections two (2) through fifteen (15) of this Act, an approved settlement shall constitute a final bar to any further rights arising under this chapter and chapters 85A, 86, ~~and~~ 87 and sections two (2) through fifteen (15) of this Act. Such payment shall not be construed as the payment of weekly compensation.

Sec. 24. Section eighty-five point thirty-eight (85.38), subsection two (2), Code 1979, is amended to read as follows:

2. CREDIT FOR BENEFITS PAID UNDER GROUP PLANS. In the event the disabled employee shall receive any benefits, including medical, surgical or hospital benefits, under any group plan covering nonoccupational disabilities contributed to wholly or partially by the employer, which benefits should not have been paid or payable if any rights of recovery existed under this chapter ~~or~~, chapter 85A or sections two (2) through fifteen (15) of this Act, then such amounts so paid to said employee from any such group plan shall be credited to or against any compensation payments, including medical, surgical or hospital, made or to be made under this chapter ~~or~~, chapter 85A or sections two (2) through fifteen (15) of this Act. Such amounts so credited shall be deducted from the payments made under these chapters. Any nonoccupational plan shall be reimbursed in the amount so deducted. This section shall not apply to payments made under any group plan which would have been payable even though there was an injury under this chapter or an occupational disease under chapter 85A or an occupational hearing loss under sections two (2) through fifteen (15) of this Act. Any employer receiving such credit shall keep such employee safe and harmless from any and all claims or liabilities that may be made against them by reason of having received such payments only to the extent of such credit.

Sec. 25. Section eighty-five point forty-nine (85.49), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

When a minor or mentally incompetent dependent is entitled to weekly benefits under this chapter ~~or~~ chapter 85A or sections two (2) through fifteen (15) of this Act, payment shall be made to the clerk of the district court for the county in which the injury occurred, who shall act as trustee, and the money coming into ~~his~~ the clerk's hands shall be expended for the use and benefit of the person entitled thereto under the direction and orders of a judge of the district court, in which such county is located. The clerk of the district court, as ~~such~~ trustee, shall qualify and give bond in such amount as the judge may direct, which may be increased or diminished from time to time as the court may deem best. The cost of such bond shall be paid by the county as the court may direct by written order directed to the auditor of the county who shall issue a warrant therefor upon the treasurer of the county. If the domicile or residence of such minor or mentally incompetent dependent be within the state but in a county other than that in which the injury to the employee occurred the industrial commissioner may order and direct that weekly benefits to such minors or incompetents be paid to the clerk of the district court of the county wherein they shall be domiciled or reside.

Sec. 26. This Act is effective January first following its enactment.

Approved April 21, 1980

CHAPTER 1027
EMERGENCY PROCLAMATIONS

H. F. 2596

AN ACT to provide a penalty for violations of an executive order issued by the governor pursuant to a proclamation of an emergency by the governor under section ninety-three point eight (93.8) of the Code or a declaration of an energy emergency by the president of the United States under Pub. L. No. 96.102.

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

Section 1. Section ninety-three point eight (93.8), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

Pursuant to the proclamation of an emergency or in response to a declaration of an energy emergency by the president of the United States under the federal Emergency Energy Conservation Act of 1979, Pub. L. No. 96-102, the governor by executive order may:

Sec. 2. Section ninety-three point eight (93.8), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Accept the delegation of other mandatory measures as allowed by the federal Emergency Energy Conservation Act of 1979, Pub. L. No. 96-102.

Sec. 3. Section ninety-three point eight (93.8), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A violation of an executive order of the governor issued pursuant to this section is a scheduled violation as provided in section eight hundred five point eight (805.8) of the Code. If the violation is continuous and stationary in its nature and subsequent compliance can easily be ascertained, an officer may issue a memorandum of warning in lieu of a citation providing a reasonable amount of time not exceeding fourteen days to correct the violation and to comply with the requirements of the executive order.

Sec. 4. Section eight hundred five point eight (805.8), Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred forty-nine (149), sections one (1) and two (2), is amended by adding the following new subsection:

NEW SUBSECTION. ENERGY EMERGENCY VIOLATIONS. For violations of an executive order issued by the governor under the provisions of section ninety-three point eight (93.8) of the Code, the scheduled fine is fifty dollars.

Approved May 17, 1980

CHAPTER 1028
UNEMPLOYMENT COMPENSATION
S. F. 2274

AN ACT to authorize the state comptroller to pay unemployment compensation benefits for state agencies out of the general fund.

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

Section 1. Section ninety-six point seven (96.7), subsection eight (8), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-three (33), sections fifteen (15) through twenty-two (22), is amended by adding the following new paragraph:

NEW PARAGRAPH. A state agency, board, commission or department, except a state board of regents institution or the state fair board, shall, after approval of the billing for a governmental reimbursable employer as provided in subsection nine (9), paragraph b of this section, submit the billing to the state comptroller. The state comptroller shall pay the approved billings out of any funds in the state treasury not otherwise appropriated. A state agency, board, commission or department shall reimburse the state comptroller out of any revolving, special, trust or federal fund from which all or a

portion of the billing can be paid, for payments made by the state comptroller on behalf of the agency, board, commission or department.

Sec. 2. This Act is in effect from and after its publication in the Daily Gate City, a newspaper published in Keokuk, Iowa, and in The Red Oak Express, a newspaper published in Red Oak, Iowa, and is retroactive to January 1, 1978.

Approved April 14, 1980

I hereby certify that the foregoing Act, Senate File 2274, was published in the Daily Gate City, Keokuk, Iowa on April 17, 1980, and in The Red Oak Express, Red Oak, Iowa on April 17, 1980.

J. HERMAN SCHWEIKER, *Deputy Secretary of State*

CHAPTER 1029
CIGARETTES AND TOBACCO
S. F. 2368

AN ACT relating to the administration of chapter ninety-eight (98) of the Code by the department of revenue and providing penalties.

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

Section 1. Section ninety-eight point one (98.1), subsection five (5), Code 1979, is amended to read as follows:

5. "Stamps" ~~shall mean~~ means the stamp or stamps printed, manufactured or made by authority of the director, ~~as hereinafter provided,~~ and issued, sold or circulated by the department and by the use of which the tax levied ~~hereunder~~ is paid. It ~~shall~~ also mean means any impression, indicium, or character fixed upon packages of cigarettes, ~~cigarette papers,~~ ~~or tubes~~ by metered stamping machine or device which may be authorized by the director to the holder of state or manufacturers' permits and by the use of which the tax levied ~~hereunder~~ is paid.

Sec. 2. Section ninety-eight point eight (98.8), subsection four (4), Code 1979, is amended to read as follows:

4. The department may in the enforcement of this ~~chapter~~ division recall any stamps which have been sold by the department and which have not been used, and the department shall, upon receipt of ~~such~~ recalled stamps, issue a refund for tax stamps surrendered for the face value of the stamps less the amount of the discount. The purchaser of ~~any~~ stamps shall ~~be required to~~ surrender any unused stamps for refund upon demand of the department.

Sec. 3. Section ninety-eight point nine (98.9), Code 1979, is amended to read as follows:

98.9 CHANGE OF DESIGN. The design of the stamps used may be changed as often as the director ~~may deem~~ deems necessary for the best enforcement of the provisions of this ~~chapter~~ division.

Sec. 4. Section ninety-eight point eleven (98.11), Code 1979, is amended to read as follows:

98.11 CANCELLATION OF STAMPS. ~~No-stamps~~ Stamps affixed to a package of cigarettes shall not be canceled by any letter, numeral, or other mark of identification or otherwise mutilated in any manner that will prevent or hinder the department in making an examination as to the genuineness of ~~said the stamp, provided, however, that.~~ However, the director may require such cancellation of the tax stamps affixed to packages of cigarettes ~~or-cigarette papers~~ which is necessary ~~and-essential~~ to carry out properly the provisions of this ~~chapter~~ division.

Sec. 5. Section ninety-eight point twelve (98.12), Code 1979, is amended to read as follows:

98.12 USE OF STAMPING MACHINES. The department may purchase and supply suitable machines or devices to the holders of a state or manufacturer's permit, or authorize the leasing by the permit holder of such machines or the metering device or both, and provide under proper regulation and direction for the impression of a distinctive imprint, indicium or character upon individual packages of cigarettes, ~~-cigarette-papers-and-tubes~~ as evidence of the payment of the tax imposed by this ~~chapter~~ division, in lieu of the purchase and affixation of stamps ~~as-provided-herein~~.

~~In--the--event~~ If the director decides to purchase such the machines they shall be paid for upon order of the director out of any funds in the general fund of the state treasury not otherwise appropriated.

The machines or devices shall be so constructed as to record or meter the number of impressions or indicia made and shall at all times be open for inspection by the department.

All of the provisions of this ~~chapter~~ division relating to the collection of the tax by means of the sale and affixation of stamps shall apply in the use of the stamping machines or devices, including the right of refund ~~as provided-herein~~.

Sec. 6. Section ninety-eight point thirteen (98.13), subsections two (2), three (3), and ten (10), Code 1979, are amended to read as follows:

2. ISSUANCE. The department shall issue state permits to distributors, wholesalers, and cigarette vendors, ~~and-retailers~~ subject to the conditions ~~hereinafter~~ provided in this division. Cities may issue retail permits to dealers within their respective limits. County boards of supervisors may issue retail permits to dealers in their respective counties, outside of the corporate limits of cities. Upon issuance of a retail permit by a city council or board of supervisors, such the council or board shall forthwith certify to the department the action ~~so~~ taken.

3. FEES--EXPIRATION. All permits provided for in this ~~chapter~~ division shall expire on June 30 of each year. ~~No A~~ permit shall not be granted or issued until the applicant ~~shall-have~~ has paid for the period ending June 30 next, to the department or the city or county granting such the permit, the fees provided for in this ~~chapter~~ division. The annual state permit fee for a distributor, cigarette vendor, and wholesaler ~~shall-be~~ is one hundred dollars when the permit is granted during the months of July, August, or September, ~~provided-that.~~ However, whenever a state permit holder ~~shall~~

~~operate~~ operates more than one place of business, a duplicate state permit shall be issued for each additional place of business on payment of five dollars for each ~~such~~ duplicate state permit, but refunds as provided in this ~~chapter shall~~ division do not apply to any duplicate permit issued.

The fee for retail permits ~~to--be-issued-under-the-provisions-of-this chapter shall-be~~ is as follows when the permit is granted during the months of July, August, or September:

- a. In places outside any city, fifty dollars.
- b. In cities of less than fifteen thousand population, seventy-five dollars.
- c. In cities of fifteen thousand or more population, one hundred dollars.

If any permit is granted during the months of October, November, or December, the ~~said~~ fee shall be three-fourths of the above maximum schedule; if granted during the months of January, February, or March, one-half of ~~said~~ the maximum schedule, and if granted during the months of April, May, or June, one-fourth of the ~~said~~ maximum schedule.

10. PERMIT DISPLAYED. The permit shall, at all times, be publicly displayed by the distributor, wholesaler, or retailer, at ~~his~~ the place of business, so as to be easily seen by the public and the persons authorized to inspect the ~~same~~ place of business. The proprietor or keeper of any building or place ~~wherein~~ where cigarettes ~~shall-be~~ are kept for sale, or with intent to sell, shall upon request of any agent of the department or any peace officer exhibit ~~his~~ the permit ~~to-keep-and-sell~~. ~~His~~ A refusal or failure to ~~so~~ exhibit ~~such~~ the permit ~~shall-be~~ is prima-facie evidence that ~~such~~ the cigarettes are kept for sale or with intent to sell in violation of ~~the provisions-of~~ this ~~chapter~~ division.

Sec. 7. Section ninety-eight point fourteen (98.14), Code 1979, is amended to read as follows:

98.14 BONDS.

1. No state or manufacturer's permit shall be issued until the applicant ~~therefor--shall--file~~ files a bond, with good and sufficient surety, to be approved by the director, which bond shall be in favor of the state and conditioned upon the payment of taxes, damages, fines, penalties, and costs adjudged against the permit holder for violation of any of the provisions of this ~~chapter~~ division.

~~Said~~ The bonds shall be on forms prescribed by the director and in the following amounts:

- a. State permit, not less than five hundred dollars.
 - b. Manufacturer's permit, not less than five thousand dollars.
2. ~~No-distributor-or~~ A person shall not engage in interstate business unless ~~he~~ the person files a bond, with good and sufficient surety in an amount of not less than one thousand dollars. The amount of the bond required of ~~such--distributor--or--either~~ the person shall be fixed by the director, subject to the minimum limitation ~~herein~~ provided in this section. ~~Said~~ The bond ~~shall-be-approved~~ is subject to approval by the director and ~~shall be~~ payable to the state in Des Moines, Polk county, and conditioned upon the payment of taxes, damages, fines, penalties, and costs adjudged against the ~~permit-holder~~ person for violation of any of the requirements of

this ~~chapter~~ division affecting ~~said-distributor-or-ether~~ the person, on a form prescribed by the director.

3. An additional bond or a new bond may be required by the director at any time an existing bond becomes insufficient or the surety thereon becomes unsatisfactory, which additional bond, or new bond, shall be supplied within ten days after demand. On failure to supply a new bond or additional bond within ten days after demand, the director may cancel any existing bond made and secured by and for ~~said-distributor-or-ether~~ the person. ~~In-the-event said~~ If the bond is canceled, ~~said-distributor--or--ether~~ the person shall within forty-eight hours after receiving cigarettes or forty-eight hours after ~~said~~ the cancellation, excluding Sundays and legal holidays, cause any cigarettes in ~~his~~ the person's possession to have the requisite amount of stamps affixed to represent the tax ~~as-herein-provided~~.

Sec. 8. Section ninety-eight point fifteen (98.15), subsection one (1), Code 1979, is amended to read as follows:

1. The director ~~is-authorized-to~~ may prescribe ~~such~~ the forms ~~as-may-be~~ necessary for the efficient administration of this ~~chapter~~ division and ~~is authorized--to~~ may require ~~such~~ uniform books and records to be used and kept by each permit holder as deemed necessary. The director may also require each permit holder to keep and retain in his or her possession evidence on prescribed forms of all transactions involving the purchase and sale of cigarettes or the purchase and use of stamps ~~as-herein-provided~~. ~~All-of-such~~ The evidence shall be kept for a period of two years from the date of each transaction, for the inspection at all times by the department.

Sec. 9. Section ninety-eight point seventeen (98.17), subsections two (2) and four (4), Code 1979, are amended to read as follows:

2. Upon receipt of the application ~~and~~, bond and ~~the~~ permit fee ~~herein provided--for~~, the department may issue to every distributing agent for the place of business designated a nonassignable consecutively numbered permit, authorizing the storing, and distribution of unstamped cigarettes within this state when ~~such~~ the distribution is made upon interstate orders only. A distributing agent may also transport unstamped cigarettes in ~~his~~ the agent's own conveyances to the state boundary for distribution outside the state, and any nonresident customer of ~~such~~ the distributor may purchase and convey unstamped cigarettes to the state line for distribution outside the state. ~~Such~~ The nonresident purchaser shall ~~be--required--to~~ have in his or her possession an invoice evidencing the purchase of ~~such~~ the unstamped cigarettes, which must be exhibited upon request to any peace officer or agent charged with the enforcement of this ~~chapter~~ division.

4. It ~~shall-be~~ is unlawful for any distributing agent to sell at retail cigarettes, ~~cigarette-papers--or--tubes~~ from automobiles, trucks, or any similar conveyances.

Sec. 10. Section ninety-eight point eighteen (98.18), Code 1979, is amended to read as follows:

98.18 FORMS FOR RECORDS AND REPORTS. The department shall furnish, without charge, to holders of the various permits, ~~such~~ forms in sufficient quantities ~~as-will~~ to enable ~~such~~ permit holders to make the reports required to be made under this ~~chapter~~ division. The permit holders shall furnish at

their own expense such the books, records, and invoices, ~~as-are~~ required to be used and kept, but such the books, records, and invoices shall be in exact conformity to the forms prescribed for that purpose by the director, and shall be kept and used in the manner prescribed by the director, ~~provided that.~~ However, the director may, by express order in certain cases, authorize permit holders to keep their records in a manner and upon forms other than those so prescribed. Such The authorization may be revoked at any time.

Sec. 11. Section ninety-eight point twenty-two (98.22), Code 1979, is amended to read as follows:

98.22 REVOCATION OF PERMIT.

1. If any person holding a permit issued by the department under ~~the provisions of this chapter~~ division, including a retailer permit for railway car, has willfully violated the provisions of section 98.2, the department shall revoke the permit issued such the person upon such notice and hearing ~~as--is-hereinafter-provided.~~ If such the person violates any other provision of this ~~chapter~~ division, or any rule promulgated ~~hereunder~~ under this division, the department may revoke the permit issued to ~~said the~~ the person, after giving such the permit holder an opportunity to be heard upon ~~five ten~~ days' written notice stating the reason for such the contemplated revocation and the time and place at which ~~he the person~~ the person may appear and be heard. The ~~said~~ hearing shall be held in the county of the permit holder's place of business, or in a county in or through which it transacts business. Such The notice shall be given by mailing a copy ~~thereof~~ by certified mail to the permit holder's place of business as the same appears on ~~his the~~ the application for a permit. If, upon such hearing, the department ~~shall--find~~ finds that such the violation has occurred, the department may revoke the permit ~~or permits.~~

2. If any retailer has violated any of the provisions of section 98.2, the board of supervisors or the city council which issued the permit shall revoke ~~his-permit-or~~ the retailer's permits and if any such retailer violates any other provisions of this ~~chapter~~ division, the board of supervisors or the city council which issued the permit may revoke ~~his-permit-or~~ the retailer's permits upon the same hearing and notice as ~~is~~ prescribed in ~~the preceding-paragraph~~ subsection one (1) of this section.

3. If a permit is revoked ~~no~~ a new permit shall ~~not~~ be issued to the permit holder for any place of business, or to any other person for the place of business at which such the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the issuing authority.

Sec. 12. Section ninety-eight point twenty-three (98.23), subsections one (1) and two (2), Code 1979, are amended to read as follows:

1. Subject to ~~the-provisions--of~~ this ~~chapter~~ division, a retailer's permit may be issued by the department to any dining car company, sleeping car company, railroad or railway company. Such The permit shall authorize the holder ~~thereof~~ to keep for sale, and sell, cigarettes at retail on any dining car, sleeping car, or passenger car operated by such the applicant in, through, or across the state of Iowa, subject to all of the restrictions

imposed upon retailers under this ~~chapter~~ division. The application for ~~such~~ the permit shall be in ~~such~~ the form and contain ~~such~~ the information ~~as may~~ be required by the director. Each ~~such~~ permit ~~shall be~~ is good throughout the state. Only one ~~such~~ permit ~~shall be~~ is required for all cars operated in this state by ~~such~~ the applicant, but a duplicate of ~~such~~ the permit ~~issued--as--herein--provided~~ shall be posted in each car in which ~~such~~ cigarettes are sold and no further permit shall be required or tax levied for the privilege of selling cigarettes in ~~such~~ the cars. No cigarettes shall be sold in ~~such~~ the cars without having affixed thereto stamps evidencing the payment of the tax as provided in this ~~chapter~~ division.

2. As a condition precedent to the issuing of a retailer's permit for railway car, the applicant shall file with the department a bond in favor of the state for the benefit of all parties interested in the amount of five hundred dollars conditioned upon the payment of all taxes, fines and penalties and costs in this ~~chapter-provided~~ division.

Sec. 13. Section ninety-eight point twenty-eight (98.28), Code 1979, is amended to read as follows:

98.28 ASSESSMENT OF TAX BY DEPARTMENT. If after any audit, examination of records, or other investigation the department finds that any person has sold cigarettes, without stamps affixed thereto as required by this ~~chapter~~ division or that any person has failed to pay any tax ~~herein~~ imposed upon ~~such~~ the person, the department shall fix and determine the amount of tax due, and shall assess ~~such~~ the tax against ~~such~~ the person, together with a penalty, which is ~~hereby~~ imposed, equal to the amount of ~~said~~ the tax. If any person fails to furnish evidence satisfactory to the director showing purchases of sufficient stamps to stamp unstamped cigarettes purchased by ~~him~~ the person, the presumption shall be that ~~such~~ the cigarettes were sold without the proper stamps affixed thereto. Within two years after the return is filed or within two years after the return became due, whichever is later, the department shall examine it and determine the correct amount of tax.

Sec. 14. Section ninety-eight point thirty-one (98.31), Code 1979, is amended to read as follows:

98.31 CIVIL PENALTY FOR CERTAIN VIOLATIONS. If a permit holder ~~shall-(1)~~ fail ~~fails~~ to keep any of the records required to be kept by the provisions of this ~~chapter~~ division, or ~~(2)-if-a-permit-holder-shall-sell-any~~ sells cigarettes upon which a tax is required to be paid by this ~~chapter~~ division without at the time having a valid permit, or ~~(3)~~ if any a distributor, wholesaler, or distributing agent ~~shall-fail~~ fails to make any reports to the department required ~~herein--to--be--made~~, or ~~(4)--make~~ makes a false or incomplete report with the intent to evade tax to the department, or ~~(5)~~ if any a distributing agent ~~shall-store-any~~ stores unstamped cigarettes in the state or ~~distribute~~ distributes or ~~deliver-any~~ delivers unstamped cigarettes within this state without at the time of ~~said~~ storage or delivery having a valid permit, or ~~(6)~~ if any a person affected by this ~~chapter-shall-fail~~ division ~~fails~~ or ~~refuse~~ refuses to abide by the any of its provisions hereof or the rules promulgated ~~hereunder, or violate the same, he--shall--be~~ under this division, the person is civilly liable to the state as a penalty in the sum of fifty dollars for each offense. Each violation ~~shall-constitute~~ is a

separate offense, and the same violation ~~shall constitute~~ is a separate offense for each day it continues. However, if a violation is due to reasonable cause, the director of revenue shall waive or reduce the penalty imposed under this section.

Sec. 15. Section ninety-eight point thirty-two (98.32), subsection one (1), Code 1979, is amended to read as follows:

1. All cigarettes on which taxes are imposed by this ~~chapter~~ division, which ~~shall be~~ are found in the possession or custody, or within the control of any person, for the purpose of being sold or removed by ~~him~~ the person in violation of this ~~chapter~~ division, and all cigarettes which are removed or are deposited or concealed in any place with intent to avoid payment of taxes ~~levied thereon~~, and any automobile, truck, boat, conveyance, or other vehicle whatsoever, used in the removal or transportation of ~~such~~ cigarettes for such purpose, and all equipment ~~of~~ or other tangible personal property incident to and used for such purpose, found in the place, building, or vehicle where ~~such~~ cigarettes are found, may be seized by the department, with or without process and ~~the same~~ shall be from the time of ~~such~~ the seizure forfeited to the state of Iowa, ~~and a~~. A proceeding in the nature of a proceeding in rem shall be filed in a court of competent jurisdiction in the county of seizure to maintain ~~such~~ the seizure and declare and perfect ~~said~~ the forfeiture ~~as hereinafter--provided~~. All ~~such~~ cigarettes, vehicles, and property ~~so~~ seized ~~as aforesaid~~, remaining in the possession or custody of the department, sheriff or other officer for forfeiture or other disposition as provided by law, ~~shall be deemed to be in the custody of law and--irrepleviable~~ are not subject to replevin.

Sec. 16. Section ninety-eight point thirty-three (98.33), Code 1979, is amended to read as follows:

98.33 SEIZURE NOT TO AFFECT CRIMINAL PROSECUTION. The seizure, forfeiture, and sale of cigarettes, tobacco products, and other property under the terms and conditions hereinabove set out, shall not constitute any defense to the person owning or having control or possession of ~~such~~ the property from criminal prosecution for any act or omission made or offense committed under this chapter or from liability to pay penalties provided by this chapter.

Sec. 17. Section ninety-eight point thirty-six (98.36), subsections one (1) and six (6), Code 1979, are amended to read as follows:

1. Except as otherwise provided in this ~~chapter~~ division, it ~~shall be~~ is unlawful for any person to have in his or her possession for sale, distribution, or use, or for any other purpose, in excess of forty cigarettes, or to sell, distribute, use, or present as a gift or prize cigarettes upon which a tax is required to be paid by this ~~chapter~~ division, without having affixed to each individual package of cigarettes ~~or--cigarette papers~~, the proper stamp evidencing the payment of ~~such~~ the tax and the absence of ~~said~~ the stamp on ~~said~~ the individual package of cigarettes ~~shall be~~ is notice to all persons that the tax has not been paid and ~~shall be~~ is prima-facie evidence of the nonpayment of ~~said~~ the tax.

6. Any sales of cigarettes made through a cigarette vending machine ~~shall be~~ are subject to rules and penalties relative to retail sales of cigarettes

provided for in this ~~chapter~~ division. No cigarettes shall be sold through any cigarette vending machine unless ~~such~~ the cigarettes shall have been properly stamped or metered as provided by this ~~chapter~~ division, and in case of violation of this provision, the permit of the dealer authorizing retail sales of cigarettes shall be canceled. Payment of the license fee as provided in section 98.13 ~~shall authorize~~ authorizes a cigarette vendor to sell cigarettes through ~~a vending machine or~~ vending machines, provided that the ~~machine or~~ machines are located in ~~a place or~~ places where the ~~machine or~~ machines are under the supervision of a ~~responsible~~ person of legal age who ~~will be~~ is responsible for prevention of purchase by minors from ~~such machine or~~ the machines and the location where the ~~machine or~~ machines are placed is covered by a local retail permit. ~~Nothing herein shall~~ This section does not require a retail licensee to buy a cigarette vendor's permit if the retail licensee is in fact the owner of the cigarette vending ~~machine or~~ machines and the ~~machine or~~ machines are operated in the location described in the retail permit.

Sec. 18. Section ninety-eight point thirty-seven (98.37), Code 1979, is amended to read as follows:

98.37 CERTAIN OFFENSES AND PENALTIES PROVIDED. ~~Whoever shall violate any~~ A person who violates a provision of this ~~chapter shall be~~ division is guilty of a simple misdemeanor unless otherwise provided in this division.

Approved May 17, 1980

CHAPTER 1030
TOBACCO ADVERTISING NEAR SCHOOLS
H. F. 2163

AN ACT repealing the prohibition against advertising the sale of tobacco near public schools.

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

Section 1. Sections ninety-eight point forty (98.40) and ninety-eight point forty-one (98.41), Code 1979, are repealed.

Approved April 21, 1980

CHAPTER 1031
COUNTY OFFICERS FEES
S. F. 2125

AN ACT relating to fees by increasing the transfer fees of county auditors, increasing sheriff's fees for service of warrants, original notices and subpoenas, increasing county recorder's fees relating to filing of instruments and writing fees for boat and snowmobile registrations, and eliminating restrictions on travel expenses for county boards of supervisors.

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 1979, 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~~ one dollar. 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~~ the recorder's 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~~ the vessel, the passenger capacity of ~~such~~ the 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~~ the 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. 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. Section one hundred six point fifty-three (106.53), Code 1979, is amended to read as follows:

106.53 AMOUNT OF WRITING FEES COLLECTED. In addition to the other fees provided by this chapter, the county recorder shall collect from the boat owner, at the time of the transaction, the following writing fees:

1. For a new registration, ~~fifty-cents~~ one dollar.
2. For renewal of a registration, ~~fifty-cents~~ one dollar.
3. For a duplicate registration, ~~twenty-five-cents~~ one dollar.
4. For a new registration upon a change of address or a change of name, but only if the owner requests a new registration be issued ~~to him~~, ~~twenty-five-cents~~ one dollar.

Sec. 3. Section three hundred twenty-one G point four (321G.4), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The owner of such snowmobile 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 snowmobile and shall be accompanied by a fee of twelve dollars and a writing fee of ~~fifty-cents~~ one dollar. Proof of payment of Iowa sales or use tax must accompany all applications for registration. Upon receipt of the application in approved form accompanied by the required fees, the county recorder shall enter the same upon ~~his~~ the recorder's records 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 the number awarded to ~~such~~ the snowmobile and the name and address of the owner. The registration certificate shall be carried either in the snowmobile or on the person of the operator of ~~such~~ the machine when in use. The operator of a snowmobile shall exhibit the registration certificate to any peace officer upon request or to the owner or operator of another snowmobile or to the owner of any other personal or real property when involved in a collision or accident of any nature with a snowmobile or the property of another person.

Sec. 4. Section three hundred thirty-one point twenty-two (331.22), Code 1979, is amended to read as follows:

331.22 COMPENSATION OF SUPERVISORS. The board of supervisors shall receive an annual salary or per diem compensation as provided in section 340A.6. The annual salary or per diem shall be in full payment for all services rendered to the county except that each member of the board is entitled to reimbursement for mileage expense incurred while engaged in the performance of official duties at the same rate as provided by law for state employees. The total mileage expense ~~for a member of the board of supervisors shall not exceed one thousand five hundred dollars per year unless the board of supervisors by resolution adjusts the maximum amounts payable to each of the members, but in any event the aggregate amount of mileage expense~~ for all members shall not exceed the product of one thousand five hundred dollars the rate of mileage allowed by law for state employees multiplied by the total number of members of the board of supervisors times ten thousand.

Sec. 5. Section three hundred thirty-three point fifteen (333.15), subsection one (1), Code 1979, is amended to read as follows:

1. For transfers made in the transfer books, ~~one dollar~~ five dollars for each separate parcel of real estate described in any deed, or transfer of title certified by clerks of district courts, ~~provided, however~~. However, if

several parcels are described in any one ~~such~~ instrument and the parcels are contiguous or separated only by public streets or highways, the fee shall not exceed five fifty dollars. A parcel of real estate outside of the limits of cities shall be all the unplatted land described in any deed or transfer of title lying within one numbered section of land.

Sec. 6. Section three hundred thirty-five point fourteen (335.14), subsection one (1), Code 1979, is amended to read as follows:

1. For filing or recording each instrument, three dollars for each page or fraction ~~thereof of a page~~.

Sec. 7. Section five hundred forty-seven point three (547.3), Code 1979, is amended to read as follows:

547.3 FEE FOR RECORDING. The county recorder shall be entitled to charge and receive a fee of ~~two~~ three dollars for each verified statement filed under the provisions of this chapter.

Sec. 8. Section three hundred thirty-seven point eleven (337.11), subsections one (1), two (2), and three (3), Code 1979, are amended to read as follows:

1. For serving a notice and making return thereof, for the first person served, ~~three~~ six dollars, and each additional person, ~~three~~ six dollars except the fee for serving additional persons in the same household shall be ~~one-dollar~~ three dollars for each additional service.

2. For each warrant served, ~~three~~ six dollars, and the repayment of necessary expenses incurred, in executing ~~such~~ the warrant, as sworn to by the sheriff; if service of the warrant cannot be made, the repayment of all necessary expenses actually incurred by the sheriff while attempting in good faith to serve ~~such~~ the warrant.

3. For serving and returning a subpoena, for each person served, ~~three~~ six dollars, and the necessary expenses incurred while serving subpoenas in criminal cases or insane process.

Sec. 9. This Act, being deemed of immediate importance, shall take effect from and after its publication in The Winterset Madisonian, a newspaper published in Winterset, Iowa, and in the Bettendorf News, a newspaper published in Bettendorf, Iowa.

Approved May 19, 1980

I hereby certify that the foregoing Act, Senate File 2125, was published in The Winterset Madisonian, Winterset, Iowa on May 28, 1980, and in the Bettendorf News, Bettendorf, Iowa on May 28, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1032

TIMBER BUYERS

H. F. 717

AN ACT relating to timber buyers and providing penalties.

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

Section 1. Chapter one hundred seven (107), Code 1979, is amended by adding the following new section:

NEW SECTION. TIMBER BUYERS.

1. As used in this Act, unless the context otherwise requires:

a. "Timber" means trees, standing or felled, and logs which can be used for sawing or processing into lumber for building or structural purposes or for the manufacture of an article. However, "timber" does not include firewood, Christmas trees, fruit or ornamental trees or wood products not used or to be used for building, structural, manufacturing or processing purposes.

b. "Timber buyer" means a person engaged in the business of buying timber from the timber growers for sawing into lumber, for processing or for resale, but does not include a person who occasionally purchases timber for sawing or processing for the person's own use and not for resale.

c. "Timber grower" means the owner, tenant or operator of land in this state who has an interest in, or is entitled to receive a part of the proceeds from the sale of timber grown in this state and includes a person exercising authority to sell timber.

d. "Employee" means a person in service or under contract for hire, expressed or implied, oral or written, who is engaged in any phase of the enterprise or business.

2. A timber buyer shall file with the commission a surety bond signed by the person as principal and a corporate surety authorized to engage in the business of executing surety bonds within the state. In lieu of a corporate surety a timber buyer may, with the approval of the commission, file a bond signed by the timber buyer as principal and accompanied by a bank certificate of deposit in a form approved by the commission showing to the satisfaction of the commission that funds equal to the amount of the required bond are on deposit in a bank to be held by the bank for the period covered by the certificate. The funds shall be made payable upon demand to the director, subject to the provisions of this Act, for the use and benefit of the people of the state and for the use and benefit of a timber grower from whom the timber buyer purchased and who is not paid by the timber buyer or for the use and benefit of a timber grower whose timber has been cut by the timber buyer or the timber buyer's agents, and who has not been paid.

The bond shall be in the principal amount of five hundred dollars for a timber buyer who paid timber growers five thousand dollars or less for timber

during the preceding year, and an additional one hundred dollars for each additional one thousand dollars or fraction thereof paid to timber growers for timber purchased during the preceding year, but shall not be more than ten thousand dollars. In the case of a timber buyer not previously engaged in business as a timber buyer, the amount of the bond shall be based on the estimated dollar amount to be paid by the timber buyer to timber growers for timber purchased during the next succeeding year.

The bond or surety shall not be canceled or altered except upon at least sixty days' notice in writing to the commission.

Bonds shall be in the form approved by the director, be conditioned to secure an honest cutting and accounting for timber purchased by the timber buyer, secure payment to the timber growers and insure the timber growers against all fraudulent acts of the timber buyer in the purchase and cutting of the timber of this state.

If a timber buyer fails to pay when due an amount due a timber grower for timber purchased, or fails to pay legally determined damages for timber wrongfully cut by a timber buyer or the buyer's agent, or commits a violation of this Act, an action on the bond for forfeiture may be commenced. The action is not exclusive and is in addition to other legal remedies available.

The timber grower, the owner of timber cut or the director may bring action on the bond for payment of the amount due from proceeds of the bond in the district court of the county in which the place of business of the timber buyer is situated or in any other lawful venue.

The attorney general, upon request of the commission, shall institute proceedings to have the bond of the timber buyer forfeited for violation of any of the provisions of this Act or for noncompliance with a commission rule. A timber buyer whose bond has been forfeited shall not engage in the business of buying timber for one year after the forfeiture.

If the commission realizes more than the amount of liability from the security, after deducting expenses incurred in converting the security into money, the commission shall pay the excess to the timber buyer who furnished the security.

3. The following are violations of this Act:

- a. For a timber buyer to fail to pay, as agreed, for timber purchased.
- b. For a timber buyer to cut or cause to be cut or appropriate timber not purchased.
- c. For a timber buyer to willfully make a false statement in connection with the bond or other information required to be given to the commission or a timber grower.
- d. For a timber buyer to fail to honestly account to the timber grower or the commission for timber purchased or cut if the buyer is under a duty to do so.
- e. For a timber buyer to commit a fraudulent act in connection with the purchase or cutting of timber.
- f. For a timber buyer to transport timber without written proof of ownership or the written consent of the owner.
- g. For a person to purchase timber without obtaining, prior to taking possession of the timber, written proof of the vendor's ownership of the

timber or the written consent of the owner of the timber. The purchaser shall keep the written proof of ownership or consent on file for at least three months from the date the timber was released to the purchaser's possession.

4. a. With the written consent of timber buyer, the commission, its agents and other employees may inspect the premises and records of the timber buyer.

b. If the timber buyer 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 premises or records are located for the issuance of a search warrant.

c. In the application the director shall state that an inspection of the premises or record designated in the application may result in evidence tending to reveal the existence of violations of the provisions of this Act or rule issued by the commission pursuant to this Act. The application shall describe the premises or records to be inspected, give the date of the last inspection if known, give the date and time of the proposed inspection, declare the need for such inspection, recite that notice of desire to make an inspection has been given to affected persons and that admission was refused if that be the fact, and state that the inspection has no purpose other than to carry out the purpose of the statute or rule pursuant to which inspection is to be made.

d. 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.

e. 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.

5. A person who engages in business as a timber buyer without filing a bond or surety with the commission or in violation of any of the provisions of this Act, or a timber buyer who refuses to permit inspection of premises, books, accounts or records as provided in this Act is guilty of a serious misdemeanor.

6. The commission may promulgate rules as necessary to carry out the provisions of this Act.

7. The commission may, by application to a district court, obtain an injunction restraining a person who engages in the business of timber buying in this state from engaging in the business until that person complies with this Act. Upon refusal or neglect to obey the order of the court, the court may compel obedience by proceedings for contempt.

Sec. 2. This Act is effective January first following its enactment.

Approved May 17, 1980

CHAPTER 1033
GINSENG HARVEST
H. F. 2042

AN ACT to authorize the state conservation commission to regulate dealers in American ginseng.

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

Section 1. Section one hundred seven point twenty-four (107.24), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Establish a program governing the harvesting and sale of American ginseng subject to the convention on international trade in endangered species of wild fauna and flora and adopt rules providing for the time and conditions for the harvesting of the ginseng, the registration of dealers and exporters, the records kept by dealers and exporters, and the certification of legal taking.

Approved April 24, 1980

CHAPTER 1034
CROWS
S. F. 121

AN ACT relating to the hunting of crows.

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

Section 1. Section one hundred nine point forty-two (109.42), Code 1979, is amended to read as follows:

109.42 NONGAME BIRDS PROTECTED. Protected nongame birds shall include any wild bird other than game, either resident or migratory, including the plumage, skins, body, or any part thereof, and their nests and eggs, except that the following are not protected by this chapter: European starling, English or house sparrow, and blackbird ~~and crow~~.

Sec. 2. Section one hundred nine point forty-eight (109.48), unnumbered paragraph three (3), Code 1979, is amended to read as follows:

The commission may by rule permit the taking and possession of designated raptors and crows during the time and in the manner permitted under the federal "Migratory Bird Treaty Act".

Sec. 3. This Act is effective January first following its enactment.

Approved February 12, 1980

CHAPTER 1035
COUNTY CONSERVATION BOARDS
H. F. 2305

AN ACT to allow county conservation boards to exchange property.

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

Section 1. Section one hundred eleven A point four (111A.4), subsections two (2) and three (3), Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-nine (39), section one (1), is amended to read as follows:

2. To acquire in the name of the county by gift, purchase, lease, agreement, exchange or otherwise, in fee or with conditions, suitable real estate within or without the territorial limits of the county areas of land and water for public museums, parks, preserves, parkways, playgrounds, recreation centers, forests, wildlife and other conservation purposes and for participation in watershed, drainage and flood control programs for the purpose of increasing the recreational resources of the county. The state conservation commission, the county board of supervisors, or the governing body of any city or village may, upon request of the county conservation board, designate, set apart and transfer to the county conservation board for use as museums, parks, preserves, parkways, playgrounds, recreation centers, play fields, tennis courts, skating rinks, swimming pools, gymnasiums, rooms for arts and crafts, camps and meeting places, community forests, wildlife areas and other recreational purposes, any land and buildings owned or controlled by the state conservation commission or such county or municipality and not devoted or dedicated to any other inconsistent public use. In acquiring or accepting land, due consideration shall be given to its scenic, historic, archaeological, recreational or other special features, and ~~no~~ land shall not be acquired or accepted ~~which unless~~, in the opinion of the board and the state conservation commission, it is of low value suitable or, in the case of exchange, is suitable and of substantially the same value as the property exchanged from the standpoint of its proposed use. An exchange of property approved by the county conservation board and the board of supervisors is not subject to the provisions of section three hundred thirty-two point three (332.3), subsection thirteen (13), of the Code.

3. The county conservation board shall file with and obtain approval of the state conservation commission on all proposals for acquisition or exchange of land, and all general development plans before any such program is executed. Approval of the state conservation commission shall not be necessary unless the value of the proposed exchange property or the cost of the proposed acquisition or development program exceeds twenty-five hundred dollars.

Approved April 21, 1980

CHAPTER 1036

PROFESSIONAL AND OCCUPATIONAL LICENSES

S. F. 2070

AN ACT relating to the powers of professional and occupational examining and licensing boards with respect to licenses and licensees and the dispensing of drugs and controlled substances by certain licensees and the criminal offense of delivery of certain controlled substances and the penalties therefor.

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

Section 1. Section one hundred fourteen point eighteen (114.18), Code 1979, is amended to read as follows:

114.18 EXPIRATIONS AND RENEWALS. Certificates of registration shall expire ~~annually~~ in multi-year intervals as determined by the board. It shall be the duty of the secretary of the board to notify every person registered under this chapter, of the date of expiration of ~~his~~ the certificate and the amount of the fee that shall be required for its renewal ~~for one--year~~; such notice shall be mailed at least one month in advance of the date of the expiration of ~~said~~ the certificate. Renewal may be effected by the payment of a fee the amount of which shall be determined by the board. The failure on the part of any registrant to renew ~~his~~ a certificate ~~annually~~ in the month of expiration as required above shall not deprive ~~such~~ a person of the right of renewal. A person who fails to renew ~~his~~ a certificate by the expiration date shall be allowed to do so within thirty days following its expiration, but the board may assess a reasonable penalty. For the duration of any war in which the United States is engaged the board may, in its discretion, defer the collection of renewal fees without penalty, which have or may become due from registered professional engineers who are employed in the war effort, and residing outside the state, or who are members of the armed forces of the United States, and may renew the engineering certificates of ~~said~~ registered professional engineers.

Sec. 2. Section one hundred sixteen point twelve (116.12), Code 1979, is amended to read as follows:

116.12 RENEWALS. Licenses as accounting practitioners shall expire annually in multi-year intervals as determined by the board. The board shall notify every person licensed under this chapter of the date of expiration of ~~his~~ the license and the amount of the fee required for its renewal ~~for--one~~ year. The notice shall be mailed at least one month in advance of the expiration date. A person who fails to renew ~~his~~ a license to practice as an accounting practitioner by the expiration date shall be allowed to do so within thirty days following its expiration, but the board may assess a reasonable penalty.

Sec. 3. Section one hundred sixteen point twenty (116.20), subsection one (1), Code 1979, is amended to read as follows:

1. The certificate of certified public accountant granted by the board under section 116.5 and the registration with the board as a public accountant under section 116.6, and the license to practice as an accounting practitioner under section 116.7 or 116.8 shall be renewed annually as determined by the board. There shall be ~~an-annual~~ a renewal fee, in the amount to be determined from time to time by the board, ~~not-to-exceed-fifty~~ dollars.

Sec. 4. Section one hundred seventeen point twenty-seven (117.27), Code 1979, is amended to read as follows:

117.27 FEES. The commission shall set ~~annual~~ fees, ~~except-renewal-fees~~ which-need-not-be-annual, for examination and licensing of real estate brokers, real estate salespersons and real estate apprentice salespersons. The commission shall determine the annual cost of administering the examination and shall set the examination fee accordingly. The commission shall set the fees for the real estate broker's licenses, for real estate salesperson's licenses and for real estate apprentice salesperson's licenses based upon the administrative costs of sustaining the commission. The fees shall include, but shall not be limited to, the costs for:

1. Per diem, expenses, and travel for commission members.
2. Office facilities, supplies, and equipment.
3. Director, assistants, and clerical assistance.

Sec. 5. Section one hundred seventeen point twenty-eight (117.28), Code 1979, is amended to read as follows:

117.28 EXPIRATION OF LICENSE. Every license, except a license as a real estate apprentice salesperson which shall expire as provided in section 117.15, shall expire in multi-year intervals as determined by the commission. A person who fails to renew ~~his~~ a real estate broker's or real estate salesperson's license by the expiration date shall be allowed to do so within thirty days following its expiration, but the commission may assess a reasonable penalty. The commission shall upon the written request of the applicant on forms prescribed by the commission, and payment of the fee therefor as herein required, issue a new license for each ensuing year license period except as provided in section 117.15, in the absence of any reason or condition which might warrant the revocation of a license after a hearing as provided in sections 117.34 and 117.35.

Sec. 6. Section one hundred seventeen point twenty-nine (117.29), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

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~~ license period in which the original license was granted.

Sec. 7. Section one hundred seventeen point thirty-three (117.33), Code 1979, is amended to read as follows:

117.33 SALESPERSONS OR APPRENTICES--CHANGE OF EMPLOYMENT. When any real estate salesperson or real estate apprentice salesperson shall be discharged or shall terminate ~~his~~ employment with the real estate broker by whom he or she is employed, it shall be the duty of such real estate broker to immediately deliver or mail by certified mail to the commission such real estate salesperson's or real estate apprentice salesperson's license on the reverse side of which the employing broker shall set out the date and cause of termination of employment. The real estate broker shall at the time of mailing such real estate salesperson's or real estate apprentice salesperson's license to the commission address a communication to the last known residence address of such real estate salesperson or real estate apprentice salesperson stating that ~~his~~ the license has been delivered or mailed to the commission. A copy of such communication to the real estate salesperson or real estate apprentice salesperson shall accompany the license when mailed or delivered to the commission. It shall be unlawful for any real estate salesperson or real estate apprentice salesperson to perform any of the acts contemplated by this chapter either directly or indirectly under authority of said license from and after the date of receipt of said license by the commission; provided, that another license shall not be issued to such real estate salesperson or real estate apprentice salesperson until he or she shall return ~~his~~ the former pocket card to the commission or shall satisfactorily account to them for the same. The commission shall upon presentation of evidence by the salesperson or apprentice salesperson that he or she has been employed by another broker issue another license and pocket card for the balance of the current ~~year~~ license period showing each change of employment. A fee as determined by the commission will be charged for the issuance of such a license. Not more than one license shall be issued to any real estate salesperson or real estate apprentice salesperson for the same period of time.

Sec. 8. Section one hundred eighteen point ten (118.10), Code 1979, is amended to read as follows:

118.10 RENEWALS. Certificates of registration shall expire annually in multi-year intervals as determined by the board. Registered architects shall renew their certificates of registration and pay a renewal fee in the manner prescribed by the board. A person who fails to renew ~~his~~ a certificate of registration by the expiration date shall be allowed to do so within thirty days following its expiration, but the board may assess a reasonable penalty.

Sec. 9. Section one hundred eighteen A point thirteen (118A.13), Code 1979, is amended to read as follows:

118A.13 RENEWALS. Certificates of registration shall expire ~~annually~~ in multi-year intervals as determined by the board. Registered landscape architects shall renew their certificates of registration and pay a renewal fee in the manner and amount prescribed by the board. A person who fails to renew ~~his~~ a certificate by the expiration date shall be allowed to do so within thirty days following its expiration, but the board may assess a reasonable penalty.

Sec. 10. Section one hundred twenty point eight (120.8), subsection four (4), Code 1979, is amended to read as follows:

4. Every certificate of registration shall expire ~~annually~~, and ~~shall~~ be renewed annually in multi-year intervals as determined by the board upon application by the holder thereof, without examination. Application for ~~such~~ renewal shall be made in writing to the department, accompanied by a renewal fee in an amount determined by the board based upon the cost of renewing the certificate, at least thirty days prior to the expiration of such certificate. Every renewal shall be displayed in connection with the original certificate. The board shall notify each certificate holder by mail of the expiration of ~~his~~ a certificate. A person who fails to renew ~~his~~ a certificate by the expiration date shall be allowed to do so within thirty days following its expiration, but the board may assess a reasonable penalty.

Sec. 11. Section one hundred twenty point nine (120.9), Code 1979, is amended to read as follows:

120.9 APPRENTICE WATCHMAKERS. Any person sixteen years of age or over, apprenticed to a registered watchmaker, may pursue the trade of watchmaking upon obtaining from the board a certificate of registration as an apprenticed watchmaker, which certificate shall be conspicuously displayed at all times in the place of employment of such apprentice. No apprentice certificate shall be renewed unless the application therefor shall be accompanied by a sworn statement of the employer or employers as to the length of time the applicant has been actually employed under ~~his~~ a certificate in the pursuit of the watchmaking trade. Apprentice watchmakers shall pay a fee in an amount determined by the board for the certificate which shall expire annually in multi-year intervals as determined by the board and shall pay a renewal fee ~~annually~~ in an amount determined by the board. A person who fails to renew ~~his~~ a certificate by the expiration date shall be allowed to do so within thirty days following its expiration, but the board may assess a reasonable penalty. Any applicant for a certificate of registration as a watchmaker who fails to pass the examination provided for herein may in the discretion of the board be issued a certificate as an apprentice watchmaker.

Sec. 12. Section one hundred thirty-five E point five (135E.5), Code 1979, is amended to read as follows:

135E.5 LICENSE FEES. Each person licensed as a nursing home administrator shall be required to pay a license fee in an amount to be fixed by the board. ~~Said~~ The license shall expire annually in multi-year intervals and ~~shall~~ be renewable ~~annually~~ and upon payment of the license fee. A person who fails to renew ~~his~~ a license by the expiration date shall be allowed to do so within thirty days following its expiration, but the board may assess a reasonable penalty.

Sec. 13. Section one hundred thirty-five E point ten (135E.10), Code 1979, is amended to read as follows:

135E.10 RENEWAL OF LICENSE. Every holder of a nursing home administrator's license shall renew it ~~annually~~ by making application to the board, except that ~~biennially~~ the individual requesting renewal shall submit evidence satisfactory to the board of continued education in this field. Such renewals shall be granted as a matter of course unless the board finds, after due notice and hearing, that the applicant has acted or failed to act in accordance with the rules or in such a manner or under such circumstances as would constitute grounds for suspension or revocation of a license.

Sec. 14. Section one hundred forty-seven point ten (147.10), Code 1979, is amended to read as follows:

147.10 RENEWAL. Every license to practice a profession shall expire in multi-year intervals annually-as-determined-by-the-board and shall be renewed annually as determined by the board upon application by the licensee, without examination. Application for ~~such~~ renewal shall be made in writing to the department accompanied by the required fee at least thirty days prior to the expiration of such license. Every renewal shall be displayed in connection with the original license. ~~Every-year-the~~ The department shall notify each licensee by mail ~~of~~ prior to the expiration of ~~his~~ a license. Failure to renew the license within a reasonable time after the expiration shall not invalidate the license, but a reasonable penalty may be assessed by the board.

Sec. 15. Section one hundred forty-seven point eighty (147.80), unnumbered paragraph one (1) and subsection twelve (12), Code 1979, are amended to read as follows:

An examining board shall set the fees for the examination of applicants, which fees shall be based upon the annual cost of administering the examinations. An examining board shall set the annual fees, except renewal fees which need not be annual, required for any of the following based upon the cost of sustaining the board and the actual costs of licensing:

12. A nurse who does not engage in nursing during the year succeeding the ~~annual~~ expiration of the license shall notify the board to place the nurse upon the inactive list and the nurse shall not be required to pay the renewal fee so long as he or she remains inactive and so notifies the board. To resume nursing, the nurse shall notify the board and remit the renewal fee for the current ~~annual~~ period.

Sec. 16. Section one hundred forty-seven point one hundred (147.100), Code 1979, is amended to read as follows:

147.100 EXPIRATIONS AND RENEWALS. Licenses shall expire ~~annually~~ in multi-year intervals as determined by the examining board. A person who fails to renew ~~his~~ a license by the expiration date shall be allowed to do so within thirty days following its expiration, but the examining board may assess a reasonable penalty.

Sec. 17. Section one hundred forty-seven A point six (147A.6), subsection two (2), Code 1979, is amended to read as follows:

2. An EMT certificate shall be valid ~~for two years from the date of its issuance~~ for the multi-year period determined by the board, unless sooner

suspended or revoked. Such a certificate shall be renewed upon application of the holder if he or she has satisfactorily completed ongoing educational programs established or approved by the department with the concurrence of the board.

Sec. 18. Section one hundred forty-eight point five (148.5), Code 1979, is amended to read as follows:

148.5 RESIDENT PHYSICIAN'S LICENSE. Any physician, who is a graduate of a medical school and is serving only as a resident physician and who is not licensed to practice medicine and surgery in this state, shall be required to obtain from the medical examiners a temporary or special license to practice as a resident physician. The license shall be designated "Resident Physician License" and shall authorize the licensee to serve as a resident physician only, under the supervision of a licensed practitioner of medicine and surgery, in an institution approved for this purpose by the medical examiners. Such license shall be valid for one year and may be ~~annually~~ renewed at the discretion of the medical examiners. The fee for this license shall be set by the board to cover the administrative costs of issuing the license, and if extended beyond one year, ~~an-annual~~ a renewal fee as set by the board shall be required. The medical examiners shall determine in each instance those eligible for this license, whether or not examinations shall be given, and the type of examinations. No requirements of the law pertaining to regular permanent licensure shall be mandatory for this resident licensure except as specifically designated by the medical examiners. The granting of a resident physician's license does not in any way indicate that the person so licensed is necessarily eligible for regular licensure, nor are the medical examiners in any way obligated to so license such individual. The medical examiners shall revoke the license at any time they shall determine either that the caliber of work done by a licensee or the type of supervision being given such licensee does not conform to reasonable standards established by the medical examiners.

Sec. 19. Section one hundred forty-eight point ten (148.10), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The temporary certificate shall be issued for one year and, at the discretion of the medical examiners may be renewed, but no person shall be entitled to practice medicine and surgery or osteopathic medicine and surgery in excess of three years while holding a temporary certificate. The fee for this license shall be set by the medical examiners and if extended beyond one year ~~an-annual~~ a renewal fee per year shall be set by the medical examiners. The fees shall be based on the administrative costs of issuing and renewing the licenses. The medical examiners may cancel a temporary certificate at any time, without a hearing, for reasons deemed sufficient to the medical examiners.

Sec. 20. Section one hundred fifty A point nine (150A.9), Code 1979, is amended to read as follows:

150A.9 RESIDENT LICENSE. Any osteopathic physician and surgeon who is a graduate of a college of osteopathic medicine and surgery approved by the medical examiners and is serving only as a resident osteopathic physician and surgeon and who is not licensed to practice osteopathic medicine and surgery

in this state, shall be required to obtain from the medical examiners a temporary or special license to practice as a resident osteopathic physician and surgeon. The license shall be designated "Resident Osteopathic Physician and Surgeon License", and shall authorize the licensee to serve as a resident only, under the supervision of a licensed practitioner of osteopathic medicine and surgery, in an institution approved for this purpose by the medical examiners. Such license shall be valid for one year and may be ~~annually~~ renewed at the discretion of the medical examiners. The fee for this license shall be set by the board and based on the cost of issuing the license, and if extended beyond one year, ~~an-annual~~ a renewal fee shall be required. The medical examiners shall determine in each instance those eligible for this license, whether or not examinations shall be given, and the type of examinations. No requirements of the law pertaining to regular permanent licensure shall be mandatory for this resident licensure except as specifically designated by the medical examiners. The granting of a resident osteopathic physician and surgeon's license does not in any way indicate that the person so licensed is necessarily eligible for regular licensure, nor are the medical examiners in any way obligated to so license such individual. The medical examiners shall revoke said license at any time they shall determine either that the caliber of work done by the licensee or the type of supervision being given such licensee does not conform to reasonable standards established by the medical examiners.

Sec. 21. Section one hundred fifty-three point twenty-two (153.22), Code 1979, is amended to read as follows:

153.22 RESIDENT DENTIST LICENSE. Any dentist, who is a graduate of an accredited dental school and is serving only as a resident, intern or graduate student dentist and who is not licensed to practice dentistry in this state, shall be required to obtain from the board of dentistry a temporary or special license to practice as a resident, intern or graduate dentist. The license shall be designated "Resident Dentist License" and shall authorize the licensee to serve as a resident, intern or graduate student only, under the supervision of a licensed practitioner of dentistry, in an institution approved for this purpose by the board. Such license shall be valid for one year and may be ~~annually~~ renewed at the discretion of the board ~~for-a-period-not-to-exceed-three-additional-years~~. The fee for this license and the annual renewal fee shall be set by the board based upon the cost of issuance of the license. The board shall determine in each instance those eligible for this license, whether or not examinations shall be given, and the type of examination. No requirements of the law pertaining to regular permanent licensure shall be mandatory for this resident licensure except as specifically designated by the board. The granting of a resident dentist's license does not in any way indicate that the person so licensed is necessarily eligible for regular licensure, nor is the board in any way obligated to so license such individual. The board may revoke said license at any time it shall determine either that the caliber of work done by a licensee or the type of supervision being given such licensee does not conform to reasonable standards established by the board.

Sec. 22. Section one hundred fifty-four point six (154.6), Code 1979, is amended to read as follows:

154.6 EXPIRATION AND RENEWAL OF LICENSES. Every license to practice optometry shall expire annually in multi-year intervals as determined by the board. Application for renewal of such license shall be made in writing to the department of health at least thirty days prior to the ~~annual~~ expiration date, accompanied by the required renewal fee and the affidavit of the licensee or other proof satisfactory to the department and to the Iowa state board of optometry examiners, that ~~said the~~ applicant has annually attended, since the issuance of the last license to ~~said the~~ applicant, an educational program or clinic as conducted by the Iowa optometric association, or its equivalent, for a period of at least two days. The attendance requirement at ~~said the~~ educational program or clinic shall not be conditioned upon membership in ~~said the~~ Iowa optometric association. Nonmembers shall be admitted to ~~said the~~ annual educational program or clinic upon payment of their pro rata share of the cost. In lieu of attendance at the ~~said~~ annual educational program or clinic, it shall be the duty of the board of optometry examiners to recognize and approve attendance at local optometric study group meetings as shall, in the judgment of ~~said the~~ board, constitute an equivalent to attendance at the annual educational program of ~~said the~~ association.

Sec. 23. Section one hundred fifty-four point seven (154.7), Code 1979, is amended to read as follows:

154.7 NOTICE OF EXPIRATION. Notice of expiration of the ~~annual~~ license to practice optometry shall be given by the state department of health to all certificate holders by mailing ~~said the~~ notice to the last known address of such licensee at least seventy-five days prior to the expiration date, and ~~said the~~ notice shall contain a statement of the educational program attendance requirement and the amount of legal fee required as a condition to the renewal of the license ~~for-the-coming-year~~. Subject to the provisions of this chapter, ~~said the~~ license shall be renewed without examination.

Sec. 24. Section one hundred fifty-four A point fifteen (154A.15), Code 1979, is amended to read as follows:

154A.15 LICENSE RENEWAL. Licenses shall be renewed annually in multi-year intervals in a manner determined by the board. The renewal fee shall be determined by the board pursuant to section 154A.17. The department shall notify every person licensed under this chapter of the date of expiration of ~~his the~~ license and the amount of fee required for its renewal ~~for-one--year~~. The notice shall be mailed at least one month in advance of the expiration date. A person who fails to renew ~~his~~ a license by the expiration ~~date~~ shall be allowed to do so within thirty days following its expiration, but the board may assess a reasonable penalty.

Sec. 25. Section one hundred fifty-five point twelve (155.12), unnumbered paragraphs one (1) and two (2), Code 1979, are amended to read as follows:

Licenses shall be obtained from the board for each and every place of business. Applications shall be upon ~~such~~ forms and shall contain ~~such~~ information as the board may reasonably require. Each application for license shall be made by the pharmacist-owner to the secretary of the board,

accompanied by the license fee, which shall be paid over into the state treasury and credited to the general fund if the license is issued. The license fee for a pharmacy license or a wholesale drug license shall be set by the board and based upon the administrative costs of issuing the licenses. ~~These licenses shall be due annually on the first day of each January.~~ The board shall issue a license upon receipt of an application accompanied by the license fee and after approval thereof by the board.

Each license shall be issued only for the premises and to the persons named in the application and shall not be transferred or assigned. If a corporation or other business entity licensee elects to change or replace the pharmacist-manager within ~~an annual~~ a registration period, a new license shall be obtained from the board.

Sec. 26. Section one hundred fifty-five point thirteen (155.13), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Each license issued under this chapter unless sooner suspended or revoked, shall be renewable annually in multi-year intervals upon payment of the ~~annual~~ license fee. The board shall have the authority to deny, suspend or revoke a license in any case where it finds that there has been a substantial failure to comply with the provisions of this chapter or the regulations promulgated hereunder, or the violation thereof, and in addition the board shall have the power to deny, suspend or revoke a license, when the applicant or licensee, or any employee, providing the offense is committed on licensed premises or is in the conduct of the business licensed, is guilty of any of the following facts or offenses:

Sec. 27. Section one hundred sixty-nine point twelve (169.12), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

All licenses shall expire in multi-year intervals annually on June 30 as determined by the board but may be renewed by registration with the board and payment of the registration renewal fee established and published by the board. ~~On or before June 1 of each year,~~ Prior to expiration the secretary shall mail a notice to each licensed veterinarian that the license will expire ~~on June 30~~ and shall provide the licensee with a form for registration.

Sec. 28. Section two hundred four point four hundred ten (204.410), Code 1979, is amended to read as follows:

204.410 ACCOMMODATION OFFENSE. In a prosecution for unlawful delivery or possession with intent to deliver ~~a controlled substance~~ marijuana, if the prosecution proves that the defendant violated the provisions of section 204.401, subsection 1, ~~but fails to prove by proving~~ that the defendant delivered or possessed with intent to deliver the controlled substance for the purpose of making a profit one ounce or less of marijuana, the defendant ~~shall be~~ is guilty of an accommodation offense and rather than being sentenced as if convicted for a violation of section two hundred four point four hundred one (204.401), subsection one (1), paragraph b, shall be sentenced as if convicted of a violation of section 204.401, subsection 3. 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~~ marijuana in violation of section 204.401, subsection 1. This section does

not apply to hashish, hashish oil, or other derivatives of marijuana as defined in section two hundred four point one hundred one (204.101), subsection sixteen (16) of the Code.

Sec. 29. Section two hundred fifty-eight A point three (258A.3), subsection one (1), paragraph j, Code 1979, is amended to read as follows:

j. Determine and administer the ~~annual~~ renewal of licenses for periods not exceeding three years.

Sec. 30. Section four hundred fifty-five B point fifty-eight (455B.58), Code 1979, is amended to read as follows:

455B.58 DURATION. Certificates shall ~~continue-in-effect-from-the-date-of issuance--until-the-following-June-30~~ be for the multi-year period determined by the board unless sooner revoked by the executive director, but such certificates shall remain the property of the department and the certificate shall so state. The fee for issuance of certificates as determined under section 455B.61 shall be prorated on a quarterly basis for any original certificate issued for a period of less than twelve months. A person who fails to renew a certificate ~~by-June-30-following-its-issuance~~ prior to its expiration shall be allowed to do so ~~by-July-31~~ within thirty days following its expiration, but the executive director may assess a reasonable penalty as established by rule of the commission.

Sec. 31. Section six hundred ten point forty-five (610.45), Code 1979, is amended to read as follows:

610.45 RENEWALS. The right to practice law in this state shall be renewed ~~annually~~ in multi-year intervals by the supreme court upon such conditions as the court shall determine. Any moneys received from those persons admitted to practice law and which are designated for a client security fund or similar fund created by the supreme court shall be separately retained and administered by said court in accordance with rules promulgated by it.

Sec. 32. Section nine hundred seven point three (907.3), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Pursuant to section 901.5, the trial court may, upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction may be rendered, exercise any of the options contained in subsections 1 and 2 of this section. However, this section shall not apply to a forcible felony ~~or--a--violation--of--section--204.401,--subsection--1--or--2,--to--which--section--204.409,--subsection--2--is--not--applicable--and--which--is--not--proved--to--be--an--accommodation--offense--under--section--204.410.~~

Sec. 33.

1. Practitioners licensed under chapters one hundred forty-eight (148), one hundred forty-nine (149), one hundred fifty (150), one hundred fifty A (150A), one hundred fifty-two (152), one hundred fifty-three (153), one hundred fifty-five (155) and one hundred sixty-nine (169) of the Code shall be entitled to continue the practices with respect to dispensing of prescription drugs, including controlled substances, which those practitioners had followed under the laws of this state as amended to July 1, 1979, and as generally interpreted prior to July 5, 1979, notwithstanding the opinion of the attorney general to the secretary of the board of pharmacy

examiners rendered on that date, until legislation has been enacted to affirm or modify the attorney general's opinion.

2. The legislative council is directed to establish a special interim study committee to make a study of prevailing prescription drug dispensing practices, the laws governing those practices, and the opinion of the attorney general to the secretary of the board of pharmacy examiners rendered July 5, 1979, and submit a report to the first session of the Sixty-ninth General Assembly not later than January 12, 1981. The study committee shall include members of the committees on human resources of the senate and house of representatives, and one member each from the board of pharmacy examiners, the board of medical examiners, the board of dentistry examiners, the board of nursing examiners, the board of podiatry examiners, and the board of veterinary examiners, each designated by the respective boards to serve on the study committee. The nonlegislator members designated to serve on the study committee pursuant to this subsection shall serve without compensation from the funds of the general assembly.

Sec. 34. By June 30, 1981 all the licensing agencies referred to in this Act shall reduce their administrative costs to reflect the reduced workload due to a change from annual to multi-year licensing.

Sec. 35. Sections one (1) through thirty-two (32) of this Act are effective January first following its enactment.

Approved May 23, 1980

CHAPTER 1037
SITE FOR LIQUOR WAREHOUSE
S. F. 2088

AN ACT allocating funds from moneys appropriated to the Iowa beer and liquor control department for the purchase of a site for a warehouse.

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

Section 1. Notwithstanding the provisions of Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fourteen (14), section twelve (12), subsection two (2), paragraphs b and c, there shall be allocated on the effective date of this Act from funds appropriated pursuant to the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fourteen (14), section twelve (12), subsection two (2), paragraph b, an amount not exceeding three hundred thousand (300,000) dollars to be used by the Iowa beer and liquor control department to purchase land described as lot 13, Ankeny Industrial Park, which is located in Ankeny, Iowa, and for closing costs related to the purchase of the land and for any preliminary architectural fees incurred and payable between the time of the effective date of this Act and July 1, 1980. The attorney general and the executive council shall

provide assistance to the Iowa beer and liquor control department if such assistance is needed in carrying out the provisions of this Act.

This Act shall constitute the legislative directive to the beer and liquor control department required by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fourteen (14), section twelve (12), subsection two (2), paragraph c.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in The Council Bluffs Nonpareil, a newspaper published in Council Bluffs, Iowa, and in The DeWitt Observer, a newspaper published in DeWitt, Iowa.

Approved February 21, 1980

I hereby certify that the foregoing Act, Senate File 2088, was published in The Council Bluffs Nonpareil, Council Bluffs, Iowa on February 25, 1980, and in The DeWitt Observer, DeWitt, Iowa on February 25, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1038

ALCOHOLIC CONTENT OF BEVERAGES

S. F. 439

AN ACT relating to the alcoholic content of beer and alcoholic liquor.

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

Section 1. Section one hundred twenty-three point three (123.3), subsections six (6), seven (7), eight (8) and nine (9), Code 1979, are amended to read as follows:

6. "Spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances in solution, including, but not limited to, brandy, rum, whisky, and gin.

7. "Wine" means any beverage containing more than five percent of alcohol by weight obtained by the fermentation of the natural sugar contents of fruits or other agricultural products.

8. "Alcoholic liquor", "alcoholic beverage" or "intoxicating liquor" means and includes the three varieties of liquor defined in subsections 5, 6, and 7 of this section, except beer as defined in subsection 9 but including all beverages made as described in such subsection nine (9) of this section which contain more than four five percent of alcohol by weight, and every other liquid or solid, patented or not, containing ~~alcohol~~, spirits, or wine, and susceptible of being consumed by a human being, for beverage purposes.

9. "Beer" means any liquid capable of being used for beverage purposes made by the fermentation of an infusion in potable water of barley, malt and hops, with or without unmalted grains or decorticated and degerminated grains or made by the fermentation of fruit, fruit extracts or other agricultural

products, containing not more than ~~four~~ one-half of one percent of alcohol by volume but not more than five percent of alcohol by weight.

Sec. 2. Section one hundred twenty-three point one hundred twenty-four (123.124), Code 1979, is amended to read as follows:

123.124 PERMITS--CLASSES. Permits for the manufacture and sale, or sale of beer shall be divided into three classes, and shall be known as either class "A", "B", or "C" permits. A class "A" permit shall allow the holder to manufacture and sell beer at wholesale. The holder of a class "A" permit may manufacture beer of more than ~~four~~ five percent of alcohol by weight for shipment outside this state only. However, a class "A" permit does not grant authority to manufacture wine as defined in section one hundred twenty-three point three (123.3), subsection seven (7) of the Code. A class "B" permit shall allow the holder to sell beer at retail for consumption on or off the premises. A class "C" permit shall allow the holder to sell beer at retail for consumption off the premises.

Sec. 3. Section one hundred twenty-three point one hundred forty-five (123.145), Code 1979, is amended to read as follows:

123.145 LABELS ON BOTTLES, BARRELS, ETC.--CONCLUSIVE EVIDENCE. The label on any bottle, keg, barrel, or other container in which beer is offered for sale in this state, representing the alcoholic content of such beer as being in excess of ~~four~~ five per centum by weight shall be conclusive evidence as to the alcoholic content of the beer contained therein.

Sec. 4. This Act, being deemed of immediate importance, takes effect from and after its publication in the Ames Daily Tribune, a newspaper published in Ames, Iowa, and in the Marshalltown Times-Republican, a newspaper published in Marshalltown, Iowa.

Approved May 1, 1980

I hereby certify that the foregoing Act, Senate File 439, was published in the Ames Daily Tribune, Ames, Iowa on May 7, 1980, and in the Marshalltown Times-Republican, Marshalltown, Iowa on May 7, 1980.

J. HERMAN SCHWEIKER, *Deputy Secretary of State*

CHAPTER 1039
LIQUOR PAYMENT BY CHECKS

H. F. 357

AN ACT relating to the acceptance of checks by vendors of state liquor stores.

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

Section 1. Section one hundred twenty-three point twenty-four (123.24), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

1. In the conduct and management of state liquor stores, the director is empowered to employ a person who shall be known as a "vendor" who shall, subject to the directions of the director, observe all provisions of this chapter and the rules and regulations of the department. No vendor of any state liquor store shall sell alcoholic liquor to any person except for cash or traveler's check.

Sec. 2. Section one hundred twenty-three point twenty-four (123.24), unnumbered paragraph two (2), Code 1979, is amended by striking the paragraph and inserting in lieu thereof the following:

2. a. Notwithstanding the preceding paragraph, a vendor may accept from a class "A", "B", "C" or "D" liquor control licensee, a cashier's check which shows the licensee is the remitter or a check issued by the licensee, in payment of alcoholic liquor purchased for resale. In the event a check is subsequently dishonored, the vendor shall cause a notice of nonpayment and penalty to be served upon the licensee or upon any person in charge of the licensed premises. The notice shall state that if payment or satisfaction for the dishonored check is not made within ten days of the service of notice, the licensee's liquor control license shall be suspended by the procedures of section one hundred twenty-three point thirty-nine (123.39) of the Code. The notice of nonpayment and penalty shall be in a form prescribed by the director, and shall be served by a peace officer.

b. If upon notice and hearing under the procedures specified in section one hundred twenty-three point thirty-nine (123.39) of the Code and pursuant to the provisions of chapter seventeen A (17A) concerning a contested case hearing, the director determines that the licensee failed to satisfy the obligation for which the check was issued within ten days after the notice of nonpayment and penalty was served on the licensee as provided in paragraph a of this subsection, the director shall suspend the licensee's liquor control license for not less than three days but not more than thirty days.

Approved April 21, 1980

CHAPTER 1040
SALE OF NATIVE WINES

H.F. 2529

AN ACT relating to the sale of native wines to class "A", class "B", and class "C" liquor control licensees for consumption on the licensed premises.

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

Section 1. Section one hundred twenty-three point twenty-six (123.26), Code 1979, is amended to read as follows:

123.26 RESTRICTIONS ON SALES--SEALS--LABELING. ~~No alcoholic~~ Alcoholic liquor shall not be sold by the department to ~~any a~~ purchaser except in a sealed container with ~~such~~ identifying markers as ~~shall-be~~ prescribed by the director and affixed on the premises of a state warehouse or store and no such container shall be opened upon the premises of ~~any a~~ state warehouse or store. Possession of alcoholic liquors which do not carry the prescribed identifying markers ~~shall--be~~ is a violation of this chapter except as provided in section 123.22, and except as authorized by the council pursuant to section one hundred twenty-three point fifty-six (123.56), subsection four (4)* of the Code.

Sec. 2. Section one hundred twenty-three point twenty-seven (123.27), Code 1979, is amended to read as follows:

123.27 SALES PROHIBITED.

1. It ~~shall-be~~ is unlawful to transact the sale or delivery of any alcoholic liquor in, on, or from the premises of ~~any a~~ state liquor store or warehouse:

1 a. After the closing hour as established by the director.

2 b. On any legal holiday.

3 c. On any Sunday.

4 d. During ~~such~~ other periods or days as ~~may--be~~ designated by the director.

2. The director shall promulgate rules, subject to the approval of the council, concerning the days and hours that manufacturers of native wines may sell native wines to class "A", class "B", and class "C" liquor control licensees pursuant to section one hundred twenty-three point fifty-six (123.56) of the Code.

Sec. 3. Section one hundred twenty-three point thirty (123.30), subsection three (3), paragraphs a, b, and c, are amended to read as follows:

a. Class "A". A class "A" liquor control license may be issued to a club and shall authorize the holder to purchase alcoholic liquors from only the department ~~only~~, and native wines from native wine manufacturers, and to sell such liquors, and beer, to bona fide members and their guests by the individual drink for consumption on the premises only.

*Section 6, subsection 4, of this Act

b. Class "B". A class "B" liquor control license may be issued to a hotel or motel and shall authorize the holder to purchase alcoholic liquors from only the department ~~only~~, and native wines from native wine manufacturers, and to sell such liquors, and beer, to patrons by the individual drink for consumption on the premises only, however, beer may also be sold for consumption off the premises. Each ~~such~~ license shall be effective throughout the premises described in the application.

c. Class "C". A class "C" liquor control license may be issued to a commercial establishment but must be issued in the name of the ~~individual or~~ individuals who actually own the entire business and shall authorize the holder ~~or holders~~ to purchase alcoholic liquors from only the department ~~only~~, and native wines from native wine manufacturers, and to sell such liquors, and beer, to patrons by the individual drink for consumption on the premises only, however, beer may also be sold for consumption off the premises.

Sec. 4. Section one hundred twenty-three point forty-nine (123.49), subsection two (2), paragraph d, Code 1979, is amended to read as follows:

d. Keep on ~~any~~ premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the department or from a native wine manufacturer, except still wines placed in dispensing or serving containers for temporary storage, and except mixed drinks or cocktails mixed on the premises for immediate consumption. This prohibition ~~shall~~ does not apply to common carriers holding a class "D" liquor control license.

Sec. 5. Section one hundred twenty-three point fifty-three (123.53), subsection one (1), Code 1979, is amended to read as follows:

1. There shall be established within the office of the treasurer of state a fund to be known as the beer and liquor control fund. The fund shall consist of any moneys appropriated by the general assembly for deposit in the fund and moneys received from the sale of alcoholic liquors by the department, from the issuance of permits and licenses, and of moneys and receipts received by the department from any other source.

Sec. 6. Section one hundred twenty-three point fifty-six (123.56), Code 1979, is amended to read as follows:

123.56 NATIVE WINES.

1. Notwithstanding any other provision of this chapter, but subject to section one hundred twenty-three point twenty-six (123.26), section one hundred twenty-three point twenty-seven (123.27), subsection two (2), section one hundred twenty-three point thirty (123.30), subsection three (3), paragraphs a, b, and c, section one hundred twenty-three point forty-nine (123.49), subsection two (2), paragraph d, and section one hundred twenty-three point ninety-six (123.96), subsection three (3), of the Code, and the rules of the department, manufacturers of native wines from grapes, cherries, other fruit juices, ~~or~~ vegetables, vegetable juices, dandelions, clover, honey, or any combination of these ingredients, may sell, keep, or offer for sale and deliver ~~the same~~ native wines in ~~such~~ quantities as ~~may be~~ permitted by the director for consumption off the premises.

2. A manufacturer of native wines shall not sell such wines otherwise than as permitted by this section or allow any wine so sold, ~~or any part thereof,~~ to be drunk upon the premises of ~~such~~ the manufacturer. Any person may manufacture native wine for consumption on ~~his~~ the person's own premises.

3. For the purposes of this section "manufacturer" includes only those persons who process the fruit ~~or,~~ vegetables, dandelions, clover, honey or any combination of these ingredients ferment, and bottle native wines in Iowa.

4. The director shall promulgate rules, subject to the approval of the council, which permit manufacturers of native wines to sell those native wines to class "A", class "B", and class "C" liquor control licensees, for consumption on the licensed premises. The rules shall provide for the assessment, collection, reporting and payment by the native wine manufacturer of a tax in lieu of the tax provided in section one hundred twenty-three point ninety-six (123.96) of the Code. Sales to class "A", class "B", and class "C" liquor control licensees by a native wine manufacturer are exempt from other sales tax. A native wine manufacturer selling native wine to a class "A", class "B", or class "C" liquor control licensee shall assess, collect, report and pay to the state, the in-lieu tax specified in this subsection.

Sec. 7. Section one hundred twenty-three point ninety-six (123.96), subsections one (1) and two (2), Code 1979, are amended to read as follows:

1. There Except as provided by section one hundred twenty-three point fifty-six (123.56), subsection four (4), of the Code, there is imposed on every person licensed to sell alcoholic beverages for consumption on the premises where sold, a special tax equivalent to fifteen percent of the price established by the department on all alcoholic beverages for general sale to the public. Such The tax shall be paid by all licensees at the point of purchase from the state on all alcoholic beverages intended or used for resale for consumption on the premises of retail establishments. Such The tax shall-be is in lieu of any other sales tax applied at the state store and shall be shown as a separate item on special sales slips provided by the department for purchases by licensees.

2. Except as allowed under section 123.95 ~~no~~ and, except as allowed under section one hundred twenty-three point fifty-six (123.56), subsection four (4), of the Code, a licensee shall not knowingly keep on the licensed premises nor use for resale purposes any alcoholic liquor on which the special tax has not been paid to the state. The conviction of a violation of this section shall cause the license held to automatically be revoked and the license shall immediately be surrendered by the holder, and the bond of the license holder shall be forfeited to the department.

Approved April 21, 1980

CHAPTER 1041
ALCOHOL PRODUCERS PERMIT EXEMPTION

S. F. 2343

AN ACT exempting holders of federal permits to produce alcohol for use as fuel from obtaining a manufacturer's permit under chapter one hundred twenty-three (123) of the Code.

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

Section 1. Section one hundred twenty-three point three (123.3), subsection eight (8), Code 1979, is amended to read as follows:

8. "Alcoholic liquor", "alcoholic beverage" or "intoxicating liquor" includes the three varieties of liquor defined in subsections 5, 6, and 7, except beer as defined in subsection 9 but including all beverages made as described in such subsection which contain more than four percent of alcohol by weight, and every liquid or solid, patented or not, containing alcohol, spirits, or wine, and susceptible of being consumed by a human being, for beverage purposes. Alcohol manufactured in this state for use as fuel pursuant to an experimental distilled spirits plant permit or its equivalent issued by the federal bureau of alcohol, tobacco and firearms is not an "alcoholic liquor".

Sec. 2. Section one hundred twenty-three point forty-one (123.41), Code 1979, is amended to read as follows:

123.41 MANUFACTURER'S LICENSE.

1. Upon application in the prescribed form and accompanied by a fee of three hundred fifty dollars, the director may in accordance with this chapter grant and issue a license, valid for a one-year period after date of issuance, to a manufacturer which shall allow the manufacture, storage, and wholesale disposition and sale of alcoholic liquors to the department and to customers outside of the state.

2. A person who holds an experimental distilled spirits plant permit or its equivalent issued by the federal bureau of alcohol, tobacco and firearms may produce alcohol for use as fuel without obtaining a manufacturer's license from the department.

Sec. 3. This Act, being deemed of immediate importance, takes effect from and after its publication in the Osceola Sentinel, a newspaper published in Osceola, Iowa, and in the Urbandale News, a newspaper published in Urbandale, Iowa.

Approved May 23, 1980

I hereby certify that the foregoing Act, Senate File 2343, was published in the Osceola Sentinel, Osceola, Iowa on June 5, 1980, and in the Urbandale News, Urbandale, Iowa on June 5, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1042

WINE LICENSE

S. F. 2197

AN ACT relating to the sale of wine and creating a license therefor.

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

Section 1. Section one hundred twenty-three point thirty (123.30), subsection three (3), paragraph c, is amended to read as follows:

c. CLASS "C". A class "C" liquor control license may be issued to a commercial establishment but must be issued in the name of the individual or individuals who actually own the entire business and shall authorize the holder or holders to purchase alcoholic liquors from the department only, and to sell such liquors, and beer, to patrons by the individual drink for consumption on the premises only, however, beer may also be sold for consumption off the premises.

A special class "C" liquor control license may be issued and shall authorize the holder or holders to purchase wine containing not more than seventeen percent alcohol by weight from the department only, and to sell such wine, and beer, to patrons by the individual drink for consumption on the premises only, however, beer may also be sold for consumption off the premises. The license issued to holders of a special class "C" license shall clearly state on its face "alcoholic liquor, limited to wine only."

Sec. 2. Section one hundred twenty-three point thirty-six (123.36), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Class "C" liquor control licenses which limit sales of alcoholic liquor to wine containing not more than seventeen percent alcohol by weight, a sum as follows:

a. Commercial establishments located within the corporate limits of cities of ten thousand population and over, four hundred fifty dollars.

b. Commercial establishments located within the corporate limits of cities of over fifteen hundred and less than ten thousand population, three hundred dollars.

c. Commercial establishments located within the corporate limits of cities of fifteen hundred population or less, one hundred fifty dollars.

d. Commercial establishments located outside the corporate limits of any city, a sum equal to that charged in the incorporated city located nearest the premises to be licensed, and in case there is doubt as to which of two or more differing corporate limits are the nearest, the license fee which is the larger shall prevail.

Sec. 3. Section one hundred twenty-three point thirty-six (123.36), subsection seven (7), Code 1979, is amended to read as follows:

7. The department shall credit all fees to the beer and liquor control fund ~~and~~. The department shall remit to the appropriate local authority, a

sum equal to sixty-five percent of the fees collected for each class "A", class "B", or class "C" license except special class "C" licenses, covering premises located within their respective jurisdictions. The department shall remit to the appropriate local authority a sum equal to seventy-five percent of the fees collected for each special class "C" license covering premises located within their respective jurisdictions. ~~However, that amount remitted to the~~ The appropriate local authority ~~out-of~~ to receive the fee collected for the privilege authorized under subsection 6 ~~shall be deposited~~ is the appropriate county which shall deposit the fee in the county mental health and institutions fund to be used only for the care and treatment of persons admitted or committed to the alcoholic treatment center at Oakdale or any facilities as provided in chapter 125.

Approved May 21, 1980

CHAPTER 1043
DRAMSHOP LAW DEFENSE
S. F. 2154

AN ACT relating to the civil liability resulting from the sale or giving of beer or intoxicating liquor, by liquor control licensees or beer permittees.

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

Section 1. Section one hundred twenty-three point ninety-two (123.92), Code 1979, is amended to read as follows:

123.92 CIVIL LIABILITY APPLICABLE TO SALE OR GIFT OF BEER OR INTOXICANTS BY LICENSEES. Every husband, wife, child, parent, guardian, employer or other person who shall be injured in person or property or means of support by any intoxicated person or resulting from the intoxication of any such person, shall have a right of action, severally or jointly, against any licensee or permittee, who shall sell or give any beer or intoxicating liquor to any such person while he or she is intoxicated, or serve any such person to a point where such person is intoxicated, for all damages actually sustained. If the injury was caused by an intoxicated person, a permittee or licensee may establish as an affirmative defense that the intoxication did not contribute to the injurious action of the person.

Every liquor control licensee and class "B" beer permittee shall furnish proof of financial responsibility either by the existence of a liability

insurance policy or by posting bond in such amount as determined by the department.

Sec. 2. This Act is effective January first following its enactment.

Approved May 13, 1980

CHAPTER 1044
HEALTH CARE COMPLAINTS
S. F. 431

AN ACT relating to complaints alleging violations of provisions relating to health care facilities.

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

Section 1. Section one hundred thirty-five C point eleven (135C.11), subsection two (2), Code 1979, is amended to read as follows:

2. The procedure governing hearings authorized by this section shall be in accordance with the rules promulgated by the department. A full and complete record shall be kept of all proceedings, and all testimony shall be reported but need not be transcribed unless judicial review is sought pursuant to section 135C.13. ~~A copy or copies~~ Copies of the transcript may be obtained by an interested party upon payment of the cost of preparing ~~such copy or~~ the copies. Witnesses may be subpoenaed by either party and shall be allowed fees at a rate prescribed by the ~~aforsaid~~ department's rules. The commissioner may, ~~with the advice and consent of~~ after advising the care review committee established pursuant to section 135C.25, either proceed in accordance with section six (6) of this Act, or remove all residents and suspend the license or licenses of any health care facility, prior to a hearing, when ~~he~~ the commissioner finds that the health or safety of residents of the health care facility requires such action on an emergency basis. The fact that no care review committee has been appointed for a particular facility shall not bar the commissioner from exercising the emergency powers granted by this subsection with respect to that facility.

Sec. 2. Section one hundred thirty-five C point twelve (135C.12), Code 1979, is amended to read as follows:

135C.12 CONDITIONAL OPERATION. ~~In any case where~~ If the department ~~shall have has~~ has the authority under section one hundred thirty-five C point ten (135C.10) of the Code to deny, suspend or revoke a license, the department ~~shall have the authority to conditionally~~ or commissioner may, as an alternative to those actions:

1. Apply to the district court of the county in which the licensee's health care facility is located for appointment by the court of a receiver for the facility pursuant to section six (6) of this Act.

2. Conditionally issue or continue a license dependent upon the performance by the licensee of ~~such~~ reasonable conditions within ~~such~~ a reasonable period of time as ~~may be~~ set by the department so as to permit the licensee to commence or continue the operation of the health care facility pending his full compliance with this chapter or ~~any--regulations--issued hereunder---in-such-case--if~~ the regulations or minimum standards promulgated under this chapter. If the licensee does not make diligent efforts to comply with ~~such~~ the conditions as prescribed, the department may, under the proceedings ~~hereinafore~~ prescribed by this chapter, suspend or revoke the license. No health care facility shall be operated on a conditional license for more than one year.

3. The department, in evaluating corrections of deficiencies in a facility in receivership or operating on a conditional license, may determine what is satisfactory compliance, provided that in so doing it shall employ established criteria which shall be uniformly applied to all facilities of the same license category.

Sec. 3. Section one hundred thirty-five C point nineteen (135C.19), subsection one (1), Code 1979, is amended to read as follows:

1. Following any inspection of a health care facility by the department, the findings of the inspection with respect to compliance by the facility with requirements for licensing under this chapter shall be made available to the public in a readily available form and place ~~forty-five~~ not later than twenty-one days after the findings are made available to the applicant or licensee. However, the findings from an inspection shall be sent to the chairperson of the care review committee of the facility at the same time they are sent to the applicant or licensee. However,--if--the--applicant--or licensee--requests-a-hearing-pursuant-to-section-135C.11,--the-findings-of-the inspection-shall-not-be-made-public-until-the--hearing--has--been--completed. When the findings are made available to the public, they shall include no reference to any cited violation which has been corrected to the department's satisfaction unless the same reference also clearly notes that the violation has been corrected. Other information relating to any health care facility, obtained by the department through reports, investigations, complaints, or as otherwise authorized by this chapter, which is not a part of the department's findings from an inspection of the facility, shall not be ~~disclosed--publicly~~ made available to the public except in proceedings involving the citation of a facility for a violation, in the manner provided by section 135C.40, or the denial, suspension or revocation of a license under this chapter.

Sec. 4. Section one hundred thirty-five C point thirty-seven (135C.37), Code 1979, is amended to read as follows:

135C.37 COMPLAINTS ALLEGING VIOLATIONS. Any person may request an inspection of any health care facility by filing with the department or care review committee of the facility a complaint of an alleged violation of applicable requirements of this chapter or the rules adopted pursuant to it. A copy of a complaint filed with the care review committee shall be forwarded to the department. The complaint shall state in a reasonably specific manner the basis of the complaint, and a ~~copy thereof~~ statement of the nature of the complaint shall be forwarded delivered to the facility involved within

~~twenty-four-hours-of-receipt-of--the--complaint--by--the--department--or--the--committee~~ at the time of or prior to the inspection.

Sec. 5. Section one hundred thirty-five C point thirty-eight (135C.38), subsection two (2), Code 1979, is amended to read as follows:

2. An inspection made pursuant to a complaint filed under section 135C.37 ~~shall need not~~ be limited to the matter or matters complained of, ~~and~~ however the inspection shall not be a general inspection unless the complaint inspection coincides with a scheduled general inspection. Upon arrival at the facility to be inspected, the inspector shall identify himself or herself to ~~an-employee~~ the person in charge of the facility and state that an inspection is to be made, before beginning the inspection. Upon request of either the complainant or the department or committee, the complainant or his or her representative or both may be allowed the privilege of accompanying the inspector during any on-site inspection made pursuant to this section. The inspector may cancel the privilege at any time if the inspector determines that the privacy of any resident of the facility to be inspected would otherwise be violated. The dignity of the resident shall be given first priority by the inspector and others.

Sec. 6. Chapter one hundred thirty-five C (135C), Code 1979, is amended by adding the following new section:

NEW SECTION. OPERATION OF FACILITY UNDER RECEIVERSHIP. When so authorized by section one hundred thirty-five C point eleven (135C.11), subsection two (2), or section one hundred thirty-five C point twelve (135C.12), subsection one (1), of the Code, the commissioner may file a verified application in the district court of the county where a health care facility licensed under this chapter is located, requesting that an individual nominated by the commissioner be appointed as receiver for the facility with responsibility to bring the operation and condition of the facility into conformity with this chapter and the rules or minimum standards promulgated under this chapter.

1. The court shall expeditiously hold a hearing on the application, at which the commissioner shall present evidence in support of the application. The licensee against whose facility the petition is filed may also present evidence, and both parties may subpoena witnesses. The court may appoint a receiver for the health care facility in advance of the hearing if the commissioner's verified application states that an emergency exists which presents an imminent danger of resultant death or physical harm to the residents of the facility. If the licensee against whose facility the receivership petition is filed informs the court at or before the time set for the hearing that the licensee does not object to the application, the court shall waive the hearing and at once appoint a receiver for the facility.

2. The court, on the basis of the verified application and evidence presented at the hearing, may order the facility placed under receivership, and if so ordered, the court shall direct either that the receiver assume the duties of administrator of the health care facility or that the receiver supervise the facility's administrator in conducting the day-to-day business of the facility. The receiver shall be empowered to control the facility's

financial resources and to apply its revenues as the receiver deems necessary to the operation of the facility in compliance with this chapter and the rules or minimum standards promulgated under this chapter, but shall be accountable to the court for management of the facility's financial resources.

3. A receivership established under this section may be terminated by the district court which established it, after a hearing upon an application for termination. The application may be filed:

a. Jointly by the receiver and the current licensee of the health care facility which is in receivership, stating that the deficiencies in the operation, maintenance or other circumstances which were the grounds for establishment of the receivership have been corrected and that there are reasonable grounds to believe that the facility will be operated in compliance with this chapter and the rules or minimum standards promulgated under this chapter.

b. By the current licensee of the facility, alleging that termination of the receivership is merited for the reasons set forth in paragraph a of this subsection, but that the receiver has declined to join in the petition for termination of the receivership.

c. By the receiver, stating that all residents of the facility have been relocated elsewhere and that there are reasonable grounds to believe it will not be feasible to again operate the facility on a sound financial basis and in compliance with this chapter and the rules or minimum standards promulgated under this chapter, and asking that the court approve surrender of the facility's license to the department and subsequent return of control of the facility's premises to the owners of the premises.

4. Payment of the expenses of a receivership established under this section shall be the responsibility of the facility for which the receiver is appointed, unless the court directs otherwise.

5. This section does not:

a. Preclude the sale or lease of a health care facility, and the transfer or assignment of the facility's license in the manner prescribed by section one hundred thirty-five C point eight (135C.8) of the Code, while the facility is in receivership, provided these actions are not taken without approval of the receiver.

b. Affect the civil or criminal liability of the licensee of the facility placed in receivership, for any acts or omissions of the licensee which occurred before the receiver was appointed.

Approved May 19, 1980

CHAPTER 1045
OCCUPATIONAL THERAPY PRACTICE
S. F. 97

AN ACT providing for the licensing of occupational therapists and occupational therapy assistants and subjecting persons to penalties.

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

Section 1. NEW SECTION. TITLE AND PURPOSE. This Act may be cited and referred to as the "Occupational Therapy Practice Act".

The purpose of this Act is to provide for the regulation of persons offering occupational therapy services to the public in order to safeguard the public health, safety and welfare.

Sec. 2. NEW SECTION. DEFINITIONS. As used in this Act:

1. "Board" means the board of physical and occupational therapy examiners.

2. "Occupational therapy" means the therapeutic application of specific tasks used for the purpose of evaluation and treatment of problems interfering with functional performance in persons impaired by physical illness or injury, emotional disorder, congenital or developmental disability, or the aging process in order to achieve optimum function, for maintenance of health and prevention of disability.

3. "Occupational therapist" means a person licensed under this Act to practice occupational therapy.

4. "Occupational therapy assistant" means a person licensed under this Act to assist in the practice of occupational therapy.

Sec. 3. NEW SECTION. PERSONS AND PRACTICES NOT AFFECTED. This Act does not prevent or restrict the practice, services or activities of any of the following:

1. A person licensed in this state by any other law from engaging in the profession or occupation for which the person is licensed.

2. A person employed as an occupational therapist or occupational therapy assistant by the government of the United States, if that person provides occupational therapy solely under the direction or control of the organization by which he or she is employed.

3. A person pursuing a course of study leading to a degree or certificate in occupational therapy in an accredited or approved educational program, if the activities and services constitute a part of a supervised course of study and the person is designated by a title which clearly indicates his or her status as a student or trainee.

4. A person fulfilling the supervised field work experience requirements of section five (5) of this Act, if the activities and services constitute a part of the experience necessary to meet the requirements of that section.

5. A nonresident performing occupational therapy services in this state who is not licensed under this Act, if the services are performed for not more than thirty days a calendar year in association with an occupational therapist licensed under this Act, and the nonresident meets the qualifications for licensing under this Act except for the qualifying examination.

6. A nonresident performing occupational therapy services in the state who is not licensed under this Act, if the services are performed for not more than ninety days in a calendar year in association with an occupational therapist licensed under this Act, and

a. The nonresident is licensed under the law of another state which has licensure requirements at least as stringent as the requirements of this Act, or

b. The nonresident meets the requirements for certification as an occupational therapist registered (O.T.R.), or a certified occupational therapy assistant (C.O.T.A.) established by the American occupational therapy association.

Sec. 4. NEW SECTION. LIMITED PERMIT. A limited permit may be granted to persons who have completed the education and experience requirements of this Act. This permit shall allow the person to practice occupational therapy under the supervision of a licensed occupational therapist and shall be valid until the date on which the results of the next qualifying examination have been made public. This limited permit shall not be renewed if the applicant has failed the examination.

Sec. 5. NEW SECTION. REQUIREMENTS FOR LICENSURE.

1. An applicant applying for a license as an occupational therapist or as an occupational therapy assistant must file a written application on forms provided by the board, showing to the satisfaction of the board that the applicant meets the following requirements:

a. Successful completion of the academic requirements of an educational program in occupational therapy recognized by the board.

(1) For an occupational therapist, the program must be one accredited by the American medical association in collaboration with the American occupational therapy association.

(2) For an occupational therapy assistant, the program must be one approved by the American occupational therapy association.

b. Successful completion of a period of supervised field work experience at a recognized educational institution or a training program approved by the educational institution where the applicant met the academic requirements.

(1) For an occupational therapist a minimum of six months of supervised field work experience is required.

(2) For an occupational therapy assistant, a minimum of two months of supervised field work experience is required.

c. Successful completion of an examination provided by the board. Such examination shall be conducted no more than once every six (6) months.

2. An applicant who has practiced as an occupational therapy assistant for five years and has met the requirements of subsection one (1), paragraph b of this section may take the examination to be licensed as an occupational

therapist without meeting the educational requirements of subsection one (1), paragraph a of this section.

Sec. 6. NEW SECTION. WAIVER OF REQUIREMENTS FOR LICENSING.

1. The board may waive the examination and grant a license to a person certified prior to the effective date of this Act as an occupational therapist registered (O.T.R.) or a certified occupational therapy assistant (C.O.T.A.) by the American occupational therapy association.

2. The board shall waive the education and experience requirements for licensure in section five (5), subsection one (1), paragraphs a and b of this Act for applicants for a license who present evidence to the board that they have been engaged in the practice of occupational therapy on and prior to the effective date of this Act. Proof of actual practice shall be presented to the board in a manner as it prescribes by rule. To obtain the benefit of this waiver, an applicant must successfully complete the examination within one year from the effective date of this Act. However, the waiver is conditional upon the applicant satisfying the education and experience requirements of section five (5), subsection one (1), paragraphs a and b of this Act within five years of the waiver being granted and if those requirements are not satisfied at the expiration of those five years the board shall revoke the license.

3. The board may waive the examination and grant a license to an applicant who presents proof of current licensure as an occupational therapist or occupational therapy assistant in another state, the District of Columbia, or a territory of the United States which requires standards for licensure considered by the board to be equivalent to the requirements for licensure of this Act.

Sec. 7. NEW SECTION. BOARD OF OCCUPATIONAL THERAPY EXAMINERS--POWERS AND DUTIES. The board shall adopt rules relating to professional conduct to carry out the policy of this Act, including but not limited to rules relating to professional licensing and to the establishment of ethical standards of practice for persons holding a license to practice occupational therapy in this state.

Sec. 8. NEW SECTION. BOARD OF OCCUPATIONAL THERAPY EXAMINERS--ADMINISTRATIVE PROVISIONS. The board may employ an executive secretary and officers and employees as necessary, and shall determine their duties and fix their compensation.

Sec. 9. Section one hundred forty-seven point one (147.1), subsections two (2) and three (3), Code 1979, are amended to read as follows:

2. "Licensed" or "certified" when applied to a physician and surgeon, podiatrist, osteopath, osteopathic physician and surgeon, psychologist or associate psychologist, chiropractor, nurse, dentist, dental hygienist, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, occupational therapist, practitioner of cosmetology, practitioner of barbering or funeral director ~~shall-mean~~ means a person licensed under this title.

3. "Profession" ~~shall--mean~~ means medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, chiropractic, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology,

pharmacy, physical therapy, occupational therapy, cosmetology, barbering or mortuary science.

Sec. 10. Section one hundred forty-seven point two (147.2), Code 1979, is amended to read as follows:

147.2 LICENSE REQUIRED. No person shall engage in the practice of medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, occupational therapy, pharmacy, cosmetology, barbering or mortuary science as defined in the following chapters of this title, unless ~~he-or-she-shall-have~~ the person has obtained from the state department of health a license for that purpose.

Sec. 11. Section one hundred forty-seven point three (147.3), Code 1979, is amended to read as follows:

147.3 QUALIFICATIONS. An applicant for a license to practice a profession under this title ~~shall~~ is not be ineligible because of age, citizenship, sex, race, religion, marital status or national origin, although the application form may require citizenship information. Any board may consider the past felony record of an applicant only if the felony conviction relates directly to the practice of medicine, podiatry, osteopathy, osteopathy and surgery, chiropractic, nursing, psychology, optometry, speech pathology, audiology, pharmacy, physical therapy, occupational therapy, cosmetology, barbering or mortuary science for which the applicant requests to be licensed. Character references may be required, but shall not be obtained from licensed members of the profession.

Sec. 12. Section one hundred forty-seven point thirteen (147.13), Code 1979, is amended to read as follows:

147.13 DESIGNATION OF BOARDS. The examining boards provided in section 147.12 shall be designated as follows: For medicine and surgery, and osteopathy, and osteopathic medicine and surgery, medical examiners; for psychology, psychology examiners; for podiatry, podiatry examiners; for chiropractic, chiropractic examiners; for physical therapists and occupational therapists, physical and occupational therapy examiners; for nursing, board of nursing; for dentistry and dental hygiene, dental examiners; for optometry, optometry examiners; for speech pathology and audiology, speech pathology and audiology examiners; for cosmetology, cosmetology examiners; for barbering, barber examiners; for pharmacy, pharmacy examiners; for mortuary science, mortuary science examiners.

Sec. 13. Section one hundred forty-seven point fourteen (147.14), subsection one (1), Code 1979, is amended to read as follows:

1. For podiatry, ~~physical-therapy~~, cosmetology, barbering, and mortuary science, three members each, licensed to practice the profession for which the board conducts examinations, and two members who are not licensed to practice the profession for which the board conducts examinations and who shall represent the general public. A quorum shall consist of a majority of the members of the board.

Sec. 14. Section one hundred forty-seven point fourteen (147.14), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. For physical therapy and occupational therapy, three members licensed to practice physical therapy, two members licensed to practice occupational therapy, and two members who are not licensed to practice physical therapy or occupational therapy and who shall represent the general public. A quorum shall consist of a majority of the members of the board.

Sec. 15. Section one hundred forty-seven point twenty-five (147.25), unnumbered paragraph four (4), Code 1979, is amended to read as follows:

In addition to any other fee provided by law, a fee may be set by the respective examining boards for each license and renewal of a license to practice medicine, surgery, podiatry, osteopathy, osteopathic medicine and surgery, chiropractic, nursing, dentistry, dental hygiene, optometry, pharmacy, physical therapy, occupational therapy, and veterinary medicine, which fee shall be based on the annual cost of collecting information for use by the department of health in the administration of the system of health manpower statistics established by this section. The fee shall be collected, transmitted to the treasurer of state and deposited in the general fund of the state in the manner in which license and renewal fees of the respective professions are collected, transmitted, and deposited in the general fund.

Sec. 16. Section one hundred forty-seven point eighty (147.80), subsection seven (7), Code 1979, is amended to read as follows:

7. License to practice physical therapy issued upon the basis of an examination given by the board of physical and occupational therapy examiners, license to practice physical therapy issued under a reciprocal agreement, renewal of a license to practice physical therapy.

Sec. 17. Section one hundred forty-seven point eighty (147.80), Code 1979, is amended by adding the following new subsections:

NEW SUBSECTION. License to practice occupational therapy issued upon the basis of an examination given by the board of physical and occupational therapy examiners, license to practice occupational therapy issued under a reciprocal agreement, renewal of a license to practice occupational therapy.

NEW SUBSECTION. License to assist in the practice of occupational therapy issued upon the basis of an examination given by the board of physical and occupational therapy examiners, license to assist in the practice of occupational therapy issued under a reciprocal agreement, renewal of a license to assist in the practice of occupational therapy.

Sec. 18. Section two hundred fifty-eight A point one (258A.1), subsection one (1), paragraph r, Code 1979, is amended by striking the paragraph and inserting in lieu thereof the following:

r. The board of physical and occupational therapy examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.

Sec. 19. Section two hundred fifty-eight A point three (258A.3), subsection two (2), paragraph a, Code 1979, is amended to read as follows:

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 114.21, 115.8, 116.21, 117.29, 118.13, 118A.15, 120.10, 147.55, 153.34, 154A.24, 169.36, 455B.59 and section seven (7) of this Act and chapters 135E and 151 or upon any other grounds specifically provided for in this chapter

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;

Sec. 20. Section two hundred fifty-eight A point four (258A.4), subsection one (1), paragraph f, Code 1979, is amended to read as follows:

f. Define by rule acts or omissions which are grounds for revocation or suspension of a license under the provisions of sections 114.21, 115.8, 116.21, 117.29, 118.13, 118A.15, 120.10, 147.55, 153.34, 154A.24, 169.36 and, 455B.49 and section seven (7) of this Act and chapters 135E and 151, and to define by rule acts or omissions which constitute negligence, careless acts or omissions within the meaning of section 258A.3, subsection 2, paragraph "b", which licensees are required to report to the board pursuant to section 258A.9, subsection 2;

Sec. 21. The members of the board of physical therapy examiners shall become members of the board of physical and occupational therapy examiners and may continue to serve the terms to which they were appointed; however, service on both boards shall be considered together for the purposes of section one hundred forty-seven point nineteen (147.19) of the Code. The governor shall appoint two persons who would be qualified to take or have waived the examination to become a licensed occupational therapist pursuant to this Act to the initial positions for licensed occupational therapists on the board of physical and occupational therapy examiners. The board shall grant these appointees licenses as occupational therapists. One initial appointee shall be appointed to a term of three years and the other to a term of two years.

Sec. 22. This Act is effective January first following its enactment.

Approved March 10, 1980

CHAPTER 1046
OPHTHALMIC DISPENSERS
S. F. 358

AN ACT to provide for certification of ophthalmic dispensers.

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

Section 1. NEW SECTION. DEFINITIONS. For the purpose of this Act, ophthalmic dispenser means a person who prepares and dispenses ophthalmic lenses, spectacles, optical devices and contact lenses by signed written prescription, verbal order, or signed copy of a written prescription, by a physician and surgeon, osteopathic physician, osteopathic physician and surgeon, or optometrist licensed to practice in this state or a person who prepares and dispenses ophthalmic lenses for spectacles to the intended user by duplication by neutralization if the prescribing physician or optometrist

practices in another state. Physicians and surgeons, osteopathic physicians, osteopathic physicians and surgeons, and optometrists licensed to practice in this state, and persons operating under their direct supervision, are not engaged in practice as ophthalmic dispensers.

For the purpose of this Act, state department and department mean the state department of health.

Sec. 2. NEW SECTION. REQUIREMENTS TO PRACTICE. An applicant for certification as an ophthalmic dispenser shall meet the following requirements:

1. Possession of a high school diploma or a high school equivalency diploma.

2. Either of the following:

a. Three years or more employment as a registered apprentice under the direct supervision of a physician and surgeon, osteopathic physician, osteopathic physician and surgeon, or optometrist licensed to practice in this state or an ophthalmic dispenser certified under this Act. Attendance at a course of study from a school of optics or school of ophthalmic dispensing approved by the state department shall be credited toward the time requirement under this paragraph.

b. Successful completion of a course of study from a school of optics or school of ophthalmic dispensing approved by the state department.

3. Possession of a certificate of examination issued to an ophthalmic dispenser by the American opticians association, the American board of opticianry, or the national committee of contact lens examiners.

Sec. 3. NEW SECTION. APPRENTICE OPHTHALMIC DISPENSERS. A person employed by a physician and surgeon, osteopathic physician, osteopathic physician and surgeon, optometrist, or certified ophthalmic dispenser for the purpose of obtaining practical experience and skill as an ophthalmic dispenser shall be registered with the state department as an apprentice. Persons desiring to be registered as an apprentice shall file an application with the state department of health on a form provided by the state department. The application shall be signed by the applicant and the applicant's employer and accompanied by the registration fee prescribed under section one hundred forty-seven point eighty (147.80) of the Code.

Sec. 4. NEW SECTION. CONTINUING EDUCATION. The state department shall require the annual completion of continuing education by certified ophthalmic dispensers which shall include attendance at an educational program or clinic conducted by the opticians association of Iowa, inc., or its equivalent, for a period of at least twelve hours. The attendance requirement at the education program or clinic shall not be conditioned upon membership in the opticians association of Iowa, inc. Nonmembers shall be admitted to the educational program or clinic upon payment of their share of the cost. The state department may approve in lieu of attendance at the education program or clinic, attendance at local ophthalmic dispensers study group meetings which are of equivalent educational value. Section two hundred fifty-eight A point two (258A.2) shall apply to ophthalmic dispensers with the state department of health filling the duties of the board under that section.

Sec. 5. NEW SECTION. QUALIFICATIONS. An applicant for a certificate as an ophthalmic dispenser shall not be ineligible because of age, citizenship, sex, race, religion, marital status, or national origin, although the application form may require citizenship information. The state department may consider the past felony record of an applicant only if the felony conviction relates directly to practice as an ophthalmic dispenser. Character references may be required, but shall not be obtained from certificated ophthalmic dispensers.

Sec. 6. NEW SECTION. DISPLAY OF CERTIFICATE. A person who possesses a certificate as an ophthalmic dispenser shall publicly display the certificate in the business location in which the ophthalmic dispenser is employed.

Sec. 7. NEW SECTION. RECORD. The state department of health shall enter the name, location, number of years of practice of the person to whom the certificate as an ophthalmic dispenser is issued, the number of the certificate, and the date the certificate is issued in a registry book. The registry book is open to the public. In addition, the state department shall send a list containing the names and addresses of each certified ophthalmic dispenser to each physician and surgeon, osteopathic physician, osteopathic physician and surgeon, and optometrist licensed to practice in this state. The list shall be made available to patients.

Sec. 8. NEW SECTION. CHANGE OF RESIDENCE. A certified ophthalmic dispenser shall notify the state department of a change of residence.

Sec. 9. NEW SECTION. RENEWAL. A certificate as an ophthalmic dispenser shall expire annually as determined by the state department and shall be renewed annually upon application by the certified ophthalmic dispenser. Application for renewal shall be made in writing to the state department accompanied by the required fee at least thirty days prior to the expiration of the certificate. A renewal shall be displayed with the certificate. Every year the state department shall notify certificate holders by mail of the expiration of their certificates. Failure to renew the certificate within a reasonable time after the certificate's expiration shall not invalidate the certificate, but a reasonable penalty may be assessed by the state department.

Sec. 10. NEW SECTION. TITLES. Only a certified ophthalmic dispenser is entitled to use the words "certified ophthalmic dispenser" after the certified ophthalmic dispenser's name and to use the letters C.O.D.

Sec. 11. NEW SECTION. FEES. The state department shall set the fees for initial issuance of a certificate and for renewal of a certificate. The fees shall be based upon the actual costs of the state department for issuing and renewing certificates as ophthalmic dispensers. Fees shall be collected by the state department, paid to the treasurer of state and deposited in the general fund of the state.

Sec. 12. This Act is effective January first following its enactment.

CHAPTER 1047
PERSONAL PROPERTY TAX PHASEOUT

H. F. 2597

AN ACT to provide for a temporary one-year delay in the phaseout of personal property taxes by providing that the amount of the personal property tax credit for taxes payable in the fiscal year beginning July 1, 1980 and ending June 30, 1981 shall not exceed the amount of the personal property tax credit allowed for taxes payable in the fiscal year beginning July 1, 1979 and ending June 30, 1980 including the duties of assessors in valuing personal property and collection of agricultural statistics.

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

Section 1. Section one hundred fifty-nine point eleven (159.11), Code 1979, is amended to read as follows:

159.11 ASSESSOR. Agricultural statistics shall be collected each even-numbered year by the assessors under the supervision of the department, which shall design and distribute blank forms and instructions ~~therefor~~.

Sec. 2. Section one hundred fifty-nine point twelve (159.12), Code 1979, is amended to read as follows:

159.12 RETURNS BY ASSESSOR. The assessor shall require each person whose property is listed, to make answers to such inquiries as may be necessary to ~~enable--him-to-return~~ allow the return of the foregoing statistics, carefully footed and summarized, to the department on or before the fifteenth day of April of each even-numbered year.

Sec. 3. Section four hundred twenty-seven A point nine (427A.9), unnumbered paragraph two (2), Code 1979, 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 and the amount of the additional personal property tax credit for taxes payable in the fiscal year beginning July 1, 1980 and ending June 30, 1981 shall not exceed the amount of the additional personal property tax credit allowed for taxes payable in the fiscal year beginning July 1, 1979 and ending June 30, 1980. 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. 4. Section four hundred twenty-eight point four (428.4), unnumbered paragraph one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, chapter twenty-five (25), section two (2), is amended to read as follows:

Property shall be assessed for taxation each year. Personal property shall be listed and assessed each-year in 1980 and every two years thereafter in the name of the owner of the personal property on the first day of January and the assessment made shall be the value of the personal property as of January first of the year of the assessment. Real estate shall be listed and assessed in 1981 and every two years thereafter. The assessment of real estate shall be the value of the real estate as of January first of the year of the assessment. The year 1981 and each odd-numbered year thereafter shall be a reassessment year. In any year, after the year in which an assessment has been made of all the real estate or personal property in any assessing jurisdiction, it shall be the duty of the assessor to value and assess or revalue and reassess, as the case may require, any real estate and personal property that the assessor finds was incorrectly valued or assessed, or was not listed, valued and assessed, in the ~~real--estate~~ assessment year immediately preceding, also any real estate or personal property the assessor finds has changed in value subsequent to January first of the preceding real estate or personal property assessment year. However, a percentage increase on a class of property shall not be made in a year not subject to an equalization order unless ordered by the department of revenue. The assessor shall determine the actual value and compute the taxable value thereof as of January first of the year of the revaluation and reassessment. The assessment shall be completed as specified in section 441.28, but no reduction or increase in actual value shall be made for prior years. If an assessor makes a change in the valuation of the real estate as provided for herein, the provisions of sections 441.23, 441.37, 441.38 and 441.39 shall apply.

Sec. 5. The provisions of section four (4) of this Act are retroactive to January 1, 1980, for the valuation and assessment of personal property as provided under section four (4) of this Act.

Approved May 21, 1980

CHAPTER 1048
FAMILY FARM CORPORATIONS

S. F. 2267

AN ACT to authorize certain trusts to be shareholders in a family farm corporation.

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

Section 1. Section one hundred seventy-two C point one (172C.1), subsection eight (8), paragraph b, Code 1979, is amended to read as follows:

b. All of its stockholders are natural persons or persons acting in a fiduciary capacity for the benefit of natural persons or family trusts as defined in subsection eleven (11) of this section; and

Approved April 21, 1980

CHAPTER 1049
COUNTY FAIRS

H. F. 2476

AN ACT relating to the state and county funding of a county fair by providing for a referendum.

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

Section 1. Section one hundred seventy-four point ten (174.10), Code 1979, is amended to read as follows:

174.10 APPROPRIATION--AVAILABILITY.

1. The appropriation which is made biennially for state aid to the foregoing societies shall be available and applicable to incorporated societies of a purely agricultural nature which were entitled to draw eight hundred fifty dollars or more state aid in 1926, or societies located in counties that have no other fair or agricultural society, and which were in existence and drew state aid in 1926, except that in a county where there are two definitely separate county extension offices, two agricultural societies may receive state aid. The provisions of section 174.1 as to ownership of property shall not apply to societies under this section.

2. In counties having two incorporated agricultural societies conducting county fairs, but not having two definitely separate county extension offices, the state aid shall be prorated between the two societies or, if an official county fair is designated by election, shall be paid to that society

determined to be conducting the official county fair. The board of supervisors, upon receiving a petition signed by ten percent of the qualified electors of the county having voted in the preceding general election for the office of president of the United States or governor as applicable, shall submit to the qualified electors of the county at the next general election following submission of the petition or at a special election if requested by the petitioners at no cost to the county, the question of which fair shall be designated as the official county fair. Notice of the election shall be given as provided in section forty-nine point fifty-three (49.53) of the Code. The fair receiving a majority of the votes cast on the question shall be designated the official county fair. To qualify as the official county fair, the sponsoring society need not meet the conditions provided in subsection one (1) of this section.

Sec. 2. Section one hundred seventy-four point eleven (174.11), Code 1979, is amended to read as follows:

174.11 AMOUNT ALLOWED AS STATE AID. The amount allowed to any society as state aid shall be a sum equal to eighty percent of the first one thousand dollars, seventy percent of the second one thousand dollars, and sixty percent of the third one thousand dollars paid in cash by the society for premiums at its annual fair for the current year, but the total aid shall not in any one year exceed two thousand dollars to any one agricultural society. ~~Provided,--however~~ However, in counties having more than one fair entitled to state aid, except in counties where there are two definitely separate county extension offices, the state aid available for the county shall be prorated to ~~said the fairs~~, which have been in existence for ~~ten~~ three years or more, on the basis of cash premiums paid by ~~said the fairs~~ or, if an official county fair has been designated as provided in section one hundred seventy-four point ten (174.10), subsection two (2) of the Code, the state aid shall be paid to the official county fair.

Sec. 3. Section one hundred seventy-four point thirteen (174.13), Code 1979, is amended to read as follows:

174.13 COUNTY AID.

1. The board of supervisors of the county in which any such society is located may levy a tax of not to exceed six and three-fourths cents per thousand dollars of assessed value of the taxable property of the county, the funds ~~realized-therefrom~~ received from the levy to be known as the fairground fund, and to be used for the purpose of fitting up or purchasing fairgrounds for the society, or for the purpose of aiding boys and girls 4-H club work and payment of agricultural and livestock premiums in connection with ~~said the fair, provided-such if the society shall-be~~ is the owner in fee simple, or the lessee of at least ten acres of land for fairground purposes, and ~~shall-own-or-lease~~ owns or leases buildings and improvements ~~thereon~~ on the land of at least eight thousand dollars in value.

2. If an official county fair is designated as provided in section one hundred seventy-four point ten (174.10), subsection two (2) of the Code, the

funds received from the tax levy authorized under subsection one (1) of this section shall be paid to the society conducting the official county fair.

Approved March 17, 1980

CHAPTER 1050
FAMILY FARM DEVELOPMENT

S. F. 2243

AN ACT providing for assistance to beginning farmers and businesspersons by establishing the Iowa family farm development authority, authorizing the issuance of bonds, prescribing its powers and duties and providing for its administration of the Bankhead-Jones Farm Tenant Act funds and authorizing the issuance of revenue bonds under chapter four hundred nineteen (419) of the Code by municipalities for acquisition of land, buildings or improvements by beginning businesspersons.

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

Section 1. NEW SECTION. SHORT TITLE. This Act shall be called and may be cited as the "Iowa Family Farm Development Act".

Sec. 2. NEW SECTION. DEFINITIONS. As used in sections one (1) through thirty-two (32) of this Act, unless the context otherwise requires:

1. "Agricultural land" means land suitable for use in farming.
2. "Agricultural improvements" means any improvements, buildings, structures or fixtures suitable for use in farming which are located on agricultural land. "Agricultural improvements" includes a single-family dwelling located on agricultural land which is or will be occupied by the beginning farmer and structures attached to or incidental to the use of the dwelling.
3. "Authority" means the Iowa family farm development authority established in section three (3) of this Act.
4. "Bankhead-Jones Farm Tenant Act" means the Act cited as 50 Stat. 522(1937), formerly codified as 7 U.S.C. s. 1000 et seq., repealed by Pub. L. No. 87-128 (1961).
5. "Beginning farmer" means an individual with a low or moderate net worth who engages in farming or wishes to engage in farming.
6. "Bonds" means bonds issued by the authority pursuant to sections one (1) through thirty-two (32) of this Act.
7. "Depreciable agricultural property" means personal property suitable for use in farming for which an income tax deduction for depreciation is allowable in computing federal income tax under the Internal Revenue Code of 1954 as defined in section four hundred twenty-two point four (422.4) of the Code.

8. "Farming" means farming as defined in section one hundred seventy-two C point one (172C.1), subsection six (6), of the Code.

9. "Low or moderate net worth" means an aggregate net worth of an individual and the individual's spouse and children, if any, of less than one hundred thousand dollars.

10. "Mortgage" means a mortgage, mortgage deed, deed of trust, or other instrument creating a first lien, subject only to title exceptions and encumbrances acceptable to the authority, including any other mortgage liens of equal standing with or subordinate to the mortgage loan retained by a seller or conveyed to a mortgage lender, on a fee interest in agricultural land and agricultural improvements.

11. "Mortgage lender" means a bank, trust company, mortgage company, national banking association, savings and loan association, life insurance company, any state or federal governmental agency of instrumentality, including without limitation the federal land bank or any of its local associations, or any other financial institution or entity authorized to make mortgage loans in this state.

12. "Mortgage loan" means a financial obligation secured by a mortgage.

13. "Net worth" means total assets minus total liabilities as determined in accordance with generally accepted accounting principles with appropriate exceptions and exemptions reasonably related to an equitable determination of the family's net worth.

14. "Note" means a bond anticipation note issued by the authority pursuant to sections one (1) through thirty-two (32) of this Act.

15. "Secured loan" means a financial obligation secured by a chattel mortgage, security agreement or other instrument creating a lien on an interest in depreciable agricultural property.

16. "State agency" means any board, commission, department, public officer, or other agency or authority of the state of Iowa.

The authority may establish by rule further definitions applicable to sections one (1) through thirty-two (32) of this Act and clarification of the definitions in this section, as necessary to assure eligibility for funds, insurance or guarantees available under federal laws and to carry out the public purposes of sections one (1) through thirty-two (32) of this Act.

Sec. 3. NEW SECTION. ESTABLISHMENT OF AUTHORITY.

1. The Iowa family farm development authority is established, and constituted a public instrumentality and agency of the state exercising public and essential governmental functions. The authority is established to undertake programs which assist beginning farmers in purchasing agricultural land and agricultural improvements and depreciable agricultural property for the purpose of farming. The powers of the authority shall be vested in and exercised by a board of eleven members with nine members appointed by the governor with the approval of two-thirds of the members of the senate. The treasurer of the state and the state secretary of agriculture are ex officio nonvoting members. No more than five members shall belong to the same political party. As far as possible the governor shall include within the membership persons who represent financial institutions experienced in agricultural lending, the real estate sales industry, farmers, beginning

*According to enrolled Act

farmers, average taxpayers, local government, and any other person specially interested in family farm development.

2. The appointed members of the authority shall be appointed by the governor for terms of six years except that, of the first appointments, three members shall be appointed for terms of two years and three members shall be appointed for a term of four years. A person appointed to fill a vacancy shall serve only for the unexpired portion of the term. A member is eligible for reappointment. An appointed member of the authority may be removed from office by the governor for misfeasance, malfeasance or willful neglect of duty or other just cause, after notice and hearing, unless the notice and hearing is expressly waived in writing. An appointed member of the authority may also serve as a member of the Iowa housing finance authority.

3. Six members of the authority constitute a quorum and the affirmative vote of a majority of the voting members is necessary for any substantive action taken by the authority. The majority shall not include any member who has a conflict of interest and a statement by a member of a conflict of interest shall be conclusive for this purpose. A vacancy in the membership does not impair the right of a quorum to exercise all rights and perform all duties of the authority.

4. The appointed members of the authority are entitled to receive forty dollars per diem for each day spent in performance of duties as members, and shall be reimbursed for all actual and necessary expenses incurred in the performance of duties as members.

5. The appointed members of the authority and the executive director shall give bond as required for public officers in chapter sixty-four (64) of the Code.

6. Meetings of the authority shall be held at the call of the chairperson or whenever two members so request.

7. The appointed members shall elect a chairperson and vice chairperson annually, and other officers as they determine, but the executive director shall serve as secretary to the authority.

8. The net earnings of the authority, beyond that necessary for retirement of its notes, bonds or other obligations or to implement the public purposes and programs authorized, shall not inure to the benefit of any person other than the state. Upon termination of the existence of the authority, title to all property owned by the authority including any net earnings shall vest in the state.

Sec. 4. NEW SECTION. LEGISLATIVE FINDINGS. The general assembly finds and declares as follows:

1. The establishment of the authority is in all respects for the benefit of the people of the state of Iowa, for the improvement of their health and welfare and for the promotion of the economy, which are public purposes.

2. The authority will be performing an essential governmental function in the exercise of the powers and duties conferred upon it by sections one (1) through thirty-two (32) of this Act.

3. There exists a serious problem in this state regarding the ability of nonestablished farmers to acquire agricultural land and agricultural improvements and depreciable agricultural property in order to enter farming.

4. This barrier to entry into farming is conducive to consolidation of acreage of agricultural land with fewer individuals resulting in a grave threat to the traditional family farm.

5. These conditions result in a loss in population, unemployment and a movement of persons from rural communities to urban areas accompanied by added costs to communities for creation of new public facilities and services.

6. One major cause of this condition has been recurrent shortages of funds in private channels and the high interest cost of borrowing.

7. These shortages and costs have made the sale and purchase of agricultural land to beginning farmers a virtual impossibility in many parts of the state.

8. The ordinary operations of private enterprise have not in the past corrected these conditions.

9. A stable supply of adequate funds for agricultural financing is required to encourage beginning farmers in an orderly and sustained manner and to reduce the problems described in this section.

10. Article nine (IX), section three (3), of the Constitution of the State of Iowa requires that, "The General Assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement," and agricultural improvement and the public good are served by a policy of facilitating access to capital by beginning farmers unable to obtain capital elsewhere in order to preserve, encourage and protect the family farm which has been the economic, political and social backbone of rural Iowa.

11. It is necessary to create a state family farm development authority to encourage ownership of farms by beginning farmers by providing purchase money loans to beginning farmers who are not able to obtain adequate capital elsewhere to provide such funds and to lower costs through the use of public financing.

12. All of the purposes stated in this section are public purposes and uses for which public moneys may be borrowed, expended, advanced, loaned or granted.

Sec. 5. NEW SECTION. GUIDING PRINCIPLES. In the performance of its duties, implementation of its powers, selection of specific programs and projects to receive its assistance, the authority shall be guided by the following principles:

1. The authority shall not become an owner of real or depreciable property, except on a temporary basis where necessary in order to implement its programs, to protect its investments by means of foreclosure or other means, or to facilitate transfer of real or depreciable property for the use of beginning farmers.

2. The authority shall exercise diligence and care in selection of projects to receive its assistance and shall apply customary and acceptable business and lending standards in selection and subsequent implementation of the projects. The authority may delegate primary responsibility for determination and implementation of the projects to any federal governmental agency which assumes any obligation to repay the loan, either directly or by insurance or guarantee.

3. The authority shall establish a beginning farmer loan program to aid beginning farmers in the acquisition of agricultural land and improvements and depreciable agricultural property.

Sec. 6. NEW SECTION. GENERAL POWERS. The authority has all of the general powers needed to carry out its purposes and duties, and to exercise its specific powers, including but not limited to the power to:

1. Issue its negotiable bonds and notes as provided in sections one (1) through thirty-two (32) of this Act in order to finance its programs.

2. Sue and be sued in its own name.

3. Have and alter a corporate seal.

4. Make and alter bylaws for its management consistent with the provisions of sections one (1) through thirty-two (32) of this Act.

5. Make and execute agreements, contracts and other instruments, with any public or private entity, including but not limited to, any federal governmental agency or instrumentality. The authority may make and execute contracts with any firm of independent certified public accountants to prepare an annual report on behalf of the authority. The authority may make and execute contracts with mortgage lenders for the servicing of mortgage and secured loans. All political subdivisions, other public agencies and state agencies may enter into contracts and otherwise cooperate with the authority.

6. Acquire, hold, improve, mortgage, lease and dispose of real and personal property, including but not limited to, the power to sell at public or private sale, with or without public bidding, any property, mortgage or secured loan or other obligation held by it.

7. Procure insurance against any loss in connection with its operations and property interests, including pool insurance on any group of mortgage or secured loans.

8. Fix and collect fees and charges for its services.

9. Subject to any agreement with bondholders or noteholders, invest or deposit moneys of the authority in any manner determined by the authority, notwithstanding the provisions of chapters four hundred fifty-two (452), four hundred fifty-three (453) or four hundred fifty-four (454) of the Code.

10. Accept appropriations, gifts, grants, loans, or other aid from public or private entities. A record of all gifts or grants, stating the type, amount and donor, shall be clearly set out in the authority's annual report along with the record of other receipts.

11. Provide to public and private entities technical assistance and counseling related to the authority's purposes.

12. In cooperation with other local, state or federal governmental agencies or instrumentalities, conduct studies of beginning farmer agricultural needs, and gather and compile data useful to facilitate decision making.

13. Contract with architects, engineers, attorneys, accountants, housing construction and finance experts, and other advisors or enter into contracts or agreements for such services with local, state or federal governmental agencies.

14. Make, alter and repeal rules consistent with the provisions of sections one (1) through thirty-two (32) of this Act, and subject to chapter seventeen A (17A) of the Code.

Sec. 7. NEW SECTION. STAFF.

1. The executive director and staff of the Iowa housing finance authority shall also serve as executive director and staff of the authority, respectively. The executive director shall not, directly or indirectly, exert influence to induce any other officers or employees of the state to adopt a political view, or to favor a political candidate for office.

2. The executive director shall advise the authority on matters relating to agricultural land and property and agricultural finance, and carry out all directives from the authority, and may hire and supervise additional staff pursuant to its directions and under the provisions of chapter nineteen A (19A), of the Code, except that principal administrative assistants with responsibilities in beginning farm loan programs, accounting, mortgage loan processing, and investment portfolio management are exempt from that chapter.

3. The executive director, as secretary of the authority, shall be custodian of all books, documents and papers filed with the authority and of its minute book and seal. The executive director may cause to be made copies of all minutes and other records and documents of the authority and give certificates under the seal of the authority to the effect that the copies are true copies and all persons dealing with the authority may rely upon the certificates.

Sec. 8. NEW SECTION. ANNUAL REPORT.

1. The authority shall submit to the governor and to the members of the general assembly as request it, not later than January fifteenth of each year, a complete and economically designed and reproduced report setting forth:

a. Its operations and accomplishments.

b. Its receipts and expenditures during the fiscal year, in accordance with the classifications it establishes for its operating and capital accounts.

c. Its assets and liabilities at the end of its fiscal year and the status of reserve, special and other funds.

d. A schedule of its bonds and notes outstanding at the end of its fiscal year, together with a statement of the amounts redeemed and issued during its fiscal year.

e. A statement of its proposed and projected activities.

f. Recommendations to the general assembly, as it deems necessary.

g. An analysis of beginning farmer needs in the state.

2. The annual report shall identify performance goals of the authority, and clearly indicate the extent of progress during the reporting period, in attaining the goals. Where possible, results shall be expressed in terms of number of loans and acres of agricultural land.

Sec. 9. NEW SECTION. NONDISCRIMINATION.

1. The opportunity to acquire agricultural land and agricultural improvements and depreciable agricultural property financed or otherwise assisted by the authority, directly or indirectly, is open to all persons regardless of race, creed, color, sex, national origin, age, physical or mental impairment, or religion.

2. The authority shall promote marketing plans for its programs under sections one (1) through thirty-two (32) of this Act.

Sec. 10. NEW SECTION. SURPLUS MONEYS. Moneys declared by the authority to be surplus moneys which are not required to service bonds and notes, to pay administrative expenses of the authority or to accumulate necessary operating or loss reserves, shall be used by the authority to provide loans, grants, subsidies, and services to beginning farmers through any of the programs authorized in sections one (1) through thirty-two (32) of this Act.

Sec. 11. NEW SECTION. COMBINATION PROGRAMS. Programs authorized in sections one (1) through thirty-two (32) of this Act may be combined with any other programs authorized in sections one (1) through thirty-two (32) of this Act, under chapter two hundred twenty (220) of the Code or under a federal program in order to facilitate as far as practicable the acquisition of agricultural land and property by beginning farmers.

Sec. 12. NEW SECTION. BEGINNING FARMER PROGRAM.

1. The authority shall develop a beginning farmer loan program to facilitate the acquisition of agricultural land and improvements and depreciable agricultural property by beginning farmers. The authority shall exercise the powers granted to it in sections one (1) through thirty-two (32) of this Act in order to fulfill the goal of providing financial assistance to beginning farmers in the acquisition of agricultural land and agricultural improvements and depreciable agricultural property. The authority may participate in and cooperate with programs of the farmers home administration, federal land bank or any other agency or instrumentality of the federal government or with any program of any other state agency in the administration of the beginning farmer loan program and in the making or purchasing of mortgage or secured loans pursuant to sections one (1) through thirty-two (32) of this Act.

2. The authority may participate in any federal programs designed to assist beginning farmers or in any related federal or state programs.

3. The authority shall provide in a beginning farmer loan program that a mortgage or secured loan to or on behalf of a beginning farmer shall be provided only if the following criteria are satisfied:

a. The beginning farmer is a resident of the state.

b. The agricultural land and agricultural improvements or depreciable agricultural property the beginning farmer proposes to purchase will be located in the state.

c. The beginning farmer has sufficient education, training, or experience in the type of farming for which the beginning farmer requests the mortgage or secured loan.

d. The authority is financing the acquisition by that beginning farmer of agricultural land and agricultural improvements totaling no more than five hundred thousand (500,000) dollars in value or of depreciable agricultural property totaling no more than one hundred twenty-five thousand (125,000) dollars in value.

e. If the loan is for the acquisition of agricultural land, the beginning farmer has or will have access to adequate working capital, farm equipment, machinery or livestock. If the loan is for the acquisition of depreciable

agricultural property, the beginning farmer has or will have access to adequate working capital or agricultural land.

f. The authority determines that the beginning farmer is unable to secure financing from conventional sources upon terms and conditions which the beginning farmer reasonably could be expected to fulfill.

g. The agricultural land and agricultural improvements shall only be used for farming by the beginning farmer or his or her family.

h. The beginning farmer has not previously received financing under the program for the acquisition of property similar in nature to the property for which the loan is sought. However, this restriction shall not apply if the amount previously received plus the amount of the loan sought does not exceed five hundred thousand dollars in the case of agricultural land and improvements or one hundred twenty-five thousand dollars in the case of depreciable agricultural property.

i. Other criteria as the authority prescribes by rule.

4. The authority may provide in a mortgage or secured loan made or purchased pursuant to sections one (1) through thirty-two (32) of this Act that the loan may not be assumed or any interest in the agricultural land or improvements or depreciable agricultural property may not be leased, sold or otherwise conveyed without its prior written consent and may provide a due-on-sale clause with respect to the occurrence*of any of the foregoing events without its prior written consent. The authority may provide by rule the grounds for permitted assumptions of a mortgage or for the leasing, sale or other conveyance of any interest in the agricultural land or improvements. However, the authority shall provide and state in a mortgage or secured loan that the authority has the power to raise the interest rate of the loan to the prevailing market rate if the mortgage or secured loan is assumed by a farmer who is already established in that field at the time of the assumption of the loan. This provision controls with respect to a mortgage loan made or purchased pursuant to sections one (1) through thirty-two (32) of this Act notwithstanding the provisions of chapter five hundred thirty-five (535) of the Code.

5. The authority may participate in any interest in any mortgage loan made or purchased pursuant to sections one (1) through thirty-two (32) of this Act with a mortgage lender. The participation interest may be on a parity with the interest in the mortgage loan retained by the authority, equally and ratably secured by the mortgage securing the mortgage loan.

Sec. 13. NEW SECTION. LOANS TO BEGINNING FARMERS.

1. The authority may make mortgage or secured loans, including but not limited to mortgage or secured loans insured, guaranteed, or otherwise secured by the federal government or a federal governmental agency or instrumentality, a state agency or private mortgage insurers, to beginning farmers to provide financing for agricultural land and agricultural improvements or depreciable agricultural property.

2. Mortgage or secured loans shall contain terms and provisions, including interest rates, and be in a form established by rules of the authority. The authority may require the beginning farmer to execute a note, loan agreement or other evidence of indebtedness and furnish additional

*According to enrolled Act

assurances and guarantees, including insurance, reasonably related to protecting the security of the mortgage or secured loan, as the authority deems necessary.

Sec. 14. NEW SECTION. LOANS TO MORTGAGE LENDERS.

1. The authority may make and contract to make loans to mortgage lenders on terms and conditions it determines are reasonably related to protecting the security of the authority's investment and to implementing the purposes of sections one (1) through thirty-two (32) of this Act. Mortgage lenders are authorized to borrow from the authority in accordance with the provisions of this section and the rules of the authority.

2. The authority shall require as a condition of each loan to a mortgage lender that the mortgage lender, within a reasonable period after receipt of the loan proceeds as the authority prescribes by rule, shall have entered into written commitments to make and, within a reasonable period thereafter as the authority prescribes by rule, shall have disbursed the loan proceeds in new mortgage or secured loans to beginning farmers in an aggregate principal amount of not less than the amount of the loan. New mortgage or secured loans shall have terms and conditions as the authority prescribes by rules which are reasonably related to implementing the purposes of sections one (1) through thirty-two (32) of this Act.

3. The authority shall require the submission to it by each mortgage lender to which the authority has made a loan, of evidence satisfactory to the authority of the making of new mortgage or secured loans to beginning farmers as required by this section and in that connection may, through its members, employees or agents, inspect the books and records of a mortgage lender.

4. Compliance by a mortgage lender with the terms of its agreement with the authority with respect to the making of new mortgage or secured loans to beginning farmers may be enforced by decree of any district court of this state. The authority may require as a condition of a loan to a national banking association or a federally chartered savings and loan association, the consent of the association to the jurisdiction of courts of this state over any enforcement proceeding. The authority may also require, as a condition of a loan to a mortgage lender, agreement by the mortgage lender to the payment of penalties to the authority for violation by the mortgage lender of its agreement with the authority, and the penalties shall be recoverable at the suit of the authority.

5. The authority shall require that each mortgage lender receiving a loan pursuant to this section shall issue and deliver to the authority evidence of its indebtedness to the authority which shall constitute a general obligation of the mortgage lender and shall bear a date, mature at a time, be subject to prepayment and contain other provisions consistent with this section and reasonably related to protecting the security of the authority's investment, as the authority determines.

6. Notwithstanding any other provision of this section, the interest rate and other terms of loans to mortgage lenders made from the proceeds of an issue of bonds or notes of the authority shall be at least sufficient to assure the payment of the bonds or notes and the interest on them as they become due.

7. The authority may require that loans to mortgage lenders are additionally secured as to payment of both principal and interest by a pledge of and lien upon collateral security by special escrow funds or other forms of guarantee and in amounts and forms as the authority by resolution determines to be necessary to assure the payment of the loans and the interest as they become due. Collateral security shall consist of direct obligations of or obligations guaranteed by the United States or one of its agencies, obligations satisfactory to the authority which are issued by other federal agencies, direct obligations of or obligations guaranteed by a state or a political subdivision of a state or investment quality obligations approved by the authority.

8. The authority may require that collateral for loans be deposited with a bank, trust company or other financial institution acceptable to the authority located in this state and designated by the authority as custodian. In the absence of that requirement, each mortgage lender shall enter into an agreement with the authority containing provisions the authority deems necessary to adequately identify and maintain the collateral, service the collateral and require the mortgage lender to hold the collateral as an agent for the authority and be accountable to the authority as the trustee of an express trust for the application and disposition of the collateral and the income from it. The authority may also establish additional requirements it deems necessary with respect to the pledging, assigning, setting aside or holding of collateral and the making of substitutions for it or additions to it and the disposition of income and receipts from it.

9. The authority may require as a condition of loans to mortgage lenders any representations and warranties it determines are necessary to secure the loans and carry out the purposes of this section.

10. The authority may require the beginning farmer to satisfy conditions and requirements normally imposed by mortgage lenders in making similar loans, including but not limited to, the purchase of capital stock in the federal land bank.

11. If a provision of this section is inconsistent with a provision of law of this state governing mortgage lenders, the provision of this section controls for the purposes of this section.

Sec. 15. NEW SECTION. PURCHASE OF LOANS.

1. The authority may purchase and make advance commitments to purchase mortgage or secured loans from mortgage lenders at prices and upon terms and conditions as it determines. However, the total purchase price for all mortgage or secured loans which the authority commits to purchase from a mortgage lender at any one time shall not exceed the total of the unpaid principal balances of the mortgage or secured loans purchased. Mortgage lenders are authorized to sell mortgage or secured loans to the authority in accordance with the provisions of this section and the rules of the authority.

2. The authority shall require as a condition of purchase of mortgage or secured loans from mortgage lenders that the mortgage lenders certify that the mortgage or secured loans purchased are loans made to beginning farmers. Mortgage or secured loans to be made by mortgage lenders shall have terms and

conditions as the authority prescribes by rule. The authority may make a commitment to purchase mortgage or secured loans from mortgage lenders in advance of the time the loans are made by mortgage lenders. The authority shall require as a condition of a commitment that mortgage lenders certify in writing that all mortgage or secured loans represented by the commitment will be made to beginning farmers and that the mortgage lender will comply with other authority specifications.

3. The authority shall require the submission to it by each mortgage lender from which the authority has purchased loans of evidence satisfactory to the authority of the making of mortgage or secured loans to beginning farmers as required by this section and in that connection may, through its members, employees or agents, inspect the books and records of a mortgage lender.

4. Compliance by a mortgage lender with the terms of its agreement with the authority with respect to the making of mortgage or secured loans to beginning farmers may be enforced by decree of any district court of this state. The authority may require as a condition of purchase of mortgage or secured loans from any national banking association or federally chartered savings and loan association the consent of the association to the jurisdiction of courts of this state over any enforcement proceeding. The authority may also require as a condition of the purchase of mortgage or secured loans from a mortgage lender agreement by the mortgage lender to the payment of penalties to the authority for violation by the mortgage lender of its agreement with the authority and the penalties shall be recoverable at the suit of the authority.

5. The authority may require as a condition of purchase of a mortgage or secured loan from a mortgage lender that the mortgage lender make representations and warranties the authority requires. A mortgage lender is liable to the authority for damages suffered by the authority by reason of the untruth of a representation or the breach of a warranty and, in the event that a representation proves to be untrue when made or in the event of a breach of warranty, the mortgage lender shall, at the option of the authority, repurchase the mortgage or secured loan for the original purchase price adjusted for amounts subsequently paid on it, as the authority determines.

6. The authority shall require the recording of an assignment of a mortgage loan purchased by it from a mortgage lender and is not required to notify the mortgagor of its purchase of the mortgage loan. The authority is not required to inspect or take possession of the mortgage documents if the mortgage lender from which the mortgage loan is purchased enters into a contract to service the mortgage loan and account to the authority for it.

7. If a provision of this section is inconsistent with another provision of law of this state governing mortgage lenders, the provision of this section controls for the purposes of this section.

Sec. 16. NEW SECTION. POWERS RELATING TO LOANS. Subject to any agreement with bondholders or noteholders, the authority may renegotiate a mortgage or secured loan or a loan to a mortgage lender in default, waive a default or consent to the modification of the terms of a mortgage or secured

loan or a loan to a mortgage lender, forgive or forbear all or part of a mortgage or secured loan or a loan to a mortgage lender and commence, prosecute and enforce a judgment in any action, including but not limited to a foreclosure action, to protect or enforce any right conferred upon it by law, mortgage or secured loan agreement, contract or other agreement and in connection with any action, bid for and purchase the property or acquire or take possession of it, complete, administer, pay the principal of and interest on any obligations incurred in connection with the property and dispose of and otherwise deal with the property in a manner the authority deems advisable to protect its interests.

Sec. 17. NEW SECTION. BONDS AND NOTES.

1. The authority may issue its negotiable bonds and notes in principal amounts which, in the opinion of the authority, are necessary to provide sufficient funds for achievement of its corporate purposes, the payment of interest on its bonds and notes, the establishment of reserves to secure its bonds and notes and all other expenditures of the authority incident to and necessary or convenient to carry out its purposes and powers. However, the authority may not have a total principal amount of bonds and notes outstanding at any time in excess of one hundred fifty million dollars. The bonds and notes shall be deemed to be investment securities and negotiable instruments within the meaning of and for all purposes of the uniform commercial code.

2. Bonds and notes are payable solely and only out of the moneys, assets or revenues of the authority and as provided in the agreement with bondholders or noteholders pledging any particular moneys, assets or revenues. Bonds or notes are not an obligation of this state or any political subdivision of this state other than the authority within the meaning of any constitutional or statutory debt limitations, but are special obligations of the authority payable solely and only from the sources provided in sections one (1) through thirty-two (32) of this Act, and the authority shall not pledge the credit or taxing power of this state or any political subdivision of this state other than the authority or make its debts payable out of any moneys except those of the authority.

3. Bonds and notes must be authorized by a resolution of the authority. However, a resolution authorizing the issuance of bonds or notes may delegate to an officer of the authority the power to negotiate and fix the details of an issue of bonds or notes by an appropriate certificate of the authorized officer.

4. Bonds shall:

a. State the date and series of the issue, be consecutively numbered and state on their face that they are payable both as to principal and interest solely out of the assets of the authority and do not constitute an indebtedness of this state or any political subdivision of this state other than the authority within the meaning of any constitutional or statutory debt limit.

b. Be either registered, registered as to principal only, or in coupon form, issued in denominations as the authority prescribes, fully negotiable instruments under the laws of this state, signed on behalf of the authority

with the manual or facsimile signature of the chairperson or vice chairperson, attested by the manual or facsimile signature of the secretary, have impressed or imprinted thereon the seal of the authority or a facsimile of it, and the coupons attached shall be signed with the facsimile signature of the chairperson or vice chairperson, be payable as to interest at rates and at times as the authority determines, be payable as to principal at times over a period not to exceed fifty years from the date of issuance, at places and with reserved rights of prior redemption, as the authority prescribes, be sold at prices, at public or private sale, and in a manner as the authority prescribes, and the authority may pay all expenses, premiums and commissions which it deems necessary or advantageous in connection with the issuance and sale, and be issued under and subject to the terms, conditions and covenants providing for the payment of the principal, redemption premiums, if any, interest and other terms, conditions, covenants and protective provisions safeguarding payment, not inconsistent with sections one (1) through thirty-two (32) of this Act, as are found to be necessary by the authority for the most advantageous sale, which may include, but are not limited to, covenants with the holders of the bonds as to those matters set forth in section two hundred twenty point twenty-six (220.26), subsection four (4), paragraph b, of the Code.

5. The authority may issue its bonds for the purpose of refunding any bonds or notes of the authority then outstanding, including the payment of any redemption premiums and any interest accrued or to accrue to the date of redemption of the outstanding bonds or notes. Until the proceeds of bonds issued for the purpose of refunding outstanding bonds or notes are applied to the purchase or retirement of outstanding bonds or notes or the redemption of outstanding bonds or notes, the proceeds may be placed in escrow and be invested and reinvested in accordance with the provisions of sections one (1) through thirty-two (32) of this Act. The interest, income and profits earned or realized on an investment may also be applied to the payment of the outstanding bonds or notes to be refunded by purchase, retirement or redemption. After the terms of the escrow have been fully satisfied and carried out, any balance of proceeds and interest earned or realized on the investments may be returned to the authority for use by it in any lawful manner. All refunding bonds shall be issued and secured and subject to the provisions of sections one (1) through thirty-two (32) of this Act in the same manner and to the same extent as other bonds.

6. The authority may issue negotiable bond anticipation notes and may renew them from time to time but the maximum maturity of the notes, including renewals, shall not exceed ten years from the date of issue of the original notes. Notes are payable from any available moneys of the authority not otherwise pledged or from the proceeds of the sale of bonds in anticipation of which the notes were issued. Notes may be issued for any corporate purpose of the authority. Notes shall be issued in the same manner as bonds and notes and the resolution authorizing them may contain any provisions, conditions or limitations, not inconsistent with the provisions of this subsection, which the bonds or a bond resolution of the authority may contain. Notes may be sold at public or private sale. In case of default on

its notes or violation of any obligations of the authority to the noteholders, the noteholders shall have all the remedies provided in sections one (1) through thirty-two (32) of this Act for bondholders. Notes shall be as fully negotiable as bonds of the authority.

7. A copy of each pledge agreement by or to the authority, including without limitation each bond resolution, indenture of trust or similar agreement, or any revisions or supplements to it shall be filed with the secretary of state and no further filing or other action under article nine (9) of the uniform commercial code, or any other law of the state shall be required to perfect the security interest in the collateral or any additions to it or substitutions for it and the lien and trust so created shall be binding from and after the time made against all parties having claims of any kind in tort, contract or otherwise against the pledgor.

8. Members of the authority and any person executing its bonds, notes or other obligations are not liable personally on the bonds, notes or other obligations or subject to personal liability or accountability by reason of the issuance of the authority's bonds or notes.

9. The authority shall publish a notice of intention to issue bonds or notes in a newspaper published and of general circulation in the state. The notice shall include a statement of the maximum amount of bonds or notes proposed to be issued, and in general, what net revenues will be pledged to pay the bonds or notes and interest thereon. An action shall not be brought questioning the legality of the bonds or notes or the power of the authority to issue the bonds or notes or to the legality of any proceedings in connection with the authorization or issuance of the bonds or notes after sixty days from the date of publication of the notice.

Sec. 18. NEW SECTION. RESERVE FUNDS AND APPROPRIATIONS.

1. The authority may create and establish one or more special funds, each to be known as a "bond reserve fund" and shall pay into each bond reserve fund any moneys appropriated and made available by the state for the purpose of the fund, any proceeds of sale of notes or bonds to the extent provided in the resolutions of the authority authorizing their issuance and any other moneys which are available to the authority for the purpose of the fund from any other sources. Moneys held in a bond reserve fund, except as otherwise provided in sections one (1) through thirty-two (32) of this Act, shall be used as required solely for the payment of the principal of bonds secured in whole or in part by the fund or of the sinking fund payments with respect to the bonds, the purchase or redemption of the bonds, the payment of interest on the bonds or the payments of any redemption premium required to be paid when the bonds are redeemed prior to maturity.

2. Moneys in a bond reserve fund shall not be withdrawn from it in an amount that will reduce the amount of the fund to less than the bond reserve fund requirement established for the fund, as provided in this section, except for the purpose of making payment when due of principal, interest, redemption premiums and the sinking fund payments with respect to the bonds for the payment of which other moneys of the authority are not available. Any income or interest earned by, or incremental to, a bond reserve fund due to the investment of it may be transferred by the authority to other funds or

accounts of the authority to the extent the transfer does not reduce the amount of that bond reserve fund below the bond reserve fund requirement for it.

3. The authority shall not at any time issue bonds, secured in whole or in part by a bond reserve fund if, upon the issuance of the bonds, the amount in the bond reserve fund will be less than the bond reserve fund requirement for the fund, unless the authority at the time of issuance of the bonds deposits in the fund from the proceeds of the bonds issued or from other sources an amount which, together with the amount then in the fund will not be less than the bond reserve fund requirement for the fund. For the purposes of this section, the term "bond reserve fund requirement" means, as of any particular date of computation, an amount of money, as provided in the resolutions of the authority authorizing the bonds with respect to which the fund is established, equal to not more than ten percent of the outstanding principal amount of bonds secured by the fund.

4. To assure the continued operation and solvency of the authority for the carrying out of its corporate purposes, provision is made in subsection one (1) of this section for the accumulation in each bond reserve fund of an amount equal to the bond reserve fund requirement for the fund. In order further to assure maintenance of the bond reserve funds, the chairperson of the authority shall, on or before July first of each calendar year, make and deliver to the governor a certificate stating the sum, if any, required to restore each bond reserve fund to its bond reserve fund requirement. Within thirty days after the beginning of the session of the general assembly next following the delivery of the certificate, the governor may submit to both houses printed copies of a budget including any sum required to restore each bond reserve fund to its bond reserve fund requirement. Sums appropriated by the general assembly and paid to the authority pursuant to this section shall be deposited by the authority in the applicable bond reserve fund.

5. Amounts paid over to the authority by the state pursuant to the provisions of this section shall constitute and be accounted for as advances by the state to the authority and, subject to the rights of the holders of any bonds or notes of the authority, shall be repaid to the state without interest from all available operating revenues of the authority in excess of amounts required for the payment of bonds, notes or obligations of the authority, the bond reserve fund and operating expenses.

6. The authority shall cause to be delivered to the legislative fiscal committee within ninety days of the close of its fiscal year its annual report certified by an independent certified public accountant, who may be the accountant or a member of the firm of accountants who regularly audits the books and accounts of the authority selected by the authority. In the event that the principal amount of any bonds or notes deposited in a bond reserve fund is withdrawn for payment of principal or interest thereby reducing the amount of that fund to less than the bond reserve fund requirement, the authority shall immediately notify the general assembly of this event and shall take steps to restore the fund to its bond reserve fund requirement from any amounts available, other than principal of a bond issue, which are not pledged to the payment of other bonds or notes.

Sec. 19. NEW SECTION. REMEDIES OF BONDHOLDERS AND NOTEHOLDERS.

1. If the authority defaults in the payment of principal or interest on an issue of bonds or notes at maturity or upon call for redemption and the default continues for a period of thirty days or if the authority fails or refuses to comply with the provisions of sections one (1) through thirty-two (32) of this Act, or defaults in an agreement made with the holders of an issue of bonds or notes, the holders of twenty-five percent in aggregate principal amount of bonds or notes of the issue then outstanding, by instrument filed in the office of the clerk of the county in which the principal office of the authority is located and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of the bonds or notes for the purposes provided in this section.

2. The authority or any trustee appointed under the indenture under which the bonds are issued may, but upon written request of the holders of twenty-five percent in aggregate principal amount of the issue of bonds or notes then outstanding shall:

a. Enforce all rights of the bondholders or noteholders including the right to require the authority to carry out its agreements with the holders and to perform its duties under sections one (1) through thirty-two (32) of this Act.

b. Bring suit upon the bonds or notes.

c. By action require the authority to account as if it were the trustee of an express trust for the holders.

d. By action enjoin any acts or things which are unlawful or in violation of the rights of the holders.

e. Declare all the bonds or notes due and payable and if all defaults are made good then with the consent of the holders of twenty-five percent of the aggregate principal amount of the issue of bonds or notes then outstanding, annul the declaration and its consequences.

3. The trustee shall also have all powers necessary or appropriate for the exercise of functions specifically set forth or incident to the general representation of bondholders or noteholders in the enforcement and protection of their rights.

4. Before declaring the principal of bonds or notes due and payable, the trustee shall first give thirty days notice in writing to the governor, to the authority and to the attorney general of the state.

5. The district court has jurisdiction of any action by the trustee on behalf of bondholders or noteholders. The venue of the action shall be in the county in which the principal office of the authority is located.

Sec. 20. NEW SECTION. AGREEMENT OF THE STATE. The state pledges and agrees with the holders of any bonds or notes that the state will not limit or alter the rights vested in the authority to fulfill the terms of agreements made with the holders or in any way to impair the rights and remedies of the holders until the bonds or notes together with the interest on them, plus interest on unpaid installments of interest, and all costs and expenses in connection with an action by or on behalf of the holders are fully met and discharged. The authority may include this pledge and agreement of the state in any agreement with the holders of bonds or notes.

Sec. 21. NEW SECTION. BONDS AND NOTES AS LEGAL INVESTMENTS. Bonds and notes are securities in which public officers, state departments and agencies, political subdivisions, insurance companies and other persons carrying on an insurance business, banks, trust companies, savings and loan associations, investment companies and other persons carrying on a banking business, administrators, executors, guardians, conservators, trustees and other fiduciaries and other persons authorized to invest in bonds or other obligations of this state may properly and legally invest funds including capital in their control or belonging to them. The bonds and notes are also securities which may be deposited with and may be received by public officers, state departments and agencies and political subdivisions for any purpose for which the deposit of bonds or other obligations of this state is authorized.

Sec. 22. NEW SECTION. MONEYS OF THE AUTHORITY.

1. Moneys of the authority, except as otherwise provided in sections one (1) through thirty-two (32) of this Act, shall be paid to the authority and shall be deposited in a bank or other financial institution designated by the authority. The moneys shall be withdrawn on the order of the person authorized by the authority. Deposits shall be secured in the manner determined by the authority. The auditor of state or the auditor's legally authorized representatives may periodically examine the accounts and books of the authority, including its receipts, disbursements, contracts, leases, sinking funds, investments and any other records and papers relating to its financial standing, and the authority shall not be required to pay a fee for the examination.

2. The authority may contract with holders of its bonds or notes as to the custody, collection, security, investment and payment of moneys of the authority, of moneys held in trust or otherwise for the payment of bonds or notes and to carry out the contract. Moneys held in trust or otherwise for the payment of bonds or notes or in any way to secure bonds or notes and deposits of the moneys may be secured in the same manner as moneys of the authority and banks and trust companies may give security for the deposits.

3. Subject to the provisions of any contract with bondholders or noteholders and to the approval of the state comptroller, the authority shall prescribe a system of accounts.

4. The authority shall submit to the governor, the auditor of state and the state comptroller, within thirty days of its receipt, a copy of the report of every external examination of the books and accounts of the authority other than copies of the reports of examinations made by the auditor of state.

Sec. 23. NEW SECTION. LIMITATION OF LIABILITY. Members of the authority and persons acting in its behalf, while acting within the scope of their employment or agency, are not subject to personal liability resulting from carrying out the powers and duties given in sections one (1) through thirty-two (32) of this Act.

Sec. 24. NEW SECTION. ASSISTANCE BY STATE OFFICERS, AGENCIES AND DEPARTMENTS. State officers and state departments and agencies may render services to the authority within their respective functions as requested by the authority.

Sec. 25. NEW SECTION. LIBERAL INTERPRETATION. Sections one (1) through thirty-two (32) of this Act, being necessary for the welfare of this state and its inhabitants, shall be liberally construed to effect its purposes.

Sec. 26. NEW SECTION. CONFLICTS OF INTEREST.

1. If a member or employee other than the executive director of the authority has an interest, either direct or indirect, in a contract to which the authority is or is to be a party or in a mortgage lender requesting a loan from or offering to sell mortgage or secured loans to the authority, the interest shall be disclosed to the authority in writing and shall be set forth in the minutes of the authority. The member or employee having the interest shall not participate in action by the authority with respect to that contract or mortgage lender.

2. This section does not limit the right of a member, officer or employee of the authority to acquire an interest in bonds or notes or to limit the right of a member or employee other than the executive director to have an interest in a bank or other financial institution in which the funds of the authority are deposited or which is acting as trustee or paying agent under a trust indenture to which the authority is a party.

3. The executive director shall not have an interest in a bank or other financial institution in which the funds of the authority are deposited or which is acting as trustee or paying agent under a trust indenture to which the authority is a party. The executive director shall not receive, in addition to fixed salary or compensation, any money or valuable thing, either directly or indirectly, or through any substantial interest in any other corporation or business unit, for negotiating, procuring, recommending or aiding in any purchase or sale of property or loan made by the authority, nor shall the executive director be pecuniarily interested, either as principal, co-principal, agent or beneficiary, either directly or indirectly or through any substantial interest in any other corporation or business unit, in any purchase, sale or loan.

Sec. 27. NEW SECTION. EXEMPTION FROM COMPETITIVE BID LAWS. The authority and all contracts made by it in carrying out its public and essential governmental functions under sections fourteen (14) and fifteen (15) of this Act, shall be exempt from the laws of the state which provide for competitive bids in connection with such contracts.

Sec. 28. NEW SECTION. AGENCY. The authority shall make application to and receive from the secretary of agriculture of the United States, or any other proper federal official, pursuant and subject to the provisions of Pub. L. No. 499, 64 Stat. 152 (1950), (formerly codified 40 U.S.C. 440 et seq. (1976)) all of the trust assets held by the United States in trust for the Iowa rural rehabilitation corporation now dissolved.

Sec. 29. NEW SECTION. AGREEMENTS. The authority may enter into agreements with the secretary of agriculture of the United States pursuant to Pub. L. No. 499 s. 2(f) (1950) upon terms and conditions and for periods of time as mutually agreeable, authorizing the authority to accept, administer, expend and use in the state of Iowa all or any part of the trust assets or other funds in the state of Iowa which have been appropriated for use in carrying out the purposes of the Bankhead-Jones Farm Tenant Act and to do any

and all things necessary to effectuate and carry out the purposes of said agreements.

Sec. 30. NEW SECTION. ASSETS--ACCOUNT. The trust assets received under the application made pursuant to section twenty-eight (28) of this Act other than cash shall be taken on proper transfer or assignment from the department of social services to the authority and administered as provided in sections one (1) through thirty-two (32) of this Act. These funds may be used for any of the purposes of sections one (1) through thirty-two (32) of this Act, including but not limited to costs of administration and insuring or guaranteeing payment of all or a portion of loans made pursuant to sections one (1) through thirty-two (32) of this Act.

Sec. 31. NEW SECTION. PROGRAMS IN PROGRESS. The authority shall complete the administration of programs in progress on the effective date of this Act to the extent that funds were committed, obligations incurred or rights accrued prior to the effective date of this Act under the programs authorized under sections two hundred thirty-four point fifteen (234.15) through two hundred thirty-four point twenty (234.20) of the Code prior to the repeal of those sections by this Act. Moneys received under this section shall be deposited to the authority.

Sec. 32. NEW SECTION. LIABILITY. The United States, the authority and the secretary of agriculture of the United States shall be held free from liability by virtue of the transfer of the assets to the authority. The authority and persons acting in its behalf, while acting within the scope of their employment or agency, are not subject to personal liability resulting from carrying out their powers and duties under sections one (1) through thirty-two (32) of this Act.

Sec. 33. Section two hundred twenty point ten (220.10), subsection one (1), Code 1979, is amended to read as follows:

1. All moneys declared by the authority to be surplus moneys which are not required to service bonds and notes issued by the authority, to pay administrative expenses of the authority, or to accumulate necessary operating or loss reserves, shall be used by the authority to pay administrative expenses of or provide loans to the Iowa family farm development authority in connection with the programs authorized in the Iowa family farm development Act or to provide grants, subsidies, and services to lower income families and very low income families through any of the programs authorized in this chapter.

Sec. 34. Section two hundred twenty point eleven (220.11), Code 1979, is amended to read as follows:

220.11 COMBINATION PROGRAMS. Any programs authorized in this chapter may be combined with any other programs authorized in this chapter or in the Iowa family farm development Act in order to facilitate as far as practicable the provision of adequate housing to low and moderate income families.

Sec. 35. Section four hundred nineteen point one (419.1), subsection two (2), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eighty-nine (89), section one (1), and chapter ninety (90), section one (1), is amended to read as follows:

2. "Project" means all or any part of, or any interest in, (a) any land, buildings or improvements, whether or not in existence at the time of issuance of the bonds issued under authority of this chapter, which shall be suitable for the use of any voluntary nonprofit hospital, clinic or health care facility as defined in section 135C.1, subsection 4, or of any private college or university, or any state institution governed under chapter 262, whether for the establishment or maintenance of such college or university, or of any industry or industries for the manufacturing, processing or assembling of any agricultural or manufactured products, even though such processed products may require further treatment before delivery to the ultimate consumer, or of any commercial enterprise engaged in storing, warehousing or distributing products of agriculture, mining or industry including but not limited to barge facilities and river-front improvements useful and convenient for the handling and storage of goods and products, or of a national, regional or divisional headquarters facility of a company that does multistate business, or of a beginning businessperson for any purpose or (b) pollution control facilities which shall be suitable for use by any industry, commercial enterprise or utility. "Pollution control facilities" means any land, buildings, structures, equipment, pipes, pumps, dams, reservoirs, improvements, or other facilities useful for the purpose of reducing, preventing, or eliminating pollution of the water or air by reason of the operations of any industry, commercial enterprise or utility. "Improve", "improving" and "improvements" shall embrace any real property, personal property or mixed property of any and every kind that can be used or that will be useful in connection with a project, including, without limiting the generality of the foregoing, rights-of-way, roads, streets, sidings, trackage, foundations, tanks, structures, pipes, pipelines, reservoirs, utilities, materials, equipment, fixtures, machinery, furniture, furnishings, improvements, instrumentalities and other real, personal or mixed property of every kind, whether above or below ground level.

Sec. 36. Section four hundred nineteen point one (419.1), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eighty-nine (89), section one (1), and chapter ninety (90), section one (1), is amended by adding the following new subsection:

NEW SUBSECTION. "Beginning businessperson" means an individual with an aggregate net worth of the individual and the individual's spouse and children of less than one hundred thousand dollars. Net worth means total assets minus total liabilities as determined in accordance with generally accepted accounting principles.

Sec. 37. Section four hundred nineteen point two (419.2), subsection five (5), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eighty-nine (89), section two (2), and chapter ninety-one (91), section one (1), is amended to read as follows:

5. To issue revenue bonds for the purpose of defraying the cost of any project and to secure payment of such bonds as provided in this chapter. However, in the case of a project suitable for the use of a beginning businessperson, the bonds may not exceed the aggregate principal amount of five hundred thousand dollars.

Sec. 38. Section five hundred two point two hundred two (502.202), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred twenty (120), sections five (5) and six (6), is amended by adding the following new subsection:

NEW SUBSECTION. Any security issued by the Iowa family farm development authority under sections one (1) through thirty-two (32) of this Act.

Sec. 39. TRANSFER OF EXISTING ASSETS AND LIABILITIES. The trust assets and liabilities of the former Iowa rural rehabilitation corporation under the jurisdiction of the department of social services shall be transferred to the jurisdiction of the authority on the effective date of this Act. The authority shall be the successor in interest to the agreements in effect between the United States government and the department of social services on behalf of the state of Iowa on the effective date of this Act.

Sec. 40. Sections two hundred thirty-four point fifteen (234.15), through two hundred thirty-four point twenty (234.20), Code 1979, are repealed.

Approved May 23, 1980

CHAPTER 1051
SOYBEAN PROMOTION
S. F. 2238

AN ACT relating to the Iowa soybean promotion law by increasing the maximum soybean assessment, requiring the Iowa soybean promotion board to collect the statutory soybean assessment and to pay refunds, making the ex officio board members nonvoting, deleting certain references to the American soybean association and American soybean institute, and adding a new definition.

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

Section 1. Section one hundred eighty-five point one (185.1), subsections nine (9) and eleven (11), Code 1979, are amended to read as follows:

9. "Soybeans" means and includes all kinds of varieties of soybeans ~~grown in this state and~~ marketed or sold as soybeans by the producer.

11. "Assessment" means an excise tax on each bushel of soybeans ~~raised and sold~~ marketed in this state as provided in this chapter.

Sec. 2. Section one hundred eighty-five point one (185.1), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. "Marketed in this state" refers to a sale of soybeans to a first purchaser who is a resident of or doing business in this state where actual delivery of the soybeans occurs in this state.

Sec. 3. Section one hundred eighty-five point ten (185.10), Code 1979, is amended to read as follows:

185.10 EX OFFICIO MEMBERS. The secretary, the dean of the college of agriculture of Iowa State University of science and technology, and the director of the Iowa development commission, or their designees, and two representatives of first purchaser organizations shall serve on the board as nonvoting ex officio members. One each of the two first purchaser representatives shall be appointed by, and serve at the pleasure of, the Iowa grain and feed association and ~~the-farmers-grain-dealers-association-of-iowa agri-industries.~~

Sec. 4. Section one hundred eighty-five point thirteen (185.13), subsection four (4), Code 1979, is amended to read as follows:

4. Enter into arrangements for collection of the assessment on ~~iowa-grown soybeans from--persons--purchasing-soybeans-outside-of-iowa~~ marketed in this state.

Sec. 5. Section one hundred eighty-five point twenty-one (185.21), Code 1979, is amended to read as follows:

185.21 ASSESSMENT. The board shall set the assessment rate. Assessments pursuant to the promotional order shall be paid into the soybean promotion fund established in section 185.26. An assessment shall not exceed ~~one-half~~ one cent per bushel upon soybeans ~~produced~~ marketed in this state and sold to a first purchaser. The rate of assessment shall be determined by the board but shall not be changed, once established, during a marketing year.

Sec. 6. Chapter one hundred eighty-five (185), Code 1979, is amended by adding the following new section:

NEW SECTION. SPECIAL REFERENDUM. At any time prior to expiration of the four-year promotional order which commenced December 15, 1979 and upon the petition of one hundred producers, the secretary shall call a special referendum on the question whether an increase of the assessment above the statutory maximum of one-half cent per bushel in effect prior to July 1, 1980, shall be authorized. The special referendum shall be conducted as provided in this chapter for referendum elections and shall not affect the existence or length of the promotional order in effect. If a majority of the producers voting in the special referendum approve, the board may at the end of a marketing year increase the assessment to the amount approved in the special referendum, not to exceed one cent per bushel. This section is repealed effective December 15, 1983.

Sec. 7. Section one hundred eighty-five point twenty-three (185.23), Code 1979, is amended to read as follows:

185.23 DEDUCTION OF ASSESSMENT. The assessment shall be deducted from the purchase price of soybeans at the time of sale, and forwarded to the ~~secretary~~ board by the first purchaser in the manner and at intervals determined by the board.

Sec. 8. Section one hundred eighty-five point twenty-four (185.24), Code 1979, is amended to read as follows:

185.24 CANCELLATION OF ORDER. If a promotional order has been canceled by a referendum, and all funds expended, the board shall cease to function. Any funds remaining one year following the termination of a promotional order shall be disbursed by the board to the Iowa soybean association, ~~-American soybean-association,-or-the-American-soybean-institute-for-market-development~~

activities. However, if a future referendum passes, the board shall be reorganized by the secretary and members shall serve out their terms as though there had been no lapse of time between effective orders.

Sec. 9. Section one hundred eighty-five point twenty-six (185.26), Code 1979, is amended to read as follows:

185.26 DEPOSIT OF FUNDS. Assessments collected by the ~~secretary~~ board from a sale of soybeans shall be deposited in the office of the treasurer of state together with any gifts, or any federal or state grant as may be received by the board, and placed in a special fund to be known as the soybean promotion fund. Moneys collected shall be subject to audit by the auditor of state. From moneys collected, the board shall first pay the costs of referendums, elections and other expenses incurred in the administration of this chapter, and thereafter moneys may be expended for the purpose of market development. The fund shall be subject at all times to warrants by the state comptroller, drawn upon the written requisition of the chairman of the board and attested to by the secretary of the board.

Sec. 10. Section one hundred eighty-five point twenty-seven (185.27), Code 1979, is amended to read as follows:

185.27 REFUND OF ASSESSMENT. A producer who has sold soybeans and had an assessment deducted from the sale price may, by application in writing to the ~~secretary~~ board, secure a refund in the amount deducted. The refund shall be payable only when the application shall have been made to the ~~secretary~~ board within sixty days after the deduction. Application forms shall be given by the board to each first purchaser when requested and the first purchaser shall make the applications available to any producer. Each application for refund by a producer shall have attached thereto proof of assessment deducted. The proof of assessment may be in the form of a duplicate or certified copy of the purchase invoice by the first purchaser. The ~~secretary~~ board shall have thirty days from the date the application for refund is received to remit the refund to the producer.

Sec. 11. Section one hundred eighty-five point twenty-nine (185.29), Code 1979, is amended to read as follows:

185.29 REMISSION OF EXCESS FUNDS. After the costs of elections, referendum, necessary board expenses and administrative costs have been paid, at least seventy-five percent of the remaining funds in the soybean promotion fund shall be ~~remitted to such organizations as the Iowa Soybean Association and the American Soybean Association~~ expended for market development activities to include developing and expanding new markets for soybeans and soybean products worldwide. The funds can only be used for research, promotion, and education in co-operation with agencies who are equipped to do this kind of work.

~~Notwithstanding the provisions of this section, not more than three hundred thousand dollars of the funds in the soybean promotion fund may be made available for relocating the American Soybean Association within the state of Iowa.~~

Sec. 12. Section one hundred eighty-five point thirty-two (185.32), Code 1979, is amended to read as follows:

185.32 FIRST PURCHASER INFORMATION. Every first purchaser shall upon request furnish the secretary with such information as is necessary to enable the secretary and the board to carry out the provisions of this chapter. Such information shall be provided as prescribed by the secretary. The secretary may examine any records relating to the purchase, sale, storage, processing, handling, or assessment of soybeans by any first purchaser. The secretary may hold hearings, take testimony, administer oaths, subpoena witnesses, and issue subpoenas as may be necessary ~~to carry out the provisions~~ for the proper administration of this chapter.

Sec. 13. Section one hundred eighty-five point thirty-three (185.33), Code 1979, is amended to read as follows:

185.33 ANNUAL REPORT. The secretary board shall make an annual report to the secretary on or before November 1 of each year, showing all income and expenses and other relevant information concerning assessments collected and expended under the provisions of this chapter.

Approved May 22, 1980

CHAPTER 1052
IOWA CORN PROMOTION BOARD
S. F. 2183

AN ACT providing that the Iowa corn promotion board shall collect the assessment on corn marketed in this state and make refunds, and adding a new definition.

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

Section 1. Section one hundred eighty-five C point one (185C.1), subsections nine (9) and eleven (11), Code 1979, are amended to read as follows:

9. "Corn" means and includes all kinds of varieties of corn ~~grown in this state and~~ marketed or sold as corn by the producer but shall not include sweet corn, or popcorn or seed corn.

11. "Assessment" means an excise tax on each bushel of corn ~~raised and sold~~ marketed in this state as provided in this chapter.

Sec. 2. Section one hundred eighty-five C point one (185C.1), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. 12. "Marketed in this state" refers to a sale of corn to a first purchaser who is a resident of or doing business in this state where actual delivery of the corn occurs in this state.

Sec. 3. Section one hundred eighty-five C point ten (185C.10), Code 1979, is amended to read as follows:

185C.10 EX OFFICIO MEMBERS. The secretary, the dean of the college of agriculture of Iowa State University of science and technology, and the

director of the Iowa development commission, or their designees, and two representatives of first purchaser organizations shall serve on the board as ex officio members. One each of the two first purchaser representatives shall be appointed by, and serve at the pleasure of, the Iowa grain and feed association and ~~the--farmers--grain--dealers--association--of--Iowa~~ agri-
industries.

Sec. 4. Section one hundred eighty-five C point thirteen (185C.13), subsection four (4), Code 1979, is amended to read as follows:

4. Enter into arrangements for collection of the assessment on ~~Iowa-grown~~
~~corn from persons purchasing corn outside of Iowa~~ marketed in this state.

Sec. 5. Section one hundred eighty-five C point twenty-one (185C.21), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter forty-nine (49), section one (1), is amended to read as follows:

185C.21 ASSESSMENT. The board shall set the assessment rate. Assessments pursuant to the promotional order shall be paid into the corn promotion fund established in section 185C.26. An assessment shall not exceed one-quarter of one cent per bushel upon corn ~~produced~~ marketed in this state ~~and sold to a first purchaser.~~ The rate of assessment shall be determined by the board but shall not be changed, once established, during a marketing year.

Sec. 6. Section one hundred eighty-five C point twenty-three (185C.23), Code 1979, is amended to read as follows:

185C.23 DEDUCTION OF ASSESSMENT. The assessment shall be deducted from the purchase price of corn at the time of sale, and forwarded to the ~~secretary board~~ secretary board by the first purchaser in the manner and at intervals determined by the board.

Sec. 7. Section one hundred eighty-five C point twenty-six (185C.26), Code 1979, is amended to read as follows:

185C.26 DEPOSIT OF FUNDS. Assessments collected by the ~~secretary board~~ secretary board from a sale of corn shall be deposited in the office of the treasurer of state together with any gifts, or any federal or state grant as may be received by the board, and placed in a special fund to be known as the corn promotion fund. Moneys collected shall be subject to audit by the auditor of state. From moneys collected, the board shall first pay all the direct and indirect costs incurred by the secretary and the costs of referendums, elections and other expenses incurred in the administration of this chapter, and thereafter moneys may be expended for the purpose of market development. The fund shall be subject at all times to warrants by the state comptroller, drawn upon the written requisition of the ~~chairman~~ chairperson of the board and attested to by the secretary of the board.

Sec. 8. Section one hundred eighty-five C point twenty-seven (185C.27), Code 1979, is amended to read as follows:

185C.27 REFUND OF ASSESSMENT. A producer who has sold corn and had an assessment deducted from the sale price may, by application in writing to the ~~secretary board~~ secretary board, secure a refund in the amount deducted. The refund shall be payable only when the application shall have been made to the ~~secretary board~~ secretary board within sixty days after the deduction. Application forms shall be given by

the board to each first purchaser when requested and the first purchaser shall make the applications available to any producer. Each application for refund by a producer shall have attached thereto proof of assessment deducted. The proof of assessment may be in the form of a duplicate or certified copy of the purchase invoice by the first purchaser. The secretary board shall have thirty days from the date the application for refund is received to remit the refund to the producer.

Sec. 9. Section one hundred eighty-five C point thirty-two (185C.32), Code 1979, is amended to read as follows:

185C.32 FIRST PURCHASER INFORMATION. Every first purchaser shall upon request furnish the secretary with such information as is necessary to enable the secretary and the board to carry out the provisions of this chapter. Such information shall be provided as prescribed by the secretary. The secretary may examine any records relating to the purchase or assessment of corn by any first purchaser. The secretary may hold hearings, take testimony, administer oaths, subpoena witnesses, and issue subpoenas as may be necessary ~~to carry out the provisions for the proper administration of~~ this chapter. When requested by the board, the secretary shall employ these powers in the manner requested.

Sec. 10. Section one hundred eighty-five C point thirty-three (185C.33), Code 1979, is amended to read as follows:

185C.33 ANNUAL REPORT. The secretary board shall make an annual report to the secretary on or before December 1 of each year, showing all income and expenses and other relevant information concerning assessments collected and expended under the provisions of this chapter.

Approved April 21, 1980

CHAPTER 1053

SALE OF EGGS

H. F. 225

AN ACT relating to the licensing and regulations of the sale of eggs.

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

Section 1. Section one hundred ninety-six point one (196.1), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. "Consumer" means a person who buys eggs for personal consumption.

Sec. 2. Section one hundred ninety-six point one (196.1), subsection two (2), Code 1979, is amended to read as follows:

2. "Egg handler" or "handler" means a person who buys or sells eggs, or uses eggs in the preparation of human food. "Egg handler" or "handler" does not include a retailer, a consumer, an ~~institution~~ establishment, or a producer who sells eggs as provided in section 196.4.

Sec. 3. Section one hundred ninety-six point one (196.1), subsection five (5), Code 1979, is amended to read as follows:

5. "Establishment" means any place in which eggs are offered or sold as human food for consumption by its employees, students, patrons, customers, residents, inmates or patients or as an ingredient in food offered or sold in a form ready for immediate consumption.

Sec. 4. Section one hundred ninety-six point one (196.1), subsection seven (7), Code 1979, is amended to read as follows:

7. "Grading" means classifying each shell egg by weight and grading in accordance with egg grading standards approved by the United States government as of July 1, 1976 1979, pursuant to the Agricultural Marketing Act of 1946, 7 U.S.C. ss. 1621 et. seq.

Sec. 5. Section one hundred ninety-six point two (196.2), Code 1979, is amended to read as follows:

196.2 ENFORCEMENT. The secretary shall enforce the provisions of this chapter, and may make rules pursuant to chapter 17A and consistent with regulations of the United States government as they exist on July 1, 1976 1979, pursuant to the Agricultural Marketing Act of 1946, 7 U.S.C. ss. 1621 et. seq., and the Egg Products Inspection Act of 1970, 21 U.S.C. ss. 1044 et. seq.

Sec. 6. Section one hundred ninety-six point three (196.3), Code 1979, is amended to read as follows:

196.3 EGG HANDLER'S LICENSE AND FEE. Every egg handler shall obtain an annual license from the department. The fee for the license shall be determined on the basis of the total number of eggs purchased and or handled during the preceding month of April in each calendar year as follows:

1. Less than one hundred twenty-five cases.....	\$12-50 <u>15.00</u>
2. One hundred twenty-five cases or more but less than two hundred fifty cases.....	\$25-00 <u>35.00</u>
3. Two hundred fifty cases or more but less than one thousand cases.....	\$37-50 <u>50.00</u>
4. One thousand cases or more <u>but less than five thousand cases</u>	\$50-00 <u>100.00</u>
5. <u>Five thousand cases or more but less than ten thousand cases</u>	<u>\$175.00</u>
6. <u>Ten thousand cases or more</u>	<u>\$250.00</u>

The license shall expire one year after its date of issue. For the purpose of determining fees, a case shall be thirty dozen eggs. All fees collected shall be remitted to the treasurer of state for deposit in the general fund of the state.

If an egg handler is not operating during the month of April, the department shall estimate the volume of eggs purchased or handled, or both, and may revise the fee based on three months of operation.

Sec. 7. Section one hundred ninety-six point four (196.4), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Producers who sell eggs produced exclusively by their own flocks directly to handlers, or to consumers, shall not be required to ~~obtain-a-handler's-and-grader's--license~~ demonstrate to the department or the United States

department of agriculture inspector their capability to perform candling and grading.

Sec. 8. Section one hundred ninety-six point five (196.5), Code 1979, is amended to read as follows:

196.5 CANDLEING AND GRADING LICENSE CAPABILITY. A Each person who candles and grades eggs shall ~~obtain--a--candler--and--grader--license--from--the--department--The--license--fee--shall--be--three--dollars--per--year--for--such--person--Before--a--license--is--issued--each--person--who--is--engaged--in--candling--and--grading--shall~~ demonstrate to the satisfaction of the department or the United States department of agriculture inspector, the capability to perform candling and grading.

~~With--the--approval--of--the--secretary--persons--candling--and--grading--eggs--may--be--appointed--for--a--period--of--not--more--than--fourteen--days--pending--licensing--by--the--department--if--during--this--period--the--employer--of--the--temporary--candler--and--grader--will--be--responsible--for--his--or--her--work--while--acting--in--the--capacity--of--candler--or--grader.~~

Sec. 9. Section one hundred ninety-six point eight (196.8), Code 1979, is amended to read as follows:

196.8 QUALITY. All eggs offered for sale to an establishment must be no lower than United States department of agriculture consumer grade "B". Retailers selling eggs at retail must hold eggs at a temperature not to exceed sixty degrees fahrenheit or sixteen degrees celsius.

Sec. 10. Section one hundred ninety-six point nine (196.9), Code 1979, is amended to read as follows:

196.9 EGGS UNFIT AS HUMAN FOOD. Eggs determined to be unfit for human food under title 21, section ~~1031~~ 1034 of the United States Code as amended to July 1, ~~1976~~ 1979, shall not be bought or sold or offered for purchase or sale by any person unless the eggs are denatured so that they cannot be used for human food.

Approved April 21, 1980

CHAPTER 1054
WEIGHING AND MEASURING DEVICES
S. F. 446

AN ACT relating to weighing and measuring by granting the department of agriculture the authority to promulgate rules to implement chapters two hundred fourteen (214) and two hundred fifteen (215) and enforce its regulations, by defining various weighing and measuring devices and providing related definitions, relating to persons who service weighing and measuring devices, relating to weighing and measuring devices and procedures used in the transportation of commodities, relating to measuring devices used in the retail sale of motor vehicle fuel, and relating to weighing regulations in the sale of animal carcasses.

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

Section 1. Chapter two hundred fourteen (214), Code 1979, is amended by adding the following new section:

NEW SECTION. RULES. The department of agriculture may promulgate rules pursuant to chapter seventeen A (17A) of the Code as necessary to promptly and effectively enforce the provisions of this chapter.

Sec. 2. Chapter two hundred fourteen (214), Code 1979, is amended by adding the following new section:

NEW SECTION. HALF PRICING OF MOTOR VEHICLE FUEL. A motor vehicle fuel pump at a retail service station may record the price per half gallon of fuel dispensed when the price per gallon exceeds ninety-nine and nine-tenths cents per gallon and if the following conditions are met:

1. All pumps at the service station shall be uniform in the method of computing the price of motor vehicle fuel.
2. Signs at the service station visible from the street shall display only the full gallon price.
3. The price per gallon shall be displayed in a conspicuous place near or on the pump.
4. A large and conspicuous window or street sign shall be posted indicating that the pumps register half gallon prices.
5. The service station shall comply with rules that the secretary of agriculture may adopt imposing additional requirements on the size and location of notices relating to half gallon pricing.

All motor vehicle fuel sold by the gallon at retail service stations shall be priced at the pump by the gallon, by the half gallon, or by any other method of pricing approved by the department of agriculture by rule-making pursuant to chapter seventeen A (17A) of the Code. Any other method of pricing is prohibited.

Sec. 3. Chapter two hundred fourteen (214), Code 1979, is amended by adding the following new section:

NEW SECTION. MOTOR VEHICLE FUEL PUMP PRICING LABELS. A retail dealer selling motor vehicle fuel may use pricing labels on the face of any existing motor vehicle fuel pump for the purpose of providing the pump with the capability of measuring and recording sales of motor vehicle fuel priced in excess of ninety-nine and nine-tenths cents per gallon. However, such pricing labels shall consist only of half-price pump postings or one-tenth calibrated pricing labels providing the consumer with a view of an added zero digit equal in size to the adjoining price digits on the price display face of the existing motor vehicle fuel pump, to which the added zero digit is attached, or any other pricing labels approved by the department of agriculture by rule-making pursuant to chapter seventeen A (17A) of the Code.

Sec. 4. Section two hundred fourteen point one (214.1), Code 1979, is amended by adding the following new subsections:

NEW SUBSECTION. "Retail dealer" means retail dealer as defined in section two hundred fourteen A point one (214A.1), subsection three (3), of the Code.

NEW SUBSECTION. "Motor vehicle fuel" means motor vehicle fuel as defined in section two hundred fourteen A point one (214A.1), subsection one (1), of the Code.

NEW SUBSECTION. "Existing motor vehicle fuel pump" shall mean any pump, meter, or similar measuring device, existing on the effective date of this Act, with the capability of measuring and recording sales of motor vehicle fuel not priced in excess of ninety-nine and nine-tenths cents per gallon.

NEW SUBSECTION. "One tenth calibrated pricing labels" shall mean pricing labels which, when applied to an existing motor vehicle fuel pump face, cause increases by multiples of ten in the amounts shown on the price display face and the price per gallon display face of any such pump.

NEW SUBSECTION. "Added zero digit" shall mean a pricing label bearing the digit "zero" which is secured to the pump face of any existing motor vehicle fuel pump immediately adjacent to the penny wheel on the price display face of such pump.

Sec. 5. Chapter two hundred fifteen (215), Code 1979, is amended by adding the following new section:

NEW SECTION. DEFINITIONS. As used in this chapter:

1. "Commercial weighing and measuring device" means a weight or measure or weighing or measuring device used to establish size, quantity, area or other quantitative measurement of a commodity sold by weight or measurement, or where the price to be paid for producing the commodity is based upon the weight or measurement of the commodity. The term includes an accessory attached to or used in connection with a commercial weighing or measuring device when the accessory is so designed or installed that its operation may affect the accuracy of the device.

2. "Servicer" means an individual employed by a service agency who installs, services or repairs a commercial weighing or measuring device for hire, commission or salary.

3. "Service agency" means an individual, firm or corporation which holds itself out to the public as having servicers available to install, service or repair a weighing or measuring device for hire.

4. "Packer" means a person engaged in the business of any of the following:

- a. Buying livestock in commerce for purposes of slaughter;
- b. Manufacturing or preparing meats or meat food products for sale or shipment in commerce;
- c. Marketing meats, meat food products, or livestock products in an unmanufactured form acting as a wholesale broker, dealer, or distributor in commerce.

Sec. 6. Chapter two hundred fifteen (215), Code 1979, is amended by adding the following new section:

NEW SECTION. INDIVIDUAL CARCASS WEIGHTS. With payment for each purchase of livestock except poultry bought on a carcass weight or grade and yield basis, each packer shall provide the seller with one statement displaying the individual carcass weights of all the animals sold.

Sec. 7. Chapter two hundred fifteen (215), Code 1979, is amended by adding the following new section:

NEW SECTION. PACKER-MONORAIL SCALE. The speed of a monorail scale operation used by a packer shall not exceed the manufacturer's recommendation or specifications for accurate weighing under normal, in-use operating conditions. The operational speed shall be permanently marked on the indicating element. Adequate measures shall be provided whereby testing and inspections can be conducted under normal in-use conditions. Tare weights for trolleys or gambles* shall be registered with the department. The registered tare adjustment on the indicating element shall be sealed or pinned.

Sec. 8. Chapter two hundred fifteen (215), Code 1979, is amended by adding the following new section:

NEW SECTION. SERVICER'S LICENSE. A servicer shall not install, service or repair a commercial weighing or measuring device until the servicer has demonstrated that he or she has available adequate testing equipment, and that he or she possesses a working knowledge of all devices he or she intends to install or repair and of all appropriate weights, measures, statutes and rules, as evidenced by passing a qualifying examination to be conducted by the department and obtaining a license. The secretary of agriculture shall establish by rule pursuant to chapter seventeen A (17A) of the Code, requirements for and contents of the examination. In determining these qualifications, the secretary shall consider the specifications of the national bureau of standards, handbook forty-four, "specifications, tolerances, and technical requirements for commercial weighing and measuring devices". The secretary shall require an annual license fee of not more than five dollars for each license. Each license shall expire one year from date of issuance.

Sec. 9. Chapter two hundred fifteen (215), Code 1979, is amended by adding the following new section:

NEW SECTION. RULES. The department of agriculture may promulgate rules pursuant to chapter seventeen A (17A) of the Code as necessary to promptly and effectively enforce the provisions of this chapter.

*According to enrolled Act

Sec. 10. Chapter two hundred fifteen (215), Code 1979, is amended by adding the following new section:

NEW SECTION. RAILROAD TRACK SCALES. The department of agriculture shall inspect the railroad track scales referred to in section three hundred twenty-seven D point one hundred twenty-seven (327D.127) of the Code. The department may adopt rules establishing standards for the scales. The rules may include but are not limited to safety standards, accuracy and the style and content of forms and certificates to be used for weighing.

Sec. 11. Section two hundred fifteen point one (215.1), Code 1979, is amended to read as follows:

215.1 DUTY TO INSPECT. The department shall ~~make an inspection of~~ regularly inspect all ~~weights and measures wherever the same are kept for use in connection with the sale of any commodity sold by weight or measurement, or where the price to be paid for producing any commodity is based upon the weight or measurement thereof,~~ commercial weighing and measuring devices, and when complaint is made to the department that any false or incorrect weights or measures are being made ~~under said conditions, said,~~ the department shall ~~have the same inspected~~ inspect the commercial weighing and measuring devices which caused the complaint.

Sec. 12. Section two hundred fifteen point ten (215.10), Code 1979, is amended to read as follows:

215.10 INSTALLATION OF NEW SCALES. It shall be unlawful to install a ~~livestock or truck scale or a hopper scale,~~ used for commercial purposes in this state, unless said the scale is so installed that ~~the same~~ it is easily accessible for inspection and testing by equipment of the state department of agriculture and with due regard to the scale's size and capacity ~~thereof.~~ Every scale manufacturer or dealer shall, upon selling a scale of the above types in Iowa, submit to the department of agriculture upon forms provided by ~~said the~~ the department, the make, capacity of the scale, the date of sale, and the date and location of its installation.

Sec. 13. Section two hundred fifteen point fourteen (215.14), Code 1979, is amended to read as follows:

215.14 APPROVAL BY DEPARTMENT--ELECTRONIC SCALES. No scale known in the commercial field as a railroad, truck or livestock scale shall be installed in the state of Iowa without first being approved by the state department of agriculture. ~~Said The~~ The approval being shall be based upon the recommendations of the U. S. bureau of standards. All motor truck scales, livestock scales, and grain dump scales, hereafter installed and regardless of capacity shall have a clearance of not less than four feet from the finished floor line of scale pit to the bottom of the "I" beam of the scale bridge, except an electronic scale may be installed in a building and ~~said the~~ the scale shall be placed on concrete footings with concrete floor. ~~Said The~~ The specifications for ~~same to~~ these scales shall be furnished by the scale manufacturer after approval by the state department of agriculture. ~~Said The~~ The approval to shall be based upon the recommendation of the U. S. bureau of standards.

Sec. 14. Section two hundred fifteen point nineteen (215.19), Code 1979, is amended to read as follows:

215.19 AUTOMATIC RECORDERS ON SCALES. ~~All-meter-truck-scales, livestock scales, grain-dump-scales, and combination-truck-and-railroad-track~~ Except for scales used by packers slaughtering fewer than one hundred twenty head of livestock per day, all scales with a capacity over five hundred pounds, which are used for commercial purposes in the state of Iowa, except-meter-truck scales--used--solely--in--the--weighing--of---construction---aggregates---and agricultural--limestone, and installed after January 1, 1981, shall be equipped with either a type-registering weigh beam, a dial with a mechanical ticket printer, an automatic weight recorder, or some similar device which shall be used for printing or stamping the weight values on scale tickets.

Sec. 15. Section two hundred fifteen A point three (215A.3), Code 1979, is amended to read as follows:

215A.3 RULES ADOPTED--HEARING. The department is hereby charged with the enforcement of this chapter and, after due publicity and due public hearing, is empowered to establish rules, regulations, specifications, standards, and tests as may-be necessary in order to secure the efficient administration of this chapter. Publicity concerning the public hearing shall be reasonably calculated to give interested parties adequate notice and adequate opportunity to be heard. In establishing such rules, regulations, specifications, standards, and tests the department may use ~~such~~ the specifications and tolerances established in section 215.18, ~~or--these and shall use the~~ specifications and tolerances established by the United States department of agriculture, ~~until-established-by-the-United-States--bureau--of standards as of November 15, 1971, in chapter XII of GR instruction 916-6,~~ equipment manual, used by the federal grain inspection service. The department may from time to time publish such data in connection with the administration of this chapter as may be of public interest.

Sec. 16. Section three hundred twenty-seven D point one hundred twenty-seven (327D.127), Code 1979, is amended to read as follows:

327D.127 ~~BULK--COMMODITIES--IN--CAR--LOTS~~ RAILROAD TRACK SCALES--WEIGHING--FEE. Every ~~person-engaged-in-operating-any~~ railroad corporation operating within the state and having track scales shall maintain the scales in good order, ~~track-scales~~ and of sufficient capacity to weigh ~~all~~ carloads of bulk commodities ~~which-the-department-may-specify-that-may-be~~ transported over the railroad, ~~and.~~ The railroad shall weigh ~~the--same~~ car lots of bulk commodities at the request of any owner, consignor, or consignee of such commodities, and furnish written certificates of ~~such~~ the weights to ~~such~~ the owner, consignor, or consignee. A reasonable charge may be made for such requested weighing.

Sec. 17. Section three hundred twenty-seven D point one hundred twenty-eight (327D.128), Code 1979, is amended to read as follows:

327D.128 ~~COMMODITY~~ WEIGHING--DISAGREEMENT. If a railroad corporation and the owner, consignor, or consignee of car lots of bulk commodities ~~which-are specified-by-the-department~~ cannot reach agreement relative to the weighing of ~~such~~ the commodities, appeal may be made to the board ~~which-shall.~~ The board, after a hearing, shall issue ~~such an~~ order ~~as-may-be~~ equitable to all parties, ~~---The--order-may-include,~~ including but not be limited to allocation of ~~installation costs and other-costs~~ and specification of the place and

manner of weighing. ~~The board may adopt rules for the administration of this section.~~

Sec. 18. Section three hundred twenty-seven D point one hundred twenty-nine (327D.129), Code 1979, is amended to read as follows:

327D.129 WEIGHT AT DESTINATION--FEE. ~~Such--bulk~~ Bulk commodities ~~designated by the department~~ shall be weighed at the destination upon request of the consignee when there are track scales at ~~such point~~ the destination. If the destination is not equipped with track scales at such point, then the weighing shall be done at the nearest practicable point agreed to by both parties. ~~A reasonable charge may be made for such weighing on request.~~

Sec. 19. Section three hundred twenty-seven D point one hundred thirty (327D.130), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

327D.130 WEIGHING COMMODITIES. A scale ticket printed or stamped by automatic recorders pursuant to section two hundred fifteen point nineteen (215.19) of the Code, shall be furnished to the consignee. Settlement of freight charges shall be based upon those weights, but weight shall not be warranted for any other commercial purpose unless so stated upon the face of the scale ticket.

Sec. 20. This Act, except section two (2) relating to the half pricing of motor vehicle fuel, section three (3) relating to motor vehicle fuel pump pricing labels, section four (4) relating to definitions for chapter two hundred fourteen (214) of the Code, and section fourteen (14) relating to automatic recorders on scales, is effective January first following its enactment. Sections two (2), three (3) and four (4) of this Act are effective July first following its enactment and are repealed January 1, 1985. Section fourteen (14) of this Act is effective July 1, 1981.

Approved April 21, 1980

CHAPTER 1055

FURLONGHS FROM CORRECTIONAL INSTITUTION

H. F. 2277

AN ACT relating to the furlough of misdemeanants and class "A" felons sentenced to and confined in an institution under the jurisdiction 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 fourteen (217.14), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The commissioner of social services may establish ~~for any inmate sentenced pursuant to section 902-3~~ 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. However, a class "A" felon shall not be eligible for furlough unless his or her sentence has been commuted to a term of years and unless the parole board recommends the commencement of gradual release. 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.

Approved May 22, 1980

CHAPTER 1056
PENAL AND CORRECTIONAL INSTITUTIONS

H. F. 2490

AN ACT relating to emergency repairs and the purchase of materials and equipment affecting the security of a state penal or correctional institution.

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

Section 1. Chapter two hundred eighteen (218), Code 1979, is amended by adding the following new section:

NEW SECTION. EMERGENCY PURCHASES. The purchase of materials or equipment for penal or correctional institutions under the division of adult corrections is exempted from the requirements of centralized purchasing and bidding by the department of general services if the materials or equipment are needed to make an emergency repair at an institution or the security of the institution would be jeopardized because the materials or equipment could not be purchased soon enough through centralized purchasing and bidding and, in either case, if the commissioner of social services approves the emergency purchase.

Approved May 1, 1980

CHAPTER 1057
STATE TRAINING SCHOOLS
H. F. 744

AN ACT to change the names of the Iowa training school for boys and the Iowa training school for girls.

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

Section 1. Section two hundred eighteen point one (218.1), subsections eight (8) and nine (9), Code 1979, are amended to read as follows:

8. Eldora Training School ~~for-Boys~~.
9. Mitchellville Training School ~~for-Girls~~.

Sec. 2. Section two hundred eighteen point three (218.3), subsection one (1), Code 1979, is amended to read as follows:

1. The director of the division of child and family services of the department of social services shall have primary authority and responsibility relative to the following ~~said~~ institutions: Iowa veterans home, the Mitchellville training school ~~for-girls~~, the Eldora training school ~~for-boys~~ and the Iowa juvenile home.

Sec. 3. Section two hundred eighteen point nine (218.9), unnumbered paragraph three (3), Code 1979, is amended to read as follows:

The director of the division of child and family services of the department of social services, subject to the approval of the commissioner of such department shall appoint the superintendents of the juvenile home, the Eldora training school ~~for-boys~~, the Mitchellville training school ~~for-girls~~ and the commandant of the veterans home.

Sec. 4. Section two hundred eighteen point ninety-one (218.91), Code 1979, is amended to read as follows:

218.91 BOYS TRANSFERRED FROM TRAINING SCHOOL TO REFORMATORY. The director of the division of child and family services with the consent and approval of the director of the division of corrections of the department of social services may order the transfer of male inmates of the Eldora or Mitchellville training ~~school-for-boys~~ schools to the men's reformatory for custodial care whenever it is determined that such action will be conducive to the welfare of the other inmates of the school---~~such~~ from which the transfer is made. The transfer shall be effected by application in writing to the district court, or any judge thereof, of the county in which the ~~said~~ training school is situated. Upon the granting of the order of transfer, the transfer shall take place. The county attorney of the ~~said~~ county shall appear in support of ~~such~~ the application. The cost of the transfer shall be paid from the funds of the training school ~~for-boys~~ from which the transfer is made. Subsequent to a transfer made under this section, the person transferred shall be subject to all the provisions of law and regulations of the institution to which he is transferred, and for the purposes of section

719.4 ~~such~~ that person shall be regarded as having been committed to the institution.

Sec. 5. Section two hundred forty-two point one (242.1), Code 1979, is amended to read as follows:

242.1 OFFICIAL DESIGNATION. The state training school at Eldora shall be known as the "~~Iowa Eldora~~ Training School ~~for-Boys~~". The state training school at Mitchellville shall be known as the "~~Iowa Mitchellville~~ Training School ~~for--Girls~~". For the purpose of this chapter the word "director" or "state director" shall mean the director of the division of child and family services of the department of social services.

Sec. 6. Section two hundred forty-two point six (242.6), Code 1979, is amended to read as follows:

242.6 CONVICTION FOR CRIME. When a boy or girl over twelve and under seventeen years of age, of sound mind, is found guilty in the district court of any crime except murder, the court may order the child sent to the Eldora or Mitchellville state training school ~~for-boys, or-for-girls, as-the-case may-be.~~

Sec. 7. Section two hundred forty-two point fifteen (242.15), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The state director may detail boys and girls, classed as trustworthy, from the ~~Iowa~~ training schools ~~for-boys~~ at Eldora and ~~the-Iowa-training-school-for-girls~~ at Mitchellville, to perform services for the state conservation commission within the state parks, state game and forest areas and other lands under the jurisdiction of said commission. The conservation commission shall provide ~~such~~ permanent housing and work guidance supervision, but the care and custody of ~~said~~ the boys and girls so detailed shall remain under employees of the division of child and family services of the department of social services. All such programs shall have as their primary purpose and shall provide for inculcation or the activation of attitudes, skills and habit patterns which will be conducive to the habilitation of ~~said~~ the youths involved.

Sec. 8. Section two hundred forty-five point five (245.5), Code 1979, is amended to read as follows:

245.5 OPTIONAL COMMITMENTS FOR LIFE. Any unmarried female over ten and under eighteen years of age convicted of an offense punishable by life imprisonment may be committed either to one of the Iowa training school-for-girls schools at Eldora or Mitchellville or to the women's reformatory.

Sec. 9. Section two hundred forty-five point ten (245.10), Code 1979, is amended to read as follows:

245.10 TRANSFER OF INMATES--COSTS. The state director in ~~co-operation~~ cooperation with the commissioner of the department of social services and the directors of the other divisions of the department of social services may transfer inmates from the said reformatory to the Eldora or Mitchellville training school ~~for-girls~~, and from ~~such~~ either training school to ~~such~~ the reformatory, whenever such course will be conducive to the welfare of the institution or of the other inmates therein, or of the inmates so transferred. The costs of such transfer shall be paid from the funds of the institution from which the transfer is made.

Sec. 10. Section two hundred forty-five point eleven (245.11), Code 1979, is amended to read as follows:

245.11 EFFECT OF TRANSFER. After a transfer to either institution is made, under section 245.10, the person transferred shall be subject to all the provisions of law and regulations of the institution to which she is transferred, and for the purposes of section 719.4, a person transferred from the training school ~~for--girls~~ at Eldora or Mitchellville to the women's reformatory shall be regarded as having been committed thereto.

Sec. 11. Section six hundred ninety point four (690.4), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

It shall be the duty of the wardens of the penitentiary and men's reformatory, and superintendents of the women's reformatory, the ~~Iowa~~ Eldora training school ~~for--boys~~, and the ~~Iowa~~ Mitchellville training school ~~for girls~~, to take or procure the taking of the fingerprints, and, in the case of the penitentiary, men's reformatory, and women's reformatory only, Bertillon photographs of any person received on commitment to their respective institutions, and to forward such fingerprint records and photographs within ten days after the same are taken to the division of criminal investigation and bureau of identification, Iowa department of public safety, and to the federal bureau of investigation.

Sec. 12. This Act is effective January first following its enactment.

Approved March 6, 1980

CHAPTER 1058

SOCIAL SERVICE EMPLOYEES RESIDENCY

S. F. 2285

AN ACT to repeal the state residency requirement for employees of the department of social services.

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

Section 1. Section two hundred eighteen point ten (218.10), Code 1979, is amended to read as follows:

218.10 SUBORDINATE OFFICERS AND EMPLOYEES. The division director in charge of a particular institution, with the consent and approval of the commissioner of the department of social services, shall determine the number and compensation of subordinate officers and employees for each institution. Subject to the provisions of this chapter, such officers and employees shall be appointed and discharged by the chief executive officer or business manager. Such officer shall keep, in the record of each subordinate officer and employee, the date of employment, the compensation, and the date of each discharge, and the reasons therefor. ~~All--of--these--employees,--except physicians-and-surgeons,--shall-be-bona-fide-residents--and--citizens--of--the~~

~~state--of--Iowa-at-the-time-of-employment---An-exception-to-this-provision-of residence-may-be-granted-by-such-division-director-for-the--sole--purpose--of securing--professional--and/or--scientific-services-which-are-unavailable-from among-the-citizens-of-the-state-of-Iowa-~~

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in the Dallas County News, a newspaper published in Adel, Iowa, and in the Evening Democrat, a newspaper published in Fort Madison, Iowa.

Approved April 21, 1980

I hereby certify that the foregoing Act, Senate File 2285, was published in the Dallas County News, Adel, Iowa on April 30, 1980, and in the Evening Democrat, Fort Madison, Iowa on April 28, 1980.

J. HERMAN SCHWEIKER, *Deputy Secretary of State*

CHAPTER 1059

SOCIAL SERVICES INSTITUTION HEADS — HOUSING AND SERVICES

H. F. 2245

AN ACT relating to the supplying of dwelling houses, quarters, utilities, provisions and other goods and services for executive heads, assistant executive heads and employees of institutions under the department of social services.

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

Section 1. Section two hundred eighteen point fourteen (218.14), Code 1979, is amended to read as follows:

218.14 DWELLING HOUSE ~~AND--PROVISIONS~~. The division director having control over any state institution ~~shall~~ may, with consent of the commissioner of social services, furnish the executive head of each of ~~said~~ the institutions, in addition to salary, with a dwelling house or with appropriate quarters in lieu thereof, ~~and, from supplies purchased for the institution, the necessary household provisions for the executive head, spouse and minor children~~ or the ~~particular~~ division director may compensate the executive head of each of ~~said~~ the institutions in lieu of furnishing ~~all of the above items~~ a house or quarters. If an executive head of the institution is furnished with a dwelling house or quarters, either of which is owned by the state, the executive head may also be furnished with water, heat and electricity.

The division director having control over any state institution may furnish assistant executive heads or other employees, or both, with dwelling houses or with appropriate quarters, owned by the state. The assistant executive head or employee, who is so furnished shall pay rent for the dwelling house or quarters in an amount to be determined by the executive

head of the institution, which shall be the fair market rental value of the house or quarters. If an assistant executive head or employee is furnished with a dwelling house or quarters either of which is owned by the state, the assistant executive head or employee may also be furnished with water, heat and electricity. However, the furnishing of these utilities shall be considered in determining the fair market rental value of the house or quarters.

Sec. 2. Section two hundred nineteen point nine (219.9), Code 1979, is amended to read as follows:

219.9 SALARY. The commandant shall receive such annual salary as the director may determine. In addition to ~~said~~ salary, the director ~~shall~~ may furnish ~~said~~ the commandant with a dwelling house or with appropriate quarters in lieu thereof and such additional allowances, as ~~are~~ provided in section 218.14 for executive heads of state institutions.

Sec. 3. Sections two hundred forty-six point six (246.6) and two hundred forty-six point seven (246.7), Code 1979, are repealed.

Approved April 21, 1980

CHAPTER 1060
SOCIAL SERVICES FARM ACCOUNTS
S. F. 2118

AN ACT relating to the use and reversion of the unencumbered or unobligated funds remaining in the farm accounts of the department of social services.

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

Section 1. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section twenty-eight (28), is amended to read as follows:

SEC. 28. Notwithstanding section eight point thirty-three (8.33) of the Code, the unencumbered or unobligated funds remaining in the farm accounts of the department of social services on June 30, 1979 shall not revert to the general fund until June 30, ~~1980~~ 1981. These funds may be used only for capital and operating expenses incurred in the farming operation.

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

in Anamosa, Iowa, and in the Evening Democrat, a newspaper published in Fort Madison, Iowa.

Approved April 14, 1980

Pursuant to the authority vested in the undersigned, Secretary of State of Iowa, under the provisions of Section 3.9, Code of Iowa, 1979, there being no newspaper by the name of The Anamosa Eureka, published in Anamosa, Iowa, I hereby designate The Anamosa Journal-Eureka, published in Anamosa, Iowa, to publish the foregoing Act, Senate File 2118.

MELVIN D. SYNHORST, *Secretary of State*

I hereby certify that the foregoing Act, Senate File 2118, was published in The Anamosa Journal-Eureka, Anamosa, Iowa on April 23, 1980, and in the Evening Democrat, Fort Madison, Iowa on April 18, 1980.

J. HERMAN SCHWEIKER, *Deputy Secretary of State*

CHAPTER 1061

UTILITY EASEMENTS BY SOCIAL SERVICES

S. F. 87

AN ACT relating to the granting of utility easements by the department of social services.

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

Section 1. Section two hundred eighteen point ninety-four (218.94), Code 1979, is amended to read as follows:

218.94 COMMISSIONER MAY BUY AND SELL REAL ESTATE--OPTIONS. The commissioner of the department of social services shall have full power, subject to the approval of the executive council to secure options to purchase real estate and, to acquire and sell real estate, and to grant utility easements, for the proper uses of said institutions. Real estate shall be acquired and sold and utility easements granted, upon such terms and conditions as the commissioner may recommend subject to the approval of the executive council. Upon sale of such real estate, the proceeds thereof shall be deposited with the treasurer of state and credited to the general fund of the state. There is hereby appropriated from the general fund of the state a sum equal to the proceeds so deposited and credited to the general fund of the state to the department of social services, which with the prior approval of the executive council may be used to purchase other real estate or for capital improvements upon property under such commissioner's control.

The costs incident to securing of options, acquisition and sale of real estate and granting of utility easements, including, but not limited to, appraisals, invitations for offers, abstracts, and other necessary costs, may be paid from moneys appropriated for support and maintenance to the institution at which such real estate is located. Such fund shall be reimbursed from the proceeds of the sale.

Sec. 2. This Act is effective January first following its enactment.

Approved April 14, 1980

CHAPTER 1062

IOWA HOUSING FINANCE AUTHORITY

H. F. 2410

AN ACT relating to the Iowa housing finance authority by amending the quorum provision, increasing the amount of bonds and notes of the Iowa housing finance authority which may be outstanding at any time and authorizing property improvement loans for solar and other renewable energy systems and relating to the authority's conflict of interest provision, including a penalty.

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

Section 1. Section two hundred twenty point one (220.1), subsection twenty (20), Code 1979, is amended to read as follows:

20. "Housing sponsor" means any individual, joint venture, partnership, limited partnership, trust, corporation, housing co-operative, local public entity, governmental unit, or other legal entity, or any combination thereof, approved by the authority or pursuant to standards adopted by the authority as qualified to either own, construct, acquire, rehabilitate, operate, manage or maintain a housing program, whether for profit, nonprofit or limited profit, subject to the regulatory powers of the authority and other terms and conditions set forth in this chapter. ~~"Housing-spenser"-does-net--include--a low--or--moderate--income-family-which-is-eligible-to-own-or-occupy-a-housing unit.~~

Sec. 2. Section two hundred twenty point two (220.2), subsection three (3), Code 1979, is amended to read as follows:

3. ~~Six~~ Five members of the authority constitute a quorum and the affirmative vote of at least five members is necessary for any substantive action taken by the authority. The majority shall not include any member who has a conflict of interest and a statement by a member of a conflict of interest shall be conclusive for this purpose. A vacancy in the membership does not impair the right of a quorum to exercise all rights and perform all duties of the authority.

Sec. 3. Section two hundred twenty point twenty-four (220.24), Code 1979, is amended to read as follows:

220.24 CERTIFICATION OF AMORTIZATION PERIODS. Before the authority provides money, either directly or indirectly, for any mortgage loan including property improvement loans authorized under section six (6) of this Act, it must obtain the certificate of a competent appraiser to the effect that the economic lifespan of the property on which the mortgage loan or property improvement loan is to be made is in excess of the period of amortization of the mortgage loan or property improvement loan. If an appraiser is used for the purpose of this section or for valuation of property for which the authority will provide money, either directly or

indirectly, the authority shall give preference to the use of a local appraiser.

Sec. 4. Section two hundred twenty point twenty-six (220.26), subsection one (1), Code 1979, is amended to read as follows:

1. The authority may issue its negotiable bonds and notes in principal amounts as, in the opinion of the authority, are necessary to provide sufficient funds for achievement of its corporate purposes, the payment of interest on its bonds and notes, the establishment of reserves to secure its bonds and notes, and all other expenditures of the authority incident to and necessary or convenient to carry out its purposes and powers. However, the authority may not have a total principal amount of bonds and notes outstanding at any time in excess of two five hundred fifty million dollars plus fifty million dollars for property improvement loans to finance solar and other renewable energy systems in housing as authorized by section six (6) of this Act. The bonds and notes shall be deemed to be investment securities and negotiable instruments within the meaning of and for all purposes of the uniform commercial code.

Sec. 5. Section two hundred twenty point thirty-five (220.35), subsection one (1), Code 1979, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. A violation of a provision of this subsection is misconduct in office under section seven hundred twenty-one point two (721.2) of the Code. However, a resolution of the authority is not invalid because of a vote cast by a member in violation of this subsection unless the vote was decisive in the passage of the resolution.

NEW UNNUMBERED PARAGRAPH. For the purposes of this subsection, "action of the authority with respect to that contract or mortgage lender" means only an action directly affecting a separate contract or mortgage lender, and does not include an action which benefits the general public or which affects all or a substantial portion of the contracts or mortgage lenders included in a program of the authority.

Sec. 6. Chapter two hundred twenty (220), Code 1979, is amended by adding the following new section:

NEW SECTION. SOLAR SYSTEM LOANS. The authority may make loans to mortgage lenders under section two hundred twenty point twenty (220.20) of the Code or purchase loans from mortgage lenders under section two hundred twenty point twenty-one (220.21) of the Code to be used to finance property improvement loans for solar and other renewable energy systems. These loans shall be limited to low or moderate income families.

Sec. 7. Chapter two hundred twenty (220), Code 1979, is amended by adding the following new section:

NEW SECTION. LIMITATION ON LOANS.

1. The borrower must occupy the property as his or her primary residence.
2. Only individuals who meet the principal requirements for an original mortgagor shall be eligible to assume a tax exempt mortgage loan issued under this chapter.

Sec. 8. This Act, being deemed of immediate importance, shall take effect from and after its publication in the Anita Tribune, a newspaper published in

Anita, Iowa, and in the Pocahontas Record-Democrat, a newspaper published in Pocahontas, Iowa.

Approved April 21, 1980

I hereby certify that the foregoing Act, House File 2410, was published in the Anita Tribune, Anita, Iowa on May 1, 1980, and in the Pocahontas Record-Democrat, Pocahontas, Iowa on May 1, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1063

HOSPITALIZATION OF MENTALLY ILL PERSONS

S. F. 2102

AN ACT relating to the hospitalization of mentally ill persons.

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

Section 1. Section two hundred twenty-nine point one (229.1), subsection six (6), Code 1979, is amended to read as follows:

6. "Licensed physician" means an individual licensed under the provisions of chapter 148, one hundred fifty (150) or one hundred fifty A (150A) of the Code to practice medicine and surgery, osteopathy or osteopathic medicine and surgery.

Sec. 2. Section two hundred twenty-nine point two (229.2), subsection one (1), Code 1979, is amended to read as follows:

1. An application for admission to a public or private hospital for observation, diagnosis, care and treatment as a voluntary patient may be made by any person who is mentally ill or has symptoms of mental illness. In the case of a minor, the parent ~~or~~, guardian or custodian may make application for admission of the minor as a voluntary patient, ~~however-if.~~ Upon receipt of an application for voluntary admission of a minor, the chief medical officer shall provide separate prescreening interviews and consultations with the parent, guardian or custodian and the minor to assess the family environment and the appropriateness of the application for admission. If the chief medical officer of the hospital to which application is made determines that the admission is appropriate but the minor objects to the admission, the parent ~~or~~, guardian or custodian must petition the juvenile court for approval of the admission before the minor is actually admitted. The juvenile court shall determine whether the admission is in the best interest of the minor and is consistent with his or her rights.

Sec. 3. Section two hundred twenty-nine point four (229.4), subsections one (1) and two (2), Code 1979, are amended to read as follows:

1. If the patient was admitted on his or her own application and the request for release is made by some other person, release may be conditioned upon the agreement of the patient, ~~and.~~

2. If the patient is a minor who was admitted on the application of his or her parent ~~or~~, guardian or custodian pursuant to section 229.2, subsection 1, his or her release prior to becoming eighteen years of age may be conditioned upon the consent of the parent ~~or~~, guardian or custodian, or upon the approval of the juvenile court if the admission was approved by the juvenile court; and

Sec. 4. Section two hundred twenty-nine point ten (229.10), subsection one (1), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

An examination of the respondent shall be conducted by one or more licensed physicians, as required by the court's order, within a reasonable time. If the respondent is ~~taken into custody under~~ detained pursuant to section 229.11, subsection two (2) of the Code, the examination shall be conducted within twenty-four hours. If the respondent is detained pursuant to section two hundred twenty-nine point eleven (229.11), subsection one (1) or three (3) of the Code, the examination shall be conducted within forty-eight hours. If the respondent so desires, he or she shall be entitled to a separate examination by a licensed physician of his or her own choice. The reasonable cost of such separate examination shall, if the respondent lacks sufficient funds to pay the cost, be paid from county funds upon order of the court.

Sec. 5. Section two hundred twenty-nine point ten (229.10), subsection two (2), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

A written report of the examination by the court-designated physician or physicians shall be filed with the clerk prior to the time set for hearing date. A written report of any examination by a physician chosen by the respondent may be similarly filed. The clerk shall immediately:

Sec. 6. Section two hundred twenty-nine point thirteen (229.13), Code 1979, is amended to read as follows:

229.13 HOSPITALIZATION FOR EVALUATION. If upon completion of the hearing the court finds that the contention that the respondent is seriously mentally impaired has been sustained by clear and convincing evidence, it shall order the respondent placed in a hospital or other suitable facility as expeditiously as possible for a complete psychiatric evaluation and appropriate treatment. The court shall furnish to the hospital or facility at the time the respondent arrives there a written finding of fact setting forth the evidence on which the finding is based. The chief medical officer of the hospital or facility shall report to the court no more than fifteen days after the individual is admitted to the hospital or facility, making a recommendation for disposition of the matter. An extension of time may be granted for not to exceed seven days upon a showing of cause. A copy of the report shall be sent to the respondent's attorney, who may contest the need for an extension of time if one is requested. Extension of time shall be granted upon request unless the request is contested, in which case the court shall make such inquiry as it deems appropriate and may either order the respondent's release from the hospital or facility or grant extension of time for psychiatric evaluation.

Sec. 7. Section two hundred twenty-nine point nineteen (229.19), Code 1979, is amended to read as follows:

229.19 ADVOCATE APPOINTED. The district court in each county shall appoint an individual who has demonstrated by prior activities an informed concern for the welfare and rehabilitation of the mentally ill, and who is not an officer or employee of the department of social services nor of any agency or facility providing care or treatment to the mentally ill, to act as advocate representing the interests of all patients involuntarily hospitalized by that court, in any matter relating to the patients' hospitalization or treatment under sections 229.14 or 229.15. The advocate's responsibility with respect to any patient shall begin at whatever time the attorney employed or appointed to represent that patient as respondent in hospitalization proceedings, conducted under sections 229.6 to 229.13, reports to the court that his or her services are no longer required and requests the court's approval to withdraw as counsel for that patient. However, if the patient is found to be seriously mentally impaired at the hospitalization hearing, the attorney representing the patient shall automatically be relieved of his or her responsibility in the case and an advocate shall be appointed at the conclusion of the hearing unless the attorney indicates an intent to continue his or her services and the court so directs. If the court directs the attorney to remain on the case he or she shall assume all the duties of an advocate. The clerk shall furnish the advocate with a copy of the court's order approving the withdrawal and shall inform the patient of the name of the patient's advocate. The With regard to each patient whose interests the advocate is required to represent pursuant to this section, the advocate's duties shall include ~~reviewing--each--report submitted-pursuant-to-sections-229.14-and-229.15-concerning-any-patient-whose interests,--as--a--patient,--the-advocate-is-required-to-represent-under-this section,-and-if-the-advocate-is-not-an-attorney,-advising-the--court--at--any time--it--appears--that--the-services-of-an-attorney-are-required-to-properly safeguard-the-patient's-interests-~~ all of the following:

1. To review each report submitted pursuant to sections two hundred twenty-nine point fourteen (229.14) and two hundred twenty-nine point fifteen (229.15) of the Code.

2. If the advocate is not an attorney, to advise the court at any time it appears that the services of an attorney are required to properly safeguard the patient's interests.

3. To make himself or herself readily accessible to communications from the patient and to originate communications with the patient within five days of the patient's commitment.

4. To visit the patient within fifteen days of the patient's commitment and periodically thereafter.

5. To communicate with medical personnel treating the patient and to review the patient's medical records pursuant to section two hundred twenty-nine point twenty-five (229.25) of the Code.

6. To file with the court quarterly reports, and additional reports as the advocate feels necessary or as required by the court, in a form prescribed by the court. The reports shall state what actions the advocate has taken with respect to each patient and the amount of time spent.

The hospital or facility to which a patient is committed shall grant all reasonable requests of the advocate to visit the patient, to communicate with medical personnel treating the patient and to review the patient's medical records pursuant to section two hundred twenty-nine point twenty-five (229.25) of the Code. An advocate shall not disseminate information from a patient's medical records to any other person unless done for official purposes in connection with the advocate's duties pursuant to this chapter or when required by law.

PARAGRAPH DIVIDED. The court shall from time to time prescribe reasonable compensation for the services of the advocate. Such compensation shall be based upon the reports filed by the advocate ~~at such times and in such forms as with~~ the court shall prescribe. ~~The report shall briefly state what the advocate has done with respect to each patient and the amount of time spent.~~ The advocate's compensation shall be paid on order of the court from the county mental health and institutions fund of the county in which the court is located.

Sec. 8. Section two hundred twenty-nine point twenty (229.20), Code 1979, is amended to read as follows:

229.20 RESPONDENTS CHARGED WITH OR CONVICTED OF CRIME.

1. If the court orders a respondent placed in a hospital or other suitable facility for psychiatric evaluation and appropriate treatment at a time when the respondent has been convicted of a public offense, or when there is pending against the respondent an unresolved formal charge of a public offense, and the respondent's liberty has therefore been restricted in any manner, the finding of fact required by section 229.13 ~~of this Act~~ shall clearly so inform the chief medical officer of the hospital where the respondent is placed.

2. When a proceeding under section 229.6 and succeeding sections of this chapter arises under ~~sections 783.5 and 789.8~~ R.Cr.P. 22(3)(C), and the respondent through his or her attorney waives the hearing otherwise required by section 229.12, the court may immediately order the respondent placed in a hospital or other suitable facility for a complete psychiatric evaluation and appropriate treatment pursuant to section 229.13. In such cases, the court may in its discretion order or waive the physician's examination otherwise required under section 229.10.

Sec. 9. Section two hundred twenty-nine point twenty-one (229.21), subsection one (1), Code 1979, as amended by section thirty (30) of House File 687, Sixty-eighth General Assembly, 1980 Session, is amended to read as follows:

1. ~~As soon as practicable after the adoption of this Act the~~ 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 ~~section 125.19, subsections 1, 2, 5 and 9 (1977)~~ sections two hundred twenty-nine point fifty-one (229.51) to two hundred twenty-nine point fifty-three (229.53) of the Code. 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. 10. Section two hundred twenty-nine point twenty-five (229.25), Code 1979, is amended to read as follows:

229.25 MEDICAL RECORDS TO BE CONFIDENTIAL--EXCEPTIONS. The records maintained by a hospital or other facility relating to the examination, custody, care and treatment of any person in that hospital or facility pursuant to this chapter shall be confidential, except that the chief medical officer ~~may~~ shall release appropriate information when under any of the following circumstances:

1. The information is requested by a licensed physician ~~or~~, attorney or advocate who provides the chief medical officer with a written waiver signed by the person about whom the information is sought, ~~or~~.

2. The information is sought by a court order, ~~or~~.

~~3. The information is requested for the purpose of research into the causes, incidence, nature and treatment of mental illness, however information shall not be provided under this subsection in a way that discloses patients' names or which otherwise discloses any patient's identity, or~~

4 3. The person who is hospitalized or that person's guardian, if the person is a minor or is not legally competent to do so, signs an informed consent to release information. Each signed consent shall designate specifically the person or agency to whom the information is to be sent, and the information may be sent only to that person or agency.

Such records may be released by the chief medical officer when requested for the purpose of research into the causes, incidence, nature and treatment of mental illness, however information shall not be provided in a way that discloses patients' names or which otherwise discloses any patient's identity.

Sec. 11. This Act takes effect January first following its enactment.

Approved May 13, 1980

CHAPTER 1064
CHARITABLE DEVICES

S. F. 437

AN ACT to repeal the limitation on charitable devises.

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

Section 1. Section two hundred twenty-nine point twenty-seven (229.27), subsection one (1), Code 1979, is amended to read as follows:

1. Hospitalization of any person under this chapter, either voluntarily or involuntarily, shall not be deemed to constitute a finding of or to equate with nor raise a presumption of incompetency, or to cause the person so hospitalized to be deemed a ~~lunatic~~, a person of unsound mind, or a person under legal disability for any purpose including but not limited to any circumstances to which sections 447.7, 472.15, 545.2, subsection 13, 545.11, subsection 7, 545.36, 567.7, 595.3, 597.6, 598.29, 614.8, 614.19, 614.22, 614.24, 614.27, 622.6, 633.244, ~~633.266~~, ~~subsection 4~~, and 675.21 are applicable.

Sec. 2. Section six hundred thirty-three point two hundred sixty-six (633.266), Code 1979, is repealed.

Sec. 3. This Act is effective January first following its enactment.

Approved February 21, 1980

1065

CHILD FOSTER CARE FACILITIES

S. F. 432

AN ACT relating to licensing and regulation of child foster care facilities, and prescribing penalties.

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

Section 1. NEW SECTION. DEFINITION. As used in this Act:

1. "Agency" means a person, as defined in section four point one (4.1), subsection thirteen (13) of the Code, which provides child foster care and which does not meet the definition of an individual in subsection seven (7) of this section.

2. "Child" means child as defined in section two hundred thirty-four point one (234.1), subsection four (4), of the Code.

3. "Child foster care" means the provision of parental nurturing, including but not limited to the furnishing of food, lodging, training, education, supervision, treatment or other care, to a child on a full-time basis by a person other than a relative or guardian of the child, but does not include:

a. Care furnished by an individual person who receives the child of a personal friend as an occasional and personal guest in the individual person's home, free of charge and not as a business.

b. Care furnished by an individual person with whom a child has been placed for lawful adoption, unless that adoption is not completed within two years after placement.

c. Care furnished by a private boarding school subject to approval by the state board of public instruction pursuant to section two hundred fifty-seven point twenty-five (257.25) of the Code.

4. "Department" means the department of social services.

5. "Director" means the director of that division of the department designated by the commissioner of social services to administer this Act or the director's designee.

6. "Facility" means the personnel, program, physical plant, and equipment of a licensee.

7. "Individual" means an individual person or a married couple who provides child foster care in a single-family home environment and which does not meet the definition of an agency in subsection one (1) of this section.

8. "Licensee" means an individual or an agency licensed by the director under this Act.

Sec. 2. NEW SECTION. PURPOSE. It is the policy of this state to provide appropriate protection for children who are separated from the direct personal care of their parents, relatives, or guardians and, as a result, are subject to difficulty in achieving appropriate physical, mental, emotional, educational, or social development. This Act shall be construed and administered to further that policy by assuring that child foster care is adequately provided by competently staffed and well-equipped child foster care facilities, including but not limited to residential treatment centers, group homes, and foster family homes.

Sec. 3. NEW SECTION. RULES.

1. Except as otherwise provided by subsections three (3) and four (4) of this section, the director shall promulgate, after their adoption by the council on social services, and enforce in accordance with chapter seventeen A (17A) of the Code, administrative rules necessary to implement this Act. Formulation of the rules shall include consultation with representatives of child foster care providers, and other persons affected by this Act. The rules shall encourage the provision of child foster care in a single-family, home environment, exempting the single-family, home facility from inappropriate rules.

2. Rules applicable to licensees shall include but are not limited to:

a. Types of facilities, including but not limited to single-family, home facilities with child foster care provided by individuals and other public and private facilities with child foster care provided by agencies, and other categories of child foster care for which licenses are issued.

b. The number, qualifications, character, and parenting ability of personnel necessary to assure the health, safety and welfare of children receiving child foster care.

c. Programs for education and in-service training of personnel.

d. The physical environment of a facility.

e. Policies for intake, assessment, admission and discharge.

f. Housing, health, safety, and medical-care policies for children receiving child foster care.

g. The adequacy of programs available to children receiving child foster care provided by agencies, including but not limited to:

(1) Dietary services.

(2) Social services.

(3) Activity programs.

(4) Behavior management procedures.

(5) Educational programs, including special education as defined in section two hundred eighty-one point two (281.2), subsection two (2) of the Code where appropriate, which are approved by the state board of public instruction.

The department shall not promulgate rules which regulate individual licensees in the subject areas enumerated in this paragraph.

h. Policies for involvement of natural parents.

i. Records a licensee is required to keep, and reports a licensee is required to make to the director.

j. Prior to the licensing of an individual as a foster family home, a required, written social assessment of the quality of the living situation in the home of the individual, and a required compilation of personal references for the individual other than those references given by the individual.

3. Rules governing fire safety in facilities with child foster care provided by agencies shall be promulgated by the state fire marshal pursuant to section one hundred point one (100.1), subsection five (5) of the Code after consultation with the director.

4. Rules governing sanitation, water and waste disposal standards for facilities shall be promulgated by the state department of health pursuant to section one hundred thirty-five point eleven (135.11), subsection fifteen (15) of the Code after consultation with the director.

5. In case of a conflict between rules promulgated pursuant to subsections three (3) and four (4) of this section and local rules, the more stringent requirement applies.

6. Rules of the department shall not prohibit the licensing, as foster family homes, of individuals who are departmental employees not directly engaged in the administration of the child foster care program pursuant to this Act.

Sec. 4. NEW SECTION. LICENSE REQUIRED. An individual or an agency, as defined in section one (1) of this Act, shall not provide child foster care unless the individual or agency obtains a license issued by the director under this Act. However, a license is not required of the following:

1. An individual providing child foster care for a total of not more than twenty days in one calendar year.

2. A hospital licensed under chapter one hundred thirty-five B (135B) of the Code.

3. A health care facility licensed under chapter one hundred thirty-five C (135C) of the Code.

4. A juvenile detention home or juvenile shelter care home approved under section two hundred thirty-two point one hundred forty-two (232.142) of the Code.

5. An institution listed in section two hundred eighteen point one (218.1) of the Code.

6. An individual providing child care as a babysitter for one or more children, up to a maximum of six children simultaneously, not overnight, at the request of a parent, guardian or relative having lawful custody of the child provided that foster children shall not be counted in determining the maximum number of children allowed.

Sec. 5. NEW SECTION. LICENSE APPLICATION AND ISSUANCE--DENIAL, SUSPENSION OR REVOCATION--PROVISIONAL LICENSES.

1. An individual or an agency shall apply for a license by completing an application to the director upon forms furnished by the director. The director shall issue or reissue a license if the director determines that the applicant or licensee is or upon commencing operation will provide child foster care in compliance with this Act. A license is valid for one year from the date of issuance. The license shall state on its face the name of the licensee, the type of facility, the particular premises for which the license is issued, and the number of children who may be cared for by the facility on the premises at one time. The license shall be posted in a conspicuous place in the physical plant of the facility, except that if the facility is in a single-family home the license may be kept where it is readily available for examination upon request.

2. The director may deny an application for a license, and may suspend or revoke a license, if the applicant or licensee violates this Act or the rules promulgated pursuant to this Act, or knowingly makes a false statement concerning a material fact or conceals a material fact on the license application or in a report regarding operation of the facility submitted to the director.

3. The director may issue a provisional license for not more than one year to a licensee whose facility does not meet the requirements of this Act, if written plans to bring the facility into compliance with the applicable requirements are submitted to and approved by the director. The plans shall state a specific time when compliance will be achieved. Only one provisional license shall be issued for a facility by reason of the same deficiency.

Sec. 6. NEW SECTION. RESTRICTED USE OF FACILITY. A licensee shall not furnish child foster care in a building or on premises not designated in the license. A licensee shall not furnish child foster care to a greater number of children than is designated in the license, unless the director so authorizes. Multiple licenses authorizing separate and distinct parts of a facility to provide different categories of child foster care may be issued.

Sec. 7. NEW SECTION. INSPECTIONS. The director may require submission of reports by a licensee, and shall cause at least one annual unannounced

inspection of each facility to assess the quality of the living situation and to determine compliance with applicable requirements and standards. The director may examine records of a licensee, including but not limited to corporate records and board minutes, and may inquire into matters concerning a licensee and its employees relating to requirements and standards for child foster care under this Act.

Sec. 8. NEW SECTION. PERSONNEL.

1. Personnel of a licensee shall be in good health and free of communicable disease, as certified by a physician as defined by section one hundred thirty-five point one (135.1), subsection five (5) of the Code. In the case of an initial application for a license or a new employee of a licensee, the certification shall be based on a physical examination conducted no more than six months before employment begins, or before application for licensure. The director may annually require reasonable evidence of continuing good health and freedom from communicable disease of the personnel.

2. A person who has been convicted of a crime involving mistreatment or exploitation of a child shall not be licensed or be employed by a licensee.

Sec. 9. NEW SECTION. CONFIDENTIAL INFORMATION. A person who receives information from or through the department concerning a child who has received or is receiving child foster care, a relative or guardian of the child, a single-family, home licensee, or an individual employee of a licensee, shall not disclose that information directly or indirectly, except as authorized by section two hundred seventeen point thirty (217.30) of the Code, or as authorized or required by section two hundred thirty-two point sixty-nine (232.69) of the Code.

Sec. 10. NEW SECTION. A facility licensed under this Act or a facility subject to the licensing requirements of chapter two hundred thirty-seven A (237A) of the Code, if providing child day care, shall be exempt for a period of two hours or less in any day from the limitation of simultaneously providing child day care for a maximum of six children.

Sec. 11. NEW SECTION. PENALTY. An individual or an agency who provides child foster care without obtaining a license under this Act or who knowingly violates this Act or the rules promulgated pursuant to this Act is guilty of a serious misdemeanor.

Sec. 12. NEW SECTION. INJUNCTIVE RELIEF. An individual or an agency who provides child foster care without obtaining a license under this Act or who knowingly violates this Act or the rules promulgated pursuant to this Act may be temporarily or permanently enjoined by a court in an action brought by the state, a political subdivision of the state or an interested person.

Sec. 13. Chapter two hundred thirty-seven (237), Code 1979, is repealed.

Sec. 14. This Act is effective January first following its enactment.

CHAPTER 1066
PRESCHOOL FACILITIES

H. F. 2533

AN ACT to add to chapter two hundred thirty-seven A (237A) of the Code, relating to child day care facilities, a definition of the term "preschool" and to establish special criteria for certain rules of the department of social services which govern child care facilities that are preschool.

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

Section 1. Section two hundred thirty-seven A point one (237A.1), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. "Preschool" means a child day care facility which provides to children ages three through five, for periods of time not exceeding three hours per day, programs designed to help the children to develop intellectual skills, social skills and motor skills, and to extend their interest and understanding of the world about them.

Sec. 2. Section two hundred thirty-seven A point twelve (237A.12), subsection one (1), Code 1979, is amended to read as follows:

1. The number and qualifications of personnel necessary to assure the health, safety, and welfare of children in the facilities. Rules for facilities which are preschools shall be drawn so that any staff-to-children ratios which relate to the age of the children enrolled shall be based on the age of the majority of the children served by a particular class rather than on the age of the youngest child served.

Approved May 19, 1980

CHAPTER 1067
DISPLACED HOMEMAKERS SERVICE CENTERS

S. F. 430

AN ACT to provide multipurpose service centers for displaced homemakers.

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. "Displaced homemaker" means an individual who meets all of the following criteria:

a. Has worked principally in the home providing unpaid household services for family members.

b. Is not gainfully employed.

c. Has had, or would apparently have, difficulty finding appropriate paid employment.

d. Has been dependent on the income of another family member but is no longer supported by that income, is or has been dependent on government assistance, or is supported as the parent of a child who is sixteen or seventeen years of age.

2. "Department" means the department of social services.

3. "Commissioner" means the commissioner of the department of social services.

Sec. 2. NEW SECTION. APPLICATION FOR DESIGNATION AND FUNDING AS A PROVIDER OF SERVICES FOR DISPLACED HOMEMAKERS. Upon receipt of state or federal funding designated to assist displaced homemakers, a public or private nonprofit group may apply to the commissioner for designation and funding as a provider of services to displaced homemakers. The application shall be submitted on a form prescribed by the commissioner and shall include all of the following:

1. A proposal for the establishment of a multipurpose service program for displaced homemakers which provides some or all of the following:

a. Job counseling specifically designed for a person entering or reentering the job market after a number of years as a homemaker.

b. Job training and placement services including but not limited to:

(1) Training programs for available jobs in the public and private sectors developed by working with public and private employers, taking into account the skills and job experiences of a homemaker.

(2) Assistance in locating available employment for displaced homemakers, some of which may be in existing job training and placement programs.

(3) Utilization of services of the state employment service, which shall cooperate with the department in locating employment opportunities.

c. Utilization of services of existing agencies and programs to provide information on and assistance with financial management, legal problems and health care.

d. Utilization of services of existing agencies and programs to obtain educational services, including assistance in attaining high school equivalency diplomas and other courses which are of interest and benefit to displaced homemakers.

e. Outreach and information services with respect to public employment, education, health and unemployment assistance programs which are of interest and benefit to displaced homemakers.

f. Development and implementation of an educational program designed to promote public and professional awareness of the problems of displaced homemakers and of the availability of services for displaced homemakers.

g. Development and implementation of a counseling program providing emotional support by qualified personnel or peer groups or both.

2. A proposed budget.

3. Assurance by the applicant that the uniform method of data collection and program evaluation established by the commissioner pursuant to subsection one (1), paragraph c of section three (3) of this Act will be implemented.

4. Any other information the commissioner may require.

A public or private nonprofit group which receives designation as a provider of services to displaced homemakers under this Act shall comply with all applicable department rules.

Sec. 3. NEW SECTION. DEPARTMENT POWERS AND DUTIES.

1. The commissioner shall do all of the following:

a. Designate and award grants for existing and pilot programs, pursuant to section two (2) of this Act to provide services to displaced homemakers.

b. Designate an existing department staff member to perform the duties set forth in section six (6) of this Act.

c. Design and implement a uniform method of collecting data on displaced homemakers receiving services under this Act and of evaluating funded programs.

2. The department shall consult and cooperate with the department of job service, the United States commissioner of social security administration, the commission on the status of women, the state department of public instruction and other persons in the executive branch of the state government as the department considers appropriate to facilitate the coordination of multipurpose service programs established under this Act with existing programs of a similar nature.

3. The commissioner, in carrying out the provisions of this Act, may accept, use and dispose of contributions of money, services and property made available to the department by an agency or department of the state or federal government, or a private agency or individual.

Sec. 4. NEW SECTION. ADVISORY BOARD--MEMBERSHIP.

1. Upon enactment of this Act, the governor shall appoint a seven-member advisory board. Persons appointed to the advisory board shall be knowledgeable in the problems of displaced homemakers. Three members of the advisory board shall be representatives of community organizations which provide services to displaced homemakers. Two members shall be displaced homemakers or former displaced homemakers. Two members shall be members of the public. Of the seven members, no more than four shall be from the same political party. The board shall select its own chairperson. Four members constitute a quorum. Members serve at the pleasure of the governor.

2. The board shall meet at the call of the governor, or the board chairperson, or of any four board members. Each board member is entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties from funds appropriated to the department of social services.

Sec. 5. NEW SECTION. DUTIES OF THE ADVISORY BOARD. The advisory board shall do all of the following:

1. Advise the project coordinator in the performance of his or her duties in the administration and coordination of programs funded under this Act.

2. Review and comment on applications received by the commissioner for designation and funding as a pilot program and on applications for education grants.

3. Advise the commissioner on rules to be promulgated to implement this Act.

4. Perform other duties the commissioner assigns.

Sec. 6. NEW SECTION. PROJECT COORDINATOR. The commissioner shall appoint a project coordinator who shall administer appropriated funds, coordinate funded programs, and perform other duties the commissioner assigns to the coordinator.

Approved May 13, 1980

CHAPTER 1068

MEDICAL ASSISTANCE NOTICE OF SUBROGATION MAILED

H. F. 402

AN ACT relating to attorney notices of subrogation to the department of social services under the medical assistance program.

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

Section 1. Section two hundred forty-nine A point six (249A.6), subsection two (2), paragraph c, Code 1979, is amended to read as follows:

c. Any attorney representing an applicant for or recipient of assistance on a claim to which the department is subrogated under this section shall notify the department of the claim prior to filing any claim, commencing any action or negotiating any settlement offer.

The mailing and deposit in a United States post office or public mailing box of the notice, addressed to the department at its state or district office location, is adequate legal notice of the claim.

Approved April 21, 1980

CHAPTER 1069
CHILD CARE SETOFF AGAINST TAX REFUND
H. F. 2554

AN ACT relating to a setoff against income tax refunds and rebates of certain accrued and liquidated debts assigned to the department of social services and due and owing for the care, support or maintenance of a child.

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

Section 1. Section two hundred fifty-two B point five (252B.5), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Assistance to set off against a debtor's income tax refund or rebate any debt, which is assigned to the department of social services or which the child support recovery unit is attempting to collect on behalf of any individual not eligible as a public assistance recipient, which has accrued through written contract, subrogation, or court judgment, and which is in the form of a liquidated sum due and owing for the care, support or maintenance of a child. The department of social services shall promulgate rules pursuant to chapter seventeen A (17A) of the Code necessary to assist the department of revenue in the implementation of the child support setoff as established under section two (2) of this Act.

Sec. 2. Section four hundred twenty-one point seventeen (421.17), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. To establish and maintain a procedure to set off against a debtor's income tax refund or rebate any debt, which is assigned to the department of social services or which the child support recovery unit is attempting to collect on behalf of any individual not eligible as a public assistance recipient, which has accrued through written contract, subrogation, or court judgment and which is in the form of a liquidated sum due and owing for the care, support or maintenance of a child. The procedure shall meet the following conditions:

a. Before setoff all outstanding tax liabilities collectible by the department of revenue shall be satisfied except that no portion of a refund or rebate shall be credited against any tax liabilities which are not yet due.

b. Before setoff the child support recovery unit established pursuant to section two hundred fifty-two B point two (252B.2) of the Code shall obtain and forward to the department of revenue the full name and social security number of the debtor. The department of revenue shall cooperate in the exchange of relevant information with the child support recovery unit as provided in section two hundred fifty-two B point nine (252B.9) of the Code.

c. The child support recovery unit shall, at least annually, submit to the department of revenue for setoff the above-mentioned debts, which are at least fifty dollars, on a date or dates to be specified by the department of social services by rule.

d. Upon submission of a claim the department of revenue shall notify the child support recovery unit whether the debtor is entitled to a refund or rebate of at least fifty dollars and if so entitled shall notify the unit of the amount of the refund or rebate and of the debtor's address on the income tax return.

e. Upon notice of entitlement to a refund or rebate the child support recovery unit shall send written notification to the debtor, and a copy of the notice to the department of revenue, of the unit's assertion of its rights or the rights of an individual not eligible as a public assistance recipient to all or a portion of the debtor's refund or rebate and the entitlement to recover the debt through the setoff procedure, the basis of the assertion, the opportunity to request that a joint income tax refund or rebate be divided between spouses, the debtor's opportunity to give written notice of intent to contest the claim, and the fact that failure to contest the claim by written application for a hearing will result in a waiver of the opportunity to contest the claim, causing final setoff by default. The child support recovery unit shall upon application grant a hearing pursuant to chapter seventeen A (17A) of the Code. Any appeal taken from the decision of a hearing officer and any subsequent appeals shall be taken pursuant to chapter seventeen A (17A) of the Code.

f. Upon the timely request of a debtor or a debtor's spouse to the child support recovery unit and upon receipt of the full name and social security number of the debtor's spouse, the unit shall notify the department of revenue of the request to divide a joint income tax refund or rebate. The department of revenue shall upon receipt of the notice divide a joint income tax refund or rebate between the debtor and the debtor's spouse in proportion to each spouse's net income as determined under section four hundred twenty-two point seven (422.7) of the Code.

g. The department of revenue shall, after notice has been sent to the debtor by the child support recovery unit, set off the above-mentioned debt against the debtor's income tax refund or rebate if both the debt and the refund or rebate are at least fifty dollars. However, if a debtor has made all current child support payments in accordance with a court order for the twelve months preceding the proposed setoff and has regularly made delinquent child support payments during those twelve months, the child support recovery unit shall notify the department of revenue not to setoff the debt against the debtor's income tax refund or rebate. The department shall refund any balance of the income tax refund or rebate to the debtor. The department of revenue shall periodically transfer the amount set off to the child support recovery unit. If the debtor gives written notice of intent to contest the claim the department of social services shall hold the refund or rebate until final disposition of the contested claim pursuant to chapter seventeen A (17A) of the Code or by court judgment. The child support recovery unit shall notify the debtor in writing upon completion of setoff.

CHAPTER 1070
ENVIRONMENTAL AWARENESS

H. F. 2425

AN ACT relating to the educational requirements of schools, by requiring that high school science courses teach about energy conservation and environmental awareness and by providing for a waiver of physical education requirements for certain students and a waiver of foreign language requirements under certain conditions.

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

Section 1. Section two hundred fifty-seven point twenty-five (257.25), subsections three (3) and four (4), Code 1979, are amended to read as follows:

3. The following areas shall be taught in the grades one through six: English-language arts, including reading, handwriting, spelling, oral and written English, and literature; social studies, including geography, history of the United States and Iowa, 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 environmental awareness and 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 environmental awareness and conservation of natural resources and ~~environmental-awareness~~; mathematics; social studies; cultures of other peoples and nations, and American citizenship; 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. 2. Section two hundred fifty-seven point twenty-five (257.25), subsection six (6), paragraphs a, f and g, Code 1979, are amended to read as follows:

a. Four units of science including physics and chemistry; the units of physics and chemistry may be taught in alternate years. The units of science shall include instruction in environmental awareness and conservation of natural resources.

f. Two units of one foreign language; the units of foreign language may be taught in alternate years, provided there is no break in the progression

of instruction from one year to the next. However, the department may waive on an annual basis the foreign language requirement upon the request of the board of directors of a school district or the authorities in charge of a nonpublic school if the board or authorities are able to prove that a certificated teacher was employed and assigned a schedule that would have allowed students to enroll in a foreign language class, the foreign language class was properly scheduled, students were aware that a foreign language class was scheduled and no students enrolled in the class.

g. All students physically able shall be required to participate in physical education activities during each semester a student is enrolled in school except as otherwise provided in this paragraph. A minimum of one-eighth unit each semester shall be required, except that any ~~pup~~ student participating in an organized and supervised high school athletic program which requires at least as much time of participation per week as one-eighth unit may be excused from the physical education course during the time of his or her participation in the athletic program. In addition, a twelfth grade student who meets the requirements of this paragraph may be excused from the physical education requirement by the principal of the school in which the student is enrolled if the parent or guardian of the student requests in writing that the student be excused from the physical education requirement. A student who wishes to be excused from the physical education requirement must be enrolled in a cooperative or work-study program or other educational program authorized by the school which requires the student to leave the school premises for specified periods of time during the school day. The student must seek to be excused from the physical education requirement in order to enroll in academic courses not otherwise available to the student. The principal of the school shall inform the superintendent of the school district or nonpublic school that the student has been excused. Physical education activities shall emphasize leisure time activities which will benefit the student outside the school environment and after graduation from high school.

Approved May 20, 1980

CHAPTER 1071
SERVICES TO NONPUBLIC SCHOOLS

S. F. 2130

AN ACT relating to the locations where certain services may be provided to nonpublic school pupils.

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

Section 1. Section two hundred fifty-seven point twenty-six (257.26), subsection two (2), Code 1979, is amended to read as follows:

2. The provisions of this section shall not deprive the respective boards of public school districts of any of their legal powers, statutory or otherwise, and in accepting such specially enrolled students, each of said boards shall prescribe the terms of such special enrollment, including but not limited to scheduling of such courses and the length of class periods. In addition, the board of the affected public school district shall be given notice by the state board of its decision to permit such special enrollment not later than six months prior to the opening of the affected public school district's school year, except that the board of the public school district may, in its discretion, waive such notice requirement. School districts and area education agency boards, may, when available, make public school services, which may include health services_; special education services_; diagnostic services for speech, hearing, and psychological purposes; services for remedial education programs_; guidance services and school testing services, available to children attending nonpublic schools in the same manner and to the same extent that they are provided to public school students. However, services that are made available shall be provided on premises--~~other--~~than neutral sites, or in mobile units located off the nonpublic school premises as determined by the boards of the school districts and area education agencies providing the services, and not on nonpublic school property, except health services and diagnostic services for speech, hearing, and psychological purposes which may be provided on nonpublic school premises, with the permission of the lawful custodian.

Approved March 10, 1980

CHAPTER 1072
VOCATIONAL EDUCATION ADVISORY COUNCIL

H. F. 471

AN ACT relating to local advisory councils for vocational education.

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

Section 1. Section two hundred fifty-eight point nine (258.9), Code 1979, is amended to read as follows:

258.9 LOCAL ADVISORY ~~COUNCIL~~ COUNCIL. The board of directors of any a school district ~~having--a--population--of--more--than--five--thousand--persons,~~ maintaining that maintains a school, department, or class receiving the ~~benefit--of--federal--moneys~~ federal or state funds under the ~~provisions--of~~ this chapter shall, as a condition of approval by ~~such~~ the state board ~~as--herein~~ provided, appoint a local advisory ~~committee~~ council for vocational education, ~~--consisting~~ composed of ~~persons--of--experience--in--agriculture,~~ persons representing business, agriculture, industry and labor. ~~industry,--home--economies,--and--business,--to~~ public members with emphasis on ~~persons~~ representing business, agriculture, industry and labor. The local advisory council shall give advice and assistance to ~~such~~ the board of directors in the establishment and maintenance of ~~such~~ the schools, departments, and classes that receive federal or state funds under this chapter. ~~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.~~ Local advisory councils may be organized according to program area, school, community or region. The state board shall adopt rules requiring that the memberships of local advisory ~~committees~~ councils fairly represent each sex and minorities residing in the school district. Members of ~~such~~ an advisory ~~committee~~ council shall serve without compensation.

Approved February 15, 1980

CHAPTER 1073
INSURANCE AGENTS CONTINUING EDUCATION

S. F. 382

AN ACT relating to the continuing education of insurance agents.

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

Section 1. Section two hundred fifty-eight A point one (258A.1), subsection one (1), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH. The commissioner of insurance in licensing insurance agents pursuant to chapter five hundred twenty-two (522) of the Code, except those agents authorized to sell only credit life and credit accident and health insurance.

Sec. 2. Section two hundred fifty-eight A point three (258A.3), subsection two (2), paragraph a, Code 1979, is amended to read as follows:

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 114.21, 115.8, 116.21, 117.29, 118.13, 118A.15, 120.10, 147.55, 153.34, 154A.24, 169.36, 455B.59 and chapters 135E and, 151, five hundred seven B (507B) and five hundred twenty-two (522) of the Code or upon any other grounds specifically provided for in this chapter 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;

Sec. 3. Section two hundred fifty-eight A point four (258A.4), subsection one (1), paragraph f, Code 1979, is amended to read as follows:

f. Define by rule acts or omissions which are grounds for revocation or suspension of a license under the provisions of sections 114.21, 115.8, 116.21, 117.29, 118.13, 118A.15, 120.10, 147.55, 153.34, 154A.24, 169.36 and 455B.49 and chapters 135E and, 151, five hundred seven B (507B) and five hundred twenty-two (522) of the Code, and to define by rule acts or omissions which constitute negligence, careless acts or omissions within the meaning of section 258A.3, subsection 2, paragraph "b", which licensees are required to report to the board pursuant to section 258A.9, subsection 2;

Sec. 2.* This Act is effective January first after its enactment.

Approved February 12, 1980

*According to enrolled Act

CHAPTER 1074
LIVESTOCK WARRANTY EXEMPTION

H. F. 2546

AN ACT providing for an exemption for livestock sales from the implied warranty provisions of the uniform commercial code.

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

Section 1. NEW SECTION. Notwithstanding subsection two (2) of section five hundred fifty-four point two thousand three hundred sixteen (554.2316) of the Code, all implied warranties arising under sections five hundred fifty-four point two thousand three hundred fourteen (554.2314) and five hundred fifty-four point two thousand three hundred fifteen (554.2315) of the Code are excluded from a sale of cattle, hogs, sheep and horses if the following information is disclosed to the prospective buyer or the buyer's agent in advance of the sale, and if confirmed in writing at or before the time of acceptance of the livestock when confirmation is requested by the buyer or the buyer's agent:

a. That the animals to be sold have been inspected in accordance with existing federal and state animal health regulations and found apparently free from any infectious, contagious, or communicable disease.

b. One of the following, as applicable:

(1) Except when the livestock have been confined with livestock from another source or assembled within the meaning of subparagraph two (2) of this paragraph, the name and address of the present owner, and whether or not that owner has owned all of the livestock for at least thirty days.

(2) If the livestock have been confined with livestock from another source or assembled from two or more sources within the previous thirty days, the livestock shall be represented as being "assembled livestock". As used in this subparagraph, "confined with livestock from another source" means the placement of livestock in a livestock auction market, yard, or other unitary facility in which livestock from another source are confined, but does not include livestock confined at the facility where the sale takes place if such confinement is for less than forty-eight hours prior to the day of sale; provided that livestock which are not sold after being confined with livestock from another source at a facility and offered for sale shall be deemed "assembled livestock" for the thirty-day period following the day when offered for sale.

If the livestock are represented as being "assembled livestock", the name and address of the present owner shall be disclosed.

In the case of an auction sale, the disclosure required by this subsection shall be made verbally immediately before the sale by the owner, an agent for the owner, or the person who is conducting the auction of the lot of livestock in question. Warranties shall be implied to the person who is

conducting the auction only if the disclosure contains representations which he or she knew or had reason to know were untrue.

Approved May 22, 1980

CHAPTER 1075
PROCEDURES IN CERTAIN PUBLIC SCHOOLS

H. F. 2593

AN ACT relating to certain administrative and financial procedures of certain public schools.

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

Section 1. Section two hundred seventy point nine (270.9), subsections one (1) and two (2), Code 1979, are amended to read as follows:

1. Transportation reimbursement at ~~the a rate specified in section 285.1, subsection--3~~ established annually by the state board of regents 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 a rate specified in section 285.1, subsection--3~~ established annually by the state board of regents to the parents or guardians for not more than ~~ten~~ eleven 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. 2.* Section two hundred seventy-three point five (273.5), subsection five (5), Code 1979, as amended by House File two thousand two hundred ninety-nine (2299), as enacted by the Sixty-eighth General Assembly, 1980 Session, is amended to read as follows:

5. Provide each school district within the area served and the department of public instruction with a special education weighted enrollment count, including the additional enrollment because of special education for the second-Friday-in-September December first of each year.

Sec. 3. Section two hundred seventy-three point eight (273.8), subsection one (1), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

Commencing with the director district conventions held in 1981, the board of directors of an area education agency shall consist of not less than five nor more than nine members.

Sec. 4. Section two hundred eighty A point twelve (280A.12), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

Commencing with the regular school election in 1981, the governing board of a merged area shall consist of not less than five nor more than nine ~~numbers~~ members.

Sec. 5. Section two hundred eighty A point twenty-nine (280A.29), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

280A.29 DIRECTOR DISTRICTS. Changes in the boundary lines of director districts of merged areas and area education agencies shall not lengthen or diminish the term of office of a director of an area education agency board or a merged area board. Changes in boundary lines of director districts shall be transmitted to the boards of directors of merged areas and area education agencies within ten days following action of the boundary commission. The boards shall use the revised director district boundary lines at the next following regular school election or regular director district convention.

Sec. 6. Section two hundred eighty A point thirty (280A.30), Code 1979, is repealed.

Sec. 7.* Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), section four (4), is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Commencing with the school year beginning July 1, 1981 and each school year thereafter, the weighted enrollment shall be determined on the basis of a count of a district's additional enrollment because of special education, as defined in Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), section seventeen (17), on December first of the base year.

Sec. 8. House File two thousand two hundred ninety-nine (2299), as enacted by the Sixty-eighth General Assembly, 1980 Session, and sections two (2) and seven (7) of this Act are effective for the school year beginning July 1, 1981 and subsequent school years.

Approved May 21, 1980

CHAPTER 1076

SCHOOL FINANCE

H. F. 2551

AN ACT relating to school finance including the calculation of the state percent of growth, allowable growth per pupil, and the state foundation base for school foundation aid purposes and including reimbursement for public and nonpublic pupil transportation.

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

Section 1. Section two hundred seventy-three point two (273.2), Code 1979, is amended by adding the following new subsection following subsection five (5):

NEW SUBSECTION. Assistance in establishing programs for gifted and talented children.

Sec. 2. Section two hundred seventy-three point three (273.3), subsection thirteen (13), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter sixty (60), section one (1), is amended to read as follows:

13. Prepare an annual budget estimating income and expenditures for programs and services as provided in sections 273.1 to 273.9 and chapter 281 within the limits of funds provided under section two hundred eighty-one point nine (281.9) and chapter four hundred forty-two (442) of the Code. The board shall give notice of a public hearing on the proposed budget by publication in an official county newspaper in each county located wholly or partially in the merged area. The notice shall specify the date which shall be not later than November 10 of each year, time, and location of the public hearing. The proposed budget as approved by the board shall then be submitted to the state board of public instruction, on forms provided by the department, no later than December 1 preceding the next fiscal year for approval. ~~The state board shall forward copies of the budgets of the area education agencies to the state comptroller. The state board and the state comptroller shall establish a maximum statewide amount for approved budgets for the area education agencies. If the state board and the state comptroller cannot agree upon a maximum statewide amount, that amount shall be established by the school budget review committee.~~ The state board shall review the proposed budget of each area education agency ~~with consideration given to the maximum statewide amount established pursuant to this subsection,~~ and shall prior to January 1 either grant approval or return the budget without approval with comments of the state board included. Any unapproved budget shall be resubmitted to the state board for final approval.

Sec. 3. Section two hundred seventy-three point five (273.5), subsection six (6), Code 1979, is amended to read as follows:

6. Submit to the department of public instruction special education instructional and support program plans and applications ~~including these for new or expanded programs and services~~, subject to criteria listed in chapter 281 and this chapter, for approval by November 1 of each year for the school year commencing the following July 1. ~~For the school years subsequent to the school year beginning July 1, 1975, the director shall include in the program plans submitted to the department for support services the costs necessary to fund the newly identified nonpublic school pupils served by the area with support services not previously counted in the program plans for support services.~~

Sec. 4. Section two hundred eighty-five point one (285.1), subsections three (3) and four (4), Code 1979, are amended to read as follows:

3. In any a district where transportation by school bus is impracticable or where school bus service is not available, the board may require the parents or guardian guardians to transport furnish transportation for their children to the ~~school~~ schools designated for attendance. The parent or guardian shall be reimbursed for such transportation service for elementary public and nonpublic school pupils by the board of the resident district ~~for the distance one-way from the pupil's residence to the school designated for attendance at the rate of fifty-six cents per mile per day irrespective of number of children transported. For high school pupils, the parent or guardian shall be reimbursed eighty dollars per pupil per year for such service, provided however no family shall receive more than one hundred sixty dollars per year for transporting the members of the family who attend high school. The provisions of this section shall apply to eligible nonpublic school pupils as well as to eligible public school pupils. However, reimbursement for nonpublic school pupils shall not exceed eighty dollars per pupil per year. The provisions of this subsection shall be effective for transportation of children commencing with the second semester of the school year beginning July 1, 1975.~~ in an amount equal to eighty dollars plus the following percent of the difference between eighty dollars and the previous school year's statewide average per pupil transportation cost, as determined by the department of public instruction:

- a. For the school year commencing July 1, 1980, twenty-five percent.
- b. For the school year commencing July 1, 1981, fifty percent.
- c. For the school year commencing July 1, 1982 and each school year thereafter, seventy-five percent.

However, a parent or guardian shall not receive reimbursement for furnishing transportation for more than two family members who attend high school.

4. In all districts where unsatisfactory roads or other conditions make it advisable, the board at its discretion may require the parent parents or guardian guardians of public and nonpublic school pupils to transport furnish transportation for their children up to two miles to connect with a-vehicle vehicles of transportation. The parent parents or guardian guardians shall be reimbursed for such transportation by the board boards of the resident district districts at the rate of twenty-eight cents per mile per day, one way, per family for the distance from the pupil's residence to the bus route.

Sec. 5. Section two hundred eighty-five point one (285.1), subsection sixteen (16), Code 1979, is amended to read as follows:

16. a. If the nonpublic school designated for attendance of a pupil is located outside the boundary line of the school district of the pupil's residence, the pupil may be transported by the district of residence to a public school or other location within the district of the pupil's residence. A public school district in which a nonpublic school is located may establish school bus collection locations within its district from which nonresident nonpublic school pupils may be transported to and from a nonpublic school located in the district. If a pupil receives such transportation, the district of the pupil's residence shall be relieved of any requirement to provide transportation.

b. As an alternative to ~~the provisions enumerated in~~ paragraph a of this subsection, subject to ~~the provisions of~~ section 285.9, subsection 3, where practicable, and at the option of the public school district in which a nonpublic school pupil resides, the school district may transport a nonpublic school pupil to a nonpublic school located outside the boundary lines of the public school district if the nonpublic school is located in a school district contiguous to the school district which is transporting the nonpublic school pupils, or may contract with the contiguous public school district in which a nonpublic school is located for the contiguous school district to transport the nonpublic school pupils to the nonpublic school of attendance within the boundary lines of the contiguous school district.

c. If the nonpublic school designated for attendance of a pupil is located outside the boundary line of the school district of the pupil's residence and the district of residence meets the requirements of subsections fourteen (14) through sixteen (16) of this section by using subsection seventeen (17), paragraph c, of this section and the district in which the nonpublic school is located is contiguous to the district of the pupil's residence and is willing to provide transportation under subsection seventeen (17), paragraph a or b, of this section, the district in which the nonpublic school is located may provide transportation services, subject to section two hundred eighty-five point nine (285.9), subsection three (3), of the Code and may make the claim for reimbursement under section two hundred eighty-five point two (285.2) of the Code. The district in which the nonpublic school is located shall notify the district of the pupil's residence that it is making the claim for reimbursement, and the district of the pupil's residence shall be relieved of the requirement for providing transportation and shall not make a claim for reimbursement for those nonpublic school pupils for which a claim is filed by the district in which the nonpublic school is located.

Sec. 6. Section two hundred eighty-five point one (285.1), subsection seventeen (17), paragraph c, Code 1979, is amended to read as follows:

~~c. Utilizing the transportation reimbursement provision of subsection 3. However,--no--reimbursement--shall--exceed--eighty--dollars--per--nonpublic--school--pupil--per--year--~~

Sec. 7. Section two hundred eighty-five point fourteen (285.14), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A vehicle used for an approved driver education course in which the driver education teacher transports driver education students from their residences for street or highway driving is not a school bus.

Sec. 8. Section two hundred eighty-five point sixteen (285.16), Code 1979, is amended to read as follows:

285.16 "NONPUBLIC SCHOOL" DEFINED. As used in this chapter, the term "nonpublic school" means those nonpublic schools approved by the department of public instruction as provided in section 257.25 and nonpublic institutions which comply with state board of public instruction standards for providing special education programs.

Sec. 9. Section four hundred forty-two point two (442.2), subsection two (2), Code 1979, is amended to read as follows:

2. The amount paid to each school district for the tax credit for livestock under section 427.17 shall be regarded as property tax. The portion of the payment which is foundation property tax shall be determined by applying the foundation property tax rate to the taxable value of livestock assessed for taxation in the district as of January 1, 1973, determined pursuant to section 427.17, and adjusted to actual value as provided in Acts of the Sixty-fifth General Assembly, chapter 1231, section 174. A school district is hereby authorized to levy a tax on all of the taxable property within the district in an amount equal to the difference between the amount due to a school district from the personal property tax replacement fund for the preceding year and the amount actually received during the preceding fiscal year from the personal property tax replacement fund.

Sec. 10. Section four hundred forty-two point three (442.3), Code 1979, is amended to read as follows:

442.3 STATE FOUNDATION BASE. The state foundation base for the school year beginning July 1, 1972, is seventy percent of the state cost per pupil. For each succeeding school year the state foundation base shall be increased by the amount of one percent of the state cost per pupil, up to a maximum of eighty percent of the state cost per pupil. However, for the school year beginning July 1, 1980, the state foundation base shall be the same as the state foundation base for the school year beginning July 1, 1979. The district foundation base is the larger of the state foundation base or the amount per pupil which the district will receive from foundation property tax and state school foundation aid.

Sec. 11. Section four hundred forty-two point seven (442.7), subsection one (1), unnumbered paragraph one (1), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), sections six (6) through ten (10), is amended to read as follows:

For school years subsequent to the school year beginning July 1, 1978, a state percent of growth for the budget year shall be computed by the state comptroller prior to September 15 in the base year and forwarded to the superintendent of public instruction. The state percent of growth shall be an average of the following four percentages of growth except as otherwise provided in paragraph c of this subsection:

Sec. 12. Section four hundred forty-two point seven (442.7), subsection one (1), paragraph a, subparagraphs one (1) and two (2), as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), section six (6), and as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), sections seven (7) through ten (10), are amended by striking the subparagraphs and inserting in lieu thereof the following:

(1) The percentage of change between the revenues received during the second year preceding the base year and the revenues received during the year preceding the base year.

(2) The percentage of change between the revenues received during the year preceding the base year and the revenues received during the base year.

Sec. 13. Section four hundred forty-two point seven (442.7), subsection one (1), paragraph b, Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), sections six (6) through ten (10), is amended by striking the paragraph and inserting in lieu thereof the following:

b. The difference in the gross national product implicit price deflator published by the bureau of economic analysis, United States department of commerce, computed or estimated as a percentage of change for the following:

(1) From the value for the quarter ending December thirty-first eighteen months prior to the beginning of the base year to the value for the quarter ending December thirty-first six months prior to the beginning of the base year.

(2) From the value for the quarter ending December thirty-first six months prior to the beginning of the base year to the value for the quarter ending December thirty-first six months prior to the beginning of the budget year.

The computation of the percentage change in the gross national product implicit price deflator shall be based, to the extent possible, on the latest available values for these deflators published by the bureau of economic analysis.

Sec. 14. Section four hundred forty-two point seven (442.7), subsection one (1), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), sections six (6) through ten (10), is amended by adding the following new paragraph as paragraph c:

NEW PARAGRAPH. c. If the average of the percentages computed or estimated under paragraph b of this subsection exceeds the average of the percentages computed or estimated under paragraph a of this subsection, the state percent of growth shall be the average of the two percentages of growth computed or estimated under paragraph a of this subsection.

Sec. 15. Section four hundred forty-two point seven (442.7), subsection five (5), paragraph a, Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), section ten (10), and as the section is amended but not as renumbered by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), sections six (6) through nine (9), is amended by striking the paragraph and inserting in lieu thereof the following:

a. If the state cost per pupil for the budget year exceeds the district cost per pupil for the budget year, the basic allowable growth per pupil for the budget year is modified to equal one hundred ten percent of the product of the state cost per pupil for the base year times the state percent of growth for the budget year. However, the basic allowable growth per pupil for the budget year under this paragraph shall not exceed the difference between the state cost per pupil for the budget year and the district cost per pupil for the budget year. For purposes of this paragraph the state cost per pupil and the district cost per pupil shall not include special education support service costs, and the district cost per pupil for the budget year shall not include that portion of the district cost per pupil created by additions or subtractions to the allowable growth per pupil for the budget year and for prior school years beginning with the school year commencing July 1, 1977, as provided under paragraph b of this subsection.

Sec. 16. Section four hundred forty-two point seven (442.7), subsection five (5), paragraphs d and e, Code 1979, as the section is amended but not as renumbered by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), sections six (6) through ten (10), are amended to read as follows:

d. For ~~each--year--following~~ the school year beginning July 1, ~~1975~~ 1976 ~~and ending with the school year beginning July 1, 1980~~, by adding to the basic allowable growth an amount to compensate for the additional costs of special education support services provided through the area education agency. For the school years beginning July 1, 1978 and July 1, 1979 only, the total amount for each area shall be equal to the total amount approved for special education support services for the base year times one hundred percent plus the state percent of growth. In addition to the amount provided in this paragraph to each area for the school years beginning July 1, 1978 and July 1, 1979 to compensate for the additional costs of special education support services, each area may be granted by the state board an additional amount to serve children newly-identified as requiring the services pursuant to plans submitted by the special education director of the area education agency as required by section 273.5. The total of additional amounts granted throughout the state by the state board for the school year beginning July 1, 1978 shall not exceed the total amount approved for special education support services for the school year beginning July 1, 1977 times four and eighty-seven hundredths percent, and for the school year beginning July 1, 1979 shall not exceed the total amount approved for special education support services for the school year beginning July 1, 1978 times three percent. For the school year beginning July 1, 1980 ~~and--each--school--year--thereafter~~ the total amount for the state for special education support services shall not exceed the total amount approved for special education support services for the base year times one hundred percent plus the state percent of growth, and the total amount for each area shall be determined by the state board of public instruction pursuant to plans submitted by the special education director of the area education agency as required by section 273.5, which shall be modified as necessary and approved by the state board of public instruction according to the criteria and limitations of section 273.5 and

chapter 281 and within the total amount for the state provided in this paragraph. The amount of additional allowable growth per pupil for the budget year for each district in an area shall be determined by dividing the total amount for the area so determined by the weighted enrollment of the area for the budget year.

e. For the school years prior to the school year beginning July 1, 1981, for the additional allowable growth computed under paragraphs "c" and "d" of this subsection, the state board of public instruction, in co-operation with the appropriate personnel of the area education agency, shall determine the amounts for each area education agency, as required and the state comptroller shall calculate the amounts of additional allowable growth for each district necessary to fund the total special education support services costs as increased for the budget year under paragraph "d" of this subsection, and shall calculate the amounts due from each district to its area education agency by multiplying the additional allowable growth per pupil necessary to fund the total special education support services costs as increased for the budget year under paragraph "d" of this subsection by the weighted enrollment in the district for the budget year. The state comptroller shall deduct the amounts so calculated for each school district from the state aid due to the district pursuant to this chapter and shall pay the amounts to the area education agencies on a quarterly basis during each school year. The state comptroller shall notify each school district of the amount of state aid deducted for this purpose and the balance of state aid will be paid to the district. If a district does not qualify for state aid under this chapter in an amount sufficient to cover its amount due to the area education agency as calculated by the state comptroller, the school district shall pay the deficiency to the area education agency from other moneys received by the district, on a quarterly basis during each school year.

Sec. 17. Section four hundred forty-two point seven (442.7), subsection five (5), Code 1979, as the section is amended but not as renumbered by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), sections six (6) through ten (10), is amended by adding the following new paragraph:

NEW PARAGRAPH. By the state comptroller under section four hundred forty-two point thirty-five (442.35) of the Code.

Sec. 18. Section four hundred forty-two point seven (442.7), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), sections six (6) through ten (10), is amended by adding the following new subsection:

NEW SUBSECTION. ALLOWABLE GROWTH. For the school year beginning July 1, 1981, the state comptroller shall add to the allowable growth of affected school districts, an amount equal to the difference between the amount per pupil in weighted enrollment for the approved budget for the school year beginning July 1, 1980 for special education support services in that area education agency and the amount per pupil in weighted enrollment for the amount certified to generate funds for the school year beginning July 1, 1980 for special education support services in the area education agency and shall adjust the state cost per pupil accordingly.

Sec. 19. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), sections eight (8) and nine (9), are amended to read as follows:

SEC. 8. Section four hundred forty-two point seven (442.7), Code 1979, is amended by adding the following new subsection after section one (1):

NEW SUBSECTION. Notwithstanding subsection one (1) of this section, for the school ~~years~~ year beginning July 1, 1980, ~~July 1, 1981, and July 1, 1982~~ only, the state percent of growth is the average of the two percentages of growth computed under subsection one (1), paragraph b, of this section.

SEC. 9. Section four hundred forty-two point seven (442.7), subsection three (3), Code 1979, is amended to read as follows:

3. Each year prior to September fifteenth the state comptroller shall recompute the state percent of growth for the previous year using adjusted estimates and the actual figures available. The difference between the recomputed state percent of growth for the base year and the original computation shall be added to or subtracted from the state percent of growth for the budget year, as applicable. However, for the budget school ~~years~~ year beginning July 1, 1980 only, July 1, 1981, and July 1, 1982 the state comptroller shall recompute the state percent of growth for the previous year using adjusted estimates and the actual figures available based only upon the consumer price index.

With regard to values of gross national product implicit price deflators, the recomputation of the state percent of growth for the previous year shall be made only with respect to the value of the deflator for the quarter which occurred subsequent to the calculation of the state percent of growth for the previous year. If subsection one (1), paragraph c, of this section is used in the calculation of the state percent of growth for the previous year, the calculation made in subsection one (1), paragraph b, of this subsection shall not be used in the recomputation of the state percent of growth for the previous year.

For the school year beginning July 1, 1981, the recomputation of the state percent of growth for the year beginning July 1, 1980 computed prior to September 15, 1980 and added to or subtracted from the state percent of growth for the school year beginning July 1, 1981 shall also include a percent equal to the difference between the estimate made of the percentage of growth in the receipts of state general fund revenue by the state comptroller prior to September 15, 1978 in computing the state percent of growth for the school year beginning July 1, 1979 and the actual figures of the percentage of growth in the receipts of state general fund revenue.

Sec. 20. Section four hundred forty-two point eight (442.8), unnumbered paragraph two (2), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), section eleven (11), is amended to read as follows:

However, for the budget years beginning July 1, 1980, ~~July 1, 1981,~~ July 1, 1982, and July 1, 1983, the state cost per pupil shall equal the base year's state cost per pupil plus the allowable growth for the budget year plus an adjustment to the state cost per pupil. For the budget years beginning July 1, 1980, ~~July 1, 1981,~~ July 1, 1982, and July 1, 1983, the

adjustment to the state cost per pupil is twenty dollars per pupil, ~~six dollars-per-pupil~~, seven dollars per pupil, and eight dollars per pupil, respectively.

Sec. 21. Section four hundred forty-two point eight (442.8), unnumbered paragraph three (3), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), section eleven (11), is amended to read as follows:

~~For each~~ Commencing with the school year subsequent--to--the--school--year beginning July 1, 1975 1976, and ending with the school year beginning July 1, 1979, the allowable growth added to the state cost per pupil as otherwise computed under section 442.7 shall be the basic allowable growth increased by an amount equal to the average of the amounts of allowable growth added for each school district in the state for additional special education support services needed for that year to serve newly identified children who require the services, under sections 273.9, subsection 3 and 442.7, subsection 5, paragraph "d". The state comptroller shall compute the applicable amount of allowable growth to be added to the state cost per pupil for each school year.

Sec. 22. Section four hundred forty-two point nine (442.9), subsection one (1), paragraph a, Code 1979, is amended by adding the following new unlettered paragraph:

NEW UNLETTERED PARAGRAPH. However, district cost per pupil does not include additional allowable growth added for programs for gifted and talented children under this chapter and does not include additional allowable growth established by the school budget review committee for a single school year only.

Sec. 23. Chapter four hundred forty-two (442), Code 1979, is amended by adding the following new section as section four hundred forty-two point twenty-five (442.25) of the Code:

NEW SECTION. 442.25 SPECIAL EDUCATION SUPPORT SERVICES PAYMENTS. The state comptroller shall deduct the amounts calculated for special education support services for each school district from the state aid due to the district pursuant to this chapter and shall pay the amounts to the respective area education agencies on a quarterly basis during each school year. The state comptroller shall notify each school district of the amount of state aid deducted for this purpose and the balance of state aid shall be paid to the district. If a district does not qualify for state aid under this chapter in an amount sufficient to cover its amount due to the area education agency as calculated by the state comptroller, the school district shall pay the deficiency to the area education agency from other moneys received by the district, on a quarterly basis during each school year.

Sec. 24. Section four hundred forty-two point thirty-one (442.31), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section twenty (20), and as amended by House File two thousand two hundred seventy-five (2275), section one (1), Sixty-eighth General Assembly, 1980 Session, is amended by striking the section and inserting in lieu thereof the following:

442.31 GIFTED AND TALENTED CHILDREN. For the school year beginning July 1, 1981 and succeeding school years, boards of school districts, individually or jointly with the boards of other school districts, may provide for gifted and talented children programs and annually submit program plans and budget costs, including requests for additional allowable growth for funding the programs, to the department of public instruction and to the applicable gifted and talented children advisory council, if an advisory council has been established, as provided in this chapter. A district shall not identify more than three percent of its budget enrollment for the budget year as gifted and talented.

The department of public instruction shall promulgate rules under chapter seventeen A (17A) of the Code relating to the administration of sections four hundred forty-two point thirty-one (442.31) through four hundred forty-two point thirty-five (442.35) of the Code and the new sections added to chapter four hundred forty-two (442) of the Code by this Act. The rules shall prescribe the format of program plans submitted under section four hundred forty-two point thirty-two (442.32) of the Code and shall require that programs fulfill specified objectives.

Sec. 25. Section four hundred forty-two point thirty-two (442.32), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

442.32 PROGRAM PLANS. The program plans submitted by school districts shall include all of the following:

1. Program goals, objectives, and activities to meet the needs of gifted and talented children.
2. Student identification criteria and procedures.
3. Staff in-service education design.
4. Staff utilization plans.
5. Evaluation criteria and procedures and performance measures.
6. Program budget.
7. Qualifications required of personnel administering the program.
8. Other factors the department requires.

Sec. 26. Section four hundred forty-two point thirty-three (442.33), Code 1979, is amended to read as follows:

442.33 DEFINED. "Gifted and talented children" are those identified as possessing outstanding abilities who are capable of high performance. Gifted and talented children are children who require ~~differentiated--educational programs---or--services~~ appropriate instruction and educational services commensurate with their abilities and needs beyond those provided by the regular school program.

Gifted and talented children include those children with demonstrated achievement or potential ability, or both, in any ~~two--or--more~~ of the following areas or in combination:

1. General intellectual ability.
- ± 2. Creative thinking.
- ± 3. Leadership ability.
- ± 4. Visual and performing arts ability.

4 5. Specific ability aptitude.

~~5---Intellectual-ability-~~

Sec. 27. Section four hundred forty-two point thirty-four (442.34), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section twenty-one (21), and as amended by House File two thousand two hundred seventy-five (2275), section two (2), Sixty-eighth General Assembly, 1980 Session, is amended by striking the section and inserting in lieu thereof the following:

442.34 SUBMISSION OF PROGRAM PLANS. The board of directors of a school district shall submit applications for approval for gifted and talented children programs to the department not later than November first preceding the fiscal year during which the program will be offered. The board shall also submit a copy of the program plans to the gifted and talented children advisory council, if an advisory council has been established. The department shall review the program plans and shall prior to January fifteenth either grant approval for the program or return the request for approval with comments of the department included. Any unapproved request for a program may be resubmitted with modifications to the department not later than February first. Not later than February fifteenth the department shall notify the state comptroller and the school budget review committee of the names of the school districts for which gifted and talented children programs have been approved and the approved budget of each program listed separately for each school district having an approved program.

Sec. 28. Section four hundred forty-two point thirty-five (442.35), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section twenty-two (22), and as amended by House File two thousand two hundred seventy-five (2275), section three (3), Sixty-eighth General Assembly, 1980 Session, is amended by striking the section and inserting in lieu thereof the following:

442.35 FUNDING. The budget of an approved gifted and talented children program for a school district, after subtracting funds received from other sources for that purpose, shall be funded annually on a basis of one-fourth or more from the district cost of the school district and up to three-fourths by an increase in allowable growth as defined in section four hundred forty-two point seven (442.7) of the Code. Annually, the state comptroller shall establish a modified allowable growth for each such district equal to the difference between the approved budget for the gifted and talented children program for that district and the sum of the amount funded from the district cost of the school district plus funds received from other sources.

Sec. 29. Chapter four hundred forty-two (442), Code 1979, is amended by adding the following new sections:

NEW SECTION. ADVISORY COUNCIL. At the written request of one or more boards of school districts, in an area education agency, the area education agency board shall establish one or more gifted and talented children advisory councils and shall appoint members for four-year staggered terms. The terms of office of advisory council members shall commence on July first of each year. An advisory council shall consist of seven members including teachers, parents, school administrators, and other persons interested in

education in the area. Except as otherwise provided in this section, members shall be eligible electors residing in the merged area. Members shall serve without compensation but shall be reimbursed for actual and necessary expenses and mileage incurred in the performance of their duties from funds available to the area education agency.

If an area education agency has a weighted enrollment of more than thirty-five thousand, the board may appoint additional advisory councils for each thirty-five thousand weighted enrollment or fraction of thirty-five thousand. If more than one advisory council is appointed by the board, the board shall divide the merged area along school district boundary lines for jurisdiction of the advisory councils, and membership of these advisory councils shall be appointed from the designated portion of the merged area.

NEW SECTION. DUTIES OF ADVISORY COUNCIL. The gifted and talented children advisory council shall:

1. Elect a chairperson and vice chairperson from the membership of the advisory council.

2. Meet as often as deemed necessary by the advisory council.

3. Advise and assist a local board of directors in the establishment of gifted and talented children programs, when requested by the local board.

4. Review program plans and proposed budgets for a gifted and talented children program, in consultation with a gifted and talented children consultant employed by the area education agency, when requested by a local board.

5. When requested by a local board, evaluate the results of a gifted and talented children program and file a written report together with recommendations for improvement or change with the board of directors of the applicable school district, the area education agency and the department of public instruction. The evaluation shall be conducted by three or more members of the advisory council.

Sec. 30. For the school year beginning July 1, 1981, an area education agency which requires additional money to provide special education support services to children requiring special education in the area may apply to the school budget review committee for additional funds. The school budget review committee shall review the requests submitted by area education agencies and may allocate additional funds to area education agencies on the basis of need from any funds appropriated to the department of public instruction for the use of the school budget review committee.

Sec. 31. This Act is effective for the school year beginning July 1, 1981, except that the sections amending chapter two hundred eighty-five (285), section four hundred forty-two point three (442.3) and section four hundred forty-two point seven (442.7), subsection five (5), paragraph a, of the Code are effective for the school year beginning July 1, 1980.

Sec. 32. This Act, being deemed of immediate importance, takes effect from and after its publication in The Record, a newspaper published in Cedar

Falls, Iowa, and in The Garner Leader & Signal, a newspaper published in Garner, Iowa.

Approved May 20, 1980

I hereby certify that the foregoing Act, House File 2551, was published in The Record, Cedar Falls, Iowa on May 31, 1980, and in The Garner Leader & Signal, Garner, Iowa on May 28, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1077

AREA EDUCATION ADMINISTRATORS

H. F. 2475

AN ACT relating to the determination of the salaries for the area education agency administrators.

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

Section 1. Section two hundred seventy-three point three (273.3), subsection twelve (12), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter sixty (60), section one (1), is amended to read as follows:

12. Employ personnel, to carry out the functions of the area education agency which shall include the employment of an administrator who shall possess a certificate issued under section 260.9. The administrator shall be employed pursuant to section 279.20 and sections 279.23, 279.24 and 279.25. The salary for an area education agency administrator shall be established by the board based upon the previous experience and education of the administrator, ~~except that the salary established by the board for an administrator for a school year shall not exceed the salary established by the board for that administrator for the preceding school year by more than seven percent. The salary shall include the costs of additional benefits, over and above the additional benefits given all full-time employees.~~ The provisions of section 279.13 shall apply to the area education agency board and to all teachers employed by the area education agency. The provisions of sections 279.23, 279.24 and 279.25 shall apply to the area education board and to all administrators employed by the area education agency. ~~The salary rate for the administrator established by the board is subject to the approval of the state board.~~

Sec. 2. The effective date of this Act is January first following its enactment.

Approved May 17, 1980

CHAPTER 1078
SPECIAL EDUCATION STUDENTS

H. F. 2299

Effective July 1, 1981, 68GA, ch 1075, §8

AN ACT relating to the dates on which school districts count special education students and report the count to the department of public instruction.

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

Section 1. Section two hundred seventy-three point five (273.5), subsection five (5), Code 1979, is amended to read as follows:

5. Provide each school district within the area served and the department of public instruction with a special education weighted enrollment count for ~~the second Friday in January and~~ the second Friday in September of each year.

Sec. 2. Section four hundred forty-two point four (442.4), subsection one (1), unnumbered paragraph five (5), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), section one (1), and as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), sections two (2), three (3), and four (4), is amended to read as follows:

A school district shall certify its basic enrollment to the state department of public instruction by September twenty-fifth of each year, and the department shall promptly forward the information to the state comptroller. For purposes of determining whether a district is entitled to an advance for increasing enrollment a determination of actual enrollment shall be made on the second Friday of September in the budget year by counting the pupils in the same manner and to the same extent that they are counted in determining basic enrollment, but substituting the count in the budget year for the count in the base year. In addition, a school district shall determine its additional enrollment because of special education defined in Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), section seventeen (17), on December first of each year and if the district is entitled to an advance for special education, it shall certify its additional enrollment because of special education to the department of public instruction by December fifteenth of each year, and the department shall promptly forward the information to the state comptroller.

Sec. 3. Section four hundred forty-two point twenty-six (442.26), unnumbered paragraph two (2), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), section fifteen (15), is amended to read as follows:

All state aids paid under this chapter unless otherwise stated, shall be paid in installments due on or about September fifteenth, December fifteenth, March fifteenth, and May fifteenth of each year, and the installments shall be as nearly equal as possible as determined by the state comptroller, taking

into consideration the relative budget and cash position of the state resources. However, the state aids paid to school districts under section 442.28 shall be paid in installments due on or about December fifteenth, March fifteenth, and May fifteenth of each year and the state aids paid to school districts under Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), section seventeen (17), shall be paid in installments due on or about March fifteenth and May fifteenth of each year.

Sec. 4. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred six (106), section seventeen (17), unnumbered paragraph one (1), is amended to read as follows:

If a school district's additional enrollment because of special education determined by the district on ~~the-second-Friday-of-September~~ December first in the budget year is greater than its additional enrollment because of special education determined by the district on ~~the--second--Friday-of-September~~ December first in the base year, the school district is entitled to an advance from the state of an amount equal to its district cost per pupil for the budget year less the amount per pupil for special education support services, computed as a part of district cost under section 442.7 for the budget year multiplied by the district's increase in additional enrollment because of special education. The advance shall be miscellaneous income.

Approved April 24, 1980

CHAPTER 1079
SCHOOL DISTRICT DISSOLUTION
H. F. 2340

AN ACT to establish a dissolution commission, prescribe its duties, and provide for the dissolution of a school district.

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

Section 1. Chapter two hundred seventy-five (275), Code 1979, is amended by adding sections two (2) through six (6) and nine (9) of this Act.

Sec. 2. NEW SECTION. DISSOLUTION COMMISSION. As an alternative to school district reorganization prescribed in this chapter, the board of directors of a school district may establish a school district dissolution commission to prepare a proposal of dissolution of the school district and attachment of all of the school district to one or more contiguous school districts and to include in the proposal a division of the assets and liabilities of the dissolving school district.

The dissolution commission shall consist of seven members appointed by the board for a term of office ending either with a report to the board that no proposal can be approved or on the date of the election on the proposal.

Members of the dissolution commission must be eligible electors who reside in the school district, not more than three of whom may be members of the board of directors of the school district. Members shall be appointed from throughout the school district and should represent the various socio-economic factors present in the school district.

Members of the dissolution commission shall serve without compensation and may be appointed to a subsequent commission. A vacancy on the commission shall be filled in the same manner as the original appointment was made.

The board of the school district shall certify to the area education agency board that a commission has been formed, the names and addresses of commission members, and that the commission members represent the various geographic areas and socio-economic factors present in the district.

Sec. 3. NEW SECTION. MEETINGS. The commission shall hold an organizational meeting not more than fifteen days after its appointment and shall elect a chairperson and vice chairperson from its membership. Thereafter the commission may meet as often as deemed necessary upon the call of the chairperson or a majority of the commission members.

The commission shall request statements from contiguous school districts outlining each district's willingness to accept attachments of the affected school district to the contiguous districts and what conditions, if any, the contiguous school district recommends. The commission shall meet with boards of contiguous school districts and with residents of the affected school district to the extent possible in drawing up the dissolution proposal. The commission may seek assistance from the area education agency and the department of public instruction.

Sec. 4. NEW SECTION. DISSOLUTION PROPOSAL. The commission shall send a copy of its dissolution proposal or shall inform the board that it cannot agree upon a dissolution proposal not later than one year following the date of the organizational meeting of the commission. The commission shall also send a copy of the dissolution proposal by registered mail to the boards of directors of all school districts to which area of the affected school district will be attached. If the board of a district to which area of the affected school district will be attached objects to the attachment, within ten days following receipt of the dissolution proposal the board shall send its objections in writing to the commission. The commission may consider the objections and may modify the dissolution proposal. If the dissolution proposal is modified, the commission shall notify by registered mail the boards of directors of all school districts to which area of the affected school district will be attached.

If the commission cannot agree upon a dissolution proposal prior to the expiration of its term, the board may appoint a new commission.

Sec. 5. NEW SECTION. HEARING. Within ten days following the filing of the dissolution proposal with the board, the board shall fix a date for a hearing on the proposal which shall not be more than sixty days after the dissolution petition was filed with the board. The board shall publish notice of the date, time, and location of the hearing at least ten days prior to the date of the hearing by one publication in a newspaper in general circulation in the district. The notice shall include the content of the

dissolution proposal. A person residing or owning land in the school district may present evidence and arguments at the hearing. The president of the board shall preside at the hearing. The board shall review testimony from the hearing and shall adopt or amend and adopt the dissolution proposal. The board shall notify by registered mail the boards of directors of all school districts to which area of the affected school district will be attached and the state board of public instruction of the contents of the dissolution proposal adopted by the board. If the board of a district to which area of the affected school district will be attached objects to the attachment, that portion of the dissolution proposal will not be included in the proposal voted upon under section six (6) of this Act and the state board of public instruction shall attach the area to a contiguous school district. If the board of a district to which area of the affected school district will be attached objects to the division of assets and liabilities contained in the dissolution proposal, section two hundred seventy-five point thirty (275.30) of the Code shall apply for the division of assets and liabilities to that district.

If a dissolution proposal adopted by a board contains provisions that ninety-five percent or more of the taxable valuation of the dissolving district would be assumed and attached to a single school district, the dissolving school district shall cease further proceedings to dissolve and shall comply with reorganization procedures specified in this chapter.

Sec. 6. NEW SECTION. ELECTION. The board of the school district shall call a special election to be held not later than forty days following the date of the final hearing on the dissolution proposal. The special election may be held at the same time as the regular school election. The proposition submitted to the voters residing in the school district at the special election shall describe each separate area to be attached to a contiguous school district and shall name the school district to which it will be attached.

The board shall give written notice of the proposed date of the election to the county commissioner of elections. The proposed date shall be pursuant to sections thirty-nine point two (39.2), subsections one (1) and two (2) and forty-seven point six (47.6), subsections one (1) and two (2) of the Code. The county commissioner of elections shall give notice of the election by one publication in the same newspaper in which the previous notice was published about the hearing, which publication shall not be less than four nor more than twenty days prior to the election.

The proposition shall be adopted if a majority of the electors voting on the proposition approve its adoption.

The attachment is effective July first following its approval.

Sec. 7. Section two hundred seventy-four point four (274.4), Code 1979, is amended to read as follows:

274.4 RECORD OF REORGANIZATION FILED. When an election on the proposition of organizing, reorganizing, enlarging, or changing the boundaries of any school corporation, or on the proposition of dissolving a school district, carries by the required statutory margin, or the boundary lines of contiguous school corporations are changed by the concurrent action

of the respective boards of directors, the secretary of ~~said~~ the school corporation, shall file a written description of the new boundaries of the school corporation in the office of the county auditor of each county in which any portion of the school corporation lies.

Sec. 8. Section two hundred seventy-nine point forty (279.40), unnumbered paragraph four (4), Code 1979, is amended to read as follows:

Cumulation of sick leave ~~by--virtue-of~~ under this section shall not be affected or terminated ~~by--reason-of~~ due to the organization or dissolution of a community school district or districts which include all or the portion of the district which employed the particular public school employee for the school year previous to ~~such~~ the organization or dissolution, if ~~such~~ the employee is employed by one of ~~such~~ the community school districts for the first school year following its organization or dissolution.

Sec. 9. If the enrollment of a school district increases or is expected to increase because an adjacent district has dissolved or is expected to dissolve, the board of directors of the school district shall determine whether there is a need to hire additional certificated or noncertificated employees. If the board of directors determines that there is a need to hire additional employees, the board shall determine the nature and number of the necessary new positions. Individuals who were employees of the dissolved district may apply for the new positions. The board shall hire those applicants who were employees of the dissolved district whenever the applicant is certificated for the new position or, in the case of noncertificated personnel, is otherwise qualified. If two employees of the dissolved district apply for a single certificated position, the applicant who is best qualified in the opinion of the board shall be hired. The board is not required to hire applicants who were employees of the dissolved district if the district has been dissolved for one or more school years. Applicants who are reemployed under this section shall maintain in the reemploying district vacation, salary or alternatively placement on a salary schedule based on the employee's years of experience, sick leave, and completion of probationary status as defined by section two hundred seventy-nine point nineteen (279.19) of the Code.

Approved May 17, 1980

CHAPTER 1080
SCHOOLHOUSE TAX

H. F. 2458

AN ACT relating to the authority of reorganized school districts to levy the schoolhouse tax.

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

Section 1. Section two hundred seventy-five point twelve (275.12), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter sixty-one (61), section one (1), is amended by adding the following new subsection:

NEW SUBSECTION. The petition may also include a provision that the schoolhouse tax provided in section two hundred seventy-eight point one (278.1), subsection seven (7), of the Code will be voted upon at the election conducted under section two hundred seventy-five point eighteen (275.18) of the Code.

Sec. 2. Section two hundred seventy-five point twenty (275.20), Code 1979, is amended to read as follows:

275.20 SEPARATE VOTE IN EXISTING DISTRICTS. The voters shall vote separately in each existing school district affected and voters residing in the entire existing district are eligible to vote both upon the proposition to create ~~such a~~ a new school corporation and the proposition to levy the schoolhouse tax under section two hundred seventy-eight point one (278.1), subsection seven (7), of the Code if the petition included a provision for a vote to levy the schoolhouse tax. If ~~the a~~ a proposition receives a majority of the votes cast in each of at least seventy-five percent of the ~~said~~ said districts, and also a majority of the total number of votes cast in all of ~~said the~~ said districts, the proposition ~~shall-be-deemed is~~ is carried.

Sec. 3. Section two hundred seventy-eight point one (278.1), subsection seven (7), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter sixty-one (61), section four (4), is amended to read as follows:

7. Vote a schoolhouse tax, not exceeding sixty-seven and one-half cents per thousand dollars of assessed value in any one year, for the purchase of grounds, for construction of schoolhouses or buildings, for the payment of debts contracted for the erection or construction of schoolhouses or buildings, not including interest on bonds, for procuring or acquisition of libraries, for opening roads to schoolhouses or buildings, for the purchase of buildings or equipment for buildings or schoolhouses, for the purpose of repairing, remodeling, reconstructing, improving or expanding the schoolhouses or buildings for the school district, for the purpose of landscaping, paving, or improving the schoolhouse or building grounds, or for the rental of facilities pursuant to chapter 28E. Interest earned from

investments of these funds may be used for the purposes voted. The power to levy ~~said~~ a schoolhouse tax, when voted, shall continue for ~~such~~ the period of time ~~as may be~~ authorized by the voters and shall not be affected by any change in the boundaries of the school district, ~~in whatever manner effected,~~ ~~except in case the school district is reorganized pursuant to sections 275-12 to 275-22~~ as otherwise provided in this section. If each school district involved in a school reorganization under chapter two hundred seventy-five (275) of the Code has voted the schoolhouse tax and if the voters have not voted upon the proposition to levy the schoolhouse tax in the reorganized district, the schoolhouse tax is in effect for the reorganized district for the least amount and the shortest time for which it is in effect in any of the districts. Authorized levies for the period of time presently approved shall not be affected as a result of a failure of a proposition proposed to expand the purposes for which the funds may be expended. As used in this subsection, "repair" means to restore the existing structure or thing to its original condition, as near as may be, after decay, waste, injury, or partial destruction, but does not include maintenance or customary repainting; and "reconstruction" means to rebuild or to restore again as an entity the thing which was lost or destroyed.

Sec. 4. Section three (3) of this Act applies to school districts for which a reorganization under chapter two hundred seventy-five (275) of the Code takes effect July 1, 1980.

Sec. 5. This Act, being deemed of immediate importance, shall take effect from and after its publication in The Holstein Advance, a newspaper published in Holstein, Iowa, and in The Hartley Sentinel, a newspaper published in Hartley, Iowa.

Approved April 24, 1980

I hereby certify that the foregoing Act, House File 2458, was published in The Holstein Advance, Holstein, Iowa on May 1, 1980, and in The Hartley Sentinel, Hartley, Iowa on May 1, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1081
SPECIAL SCHOOL ELECTIONS

H. F. 2488

AN ACT relating to the powers to be exercised by electors of school corporations at certain elections.

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

Section 1. Section two hundred seventy-seven point two (277.2), Code 1979, is amended to read as follows:

277.2 SPECIAL ELECTION. The board of directors in any school corporation may call a special election at which election the voters shall have the powers exercised at the regular election with reference to the sale of school property and the application to be made of the proceeds, the authorization of seven members on the board of directors, the authorization to establish or change the boundaries of director districts, and the authorization of a schoolhouse tax or indebtedness, as provided by law, ~~for the purchase of a site and the construction of a necessary schoolhouse, and for obtaining roads thereto.~~

Approved April 21, 1980

CHAPTER 1082
SCHOOL BUSES

H. F. 2105

AN ACT relating to the loading and unloading of pupils from school buses.

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

Section 1. Section two hundred seventy-nine point eight (279.8), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The board shall make rules for its own government and that of the directors, officers, employees, teachers and pupils, and for the care of the schoolhouse, grounds, and property of the school corporation, and aid in the enforcement of the same, and require the performance of duties by said persons imposed by law and the rules. The board shall include in its rules provisions regulating the loading and unloading of pupils from a school bus stopped on the highway during a period of reduced highway visibility caused by fog, snow or other weather conditions.

Sec. 2. Section three hundred twenty-one point three hundred seventy-two (321.372), subsection one (1), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The driver of any school bus used to transport children to and from a public or private school shall, when stopping to receive or discharge pupils, turn on flashing warning lamps at a distance of not less than three hundred feet nor more than five hundred feet from the point where ~~said~~ the pupils are to be received or discharged from the bus. At the point of receiving or discharging pupils the driver of the bus shall bring the bus to a stop, turn off the amber flashing warning lamps, turn on the red flashing warning lamps, and extend the stop arm. After receiving or discharging pupils, the bus driver shall turn off all flashing warning lamps, retract the stop arm and proceed on the route. No Except to the extent that reduced visibility is caused by fog, snow or other weather conditions, a school bus shall not stop to load or unload pupils unless there is at least three hundred feet of clear unobstructed vision in each direction.

Approved May 20, 1980

CHAPTER 1083
SCHOOL EMPLOYEES RESIDENCE
S. F. 247

AN ACT relating to policies of boards of directors of school districts concerning the residence of employees.

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

Section 1. Chapter two hundred seventy-nine (279), Code 1979, is amended by adding the following new section:

NEW SECTION. RESIDENCE OF EMPLOYEES. The board shall not adopt rules under section two hundred seventy-nine point eight (279.8) of the Code which require its employees to reside within the boundaries of the school district.

Sec. 2. This Act is effective January first following its enactment.

Approved February 12, 1980

CHAPTER 1084
SCHOOL DISTRICT LEGAL COUNSEL

S. F. 426

AN ACT relating to the employment of legal counsel by school corporations.

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

Section 1. Section two hundred seventy-nine point thirty-seven (279.37), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

279.37 EMPLOYMENT OF COUNSEL. A school corporation may employ an attorney to represent the school corporation as necessary for the proper conduct of the legal affairs of the school corporation.

Sec. 2. This Act is effective January first following its enactment.

Approved February 12, 1980

CHAPTER 1085
AREA SCHOOLS AUXILIARY SERVICES PROFITS

S. F. 2002

AN ACT relating to expenditure of profits from auxiliary services by area schools.

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

Section 1. Chapter two hundred eighty A (280A), Code 1979, is amended by adding the following new section:

NEW SECTION. AUXILIARY ENTERPRISES. The board of directors may expend profits from auxiliary enterprises of area schools for services and equipment which includes but is not limited to tutoring services, scholarships, grants, furniture, fixtures and equipment for noninstructional student use, and support of intramural and intercollegiate athletics.

For the purpose of this section:

1. "Auxiliary enterprises" means self-supporting services provided at the area school for which fees or charges are paid, and includes but is not limited to food services, college stores, student unions, institutionally-operated vending services, recreational activities, faculty clubs, laundries, parking facilities, and intercollegiate athletics.

2. "Profits from auxiliary enterprises" means the difference between the total fees or charges collected for auxiliary enterprises and the expenditures by the area school for the auxiliary enterprises.

Approved April 30, 1980

CHAPTER 1086
AREA SCHOOL TRAFFIC CONTROL
H. F. 2138

AN ACT relating to the authority over traffic control and parking of the board of directors of a merged area.

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

Section 1. Section two hundred eighty A point twenty-three (280A.23), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Make necessary rules to provide for the policing, control, and regulation of traffic and parking of vehicles and bicycles on the property of the area school. The rules may provide for the use of institutional roads, driveways, and grounds; registration of vehicles and bicycles; the designation of parking areas; the erection and maintenance of signs designating prohibitions or restrictions; the installation and maintenance of parking control devices except parking meters; and assessment, enforcement, and collection of reasonable penalties for the violation of the rules.

Rules made under this subsection may be enforced under procedures adopted by the board of directors. Penalties may be imposed upon students, faculty, and staff for violation of the rules, including, but not limited to, a reasonable monetary penalty which may be deducted from student deposits and faculty or staff salaries or other funds in possession of the area school or added to student tuition bills. The rules made under this subsection may also be enforced by the impoundment of vehicles and bicycles parked in violation of the rules, and a reasonable fee may be charged for the cost of impoundment and storage prior to the release of the vehicle or bicycle to the owner. Each area school shall establish procedures for the determination of controversies in connection with the imposition of penalties. The procedures shall require giving notice of the violation and the penalty prescribed and providing the opportunity for an administrative hearing.

Approved May 19, 1980

CHAPTER 1087

TUITION RATES

S. F. 107

AN ACT relating to the establishment of tuition rates for school districts.

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

Section 1. Section two hundred eighty-two point twenty-four (282.24), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

There is established a maximum tuition fee to be charged for students, elementary or high school, residing within another school district or corporation. That fee ~~shall be the state cost per pupil as computed in section 442.8 or~~ is the district cost per pupil of the receiving district as computed in section 442.9, subsection 1, paragraph "a", ~~whichever is the lesser amount.~~

Approved April 21, 1980

CHAPTER 1088

SCHOOL BOND ELECTIONS

H. F. 695

AN ACT relating to the date requirements for calling a special election for the issuance of certain general obligation bonds for school districts.

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

Section 1. Section two hundred ninety-six point three (296.3), Code 1979, is amended to read as follows:

296.3 ELECTION CALLED. The president of the board of directors on receipt of such petition shall, within ten days after receiving the recommendations of the area education agency board under section two hundred ninety-seven point seven (297.7), subsection three (3) of the Code, call a meeting of the board which shall call such election, fixing the time thereof, which may be at the time and place of holding the regular school election. The president shall notify the county commissioner of elections of the time of the election.

Sec. 2. Section two hundred ninety-seven point seven (297.7), subsection three (3), unnumbered paragraphs one (1) and two (2), Code 1979, are amended to read as follows:

Before an election is held on the issuance of general obligation bonds for the construction or renovation of any school building, immediately upon receipt of a petition filed under section two hundred ninety-six point two (296.2) of the Code, the board shall inform the board of the area education agency in which the school district is located. The chairperson of the area education agency shall call a meeting of the boards of directors of the school district proposing the issuance of general obligation bonds, the boards of school districts contiguous to that school district, and the board of the area education agency, for the purpose of discussing enrollment trends of that school district and school districts contiguous to it and solutions to the enrollment changes in the various school districts, including the possibility of school district reorganization. The meeting shall be held within thirty days following the notification of the board of the area education agency in which the school district is located. The chairperson of the board of the area education agency shall preside at the meeting unless the chairperson is a resident of the school district proposing the issuance of general obligation bonds. In that case, the vice chairperson shall preside at the meeting.

~~Following~~ Immediately following discussion at the meeting, the board of directors of the area education agency shall ~~meet~~ convene to make recommendations concerning alternative solutions to the construction or renovation of the school building which shall be made to the school district proposing to issue general obligation bonds. The recommendations shall be received by the board of the school district proposing the issuance of general obligation bonds not later than three days following the date of the meeting.

Sec. 3. This Act is effective January first following its enactment.

Approved May 17, 1980

CHAPTER 1089

SCHOOLHOUSES

S. F. 108

AN ACT relating to the construction and maintenance of school houses by allowing the tax levied under section two hundred ninety-seven point five (297.5) of the Code and the unexpended cash balance of a school district to be spent for major building repairs.

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

Section 1. Section two hundred ninety-seven point five (297.5), Code 1979, is amended to read as follows:

297.5 TAX. The directors in ~~any a~~ high school district maintaining a program kindergarten through grade twelve may, by March ~~15~~ fifteenth of each year certify an amount not exceeding twenty-seven cents per thousand dollars of assessed value to the board of supervisors, who shall levy the amount so certified, and the tax so levied shall be placed in the schoolhouse fund ~~and~~ to be used for the purchase and improvement of sites or for major building repairs used only for the purchase and improvement of sites in and for said school district as specified by the directors. Any funds expended by a school district for new construction of school buildings or school administration buildings must first be approved by the voters of the district.

For the purpose of this section, "improvement of sites" includes: grading, landscaping, seeding and planting of shrubs and trees; constructing new sidewalks, roadways, retaining walls, sewers and storm drains, and installing hydrants; original surfacing and soil treatment of athletic fields and tennis courts; furnishing and installing for the first time, flagpoles, gateways, fences and underground storage tanks which are not parts of building service systems; demolition work; and special assessments against the school district for capital improvements such as streets, curbs, and drains.

For the purpose of this section, "purchase of sites" includes legal costs relating to the site acquisition, costs of surveys of the sites, costs of relocation assistance under state and federal law, and other costs incidental to the site acquisition.

For purposes of this section, "major building repairs" includes reconstruction, repair, improvement or remodeling of an existing schoolhouse and additions to an existing schoolhouse and expenditures for energy conservation.

Sec. 2. Section four hundred forty-two point thirteen (442.13), subsection seven (7), Code 1979, is amended to read as follows:

7. The committee may authorize a district to spend a reasonable and specified amount from its unexpended cash balance for the ~~sole~~ purpose or

purposes of furnishing, equipping, and contributing to the construction of a new building or structure for which the voters of the district have approved a bond issue as provided by law or a tax as provided in chapter 278 and for major building repairs as defined in section two hundred ninety-seven point five (297.5) of the Code. No other expenditure, including but not limited to expenditures for salaries or recurring costs, shall be authorized under this subsection. Expenditures authorized under this subsection shall not be included in allowable growth or district cost, and the portion of the unexpended cash balance which is authorized to be spent shall be regarded as if it were miscellaneous income. Any part of such amount which is not actually spent for the authorized purpose shall revert to its former status as part of the unexpended cash balance.

Approved May 20, 1980

CHAPTER 1090
SCHOOL BUILDING BIDS
H. F. 2521

AN ACT to increase the minimum cost of repairs to school buildings for which bid procedures are required.

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

Section 1. Section two hundred ninety-seven point eight (297.8), Code 1979, is amended to read as follows:

297.8 EMERGENCY REPAIRS. When emergency repairs costing more than five ~~twenty~~ thousand dollars are necessary in order to prevent the closing of any school, the provisions of the law with reference to advertising for bids shall not apply, and in that event the board may contract for such emergency repairs without advertising for bids, ~~provided, however, that.~~ However, before such emergency repairs can be made to any schoolhouse, it shall be necessary to procure a certificate from the area education agency administrator that such emergency repairs are necessary to prevent the closing of ~~such~~ the school.

Approved April 21, 1980

CHAPTER 1091
HISTORICAL PRESERVATION DISTRICTS
S. F. 435

AN ACT relating to the establishment of historical preservation districts in cities.

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

Section 1. Chapter three hundred three (303), Code 1979, is amended by adding the following new section following section three hundred three point thirty-three (303.33):

NEW SECTION. The provisions of section three hundred three point twenty (303.20) to three hundred three point thirty-three (303.33) of the Code do not apply within the limits of a city. However, in order for a city to designate an area which is deemed to merit preservation as an area of historical significance, the following shall apply:

1. An area of historical significance shall be proposed by the governing body of the city on its own motion or upon the receipt by the governing body of a petition signed by residents of the city. The city shall submit a description of the proposed area of historical significance or the petition describing the proposed area, if the proposed area is a result of the receipt of a petition, to the division of historical preservation of the Iowa state historical department which shall determine if the proposed area meets the criteria provided in subsection two (2) of this section and may make recommendations concerning the proposed area. Any recommendations made by the division of historical preservation shall be made available by the city to the public for viewing during normal working hours at a city government place of public access.

2. A city shall not designate an area as an area of historical significance unless it contains contiguous pieces of property under diverse ownership which meets the criteria specified in section three hundred three point twenty (303.20), subsection one (1), paragraphs a through f, of the Code.

3. A city may provide by ordinance for the establishment of a commission to deal with matters involving areas of historical significance but shall provide by ordinance for such commission upon the enactment of the ordinance designating an area as an area of historical significance as required in subsection four (4) of this section. Upon the establishment of the commission the city shall provide by ordinance for the method of appointment, the number, and terms, of members of the commission and for the duties and powers of the commission. The commission shall contain not less than three members. The members of the commission shall be appointed with due regard to proper representation of residents and property owners of the city and their relevant fields of knowledge including but not limited to history, urban

planning, architecture, archeology, law, and sociology. At least one resident of each designated area of historical significance shall be appointed to the commission. Cities with a population of more than fifty thousand shall not appoint more than one-third of the members to the commission of an area of historical significance that are members of a city zoning commission appointed pursuant to chapter four hundred fourteen (414) of the Code. The commission shall have the power to approve or deny applications for proposed alterations to exterior features within an area designated as an area of historical significance. An aggrieved party may appeal the commission's action to the governing body of the city. If not satisfied by the decision of the governing body, the party may appeal within sixty days of the governing body's decision to the district court for the county in which the designated area is located. On appeal the governing body or the district court as the case may be shall consider whether the commission has exercised its powers and followed the guidelines established by the law and ordinance, and whether the commission's action was patently arbitrary or capricious.

4. An area shall only be designated an area of historical significance upon enactment of an ordinance of the city. Before such an ordinance is enacted or an amendment thereto, the governing body of the city shall submit such ordinance or amendment to the division of historical preservation of the Iowa state historical department for its review and recommendations.

Sec. 2. Section four hundred fourteen point one (414.1), Code 1979, is amended to read as follows:

414.1 BUILDING RESTRICTIONS--POWERS GRANTED. For the purpose of promoting the health, safety, morals, or the general welfare of the community or for the purpose of preserving historically significant areas of the community, any city is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.

Sec. 3. Section four hundred fourteen point two (414.2), Code 1979, is amended to read as follows:

414.2 DISTRICTS. For any or all of said purposes the local legislative body, hereinafter referred to as the council, may divide the city into districts, including historical preservation districts but only as provided in section one (1) of this Act, of such number, shape, and area as may be deemed best suited to carry out the purposes of this chapter; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. All such regulations and restrictions shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

Approved May 13, 1980

CHAPTER 1092
DEPOSITORY LIBRARY CENTER

H. F. 18

AN ACT relating to the collection and distribution of state publications by the depository library center within the Iowa library department.

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

Section 1. Section three hundred three A point twenty-one (303A.21), subsection two (2), Code 1979, is amended to read as follows:

2. "State publications" means all multiply-produced publications of state--agencies regardless of format which are produced by state agencies and supported by public funds, except-correspondence but does not include:

a. Correspondence and memoranda intended solely for internal use within the agency or between agencies,--and-materials.

b. Materials designated by law as being confidential.

c. Materials excluded from this definition by the commission through the adoption and enforcement of rules pursuant to section three hundred three A point four (303A.4), subsection one (1), of the Code.

Approved February 21, 1980

CHAPTER 1093
HIGHWAY FUNCTIONAL CLASSIFICATION

H. F. 2168

AN ACT to provide for the reimbursement of expenses incurred by the county and city members of the state functional classification review board and making an appropriation.

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

Section 1. Section three hundred six point six (306.6), subsection two (2), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

There is created a state functional classification review board which shall consist of one state senator appointed by the president of the senate, one state representative appointed by the speaker of the house of representatives, one supervisor appointed by the Iowa state association of county supervisors, one engineer appointed by the Iowa county engineers' association, two persons appointed by the league of Iowa municipalities, one of whom shall be a licensed professional engineer, and two persons appointed

by the department, one of whom shall be a commissioner and the other a staff member. This board shall select a permanent ~~chairman~~ chairperson from among its members by majority vote of the total membership. The ~~chairman~~ chairperson and all members of the board shall serve without additional compensation except that the supervisor appointed by the Iowa state association of county supervisors, the engineer appointed by the Iowa county engineers' association, and the two persons appointed by the league of Iowa municipalities shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the board. All expenses shall be paid from funds allocated under section two (2) of this Act.

Sec. 2. Section three hundred twelve point two (312.2), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. The treasurer of state, before making the allotments provided in this section, shall credit annually to the primary road fund from the road use tax fund the sum of five thousand dollars to be used by the state department of transportation for payment of expenses authorized under section three hundred six point six (306.6), subsection two (2), of the Code. The expense allowance shall be in accordance with the established expense reimbursement policy for employees of the state department of transportation. All unobligated funds shall at the end of each fiscal year revert to the road use tax fund.

Approved May 21, 1980

CHAPTER 1094
TRANSPORTATION

S. F. 2361

AN ACT relating to transportation by redefining motorized bicycles, repealing multiyear trailer and semitrailer registration plates, providing for release of security interest on a motor vehicle to appear on the title, providing for the issuance of special registration plates to former prisoners of war and members of the national guard, providing uniform application fees for motor vehicle dealers and transporters for special plates, providing for the crediting of moneys received from the auction of abandoned vehicles in the road use tax fund, providing for the filing of a statement upon applying for refund of registration fees when a vehicle is junked, relating to minor school licenses, providing for the operation of motorcycles and motorized bicycles, increasing certain witness fees, relating to the use of lighting devices on vehicles, relating to crossing of median strips, inspection of log books, regulating motor vehicle dealers, relating to duties of sheriffs in collecting motor vehicle fees, repealing the law relating to itinerant merchants, setting the registration fee for church buses, relating to motor vehicle inspections, relating to special registration plates issued to motor vehicle dealers, relating to the age of persons licensed to operate motorized bicycles, providing for the issuance of special registration plates to handicapped persons, making technical corrections, and providing penalties.

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

Section 1. Section three hundred seven point twelve (307.12), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Enter into reciprocal agreements relating to motor vehicle inspections with authorized officials of any other state, subject to approval by the commission. The director may exempt or impose requirements upon nonresident motor vehicles consistent with those imposed upon vehicles of Iowa residents operated in other states.

Sec. 2.* Section three hundred twenty-one point one (321.1), subsection one (1), Code 1979, as amended by House File seven hundred forty-seven (747), section two (2), enacted by the Sixty-eighth General Assembly, 1980 Session and as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy (70), sections one (1) and two (2), and chapter seventy-four (74), section twenty-two (22), is amended by adding the following new paragraph:

NEW PARAGRAPH. Any steering axle, dolly, auxiliary axle or other integral part of another vehicle which in and of itself is incapable of commercially transporting any person or property but is used primarily to support another vehicle.

*See §49 for effective date

Sec. 3. Section three hundred twenty-one point one (321.1), subsection three (3), paragraph b, Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy (70), sections one (1) and two (2), and chapter seventy-four (74), section twenty-two (22), is amended to read as follows:

b. "Motorized bicycle" or "motor bicycle" means a ~~two-wheeled~~ motor vehicle having a saddle or a seat for the use of a rider and designed to travel on not more than three wheels in contact with the ground, with an engine having a displacement no greater than fifty cubic centimeters as-fixed by-the-department and not capable of ~~operation~~ operating at a speed in excess of twenty-five miles per hour on level ground unassisted by human power.

Sec. 4. Section three hundred twenty-one point twenty-three (321.23), subsection four (4), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy-one (71), section one (1), is amended to read as follows:

4. Any vehicle which does not meet the equipment requirements of this chapter due to the particular use for which it is designed or intended, may be registered by the department upon payment of appropriate fees and after inspection and certification by the department that the vehicle is not in an unsafe condition and will not endanger any person. A person is not required to have a certificate of title to register a vehicle under this subsection. If the owner elects to have a certificate of title issued for the vehicle, a fee of two dollars shall be paid by the person making the application upon issuance of a certificate of title. If the department's inspection reveals that that vehicle may be safely operated only under certain conditions or on certain types of roadways, the department may restrict the registration to limit operation of the vehicle to the appropriate conditions or roadways. This subsection shall not apply to snowmobiles as defined in section 321G.1. Section three hundred twenty-one point three hundred eighty-two (321.382) of the Code does not apply to a vehicle registered under this subsection which is operated exclusively by a handicapped person who has obtained a special identification device as provided in section six hundred one E point six (601E.6) of the Code, providing the special identification device is carried in the vehicle and shown to any peace officer on request.

Sec. 5. Section three hundred twenty-one point thirty-four (321.34), subsection five (5), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy-one (71), section three (3), is amended to read as follows:

5. MULTIYEAR PLATES. In lieu of issuing annual registration plates for trailers and semitrailers, the ~~county-treasurer-or~~ department may issue a multiyear registration plate plates for a three-year period for trailers and semitrailers licensed under chapter three hundred twenty-six (326) of the Code upon payment of the appropriate registration fee. Fees from three-year payments shall not be reduced or prorated ~~under-the-provisions-of-chapter 326.~~

Sec. 6. Section three hundred twenty-one point thirty-four (321.34), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy-one (71), section three (3), is amended by adding the following new subsections:

NEW SUBSECTION. HANDICAPPED PLATES. The owner of a motor vehicle subject to registration pursuant to section three hundred twenty-one point one hundred nine (321.109), subsection one (1), of the Code, light delivery truck, panel delivery truck or pickup who is a handicapped or paraplegic person as defined in section six hundred one E point one (601E.1) of the Code, may upon written application to the department, order special registration plates designed by the department bearing the international symbol of accessibility. The application shall be approved by the department and the special registration plates shall be issued to the applicant in exchange for the previous registration plates issued to the person. The fee for the special plates shall be five dollars which shall be in addition to the regular annual registration fee. The department shall validate the special plates in the same manner as regular registration plates are validated under this section at the regular annual registration fee. However, the special plates shall not be renewed without the applicant furnishing evidence to the department that the owner of the motor vehicle is still a handicapped or paraplegic person as defined in section six hundred one E point one (601E.1) of the Code. The special registration plates shall be surrendered in exchange for regular registration plates when the owner of the motor vehicle no longer qualifies as a handicapped or paraplegic person as defined in section six hundred one E point one (601E.1) of the Code.

NEW SUBSECTION. The owner of a motor vehicle subject to registration under section three hundred twenty-one point one hundred nine (321.109), subsection one (1), of the Code, light delivery truck, panel delivery truck or pickup who was a prisoner of war during the second world war at any time between December 7, 1941 and December 31, 1946, the Korean conflict at any time between June 25, 1950 and January 31, 1955 or the Vietnam conflict at any time between August 5, 1964 and June 30, 1973, all dates inclusive, may upon written application to the department, order special registration plates designed by the department in cooperation with the adjutant general which plates signify that the applicant was a prisoner of war as defined in this subsection. The application shall be approved by the department, in consultation with the adjutant general, and the special registration plates shall be issued to the applicant in exchange for the registration plates previously issued to the person. The fee for the special plates shall be five dollars which shall be in addition to the regular annual registration fee. The department shall validate the special plates in the same manner as regular registration plates are validated under this section at the regular annual registration fee.

NEW SUBSECTION. The owner of a motor vehicle subject to registration pursuant to section three hundred twenty-one point one hundred nine (321.109), subsection one (1), of the Code, light delivery truck, panel delivery truck or pickup who is a member of the national guard, as defined in chapter twenty-nine A (29A) of the Code, may upon written application to the department, order special registration plates designed by the department in cooperation with the adjutant general which plates signify that the applicant is a member of the national guard. The application shall be approved by the department, in consultation with the adjutant general, and the special

registration plates shall be issued to the applicant in exchange for the registration plates previously issued to the person. The fee for the special plates shall be five dollars which shall be in addition to the regular annual registration fee. The department shall validate the special plates in the same manner as regular registration plates are validated under this section at the regular annual registration fee. Special registration plates shall be surrendered in exchange for regular registration plates upon termination of the owner's membership in the active national guard.

Sec. 7. Section three hundred twenty-one point forty-nine (321.49), subsection one (1), Code 1979, is amended to read as follows:

1. Except as provided in section 321.52, if an application for transfer of registration and certificate of title is not submitted to the county treasurer of the residence of the transferee within seven days of the date of assignment or transfer of title, a penalty of ~~five~~ ten dollars shall accrue against ~~said--vehicle,~~ the applicant and no registration card or certificate of title shall ~~thereafter~~ be issued to the applicant for the vehicle until the penalty is paid.

Sec. 8. Section three hundred twenty-one point fifty (321.50), subsection four (4), Code 1979, is amended to read as follows:

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, 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 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~~ the security interest on the face of the certificate of title and in the county records system. 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~~ directed by the owner, in writing, on a form prescribed by the department or, if there is no ~~such~~ person designated, then to the owner. ~~Said~~ The 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~~ the security interest ~~as herein provided~~ within fifteen days after being requested in writing to do so shall forfeit to the person making ~~such~~ the 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. 9. Section three hundred twenty-one point fifty-seven (321.57), Code 1979, is amended by inserting the following new unnumbered paragraph after unnumbered paragraph one (1):

NEW UNNUMBERED PARAGRAPH. In addition, while a service customer is having his or her own vehicle serviced or repaired by the dealer, the service customer of the dealer may operate upon the highways a motor vehicle owned by

the dealer, except a motor truck or truck tractor, upon which there is displayed a special plate issued to the dealer, provided all of the requirements of this section are complied with.

Sec. 10. Section three hundred twenty-one point fifty-eight (321.58), Code 1979, is amended to read as follows:

321.58 APPLICATION. ~~Any dealer in new or used cars~~ All dealers and transporters 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 special plates as appropriate to various types of vehicles subject to registration, ~~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.~~ The applicant shall also submit proof of 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~~ the vehicles authorizing ~~such~~ the dealership.

Sec. 11. Section three hundred twenty-one point eighty-nine (321.89), subsection four (4), Code 1979, is amended to read as follows:

4. AUCTION OF ABANDONED VEHICLES. 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 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~~ three hundred twenty-one point fifty-one (321.51) of the Code 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~~ the 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, 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~~ the 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 road use tax 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 the abandoned vehicles are insufficient to meet these expenses and costs, shall be paid from the reimbursement road use tax 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.~~

The state comptroller shall establish by rule a claims procedure to be followed by police authorities in obtaining expenses and costs from the fund.

Sec. 12. Section three hundred twenty-one point one hundred nine (321.109), subsection two (2), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy (70), section four (4), is amended to read as follows:

2. Dealers may, in addition to other provisions of this section, purchase from the department in-transit stickers, for which a fee of two dollars per sticker shall be paid at time of purchase. One such sticker shall be displayed on each vehicle purchased from a dealer by a nonresident for removal to the state of his or her residence, and one such sticker shall also be displayed on each vehicle not currently registered in Iowa and purchased by an Iowa dealer for removal to his the dealer's place of business in this state. Such The stickers shall be void three days after issuance by the selling dealer. Each sticker shall ~~be at least five and one-half inches by eight inches and shall~~ contain the following information:

- a. The words "in-transit" in ~~at least two inch~~ bold type.
- b. The dealer's license number.
- c. The date issued.
- d. The purchaser's name and address.
- e. The word "Iowa" in ~~at least one inch~~ bold type.
- f. The words "good for three days after the date of issuance".
- g. ~~Such other~~ Other information as the director ~~may require~~ requires.

This information shall be on the gummed side of the sticker and the sticker shall be made of such a type of material ~~as to be~~ which is self-destructive when the sticker is removed. The sales invoice verifying the sale shall be in the possession of the driver of the vehicle in transit and shall be signed by the owner or an authorized individual of the issuing dealership.

Motor vehicles brought into the state on a transit sticker for the purpose of installation of special equipment may also be subject to the provisions of this subsection.

Sec. 13. Chapter three hundred twenty-one (321), Code 1979, is amended by adding the following new section as section three hundred twenty-one point one hundred nineteen (321.119) of the Code:

NEW SECTION. 321.119 CHURCH BUSES. For motor vehicles designed to carry nine passengers or more which are owned and used exclusively by a church or religious organization to transport passengers to and from activities of or sponsored by the church or religious organization and not operated for rent or hire for purposes unrelated to the activities of the church or religious organization, the annual fee shall be twenty-five dollars. At the initial registration and at every other annual registration thereafter, the county treasurer shall not register a motor vehicle under this section unless there is affixed to the motor vehicle a valid certificate of inspection issued for the motor vehicle within the last sixty days.

Sec. 14.* Section three hundred twenty-one point one hundred twenty-two (321.122), subsection four (4), Code 1979, as amended by House File seven hundred forty-seven (747), section six (6), enacted by the Sixty-eighth General Assembly, 1980 Session, is amended by striking the subsection and inserting in lieu thereof the following:

4. This section shall not apply to a rubber-tired farm tractor not operated for hire upon the public highways.

Sec. 15. Section three hundred twenty-one point one hundred twenty-three (321.123), subsection one (1), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

Travel trailers and fifth-wheel travel trailers, except those in manufacturer's or dealer's stock, an annual fee of twenty cents per square foot of floor space computed on the exterior overall measurements, but excluding three feet occupied by any trailer hitch as provided by and certified to by the owner, to the nearest whole dollar, which amount shall not be prorated or refunded; except the annual fee for travel trailers of any type, when registered in Iowa for the first time or when removed from a manufacturer's or dealer's stock, shall be prorated on a monthly basis. The registrant of a travel trailer of any type shall be issued a "travel trailer" plate. It is further provided the annual fee thus computed shall be limited to seventy-five percent of the full fee after the sixth registration.

Sec. 16. Section three hundred twenty-one point one hundred twenty-six (321.126), subsections one (1), two (2), and three (3), Code 1979, are amended to read as follows:

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~~ a statement of such destruction, dismantling, or removal and make claim for refund. With reference to the destruction or dismantling of a vehicle, ~~the affidavit no refund shall be accompanied by the allowed unless a junking certificate of title, if titled in Iowa has been issued~~, as provided in section 321.52. With reference to the removal of a vehicle from this state ~~as provided herein~~, the affidavit statement shall ~~contain--a--statement indicating~~ indicate the foreign registration number of ~~such~~ the vehicle, the

*See §49 for effective date

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~~ the vehicle if registered in a title law state.

2. If the motor vehicle is stolen, the owner shall give notice of ~~such~~ the theft to the county treasurer within five days, who in turn shall notify the department. If the motor vehicle is not recovered by the owner before December 1 of the year for which the registration fee was paid, the owner shall make ~~affidavit~~ a statement of ~~such~~ the theft and make claim for refund.

3. If the motor vehicle is placed in storage by the owner upon ~~his~~ the ~~owner's~~ entry into the military service of the United States, the owner shall return the plates to the county treasurer or the department and make ~~affidavit~~ a statement regarding such storage and military service and make claim for refund. Whenever the owner of a motor vehicle so placed in storage desires to again register such vehicle, the county treasurer or department shall compute and collect the fees for ~~such~~ registration in accordance with section 321.106.

Sec. 17. Section three hundred twenty-one point one hundred seventy-seven (321.177), subsection one (1), Code 1979, is amended to read as follows:

1. 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 a written examination on the rules of the road and a vision test.~~

Sec. 18. Section three hundred twenty-one point one hundred eighty (321.180), subsection one (1), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the permit holder is driving a motorcycle, the qualified operator must be within audible and visual communications distance from the permit holder and is accompanying the permit holder on or in a different motor vehicle. However, only one permit holder shall be under the immediate supervision of an accompanying qualified operator, unless the qualified operator is an approved motorcycle or driver education instructor or a prospective driver or motorcycle education instructor, and the permit holder is enrolled in an approved motorcycle or driver education course, in which case no more than three students shall be under the immediate supervision of each instructor while on the highway.

Sec. 19. Section three hundred twenty-one point one hundred eighty-nine (321.189), subsection one (1), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. After July 1, 1981, a person under the age of eighteen applying for a motor vehicle license valid for the operation of a motorcycle shall be required to successfully complete a motorcycle education

course approved and established by the department of public instruction or successfully complete an approved motorcycle education course at a private or commercial driver education school licensed by the department. A public school district may charge a student a fee which shall not exceed the actual cost of instruction.

Sec. 20. Section three hundred twenty-one point one hundred eighty-nine (321.189), subsection two (2), paragraph a, Code 1979, is amended to read as follows:

a. The department may issue a motorized bicycle license to any a person fourteen years of age or older who has passed a vision test and a written examination on the rules of the road. After July 1, 1981, persons under the age of sixteen applying for a motorized bicycle license shall also be required to successfully complete a motorized bicycle education course approved and established by the department of public instruction or successfully complete an approved motorized bicycle education course at a private or commercial driver education school licensed by the department. A public school district may charge a student a fee which shall not exceed the actual cost of instruction. A motorized bicycle license ~~shall entitle~~ entitles the licensee to operate a motorized bicycle upon the highway while having the license in the licensee's immediate possession on-the-highways-of-the-state-for-a-period-of-two-years. The license is valid for a period of two years, subject to termination or cancellation as provided in this section.

Sec. 21. Section three hundred twenty-one point one hundred ninety-four (321.194), Code 1979, is amended to read as follows:

321.194 MINORS' SCHOOL LICENSES. ~~Whenever--the-necessity-therefor-is shown,-a-restricted-license-may-be-issued~~ Upon certification of a special need by the school board or the superintendent of the applicant's school, the department may issue a restricted license to any person between the ages of fourteen and eighteen years which license shall entitle the holder thereof, while having such the license in his or her immediate possession, to operate a motor vehicle during the hours of 7 six a.m. to 6 nine p.m. over the most direct and accessible route between the licensee's residence and his school of enrollment for the purpose of attending duly scheduled courses of instruction and extracurricular activities at such school or at any time when accompanied by a parent or guardian, driver education instructor, or prospective driver education instructor who is a holder of a valid operator's or chauffeur's license, and who is actually occupying a seat beside the driver. Such The license shall expire on the licensee's eighteenth birthday or upon issuance of a temporary-driver's-permit probationary operator's or operator's license. ~~For-the-purpose-of-establishing-a-need-for-the-license provided-for-in-this-section,-each~~ Each application shall be accompanied by ~~an--affidavit a statement~~ a statement from the school board or superintendent of the applicant's school ~~which-affidavit.~~ The statement shall be upon a form provided by the department ~~and-shall-state-the-facts-deemed-to-justify-the issuance-of-a-license-to-the--applicant.~~ Neither--such--affidavit--nor--the inability--to--obtain--the-same-shall-be-binding-on-the-department-but-may-be considered-by-the-department-in-its-determining-of-whether-or--not--to--grant

~~the--application-~~ The department of public instruction shall adopt rules pursuant to chapter seventeen A (17A) of the Code establishing criteria for issuing a statement of necessity. Upon receipt of a statement of necessity, the department shall issue a restricted license. The fact that the applicant resides at a distance less than one mile from his or her school shall--be is prima-facie evidence of the nonexistence of any necessity for the issuance of such a license. A license issued hereunder under this section is subject to suspension or revocation in like manner as any other license or permit issued under any law of this state and in-addition-thereto the department may also suspend such license upon receiving satisfactory evidence that the licensee has violated the restrictions of such the license or has been involved in two one or more accidents chargeable to such the licensee and--the. The department shall--revoke may suspend any license issued hereunder under this section upon receiving a record of such the licensee's conviction for one violation and shall revoke the license upon receiving a record of conviction for two or more violations of any law of this state or city ordinance, other than parking regulations, regulating the operation of motor vehicles on highways and after revoking a license hereunder under this section the department shall not grant application for any new license or permit until the expiration of one year or until the licensee attains his or her sixteenth birthday whichever is the longer period.

Sec. 22. Section three hundred twenty-one point two hundred ten (321.210), subsection four (4), Code 1979, is amended to read as follows:

4. ~~Is--incompetent--to--drive--a-motor-vehicle~~ Is physically or mentally incapable of safely operating a motor vehicle.

Sec. 23. Section three hundred twenty-one point two hundred ten (321.210), unnumbered paragraph seven (7), Code 1979, is amended to read as follows:

The director may, on application, issue a temporary restricted license to any person convicted whose regular employment is the operation of a motor vehicle or who cannot perform his or her regular occupation without the use of a motor vehicle, but such person shall not operate a vehicle for pleasure while holding such restricted license. However, this paragraph shall not apply to any person whose license is revoked under the provisions of subsections one (1) through six (6) of section 321.209. A temporary restricted license may be issued to any person whose license is revoked under section three hundred twenty-one point two hundred nine (321.209), subsection seven (7) of the Code if the person has no previous drag racing convictions.

Sec. 24. Section three hundred twenty-one point two hundred twelve (321.212), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department shall revoke a license for six months for a first offense under the provisions of section three hundred twenty-one point two hundred nine (321.209), subsection seven (7), of the Code, where the violation charged did not result in a personal injury or damage to property.

Sec. 25. Section three hundred twenty-one point two hundred thirty-three (321.233), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A chauffeur's license shall not be required for a person to operate road construction and maintenance equipment while engaged in road construction and maintenance work, including the movement of the road construction and maintenance equipment to and from the work site under its own power. The department shall adopt rules pursuant to chapter seventeen A (17A) of the Code specifying each type of road construction and maintenance equipment for which a chauffeur's license is not required for the operation of the equipment.

Sec. 26. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection twenty-one (21), unnumbered paragraph six (6), Code 1979, is amended to read as follows:

Witnesses shall receive ~~three-dollars-for-each-day's--attendance--and--ten cents--per--mile--for--each--mile--actually--traveled.---Witnesses--shall--be compensated~~ compensation at the rates specified in section six hundred twenty-two point sixty-nine (622.69) of the Code from funds appropriated to the department. ~~The-treasurer-of-state-may--make--rules--setting--forth--the procedure-for-such-reimbursement.~~

Sec. 27. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection twenty-five (25), paragraph a, Code 1979, is amended by striking paragraph a and inserting in lieu thereof the following:

a. "Authorized officer" means a peace officer as defined in section eight hundred one point four (801.4), subsection seven (7), paragraphs a, c, and h of the Code.

Sec. 28. Section three hundred twenty-one point two hundred seventy-five (321.275), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

321.275 OPERATION OF MOTORCYCLES AND MOTORIZED BICYCLES.

1. GENERAL. The motor vehicle laws apply to the operators of motorcycles and motorized bicycles to the extent practically applicable.

2. RIDERS.

a. MOTORIZED BICYCLES. A person operating a motorized bicycle on the highways shall not carry any other person on the vehicle.

b. MOTORCYCLES. A person shall not operate or ride a motorcycle on the highways with another person on the motorcycle unless the motorcycle is designed to carry more than one person. The additional passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear of the operator. The motorcycle shall be equipped with footrests for the passenger unless the passenger is riding in a sidecar or enclosed cab. The motorcycle operator shall not carry any person nor shall any other person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

3. SITTING POSITION. A person operating a motorcycle or motorized bicycle shall ride only upon the vehicle's permanent and regular attached seat. Every person riding upon the vehicle shall be sitting astride the seat, facing forward with one leg on either side of the vehicle.

4. USE OF TRAFFIC LANES. Persons shall not operate motorcycles or motorized bicycles more than two abreast in a single lane. Except for

persons operating such vehicles two abreast, a motor vehicle shall not be operated in a manner depriving a motorcycle or motorized bicycle operator of the full use of a lane. A motorcycle or motorized bicycle shall not be operated between lanes of traffic or between adjacent lines or rows of vehicles. The operator of a motorcycle or motorized bicycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken unless the vehicle being overtaken is a motorcycle or motorized bicycle.

5. HEADLIGHTS ON. A person shall not operate a 1977 or later model year motorcycle or any model year motorized bicycle upon the highways without displaying at least one lighted headlamp of the type described in section three hundred twenty-one point four hundred nine (321.409) of the Code. However, this subsection is subject to the exceptions with respect to parked vehicles as provided in this chapter.

6. PACKAGES. The operator of a motorcycle or motorized bicycle shall not carry any package, bundle, or other article which prevents the operator from keeping both hands on the handlebars.

7. HANDLEBARS. A person shall not operate a motorcycle or motorized bicycle with handlebars more than fifteen inches in height above that portion of the seat occupied by the operator.

8. PARADES. The provisions of this section do not apply to motorcycles or motorized bicycles when used in a parade authorized by proper permit from local authorities.

Sec. 29. Section three hundred twenty-one point three hundred seventeen (321.317), subsections three (3) and five (5), Code 1979, are amended to read as follows:

3. ~~After the thirty-first day of December, 1953, it shall be~~ It is unlawful for any person to sell or offer for sale or operate on the highways of the state ~~of Iowa~~ any vehicle subject to registration under the provisions of this chapter which has never been registered in this or any other state prior to January 1, 1954, unless ~~such~~ the vehicle is equipped with a directional signal device of a type approved by the department and is in compliance with the provisions of subsection 2 of this section. Motorcycles, ~~motor-seesters~~ motorized bicycles and semitrailers and trailers less than forty inches in width are exempt from the provisions of this section.

5. Whenever any vehicle or combination of vehicles is disabled or for other reason may present a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing ~~during the hours of darkness~~, the operator ~~of such vehicles~~ then may display on ~~such~~ the vehicle or combination of vehicles four directional signals of a type complying with the provisions of this section relating to directional signal devices in simultaneous operation. ~~The provisions of this~~ This subsection ~~shall~~ does not be ~~construed to~~ exempt any vehicle or combination of vehicles from compliance with the provisions of sections 321.447 and 321.448.

Sec. 30. Section three hundred twenty-one point three hundred sixty-six (321.366), Code 1979, is amended to read as follows:

321.366 CROSSING MEDIAN STRIP OR PARKING ON FULLY CONTROLLED-ACCESS FACILITIES. It is unlawful for any person ~~(1) to drive~~, except a person operating highway maintenance equipment or an authorized emergency vehicle, to do any of the following:

1. Drive a vehicle over, upon, or across any curb, central dividing section, or other separation or dividing line on fully controlled-access facilities, ~~(2)-to-make facility.~~

2. Make a left turn or a semicircular or U-turn at a maintenance ~~cross-overs--except--by-maintenance-vehicles-and-authorized-emergency-vehicles,~~ ~~(3) to-drive cross-over~~ where an official sign prohibits the turn.

3. Drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation, section, or ~~lines,~~ ~~(4)-to-drive~~ line.

4. Drive any vehicle into the fully controlled-access facility from a local service road ~~except-through-an-opening-provided-for-that-purpose-in-the dividing-curb-or-dividing-section-or-dividing-line-which-separates-such service-road-from-the-controlled-access-facility-property,~~ ~~(5)-to-stop.~~

5. Stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved portion, the shoulders, or the right of way except at designated rest areas or in case of an emergency or other dire necessity, ~~or-in-the-case-of-an-authorized-emergency-vehicle.~~

For the purpose of this section, fully controlled-access facility shall ~~have--the--same--meaning--as--the--meaning--prescribed--in--section--306A-2~~ is a highway which gives preference to through traffic by providing access connections at interchanges with selected public roads only and by prohibiting crossings at grade or direct access at driveway connections.

Violations of this section ~~shall-be~~ are punishable as provided in section 321.482.

Sec. 31. Section three hundred twenty-one point three hundred seventy-two (321.372), subsection four (4), and unnumbered paragraph four (4), Code 1979, is amended to read as follows:

4. The driver of a vehicle upon a highway providing two or more lanes in each direction need not stop upon meeting a school bus which is traveling in the opposite direction even though ~~said~~ the school bus is stopped.

~~This--section--shall--not--apply--to--"business"--and--"residence"--districts, unless-so-provided-by-ordinance, but-shall-apply--in--suburban--districts--of cities-where-the-speed-limit-is-in-excess-of-thirty-five-miles-per-hour.~~

Sec. 32. Section three hundred twenty-one point three hundred eighty-six (321.386), Code 1979, is amended to read as follows:

321.386 HEAD LAMPS ON MOTORCYCLES AND MOTORIZED BICYCLES. Every motorcycle and motorized bicycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this chapter.

Sec. 33. Section three hundred twenty-one point four hundred nine (321.409), Code 1979, is amended to read as follows:

321.409 MANDATORY LIGHTING EQUIPMENT. Except as hereinafter provided, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or ~~motor-driven~~ eyes motorized bicycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and ~~such~~ the lamps may, in addition, be so arranged that ~~such~~ selection can be made automatically, subject to the following limitations:

1. There shall be an uppermost distribution of light, or composite beam, so aimed and of ~~such~~ sufficient intensity as to reveal persons and vehicles at a distance of at least three hundred fifty feet ahead for all conditions.

2. There shall be a lowermost distribution of light, or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of ^a least one hundred feet ahead, ~~and on.~~ On a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

3. Every new motor vehicle, other than a motorcycle or ~~motor-driven eyelet, registered in this state after January 1, 1956,~~ motorized bicycle which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. ~~Said~~ The indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle ~~so-equipped~~.

Sec. 34. Section three hundred twenty-one point four hundred fifteen (321.415), Code 1979, is amended to read as follows:

321.415 REQUIRED USAGE OF LIGHTING DEVICES. Whenever a motor vehicle is being operated on a roadway or shoulder ~~adjacent thereto~~ during the times specified in section 321.384, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

1. Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, ~~such~~ the driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in section 321.409, subsection 2, shall be deemed to avoid glare at all times, regardless of road contour and loading.

2. Whenever the driver of a vehicle follows another vehicle within two hundred feet to the rear, except when engaged in the act of overtaking and passing, ~~such~~ the driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in section 321.409, subsection 1.

3. The provisions of subsections one (1) and two (2) of this section do not apply to motorcycles or motorized bicycles being operated between sunrise and sunset.

Sec. 35. Section three hundred twenty-one point four hundred thirty (321.430), subsection two (2), Code 1979, is amended to read as follows:

2. Every motorcycle, and motorized bicycle ~~with motor attached~~, when operated upon a highway shall be equipped with at least one brake, which may be operated by hand or foot.

Sec. 36. Section three hundred twenty-one point four hundred ninety-two (321.492), Code 1979, is amended to read as follows:

321.492 PEACE OFFICERS' AUTHORITY. Any peace officer is authorized to stop any vehicle to require exhibition of the driver's ~~operator or chauffeur~~ motor vehicle license, to serve a summons or memorandum of traffic violation, to inspect the condition of the vehicle, to inspect the vehicle with

*According to enrolled Act

reference to size, weight, cargo, log book, bills of lading or other manifest of employment, tires and safety equipment, or to inspect the registration certificate, the compensation certificate, travel order, or permit of ~~such~~ the vehicle.

Sec. 37. Chapter three hundred twenty-one H (321H), Code 1979, is amended by adding the following new section:

NEW SECTION. PENALTIES. A person convicted of violating a provision of this chapter is guilty of a simple misdemeanor.

Sec. 38. Section three hundred twenty-two point two (322.2), subsection seven (7), Code 1979, is amended to read as follows:

7. "Motor vehicle" means any self-propelled vehicle subject to registration under ~~the--laws-of-this-state~~ chapter three hundred twenty-one (321) of the Code.

Sec. 39. Section three hundred twenty-two point four (322.4), subsection seven (7), Code 1979, is amended to read as follows:

7. Before the issuance of a motor vehicle dealer's license to a dealer engaged in the sale of vehicles for which a certificate of title is required, under ~~the-provisions-of~~ chapter 321, the applicant ~~for--such--license~~ shall furnish a surety bond executed by the applicant as principal and executed by a corporate surety company, licensed and qualified to do business within this state, which bond shall run to the state of Iowa, be in the amount of twenty-five thousand dollars and be conditioned upon the faithful compliance by ~~said~~ the applicant as a dealer, ~~if-the-license-be-issued-to-it-or-him,--that--such~~ dealer will comply with all of the statutes of this state regulating or being applicable to the business of ~~said-dealer-as~~ a dealer in motor vehicles, and indemnifying any person ~~dealing-or-transacting-business-with-said~~ who buys a motor vehicle from the dealer ~~in-connection-with-any-motor-vehicle~~ from any loss or damage occasioned by the failure of ~~such~~ the dealer to comply with any of the provisions of chapter 321 and this chapter, including, but not limited to, the furnishing of a proper and valid certificate of title to the motor vehicle involved in ~~any-such~~ a transaction, ~~and-that-such.~~ The bond shall be filed with the department prior to the issuance of a license ~~provided--by--law.~~ The aggregate liability of the surety ~~of-all-persons,~~ however, shall ~~in-no-event~~ not exceed the amount of ~~said~~ the bond.

Sec. 40. Section three hundred twenty-two point six (322.6), subsection nine (9), Code 1979, is amended to read as follows:

9. Has violated any of the provisions of sections ~~321.77, 321.78, 321.80,~~ 321.81, 321.92, 321.97, 321.98, 321.99, 321.100, 539.4, seven hundred fourteen point one (714.1) and 714.16; or

Sec. 41. Section three hundred twenty-two point nine (322.9), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The department ~~is-hereby-authorized-to~~ may revoke or suspend the license of any retail motor vehicle dealer if, after notice and hearing, it finds that ~~such~~ the licensee has been guilty of any act which would have been a ground for the denial of a license under section 322.6. Witnesses shall receive the same compensation provided in section six hundred twenty-two point sixty-nine (622.69) of the Code and shall be compensated from funds appropriated to the department.

Sec. 42.* House File seven hundred forty-seven (747), section twelve (12), enacted by the Sixty-eighth General Assembly, 1980 Session, is amended to read as follows:

SEC. 12. The department shall issue permits for the period beginning fifteen days following the effective date of this Act to December 31, 1980 to interstate and intrastate carriers that apply for registration authority at a weight higher than the current registered gross weight. The department shall assess a prorated fee from the schedule of fees set forth in section five (5) of this Act. Permit fees shall be payable on an annual basis. A minimum fee of ten dollars shall be collected by the department. ~~Trucks, motor trucks, and truck tractors registered under the provisions of section three hundred twenty-one point one hundred twenty-two (321.122) of the Code on the effective date of this Act shall not be eligible to reregister under section three hundred twenty-one point one hundred twenty-one (321.121) of the Code during the 1980 registration year.~~ The commission shall adopt temporary rules as are necessary to implement the provisions of this Act as it relates to revised registrations in 1980 and temporary rules adopted for this purpose are not rules as defined in section seventeen A point two (17A.2), subsection seven (7), of the Code and shall not be subject to chapter seventeen A (17A) of the Code.

Sec. 43. Section eight hundred five point eight (805.8), subsection two (2), paragraph b, Code 1979, is amended to read as follows:

b. For registration violations under sections ~~321.17~~, 321.32, 321.34, 321.37, 321.38, 321.41, and 321.189, subsection 3, the scheduled fine is five dollars. For violations of sections 321.32 and 321.189, subsection 3, the case shall be dismissed without imposition of fine or costs if a license or registration valid at the time of the issuance of the citation is presented by the defendant to the magistrate or scheduled violations office.

Sec. 44. Section eight hundred five point eight (805.8), subsection two (2), paragraph n, Code 1979, is amended to read as follows:

n. For violation of registration provisions under section three hundred twenty-one point seventeen (321.17); ~~For~~ violation of intrastate hauling on foreign registration under sections 321.54 and 321.55; use of registration under section 321.99; and display of registration or plates under 321.98, the scheduled fine is twenty dollars.

Sec. 45. A multiyear registration plate issued by the county treasurer for a trailer or semitrailer prior to the effective date of this Act shall be valid for the period for which it was issued and the requirement of obtaining an annual registration plate for a trailer or semitrailer with a valid multiyear registration plate shall not be applicable until the valid multiyear registration plate has expired.

Sec. 46. The director of transportation shall investigate the inspection requirements imposed by other states on Iowa vehicles displaying a valid certificate of inspection issued in Iowa. The director may recommend to the Sixty-ninth General Assembly, 1981 Session, legislation to encourage other states to afford equitable treatment to motor vehicles displaying a valid certificate of inspection issued in Iowa.

*See §49 for effective date

Sec. 47. The provisions of section six (6) of this Act are effective December first following enactment of this Act for registration fees payable on or after December first following enactment of this Act for vehicle registrations for the succeeding calendar year.

Sec. 48. Section three hundred twenty-one point one hundred nineteen (321.119) of the Code takes effect December first following enactment of this Act for vehicles registered for the 1981 or succeeding calendar years.

Sec. 49. Sections two (2), fourteen (14) and forty-two (42) of this Act, being deemed of immediate importance, take effect from and after their publication in the Fort Dodge Messenger, a newspaper published in Fort Dodge, Iowa, and in The Humboldt Independent, a newspaper published in Humboldt, Iowa.

Sec. 50. Chapter eighty-one (81), Code 1979, is repealed.

Sec. 51. Sections one hundred thirty-five D point twenty-seven (135D.27), three hundred twenty-one point one hundred thirty-six (321.136), three hundred twenty-one point one hundred thirty-seven (321.137), three hundred twenty-one point one hundred thirty-eight (321.138), three hundred twenty-one point one hundred thirty-nine (321.139), three hundred twenty-one point one hundred forty (321.140), three hundred twenty-one point one hundred forty-one (321.141), three hundred twenty-one point one hundred forty-two (321.142), three hundred twenty-one point one hundred forty-three (321.143) and three hundred twenty-one point one hundred forty-four (321.144), Code 1979, are repealed.

Approved May 20, 1980

I hereby certify that the foregoing Act, Senate File 2361, was published in the Fort Dodge Messenger, Fort Dodge, Iowa on May 23, 1980 and republished June 17, 1980, and published in The Humboldt Independent, Humboldt, Iowa on May 24, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1095
RAILWAY FINANCE AUTHORITY

S. F. 2378

AN ACT creating the Iowa railway finance authority to aid in the construction, renovation and repair of railway facilities, providing for the authority to issue revenue bonds and providing for the collection of delinquent property taxes of railway companies by the department of transportation and making an appropriation.

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

Section 1. NEW SECTION. SHORT TITLE. This Act may be referred to and cited as the "Iowa Railway Finance Authority Act".

Sec. 2. NEW SECTION. DECLARATION OF NECESSITY AND PURPOSE. The purpose of this Act is to benefit the citizens of Iowa by improving their general health, welfare and prosperity and insuring the economic and commercial development of the state. Access to adequate railway transportation facilities is essential to the economic welfare of the state. This Act is intended to preserve for the citizens of Iowa those railway facilities now in existence in the state which have a viable future but which for a variety of economic and legal reasons may well go out of service if the state does not provide the financing mechanism contained in this Act. It is the intent of the Act that ownership and control of railway facilities be transferred to private ownership as promptly as economically practicable. It is further intended that the authority created herein be vested with all powers to enable it to accomplish its purposes except the power to operate rolling stock except as incidental to the repair or renovation of a railway facility.

Sec. 3. NEW SECTION. LEGISLATIVE FINDINGS. The general assembly finds and declares as follows:

1. The establishment of the authority is in all respects for the benefit of the people of the state of Iowa, for the improvement of their health and welfare, and for the promotion of the economy, which are public purposes.

2. The authority will be performing an essential governmental function in the exercise of the powers and duties conferred upon it by this chapter.

3. There will exist a serious shortage of viable rail lines and railway facilities serving the rural and agricultural communities of the state.

4. There exists a serious problem in this state regarding the ability of agricultural producers to transport economically farm products to traditional markets because of the abandonment and possible abandonment of railway facilities within the state.

5. These conditions are making it more and more difficult for farmers and farm related businesses to survive in the present state of the economy thus threatening the very heart blood of Iowa.

6. One major cause of this condition has been recurrent shortages of funds in private channels and the high interest cost of borrowing.

7. These shortages have contributed to reductions in construction of new railway facilities, and have made the sale, purchase and repair of existing railway facilities a virtual impossibility in many parts of the state.

8. Iowa faces the possible consequences of two railroad bankruptcies and further reductions in service by other railroads due to deteriorating rail facilities. The loss of rail service on three thousand ninety miles may be the immediate consequence of the bankruptcies, with a resultant increase in transportation costs. This will be accompanied by a reduction in Iowa farm income. Any prolonged loss of service on the essential portions of these rail facilities means the loss of jobs in Iowa and a loss to the state economy.

9. A stable supply of adequate funds for financing of railway facilities is required to encourage construction of railway facilities, the rehabilitation of existing facilities and to prevent the abandonment of others in an orderly and sustained manner and to reduce the problems described in this section.

10. It is necessary to create a railway finance authority to encourage the investment of private capital and stimulate the construction, rehabilitation and repair of railway facilities and to prevent the abandonment of others through the use of public financing.

11. All of the purposes stated in this section are public purposes and uses for which public moneys may be borrowed, expended, advanced, loaned or granted.

Sec. 4. NEW SECTION. DEFINITIONS. For purposes of this Act, unless the context otherwise requires:

1. "Authority" means the Iowa railway finance authority created by this Act.

2. "Railway facilities" means land, structures, fixtures, buildings and equipment, except rolling stock, necessary or useful in providing railroad transportation services, including, but not limited to, roadbeds, track, trestle, depot, switching and signaling equipment and all necessary, useful and related equipment and appurtenances and all franchises, easements and other interests in land and rights-of-way necessary or convenient as a site or sites for any of the foregoing.

3. "Project costs" as applied to railway facilities financed under the provisions of this Act means the total of all reasonable or necessary costs for or incidental to the acquisition, construction, reconstruction, repair, alteration, improvement or extension of any railway facilities including, but not limited to, the cost of studies and surveys, plans, specifications, architectural and engineering services, legal, organizational, marketing or other special services, financing, acquisition, demolition, construction, equipment and site development of new and rehabilitated buildings and facilities, rehabilitation, reconstruction, repair or remodeling of existing buildings and facilities and all other necessary and incidental expenses including, but not limited to, an initial bond and interest reserve together with interest on bonds issued to finance the railway facilities to a date six months subsequent to the estimated date of completion.

4. "Department" means the Iowa department of transportation.

5. "Governing board" or "board" means the governing board of the authority created by section six (6) of this Act.

6. "Bonds" means negotiable bonds, notes or other obligations, except those obligations to the federal government, issued under this Act.

Sec. 5. NEW SECTION. IOWA RAILWAY FINANCE AUTHORITY. There is created an Iowa railway finance authority for the purpose of financing railway facilities as provided in this Act.

Sec. 6. NEW SECTION. GOVERNING BOARD--STAFF.

1. The powers of the authority shall be vested in and exercised by a governing board consisting of five members appointed by the governor subject to confirmation by the senate.

2. The members of the governing board shall be appointed by the governor for staggered terms of six years beginning and ending as provided in Senate File two thousand three hundred one (2301) as enacted by the Sixty-eighth General Assembly, 1980 Session, section three (3). A person appointed to fill a vacancy shall serve only for the unexpired portion of the term. A member is eligible for reappointment. A member of the board may be removed from office by the governor for misfeasance, malfeasance or willful neglect of duty or other just cause, after notice and hearing, unless the notice and hearing is expressly waived in writing. A member of the board shall not also serve concurrently as a member of the state transportation commission or as an official or employee of the department.

3. Three members of the board constitute a quorum and the affirmative vote of at least three members is necessary for any recommendation made by the board. The majority shall not include any member who has a conflict of interest and a statement by a member of a conflict of interest is conclusive for this purpose. A vacancy in the membership does not impair the right of a quorum to perform the functions and duties of the board.

4. Members of the board are entitled to receive forty dollars per diem for each day spent in performance of their functions and duties as members and reimbursement for all actual and necessary expenses incurred in the performance of their functions and duties as members.

5. Meetings of the board shall be held at the call of the chairperson or when two members so request.

6. Members shall elect a chairperson and vice chairperson annually, and other officers as they determine. However, the director of the department shall be the secretary of the board.

7. The members of the board shall give bond as required for public officers in chapter sixty-four (64) of the Code.

8. The members of the board shall be subject to and be officials within the meaning of chapter sixty-eight B (68B) of the Code.

9. The director and staff of the department shall serve as the staff of the authority. The director of the department shall advise the board on matters relating to railroad transportation and carry out all directives from the board, and may employ professional expertise when not available on the department staff.

10. The counsel of the transportation regulation board and the attorney general's office shall provide legal services for the authority and the board unless a majority of the board deems outside counsel is required in a particular instance.

Sec. 7. NEW SECTION. POWERS OF THE AUTHORITY. The authority shall have all powers necessary for the performance of its purposes and duties, including but not limited to, the power to:

1. Have perpetual succession as a public authority.
2. Adopt rules for the regulation of its affairs and to carry out its duties and responsibilities.
3. Sue and be sued in its own name.
4. Exercise the power of eminent domain.
5. Acquire railway facilities, whether located within Iowa or a contiguous state, directly or through an agent, by purchase, lease, gift, devise or otherwise.
6. Determine the location and construction of any railway facility to be financed under the provisions of this Act and to construct, reconstruct, renovate, replace, maintain, repair and lease the same, and to enter into contracts for any of these purposes.
7. Enter into contracts with any person, federal or state government or subdivision of a state for the operation, management or use of a railway facility.
8. Designate an agent to determine the location and construction of a railway facility under the provisions of this Act and as agent of the authority, to construct, reconstruct, renovate, replace, maintain, repair, and lease the same and to enter into contracts for any of these purposes including contracts for the operation, management or use of the railway facility.
9. The authority may sell or convey any of the railway facilities upon terms and considerations acceptable to the governing board.
10. Issue bonds, notes or other obligations for any of its purposes and to refund the same, all as provided for in this Act. However, total outstanding principal amount of bonds shall not exceed one hundred million dollars at any one time.
11. Invest or deposit moneys of the authority, subject to any agreement with bondholders or noteholders, in any manner determined by the authority, notwithstanding the provisions of chapter four hundred fifty-two (452), four hundred fifty-three (453) or four hundred fifty-four (454) of the Code.
12. Fix and revise and charge and collect rates, rents, fees and charges for the use of any railway facility or any portion of a facility and to contract with any person, firm or corporation or other public or private body in respect to a facility.
13. Mortgage all or any portion of its railway facilities and the sites, whether then owned or thereafter acquired, to finance the railway facility or any portion of the facility.
14. Extend loans for the purpose of financing project costs of a railway facility.

15. Extend loans to refund bonds, obligations to the federal government, mortgages or advances issued, made or given for the cost of a railway facility including the issuing of bonds and making loans to refinance indebtedness incurred for railway facilities undertaken and completed prior to or after the enactment of this Act when the governing board finds that this financing is in the public interest.

16. Have and alter a corporate seal.

17. Receive and accept from any public agency loans or grants for or in aid of project costs and to receive and accept grants, gifts and other contributions from any source.

18. Own a railway facility under this Act if necessary to preserve part of a railway system, upon the determination, after consultation with the department, that the railway facility is necessary to the system, and then shall be relinquished to private ownership or operation as soon as economically practicable.

19. Temporarily operate a railway facility under this Act if sufficient need exists or there is an emergency situation as determined by a majority of the board.

Sec. 8. NEW SECTION. DUTIES OF GOVERNING BOARD. The specific duties of the governing board shall be to:

1. Keep accurate records of all its proceedings and make them available to the public.

2. Exercise its powers and duties consistent with the policies and plans of the state transportation commission submitted by it to the general assembly as required under section three hundred seven point ten (307.10), subsection one (1) of the Code.

3. Issue a public declaration before the issuance of bonds as to the need for and use of the proceeds from the issuance of bonds.

4. Provide a prospectus in connection with the offering for sale of bonds.

5. Establish a maximum interest rate which the bonds of an issue may bear.

6. Establish one or more bond reserve funds.

7. When issuing bonds, issue bonds the interest of which will be tax exempt for federal income tax purposes, whenever possible.

8. Contract for services through the department when practicable.

9. Provide an economically designed and reproduced annual report to the members of the general assembly who request it containing information as directed by the legislative council.

Sec. 9. NEW SECTION. BONDS. All bonds issued by the authority shall be payable solely out of the revenues and receipts derived from the lease or sale by the authority of its railway facilities or as may be designated in the proceedings of the governing board under which the bonds shall be authorized to be issued by the governing board, or derived from any loan agreement between the authority and the borrower with respect to railway facilities or any other funds of the authority which the board may designate except that no tax funds which the authority may receive from the state or any political subdivision shall be used for payment of the bonds. The

proceedings of the governing board authorizing the issuance of the bonds shall provide for the manner of execution, delivery, form, terms, investment and disbursement of the proceeds, and security for the payment of the bonds. Before any bonds of the authority may be offered for sale, the authority shall issue a prospectus in connection with the offering. The bonds shall be either registered, registered as to principal only or in coupon form, be payable as to principal at times over a period not to exceed thirty-five years. Any bonds of the authority may be sold at public or private sale at the price, in the manner and at the time as may be determined by the governing board. The proceedings under which bonds may be issued shall recognize and protect any prior pledge or mortgage made for any prior issue of bonds as they shall relate to the same facility. Chapter seventy-five (75) and sections twenty-three point twelve (23.12) through twenty-three point sixteen (23.16) of the Code do not apply to bonds issued under this Act. All bonds and interest coupons issued under this Act are negotiable instruments.

Sec. 10. NEW SECTION. REFUNDING OF BONDS. Any bonds of the authority at any time outstanding may be refunded with the consent of the bondholders or as provided in call provisions of the original issue by the authority by the issuance of its refunding bonds in an amount as it deems necessary but not exceeding an amount sufficient to refund the principal of the bonds to be refunded, together with any unpaid interest premiums, commissions, service fees and other expenses necessary to be paid. Any refunding may be effected whether the bonds to be refunded have matured or shall mature, either by sale of the refunding bonds and the application of the proceeds for the payment of the bonds to be refunded, or by the exchange of the refunding bonds for the bonds to be refunded with the consent of the holders of the bonds to be refunded. Refunding may be made without regard to whether or not the bonds to be refunded were issued in connection with the same railway facility or separate railway facilities or for any other purpose, and without regard to whether or not the bonds proposed to be refunded shall be payable on the same date or different dates or due serially or otherwise.

Sec. 11. NEW SECTION. SECURITY FOR BONDS. The principal of and interest on any bonds issued by the authority shall be secured by a pledge of revenues, rentals and receipts out of which the same shall be made payable and may be secured by any federal funds, a trust indenture, mortgage or deed of trust including assignment of leases or other contract rights of the authority, contract rights of the authority or any person, firm, corporation or other business entity acquiring, leasing or operating a railway facility under this Act with third parties which may cover all or any part of the railway facilities for which the revenues, rentals or receipts pledged may be derived, including, but not limited to, any enlargements of or additions to any facilities.

Each such pledge shall continue effective until the principal and interest on the bonds shall have been fully paid or provision for the payment duly made.

Sec. 12. NEW SECTION. PAYMENT OF BONDS--NONLIABILITY OF STATE. Bonds issued under the provisions of this Act, and judgments based on contract or

tort arising from the activities of the authority or persons acting on its behalf, shall not constitute a debt or liability of the state or of any political subdivision within the meaning of any constitutional or statutory debt limitation and no appropriation shall be made, directly or indirectly, by the state or any political subdivision for the payment of the bonds or judgments, or for the indemnification of a person subject to a judgment arising from that person's actions on the authority's behalf, but are special obligations of the authority payable solely and only from the sources provided in this Act.

Sec. 13. NEW SECTION. REMEDIES OF BONDHOLDERS AND NOTEHOLDERS.

1. If the authority defaults in the payment of principal or interest on an issue of bonds or notes after they become due, whether at maturity or upon call for redemption, and the default continues for a period of thirty days, or if the authority fails or refuses to comply with the provisions of this Act, or defaults in an agreement made with the holders of an issue of bonds or notes, the holders of twenty-five percent in aggregate principal amount of bonds or notes of the issue then outstanding, by instrument filed in the office of the clerk of the county in which the principal office of the authority is located, and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of the bonds or notes for the purposes provided in this section.

2. The authority or any trustee appointed under the indenture under which the bonds are issued may, and upon written request of the holders of twenty-five percent in aggregate principal amount of the issue of bonds or notes then outstanding shall:

a. Enforce all rights of the bondholders or noteholders, including the right to require the authority to carry out its agreements with the holders and to perform its duties under this Act.

b. Bring suit upon the bonds or notes.

c. By action require the authority to account as if it were the trustee of an express trust for the holders.

d. By action enjoin any acts or things which are unlawful or in violation of the rights of the holders.

e. Declare all the bonds or notes due and payable and if all defaults are made good then with the consent of the holders of twenty-five percent of the aggregate principal amount of the issue of bonds or notes then outstanding, annul the declaration and its consequences.

3. The trustee shall also have and possess all powers necessary or appropriate for the exercise of functions specifically set forth or incident to the general representation of bondholders or noteholders in the enforcement and protection of their rights.

4. Before declaring the principal of bonds or notes due and payable, the trustee shall first give thirty days' notice in writing to the governor, to the authority and to the attorney general of the state.

5. The district court has jurisdiction of any action by the trustee on behalf of bondholders or noteholders. The venue of the action shall be in the county in which the principal office of the authority is located.

Sec. 14. NEW SECTION. AUTHORITY AS PUBLIC INSTRUMENTALITY. The authority is performing a public function on behalf of the state and is a public instrumentality of the state. Income of the authority and all properties owned or leased by the authority shall be exempt from all taxation in the state of Iowa. This Act shall not be construed as exempting from taxation properties comprising railway facilities financed under any of the provisions of this Act which are owned by persons or entities other than the authority except those leased by the authority.

Sec. 15. NEW SECTION. POWERS NOT RESTRICTED--LAW COMPLETE IN ITSELF. This Act shall not be construed as a restriction or limitation upon any powers which the authority might otherwise have under any laws of this state, but shall be construed as cumulative of any such powers. No proceedings, referendum, notice or approval shall be required for the creation of the authority or the issuance of any bonds or any instrument as security except as herein provided, any other law to the contrary notwithstanding; provided, that nothing herein shall be construed to deprive the state and its governmental subdivisions of their respective police powers over properties of the authority or to impair any power thereover of any official or agency of the state and its governmental subdivisions which may be otherwise provided by law.

Sec. 16. NEW SECTION. LIMITATION OF LIABILITY. The members of the board and persons acting in the board's behalf, while acting within the scope of their employment or agency, shall be employees of the state within the meaning of chapter twenty-five A (25A) of the Code and the provisions, except section twenty-five A point eleven (25A.11) of the Code, of that chapter shall apply to such members and persons. Any awards to a claimant under chapter twenty-five A (25A) of the Code resulting from actions involving the board or a person acting in the board's behalf shall be payable solely from funds of the authority and funds received from the state shall not be used to pay such awards.

Sec. 17. NEW SECTION. EXEMPTION FROM CONSTRUCTION AND BIDDING REQUIREMENTS FOR PUBLIC BUILDINGS. A railway facility is not subject to any requirements relating to public buildings, structures, grounds, works or improvements imposed by any other law, except as determined by the governing board, or any other similar requirements which may be lawfully waived by this section and any requirement of competitive bidding or other restriction imposed on the procedure for awarding contracts for such purpose or the lease, sale, or other disposition of property of the authority is not applicable to any action taken under the provisions of this Act.

Sec. 18. NEW SECTION. LIBERAL INTERPRETATION. This Act, being necessary for the welfare of this state and its inhabitants, shall be liberally construed to effect its purposes.

Sec. 19. The governor shall appoint all members of the governing board under section six (6) of this Act within eight weeks from the effective date of this Act.

Sec. 20. Of the first appointments to the governing body under section six (6) of this Act, two members shall be appointed for terms ending in 1982, two members shall be appointed for terms ending in 1984 and one member shall

be appointed for a term ending in 1986. The terms of the first appointments shall end at 12:00 o'clock midnight on April thirtieth of the year of expiration.

Sec. 21. Chapter three hundred seven (307), Code 1979, is amended by adding the following new section:

NEW SECTION. COLLECTION OF DELINQUENT RAILWAY TAXES--COMPROMISE.

1. Sixty days after the tax obligations of a railway company which are owed to a political subdivision of this state become delinquent as provided in section four hundred forty-five point thirty-seven (445.37) of the Code and remain unpaid, the state department of transportation shall become responsible for collection of the delinquent taxes. The county treasurer of each affected county shall transmit the unpaid tax statement of the railway company to the state department of transportation.

2. The transportation regulation board shall consolidate and collect all delinquent tax obligations of a railway company received from the counties. The transportation regulation board may compromise the delinquent taxes against the railway company property and by written agreement with the railway company agree to the payment of a stipulated sum in full liquidation of all delinquent taxes included in the agreement and may accept title to any right-of-way or other real estate in this state owned by the railway company in payment for the delinquent taxes.

3. Upon the acquisition by the department of payment from the railway company in full liquidation of the delinquent taxes including payment by means of transfer of title to rights of way or other real estate, any tax lien existing prior to such acquisition on the property on which the taxes were delinquent shall be null and void and the department shall not pay any of those delinquent taxes to the county treasurer.

Sec. 22. There is appropriated from the general fund of the state for the use of the Iowa railway finance authority the sum of two hundred seventy-five thousand (275,000) dollars, or so much thereof as is necessary, to be used for salaries, support, maintenance and miscellaneous purposes and to establish and maintain the Iowa railway finance authority and its staff, to promulgate rules under chapter seventeen A (17A) of the Code and for planning purposes. Section eight point thirty-three (8.33) of the Code shall not apply to the funds appropriated by this section. The funds appropriated by this section which are unencumbered and unobligated on July 1, 1982 shall be transferred to the railroad assistance fund and be available for the purposes provided in chapter three hundred twenty-seven H (327H) of the Code.

Sec. 23. This Act, being deemed of immediate importance takes effect from and after its publication in the Audubon News-Advocate, a newspaper published in Audubon, Iowa, and in the Muscatine Journal, a newspaper published in Muscatine, Iowa.

Approved May 20, 1980

I hereby certify that the foregoing Act, Senate File 2378, was published in the Audubon News-Advocate, Audubon, Iowa on May 28, 1980, and in the Muscatine Journal, Muscatine, Iowa on June 2, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1096
LOCAL SECONDARY ROADS

H. F. 2482

AN ACT to allow a county board of supervisors to use funds from the county farm-to-market road fund for the construction and reconstruction of local secondary roads.

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

Section 1. Chapter three hundred nine (309), Code 1979, is amended by adding the following new section as section three hundred nine point ten (309.10) of the Code:

NEW SECTION. 309.10 USE OF FARM-TO-MARKET ROAD FUND. Notwithstanding the provisions of section three hundred ten point four (310.4) of the Code, if the board of supervisors of a county does not plan to utilize its farm-to-market road fund allocation for the succeeding calendar year for farm-to-market projects, the board may annually, by stipulation in the secondary road construction program and secondary road budget submitted to the department in accordance with sections three hundred nine point twenty-two (309.22) and three hundred nine point ninety-three (309.93) of the Code, determine an amount of the unobligated portion of their allocation, up to a maximum of fifty percent of their anticipated total annual allocation, for the construction and reconstruction of local secondary roads. However, moneys from the farm-to-market road fund shall not be so used if the moneys are needed to match federal funds available for farm-to-market road projects.

A county shall not use farm-to-market road funds as described in this section unless the total funds that the county raised during the prior calendar year pursuant to section three hundred nine point eight (309.8), subsections one (1), three (3), and four (4), of the Code are at least seventy-five percent of the maximum funds the county could have raised in the prior calendar year pursuant to section three hundred nine point seven (309.7) of the Code.

Approved May 20, 1980

CHAPTER 1097
SECONDARY ROAD OR BRIDGE CONSTRUCTION

H. F. 2169

AN ACT relating to contracts for bridge or road construction on secondary roads.

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

Section 1. Section three hundred nine point forty (309.40), Code 1979, is amended to read as follows:

309.40 ADVERTISEMENT AND LETTING. All contracts for road or bridge construction work and materials therefor of which the engineer's estimate exceeds ~~twenty~~ forty thousand dollars, except surfacing materials obtained from local pits or quarries, shall be advertised and let at a public letting.

Sec. 2. Section three hundred nine point forty-two (309.42), Code 1979, is amended to read as follows:

309.42 APPROVAL OF ROAD CONTRACTS. Contracts for road construction work which, according to the engineer's estimate, involve a cost of ~~five--thousand dollars--or--more--per--mile,~~ ~~--or~~ more than twenty thousand dollars in the aggregate shall be first approved by the department before the same shall be effective as a contract.

Sec. 3. This Act takes effect January first following its enactment.

Approved April 21, 1980

CHAPTER 1098
COUNTY BRIDGES OR CULVERTS

H. F. 2279

AN ACT relating to the records of the plans and costs of the construction of county bridges or culverts.

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

Section 1. Section three hundred nine point eighty-one (309.81), Code 1979, is amended to read as follows:

309.81 RECORD OF PLANS. Before beginning the construction of any a permanent bridge or culvert by day labor or by contract, the plans, specifications, estimate of drainage area, estimates of costs, and specific designation of the location of the bridge or culvert shall be filed in the county ~~auditor's~~ engineer's office by the engineer.

Sec. 2. Section three hundred nine point eighty-two (309.82), Code 1979, is amended to read as follows:

309.82 RECORD OF FINAL COST. On completion of any a bridge or culvert, a detailed statement of cost, and of any additions or alterations to the plans shall be filed by the engineer ~~and recorded by the auditor in connection with the records of bids~~, all of which shall be retained in the county ~~auditor's~~ engineer's office as permanent records, and when ~~said~~ the work is completed and approved, a ~~duplicate~~ statement of the costs ~~thereof~~ shall be filed with the department by the county ~~auditor~~ engineer.

Sec. 3. The effective date of this Act is January first following its enactment.

Approved April 7, 1980

CHAPTER 1099

FARM-TO-MARKET ROAD FUNDS

S. F. 2281

AN ACT providing for temporary allocation of farm-to-market road use funds.

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

Section 1. Section three hundred ten point twenty-seven (310.27), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

For the purposes of this section, any sums of the farm-to-market road fund allotted to any county shall be presumed to have been "expended" when a contract ~~shall have~~ has been awarded obligating ~~said~~ the sums. ~~if a county does not plan to utilize its allotted funds in any period up to one year, the funds may be temporarily allocated to another county, at no interest, by written agreement between the counties involved. The total of the temporarily allocated funds received by a county shall not exceed the total anticipated funds to that particular county's farm-to-market fund in the succeeding fiscal year and total reimbursement shall be completed by the end of the succeeding fiscal year.~~ When projects and their estimated costs, which are proposed to be funded from the farm-to-market road fund, are submitted to the department for approval, the department shall estimate the total funding necessary and the period during which claims for the projects will be filed. After anticipating the funding necessary for approved projects, the department may, at its discretion, temporarily allocate additional moneys from the farm-to-market road fund for use in any other farm-to-market projects. However, a county shall not be temporarily allocated funds for projects in excess of the county's anticipated farm-to-market road fund allocation for the current fiscal year plus the two succeeding fiscal years.

Approved May 26, 1980

CHAPTER 1100
LENGTH AND WEIGHT OF VEHICLES
H. F. 747

AN ACT relating to the length, weight, and annual registration fees of vehicles and combinations of vehicles and providing penalties for violations.

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

Section 1. Section three hundred twelve point two (312.2), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. The treasurer of state, before making the other allotments provided for in this section, shall credit annually to the primary road fund from the road use tax fund the sum of four million four hundred thousand dollars and to the farm-to-market road fund from the road use tax fund the sum of one million five hundred thousand dollars for partial compensation of allowing trucks to operate on the roads of this state as provided in section three hundred twenty-one point four hundred sixty-three (321.463) of the Code.

Sec. 2. Section three hundred twenty-one point one (321.1), subsection one (1), paragraph c, Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy (70), sections one (1) and two (2), and chapter seventy-four (74), section twenty-two (22), is amended by striking the paragraph.

Sec. 3. Section three hundred twenty-one point one (321.1), subsection sixty-nine (69), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy (70), sections one (1) and two (2), and chapter seventy-four (74), section twenty-two (22), is amended by striking the subsection.

Sec. 4. Section three hundred twenty-one point one hundred twenty-one (321.121), Code 1979, is amended to read as follows:

321.121 SPECIAL TRUCKS FOR FARM USE. The registration fee for a special truck shall be one hundred twenty 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.

Sec. 5. Section three hundred twenty-one point one hundred twenty-two (321.122), subsection one (1), Code 1979, is amended by striking the subsection and inserting in lieu thereof the following:

1. The annual registration fee for truck tractors, road tractors, and motor trucks, except special trucks, shall be based on the combined gross weight of the vehicle or combination of vehicles. All trucks, truck tractors, or road tractors shall be registered for a gross weight equal to or in excess of the unladen weight of the vehicle or combination of vehicles.

The annual registration fee for such vehicles or combination of vehicles shall be:

a. For a combined gross weight of three tons or less forty-five dollars and after ten full registrations thirty-five dollars.

b. For a combined gross weight exceeding three tons, the annual registration fee shall be as set forth in the following schedule:

For a combined gross weight exceeding:	And not exceeding:	The annual registration fee shall be:
3 Tons	4 Tons	\$ 60
4 Tons	5 Tons	\$ 70
5 Tons	6 Tons	\$ 85
6 Tons	7 Tons	\$ 110
7 Tons	8 Tons	\$ 145
8 Tons	9 Tons	\$ 180
9 Tons	10 Tons	\$ 215
10 Tons	11 Tons	\$ 250
11 Tons	12 Tons	\$ 285
12 Tons	13 Tons	\$ 320
13 Tons	14 Tons	\$ 355
14 Tons	15 Tons	\$ 445
15 Tons	16 Tons	\$ 485
16 Tons	17 Tons	\$ 525
17 Tons	18 Tons	\$ 565
18 Tons	19 Tons	\$ 610
19 Tons	20 Tons	\$ 675
20 Tons	21 Tons	\$ 715
21 Tons	22 Tons	\$ 755
22 Tons	23 Tons	\$ 795
23 Tons	24 Tons	\$ 835
24 Tons	25 Tons	\$ 965
25 Tons	26 Tons	\$ 1,010
26 Tons	27 Tons	\$ 1,060
27 Tons	28 Tons	\$ 1,105
28 Tons	29 Tons	\$ 1,150
29 Tons	30 Tons	\$ 1,200
30 Tons	31 Tons	\$ 1,245
31 Tons	32 Tons	\$ 1,295
32 Tons	33 Tons	\$ 1,340
33 Tons	34 Tons	\$ 1,415
34 Tons	35 Tons	\$ 1,465
35 Tons	36 Tons	\$ 1,510
36 Tons	37 Tons	\$ 1,555
37 Tons	38 Tons	\$ 1,605
38 Tons	39 Tons	\$ 1,650
39 Tons	40 Tons	\$ 1,695

c. For a combined gross weight exceeding forty tons, the annual registration fee shall be one thousand six hundred ninety-five dollars plus eighty dollars for each ton over forty tons.

Sec. 6. Section three hundred twenty-one point one hundred twenty-two (321.122), subsection four (4), Code 1979, is amended by striking the subsection and inserting in lieu thereof the following:

4.* This subsection shall not be construed to require a license** for the operation of a rubber-tired farm tractor not for hire upon the public highways.

Sec. 7. Section three hundred twenty-one point four hundred fifty-seven (321.457), subsection three (3), Code 1979, is amended by striking the subsection and inserting in lieu thereof the following:

3. Except for combinations of vehicles, provisions for which are otherwise made in this chapter, no combination of a truck tractor and a semitrailer coupled together unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of sixty feet.

Sec. 8. Section three hundred twenty-one point four hundred fifty-seven (321.457), subsection five (5), Code 1979, is amended by striking the subsection and inserting in lieu thereof the following:

5. Combinations of vehicles coupled together which are used exclusively for the transportation of passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks and boats may be permitted to extend the load up to three feet beyond the front and rear bumpers of the transporting vehicle when the overall length of the vehicle with load does not exceed sixty-five feet.

Sec. 9. Section three hundred twenty-one point four hundred fifty-seven (321.457), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. A semitrailer shall not have a total length of more than forty-five feet nor a distance between the kingpin and the center of the rearmost axle of a semitrailer in excess of forty feet, except a semitrailer used principally for hauling livestock, a semitrailer used exclusively for the purposes of hauling self-propelled industrial and construction equipment, or a semitrailer used exclusively for the purposes described in subsection five (5) of this section. A nonexempt semitrailer in excess of forty-five feet in length which is a 1980 or older model year may be operated on the highways of this state if a special overlength permit is obtained from the department for the vehicle. The special overlength permit shall be valid until such time as the semitrailer is inoperable.

Sec. 10. Section three hundred twenty-one point four hundred fifty-nine (321.459), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

321.459 DUAL AXLE REQUIREMENT. Axles of a motor vehicle, trailer, or semitrailer which are less than forty inches apart center to center shall be considered as a single axle for the purpose of determining permissible gross weight under section three hundred twenty-one point four hundred sixty-three (321.463) of the Code.

Sec. 11. Section three hundred twenty-one point four hundred sixty-three (321.463), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

*Amended by ch 1094, §14 hereof
**"Registration" probably intended

321.463 MAXIMUM GROSS WEIGHT. An axle may be divided into two or more parts, except that all parts in the same vertical transverse plane shall be considered as one axle.

The gross weight on any one axle of a vehicle, or of a combination of vehicles, operated on the highways of this state, shall not exceed twenty thousand pounds on an axle equipped with pneumatic tires, and shall not exceed fourteen thousand pounds on an axle equipped with solid rubber tires. The gross weight on any tandem axle of a vehicle, or any combination of vehicles, shall not exceed thirty-four thousand pounds on an axle equipped with pneumatic tires.

A group of two or more consecutive axles of any vehicle or combination of vehicles, shall not carry a load in pounds in excess of the overall gross weight determined by application of the following formula: W equals $500(LN/N-1 + 12N + 36)$ where W equals the overall gross weight on any group of two or more consecutive axles to the nearest five hundred pounds, L equals the distance in feet, rounded to the nearest whole foot, between the extreme of any group of two or more consecutive axles, and N equals the number of axles in the group under consideration, except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

The maximum gross weight shall not exceed eighty thousand pounds.

The weight on any one axle, including a tandem axle, of a vehicle which is transporting livestock on highways not part of the interstate system may exceed the legal maximum weight given in this chapter providing that the gross weight on any particular group of axles on such vehicle does not exceed the gross weight allowable under this chapter for such groups of axles.

A person who operates a vehicle in violation of the provisions of this section, and an owner, or any other person, employing or otherwise directing the operator of a vehicle, who requires or knowingly permits the operation of a vehicle in violation of the provisions of this section shall be fined according to the following schedule:

AXLE, TANDEM AXLE, AND GROUP OF AXLES WEIGHT VIOLATIONS

Pounds Overloaded	Amount of Fine
Up to and including 1,000 pounds	\$10 plus one-half cent per pound
Over 1,000 pounds to and including 2,000 pounds	\$15 plus one-half cent per pound
Over 2,000 pounds to and including 3,000 pounds	\$80 plus three cents per pound
Over 3,000 pounds to and including 4,000 pounds	\$100 plus four cents per pound
Over 4,000 pounds to and including 5,000 pounds	\$150 plus five cents per pound
Over 5,000 pounds to and including 6,000 pounds	\$200 plus seven cents per pound
Over 6,000 pounds	\$200 plus ten cents per pound

Fines for gross weight violations for vehicles or combinations of vehicles shall be assessed at one-half of the fine rate schedule for axle, tandem axle, and groups of axles weight violations.

The amount of the fine to be assessed shall be computed on the difference between the actual weight and the maximum legal weight specified in this section by applying the appropriate rate in the preceding schedule for the total amount of overload.

The schedule of fines may be assessed in addition to any other penalties provided for in this chapter.

Overloads on axles and tandem axles and overloads on groups of axles or on an entire vehicle or combination of vehicles shall be considered as separate violations of the provisions of this section.

A person who issues or executes, or causes to be issued or executed, a bill of lading, manifest, or shipping document of any kind which states a false weight of the cargo set forth on such bill, manifest, or document, which is less than the actual weight of the cargo, shall, upon conviction, be guilty of a simple misdemeanor.

Sec. 12.* The department shall issue permits for the period beginning fifteen days following the effective date of this Act to December 31, 1980 to interstate and intrastate carriers that apply for registration authority at a weight higher than the current registered gross weight. The department shall assess a prorated fee from the schedule of fees set forth in section five (5) of this Act. Permit fees shall be payable on an annual basis. A minimum fee of ten dollars shall be collected by the department. Trucks, motor trucks, and truck tractors registered under the provisions of section three hundred twenty-one point one hundred twenty-two (321.122) of the Code on the effective date of this Act shall not be eligible to reregister under section three hundred twenty-one point one hundred twenty-one (321.121) of the Code during the 1980 registration year. The commission shall adopt temporary rules as are necessary to implement the provisions of this Act as it relates to revised registrations in 1980 and temporary rules adopted for this purpose are not rules as defined in section seventeen A point two (17A.2), subsection seven (7), of the Code and shall not be subject to chapter seventeen A (17A) of the Code.

Sec. 13. The director of the department of transportation shall give consideration to increasing the hours of operation and employees designated to operate permanent weigh stations as provided by section three hundred twenty-one point four hundred seventy-seven (321.477) of the Code.

Sec. 14. This Act, being deemed of immediate importance, takes effect from and after its publication in the Globe-Gazette, a newspaper published in Mason City, Iowa, and in The Sioux City Journal, a newspaper published in Sioux City, Iowa.

Approved March 21, 1980

I hereby certify that the foregoing Act, House File 747, was published in the Globe-Gazette, Mason City, Iowa on March 28, 1980, and republished April 11, 1980, and published in The Sioux City Journal, Sioux City, Iowa on March 29, 1980 and republished April 11, 1980.

MELVIN D. SYNHORST, *Secretary of State*

*Amended by ch 1094, §42 hereof

CHAPTER 1101
PRIMARY ROAD OR BRIDGE CONSTRUCTION
H. F. 2478

AN ACT relating to emergency repair, restoration, or reconstruction of a primary highway or bridge.

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

Section 1. Section three hundred thirteen point ten (313.10), subsection three (3), Code 1979, is amended to read as follows:

3. The necessary work can be done for less than ~~thirty~~ seventy-five thousand dollars.

Approved April 21, 1980

CHAPTER 1102
BORROW PITS
S. F. 89

AN ACT relating to borrow pits.

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

Section 1. Section three hundred fourteen point twelve (314.12), Code 1979, is amended to read as follows:

314.12 BORROW PITS--TOPSOIL PRESERVED. In the award of contracts for the construction, reconstruction, improvement, repair or maintenance of any highway, the agency having charge of awarding such contracts shall require that when fill dirt, soil or other materials are to be removed from borrow pits acquired by title or easement, whether by agreement or condemnation, for use in the project, adequate provision shall be made ~~by agreement with the landowner~~ for the restoration of the borrow pit area, either by removal and replacement of a minimum of eight inches of topsoil, or by fertilizing, mulching, reseeding or other appropriate measures to provide vegetative cover or prevent erosion, except where a lake or subwater table conditions are designed, or where the area is zoned for commercial, industrial, or residential use, or where the borrow is in locations of white oak, sand,

loess or undrainable clays. When the borrow pit is acquired by easement, the restoration method shall be determined by agreement with the landowner.

Sec. 2. This Act is effective January first following its enactment.

Approved May 21, 1980

CHAPTER 1103
MOTOR VEHICLE LAWS
S. F. 278

AN ACT relating to motor vehicle laws by providing four-year operators' and chauffeurs' licenses for licensees between the ages of eighteen and seventy, by providing for the admission of motor vehicle records in court actions, by providing for personal service of notices, by providing for consideration of out-of-state moving violation convictions in habitual offender determinations, by authorizing the director of transportation to enter into nonresident violator compacts, by providing that operating a motor vehicle without a valid operator's license shall be a scheduled violation, by providing a revised schedule for excess speed violations, by prohibiting deferral of fines when a defendant admits a scheduled violation or is convicted of a scheduled violation, by providing for forfeiture of appearance bonds, and by providing technical corrections and providing penalties.

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

Section 1. Section three hundred twenty-one point ten (321.10), Code 1979, is amended to read as follows:

321.10 CERTIFIED COPIES OF RECORDS. The director and ~~such~~ officers of the department ~~as he may designate~~ designated by the director are hereby authorized to prepare under the seal of the department and ~~deliver~~ provide upon request a certified copy of any record of the department, charging a fee of fifty cents for each document so authenticated, and every such certified copy shall be admissible in any proceeding in any court in like manner as the original ~~thereof~~ and shall be considered to be true and accurate unless shown otherwise by an objecting party.

Sec. 2. Section three hundred twenty-one point sixteen (321.16), Code 1979, is amended to read as follows:

321.16 GIVING OF NOTICES. Whenever the department is authorized or required to give any notice under this chapter or other law regulating the operation of vehicles, unless a different method of giving such notices is otherwise expressly prescribed, such notice shall be given either by personal delivery ~~thereof~~ to the person to be so notified or by personal service in the manner of original notice by rule fifty-six point one (56.1), paragraph a, of the rules of civil procedure, or by restricted certified mail addressed

to such person at his the address as shown by the records of the department. Return acknowledgment is required to prove such latter service.

Proof of the giving of notice by personal service may be made by the certificate of any officer or employee of the department or affidavit of any person over eighteen years of age, naming the person to whom such notice was given and specifying the time, place, and manner of the giving thereof.

Sec. 3. Section three hundred twenty-one point forty (321.40), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The county treasurer shall refuse to renew the registration of a vehicle registered to a person when notified that there is a warrant outstanding for that person's arrest out of a court located within that county and the warrant arises out of the alleged violation of a provision of chapter three hundred twenty-one (321) of the Code or of an ordinance adopted by a local authority relating to the stopping, parking or operation of a vehicle or the regulation of traffic. Each clerk of court in this state shall, by December first of each year, submit to the county treasurer of that county an alphabetized list of all persons against whom such an arrest warrant has been issued and is outstanding. Immediately upon the cancellation or satisfaction of such an arrest warrant the clerk of court shall notify the person against whom the arrest warrant was issued and the county treasurer if that person's name appeared on the last list furnished to the county treasurer. This paragraph shall not apply to the transfer of a registration or the issuance of a new registration. The provisions of this paragraph are applicable to counties with a population of two hundred thousand or more. The provisions of this paragraph shall be applicable to any county with a population of less than two hundred thousand upon the adoption of a resolution by the county board of supervisors so providing.

Sec. 4. Section three hundred twenty-one point one hundred seventy-four (321.174), Code 1979, is amended to read as follows:

321.174 OPERATORS AND CHAUFFEURS LICENSED. ~~No~~ A person, except those hereinafter expressly exempted shall not drive any motor vehicle upon a highway in this state unless such person has a valid motor vehicle license as an-operator-ex-chauffeur issued by the department. No person shall operate a motor vehicle as a chauffeur unless he holds a valid chauffeur's license.

Sec. 5. Section three hundred twenty-one point one hundred seventy-four (321.174), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Every licensee shall have his or her operator's or chauffeur's, or motorized bicycle license or instruction permit in immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a judicial magistrate or district associate judge, a peace officer, or a field deputy or examiner of the department. However, no person charged with violating this section shall be convicted if he or she produces in court, within a reasonable time, an operator's or chauffeur's or motorized bicycle license or instruction permit issued to him or her and valid at the time of the person's arrest.

Sec. 6. Section three hundred twenty-one point one hundred eighty-nine (321.189), subsection three (3), Code 1979, is amended by striking the subsection.

Sec. 7. Section three hundred twenty-one point one hundred ninety-six (321.196), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

~~Prior to July 17, 1975, the director shall issue, under rules formulated by the director, operators' licenses valid for two or four years. Each~~ An operator's license ~~issued after July 17, 1977,~~ shall expire four years from the licensee's birthday anniversary occurring in the year of issuance if the licensee is between the ages of eighteen and ~~sixty-five~~ seventy years on the date of issuance of the license, otherwise the license shall be effective for a period of two years, but the license shall be renewable without written examination or penalty within a period of thirty days after such birthday anniversary and such its expiration date. A person shall not be considered to be driving with an invalid license during ~~such a period before renewal, however~~ of thirty days following the license expiration date. 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 1 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~~ the uniformed member. ~~The director~~ department in its discretion may 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~~ the applicant satisfactorily passes a vision test as prescribed by the department.

Sec. 8. Section three hundred twenty-one point one hundred ninety-seven (321.197), Code 1979, 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 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~~ seventy years of age or older on the date of issuance of the license, ~~such~~ the license shall be issued to be valid for two years. ~~Persons whose birthdays occur~~ 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 1, ~~for the purpose of this section~~ first. The department in its discretion may waive the examination of any ~~such~~ the applicant previously licensed as a chauffeur under this chapter, provided that ~~such~~ the person satisfactorily passes a vision test as prescribed by the department. ~~All applications~~ An application 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~~ the uniformed member.

Sec. 9. Section three hundred twenty-one point two hundred three (321.203), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

321.203 SUSPENDING PRIVILEGES OF NONRESIDENTS. A nonresident's privilege of driving a motor vehicle on a highway in this state is subject to suspension and revocation for the same reasons and in the same manner as suspension or revocation of an operator's or chauffeur's license and is also subject to suspension as provided in section three hundred twenty-one point five hundred thirteen (321.513) of the Code.

Sec. 10. Section three hundred twenty-one point two hundred ten (321.210), Code 1979, is amended by adding the following new subsection following subsection seven (7):

NEW SUBSECTION. Should have his or her license suspended under the provisions of section three hundred twenty-one point five hundred thirteen (321.513) of the Code.

Sec. 11. Section three hundred twenty-one point two hundred twelve (321.212), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The Except as provided in section three hundred twenty-one point five hundred thirteen (321.513) of the Code, the department shall not suspend a license for a period of more than one year, except that a license suspended because of incompetency to drive a motor vehicle shall be suspended until the department receives satisfactory evidence that the former holder thereof is competent to operate a motor vehicle and a refusal to reinstate shall constitute a denial of license within the provisions of section 321.215; upon revoking a license the department shall not in-any-event grant an application for a new license until the expiration of one year after such the revocation.

Sec. 12. Section three hundred twenty-one point two hundred fifteen (321.215), subsection one (1), paragraph d, Code 1979, is amended to read as follows:

d. Proof of financial responsibility is established as defined in chapter 321A, however such proof is not required if the license was suspended, under section three hundred twenty-one point five hundred thirteen (321.513) of the Code.

Sec. 13. Section three hundred twenty-one point two hundred eighteen (321.218), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

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 section 907.3 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, except for licenses suspended under section three hundred twenty-one point five hundred thirteen (321.513) of the Code, 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. 14. Section three hundred twenty-one point two hundred thirty-six (321.236), subsection one (1), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH. If the local authority regulating the standing or parking of vehicles under this subsection is located in a county where the registration of a vehicle shall be denied for outstanding arrest warrants under section three hundred twenty-one point forty (321.40) of the Code, the simple notice of fine under paragraph a of this subsection shall contain the following statement:

"FAILURE TO PAY A JUDGMENT FOR A PARKING VIOLATION CAN BE GROUNDS FOR REFUSING TO RENEW YOUR MOTOR VEHICLE'S REGISTRATION."

This paragraph does not invalidate forms for notice of parking violations in existence prior to July 1, 1980. Existing forms may be used until supplies are exhausted.

Sec. 15. Section three hundred twenty-one point five hundred fifty-five (321.555), unnumbered paragraph one (1) and subsections one (1) and two (2), Code 1979, are amended to read as follows:

As used in this division, "habitual offender" means any person who has accumulated convictions for separate and distinct offenses described in subsections 1, 2, or 3, committed after July 1, 1974, for which final convictions have been rendered, as follows:

1. Three or more ~~convictions within a six-year period~~, of the following offenses, either singularly or in combination, within a six-year period:

- a. Manslaughter resulting from the operation of a motor vehicle.
- b. Driving a motor vehicle while under the influence of an alcoholic beverage or a controlled substance as defined in section 204.101.
- c. Driving a motor vehicle while operator's or chauffeur's license is suspended or revoked.
- d. Perjury or the making of a false affidavit or statement under oath to the department of public safety.
- e. An offense punishable as a felony under the motor vehicle laws of Iowa or any felony in the commission of which a motor vehicle is used.
- f. Failure to stop and leave information or to render aid as required by section 321.263.

~~g. A violation of the traffic laws, except parking regulations, committed during a period of suspension or revocation.~~

2. Six or more ~~convictions~~ of any separate and distinct offenses within a two-year period in the operation of a motor vehicle which are required to be reported to the department ~~of public safety~~ by section 321.207 or chapter three hundred twenty-one C (321C) of the Code, except equipment violations, violations of parking regulations of cities, violations of registration laws, operating a vehicle with an expired license or permit, failure to appear, and weights and measures violations and speeding violations of less than ~~six~~ fifteen miles per hour over the legal speed limit, ~~as provided by law prior to enactment of chapter 1189, Acts of the Sixty-fifth General Assembly, 1974 Session.~~

Sec. 16. Chapter three hundred twenty-one (321), Code 1979, is amended by adding the following new section as section three hundred twenty-one point five hundred thirteen (321.513) of the Code:

NEW SECTION. 321.513 NONRESIDENT VIOLATOR COMPACT.

1. AUTHORITY TO COMPACT. The director, subject to the approval of the commission, may enter into nonresident violator compacts with other jurisdictions. The compacts shall contain in substantially the same form the following provisions:

a. DEFINITIONS. For purposes of the nonresident violator compact, unless the context requires otherwise:

(1) "Citation" means a summons, ticket, or other official document issued by a police officer for a traffic violation containing an order which requires the motorist to respond.

(2) "Collateral" means cash or other security deposited to secure an appearance for trial, following the issuance by a police officer of a citation for a traffic violation.

(3) "Court" means a court of law or traffic tribunal.

(4) "Driver's license" means a license or privilege to operate a motor vehicle issued under the laws of the home jurisdiction.

(5) "Home jurisdiction" means the jurisdiction that issued the driver's license of the traffic violator.

(6) "Issuing jurisdiction" means the jurisdiction in which the traffic citation was issued to the motorist.

(7) "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(8) "Motorist" means a driver of a motor vehicle operating in a party jurisdiction other than the home jurisdiction.

(9) "Personal recognizance" means an agreement by a motorist made at the time of issuance of the traffic citation that the motorist will comply with the terms of that traffic citation.

(10) "Police officer" means a peace officer as defined in section eight hundred one point four (801.4) of the Code authorized by the party jurisdiction to issue a citation for a traffic violation.

(11) "Terms of the citation" means those options expressly stated upon the citation.

b. PROCEDURE FOR ISSUING JURISDICTION.

(1) When issuing a citation for a traffic violation, a police officer shall issue the citation to a motorist who possesses a driver's license issued by a party jurisdiction and shall not, except as provided in subparagraph two (2) of this paragraph, require the motorist to post collateral to secure appearance, if the officer receives the motorist's signed personal recognizance that the motorist will comply with the terms of the citation.

(2) Unless prohibited by law, personal recognizance is acceptable. If mandatory appearance is required by law, the appearance must take place immediately following issuance of the citation.

(3) Upon failure of a motorist to comply with the terms of a traffic citation, the appropriate official shall report the failure to comply to the

licensing authority of the jurisdiction in which the traffic citation was issued, and that licensing authority shall transmit the information contained in the report to the licensing authority in the home jurisdiction of the motorist.

(4) The licensing authority of the issuing jurisdiction shall not suspend for failure to comply with the terms of a traffic citation the driving privilege of a motorist for whom a report has been transmitted.

(5) The licensing authority of the issuing jurisdiction shall not transmit a report on a violation if the date of transmission is more than six months after the date the traffic citation was issued.

(6) The licensing authority of the issuing jurisdiction shall not transmit a report on a violation where the date of issuance of the citation predates the most recent effective date of entry for the two jurisdictions.

c. PROCEDURE FOR HOME JURISDICTION. Upon receipt of a report of a failure to comply, the licensing authority of the home jurisdiction shall notify the motorist and initiate a suspension action, in accordance with the home jurisdiction's procedures, to suspend the motorist's driver's license until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the home jurisdiction licensing authority. Due process safeguards shall be accorded.

d. EXCEPTIONS. The provisions of the nonresident violator compact do not apply to parking or standing violations, highway weight limit violations, and violations of law governing the transportation of hazardous materials.

e. ADDITIONAL PROVISIONS. The nonresident violator compact may contain other provisions the director reasonably determines are necessary or appropriate for inclusion in the compact.

2. RULES. The department may adopt rules pursuant to chapter seventeen A (17A) of the Code as necessary to carry out the provisions of this section.

3. ENFORCEMENT. The agencies and officers of this state and its political subdivisions shall enforce the nonresident violator compacts and shall do all things appropriate to accomplish their purpose and intent.

Sec. 17. Section three hundred twenty-one point five hundred sixty (321.560), Code 1979, is amended to read as follows:

321.560 BARRED FOR SIX YEARS. A license to operate a motor vehicle in this state shall not be issued to any person declared to be an habitual offender under section 321.555, subsection 1 for a period of not less than two years nor more than six years from the date of judgment as ordered by the court. A license to operate a motor vehicle in this state shall not be issued to any person declared to be an habitual offender under section 321.555, subsection 2, for a period of one year from the date of judgment.

Sec. 18.* Section three hundred twenty-one point five hundred sixty-one (321.561), Code 1979, is amended to read as follows:

321.561 PUNISHMENT FOR VIOLATION. It shall be unlawful for any person convicted as an habitual offender to operate any motor vehicle in this state during the period of time specified in section 321.560. Any person guilty of violating the provisions of this section shall upon conviction be punished by imprisonment---in---the---penitentiary---for---not---more---than---two---years---and notwithstanding the provisions--of--section--687-27--such committed to the

*See also ch 1015, §48 herein

custody of the director of the division of adult corrections. This conviction shall constitute a an aggravated misdemeanor and not a felony.

Sec. 19. Section three hundred twenty-one A point seventeen (321A.17), subsection five (5), Code 1979, is amended to read as follows:

5. An individual applying for a motor vehicle license following a period of suspension or revocation under the provisions of section 321.216 or three hundred twenty-one point five hundred thirteen (321.513) of the Code shall not be required to maintain proof of financial responsibility under the provisions of this section.

Sec. 20.* Section eight hundred five point six (805.6), subsection one (1), paragraph c, subparagraph two (2), Code 1979, is amended by striking the subparagraph and inserting in lieu thereof the following:

(2) If the violation charged involved or resulted in an accident or injury to property and the total damages are less than two hundred fifty dollars, the amount of fifty dollars and five dollars costs. If the violation is for any offense for which a court appearance is mandatory, the amount of one hundred dollars plus five dollars costs.

Sec. 21. Section eight hundred five point eight (805.8), subsection two (2), paragraph f, Code 1979, is amended to read as follows:

f. For excessive speed violations when not more than ~~ten~~ five miles per hour in excess of the limit under sections 111.36, 321.236, subsections 5 and 11, 321.285, 321.286 and 321.287, the scheduled fine is ten dollars.

Excessive speed in conjunction with a violation of section 321.278 is not a scheduled violation, whatever the amount of excess speed.

~~For excessive speed violations when in excess of ten but not more than twenty miles per hour in excess of the limit under those sections, the scheduled fine is thirty dollars. Excessive speed more than twenty miles per hour in excess of the limit is not a scheduled violation. For excessive speed violations when in excess of the limit under those sections by five or less miles per hour the fine is ten dollars, by more than five and not more than ten miles per hour the fine is twenty dollars, by more than ten and not more than fifteen miles per hour the fine is thirty dollars, by more than fifteen and not more than twenty miles per hour the fine is forty dollars, and by more than twenty miles per hour the fine is forty dollars plus two dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.~~

For excessive speed violations when in excess of the limit under those sections by five or less miles per hour the fine is ten dollars, by more than five and not more than ten miles per hour the fine is twenty dollars, by more than ten and not more than fifteen miles per hour the fine is thirty dollars, by more than fifteen and not more than twenty miles per hour the fine is forty dollars, and by more than twenty miles per hour the fine is forty dollars plus two dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.

Excessive speed in whatever amount by a school bus is not a scheduled violation under any section listed in a subparagraph of this paragraph "f".

Sec. 22. Section eight hundred five point eight (805.8), subsection two (2), Code 1979, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. For failure to have a valid license or permit for operating a motor vehicle on the highways of this state, the scheduled fine is fifteen dollars.

Sec. 23. Section eight hundred five point ten (805.10), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. When the violation charged is being in excess of the speed limit by more than twenty miles per hour.

*See also ch 1014, §41 herein

Sec. 24. Section eight hundred five point ten (805.10), subsection one (1), Code 1979, is amended to read as follows:

1. When the violation charged involved or resulted in an accident or injury to ~~person--or~~ property and the total damages are two hundred fifty dollars or more or in injury to person.

Sec. 25. Section eight hundred eleven point nine (811.9), Code 1979, is amended to read as follows:

811.9 FORFEITURE OF APPEARANCE BOND. Sections 811.6 through 811.8 shall not apply in a case where a ~~scheduled-offense~~ simple misdemeanor 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 805.14, or guaranteed arrest bond certificate as defined in section 321.1. 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.

Approved March 21, 1980

CHAPTER 1104
MOTOR HOMES REGISTRATION
S. F. 2051

AN ACT relating to the registration and licensing of class A, B and C motor homes and multipurpose vehicles.

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

Section 1. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy (70), section six (6), subsection one (1), paragraph a and subsection three (3), are amended to read as follows:

a. Class A motor home means a truck chassis or special chassis upon which is built a driver's compartment and an entire body which provides temporary living quarters. A class A motor home shall also mean a passenger carrying bus which has been registered at least five times as a motor truck and which has been converted, modified or altered to provide temporary living quarters.

3. The annual registration fee for motor homes and multipurpose vehicles is as follows:

a. For class A motor homes with a list price of thirty-five thousand dollars or more as certified to the department by the manufacturer, four hundred dollars for the first ~~ten~~ five registrations and three hundred dollars for each succeeding registration.

b. For class A motor homes with a list price of twenty thousand dollars or more but less than thirty-five thousand dollars as certified to the department by the manufacturer, one hundred forty dollars for the first ~~ten~~

five registrations and one hundred five dollars for each succeeding registration.

c. For class A motor homes with a list price of less than twenty thousand dollars as certified to the department by the manufacturer, one hundred twenty dollars for the first five registrations and eighty-five dollars for each succeeding registration.

d. For a class A motor home which is a passenger-carrying bus which has been registered at least five times as a motor truck and which has been converted, modified or altered to provide temporary living quarters, ninety dollars for the first ten registrations and sixty-five dollars for each succeeding registration. In computing the number of registrations, the registrations shall be cumulative beginning with the registration of the class A motor home as a motor truck prior to its conversion, modification, or alteration to provide temporary living quarters.

e e. For class B motor homes, ninety dollars for the first ~~ten~~ five registrations and sixty-five dollars for each succeeding registration.

d f. For class C motor homes, one hundred ten dollars for the first ~~ten~~ five registrations and eighty dollars for each succeeding registration.

e g. For multipurpose vehicles, seventy-five dollars for the first ~~ten~~ five registrations and fifty-five dollars for each succeeding registration.

Sec. 2. The provisions of this Act are effective December first following enactment for registration fees payable on or after December first following enactment for vehicle registrations issued for the succeeding calendar year.

Approved May 13, 1980

CHAPTER 1105
ELUDING PURSUING OFFICER
H. F. 2453

AN ACT providing a penalty for eluding or attempting to elude a pursuing law enforcement vehicle.

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

Section 1. Chapter three hundred twenty-one (321), Code 1979, is amended by adding the following new section:

NEW SECTION. ELUDING OR ATTEMPTING TO ELUDE PURSUING LAW ENFORCEMENT VEHICLE. The driver of a motor vehicle commits a serious misdemeanor if the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked official law enforcement vehicle driven by a uniformed peace officer after being given a visual or audible signal to stop and in doing so exceeds the speed limit by twenty-five miles per hour or more. The signal given by the peace officer shall be by flashing red light or siren. For purposes of this section, "peace officer" means those officers

designated under section eight hundred one point four (801.4), subsection seven (7), paragraphs a, b, c, g, and h of the Code.

Sec. 2. Section three hundred twenty-one point two hundred nine (321.209), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Eluding or attempting to elude a law enforcement vehicle as provided in section one (1) of this Act.

Approved April 7, 1980

CHAPTER 1106
AUTOMOBILE LIABILITY INSURANCE
S. F. 2337

AN ACT relating to the increase in financial requirements for auto liability insurance policies.

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

Section 1. Section three hundred twenty-one A point one (321A.1), subsection ten (10), Code 1979, is amended to read as follows:

10. PROOF OF FINANCIAL RESPONSIBILITY. Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of ~~said the~~ the proof, arising out of the ownership, maintenance, or use of a motor vehicle, in ~~the amount of ten~~ amounts as follows: With respect to accidents occurring on or after the effective date of this Act, and prior to January 1, 1983, the amount of fifteen thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said the limit for one person, in the amount of twenty thirty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of five ten thousand dollars because of injury to or destruction of property of others in any one accident; and with respect to accidents occurring on or after January 1, 1983, the amount of twenty thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to the limit for one person, the amount of forty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and the amount of fifteen thousand dollars because of injury to or destruction of property of others in any one accident.

Sec. 2. Section three hundred twenty-one A point five (321A.5), subsection three (3), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

~~No-such~~ A policy or bond ~~shall-be~~ is not effective under this section unless issued by an insurance company or surety company authorized to do business in this state, except that if ~~such the~~ the motor vehicle was not registered in this state, or was a motor vehicle which was registered

elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, ~~such the~~ policy or bond ~~shall is~~ not be effective under this section unless the insurance company or surety company if not authorized to do business in this state ~~shall-execute~~ executes a power of attorney authorizing the director to accept service on its behalf of notice or process in any action upon ~~such the~~ policy or bond arising out of ~~such the~~ accident, ~~--provided,--however.~~ However, with respect to accidents occurring on or after the effective date of this Act and before January 1, 1983, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than ~~ten~~ fifteen thousand dollars because of bodily injury to or death of one person in any one accident and, subject to ~~said the~~ limit for one person, to a limit of not less than ~~twenty~~ thirty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than ~~five ten~~ thousand dollars because of injury to or destruction of property of others in any one accident; and with respect to accidents occurring on or after January 1, 1983, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than twenty thousand dollars because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of not less than forty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than fifteen thousand dollars because of injury to or destruction of property of others in any one accident.

Sec. 3. Section three hundred twenty-one A point fifteen (321A.15), subsection one (1), Code 1979, is amended to read as follows:

1. a. Judgments ~~herein~~ referred to in this chapter and rendered upon claims arising from accidents occurring on or after the effective date of this Act and before January 1, 1983, shall, for the purpose of this chapter only, be deemed satisfied when the following occur:

a- (1) When ~~ten~~ fifteen thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident,--~~ex.~~

b- (2) When, subject to ~~such the~~ limit of ~~ten~~ fifteen thousand dollars because of bodily injury to or death of one person, the sum of ~~twenty~~ thirty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident,--~~ex.~~

e- (3) When ~~five ten~~ thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident,--

b. Judgments referred to in this chapter and rendered upon claims arising from accidents occurring on or after January 1, 1983, shall, for the purpose of this chapter only, be deemed satisfied when the following occur:

(1) When twenty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident.

(2) When, subject to the limit of twenty thousand dollars because of bodily injury to or death of one person, the sum of forty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident.

(3) When fifteen thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

Sec. 4. Section three hundred twenty-one A point twenty-one (321A.21), subsection two (2), paragraph b, Code 1979, is amended to read as follows:

b. Shall insure the person named ~~therein in the policy~~ and any other person, as insured, using ~~any such motor vehicle or~~ the motor vehicles with the express or implied permission of ~~such the~~ named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of ~~such motor vehicle or~~ the motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows: ~~Ten~~ With respect to all accidents which occur on or after the effective date of this Act and before January 1, 1983, fifteen thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, ~~twenty~~ thirty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and ~~five~~ ten thousand dollars because of injury to or destruction of property of others in any one accident; and with respect to all accidents which occur on or after January 1, 1983, ~~twenty~~ thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, ~~forty~~ thousand dollars because of bodily injury to or death of two or more persons in any one accident, and ~~fifteen~~ thousand dollars because of injury to or destruction of property of others in any one accident.

Sec. 5. Section three hundred twenty-one A point twenty-five (321A.25), subsection one (1), Code 1979, is amended to read as follows:

1. ~~Proof~~ With respect to accidents occurring on or after the effective date of this Act and before January 1, 1983, proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named ~~therein in the certificate~~ has deposited with ~~him~~ ~~twenty-five~~ the treasurer ~~forty~~ thousand dollars in cash, or securities such as may legally be purchased by a state bank or for trust funds of a market value of ~~twenty-five~~ forty thousand dollars; and with respect to accidents occurring on or after January 1, 1983, proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named in the certificate has deposited with the treasurer fifty-five thousand dollars in cash, or securities such as may legally be purchased by a state bank or for trust funds of a market value of fifty-five thousand dollars. The state treasurer shall not accept ~~any--such~~ a deposit and issue a

certificate ~~therefor~~ for it and the director shall not accept ~~such~~ the certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

Sec. 6. Section five hundred sixteen A point one (516A.1), Code 1979, is amended to read as follows:

516A.1 COVERAGE INCLUDED IN EVERY LIABILITY POLICY--REJECTION BY INSURED. No automobile liability or motor vehicle liability insurance policy insuring against liability for bodily injury or death arising out of the ownership, maintenance, or use of a motor vehicle shall be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state, unless coverage is provided in such policy or supplemental thereto, for the protection of persons insured under such policy who are legally entitled to recover damages from the owner or operator of an uninsured motor vehicle or a hit-and-run motor vehicle or an underinsured motor vehicle because of bodily injury, sickness, or disease, including death resulting therefrom, caused by accident and arising out of the ownership, maintenance, or use of such uninsured or underinsured motor vehicle, or arising out of physical contact of such hit-and-run motor vehicle with the person insured or with a motor vehicle which the person insured is occupying at the time of the accident. ~~Such~~ Both the uninsured motor vehicle or hit-and-run motor vehicle coverage, and the underinsured motor vehicle coverage shall include limits for bodily injury or death at least equal to those stated in subsection 10 of section 321A.1. The form and provisions of such coverage shall be examined and approved by the commissioner of insurance.

However, the named insured shall have the right to reject all of such coverage, or to reject the uninsured motor vehicle or hit-and-run motor vehicle coverage, or to reject the underinsured motor vehicle coverage, by written rejections signed by the named insured. If such rejection is made on a form or document furnished by an insurance company or insurance agent, it shall be on a separate sheet of paper which contains only such rejection and information directly related thereto. Such coverage need not be provided in or supplemental to a renewal policy where the named insured has rejected such coverage in connection with a policy previously issued to him by the same insurer.

Sec. 7. Section five hundred sixteen A point two (516A.2), Code 1979, is amended to read as follows:

516A.2 CONSTRUCTION--MINIMUM COVERAGE. ~~Nothing~~ Except with respect to a policy containing both underinsured motor vehicle coverage and uninsured or hit-and-run motor vehicle coverage, nothing contained in this chapter shall be construed as requiring forms of coverage provided pursuant hereto, whether alone or in combination with similar coverage afforded under other automobile liability or motor vehicle liability policies, to afford limits in excess of those that would be afforded had the insured thereunder been involved in an accident with a motorist who was insured under a policy of liability insurance with the minimum limits for bodily injury or death prescribed in subsection 10 of section 321A.1. Such forms of coverage may include terms,

exclusions, limitations, conditions, and offsets which are designed to avoid duplication of insurance or other benefits.

Sec. 8. This Act takes effect January first following its enactment.

Sec. 9. Sections six (6) and seven (7) of this Act apply only to policies of insurance issued or renewed on or after the effective date of this Act.

Approved May 24, 1980

CHAPTER 1107

VEHICLES OF EXCESS SIZE AND WEIGHT

S. F. 2272

AN ACT relating to the movement of vehicles of excessive size and weight.

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

Section 1. Section three hundred twenty-one E point seven (321E.7), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy-three (73), section one (1), is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Special mobile equipment, as defined in section three hundred twenty-one point one (321.1), subsection seventeen (17), of the Code, is not subject to the requirements for distance in feet between the extremes of any group of axles or the extreme axles of the vehicle or combination of vehicles as required by this chapter when being moved upon the highways, except the interstate road system, as defined in section three hundred six point three (306.3), subsection three (3), of the Code.

Sec. 2. Section three hundred twenty-one E point eight (321E.8), subsections one (1) and two (2), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy-three (73), sections two (2) and three (3), are amended to read as follows:

1. Vehicles with indivisible loads having an overall width not to exceed twelve feet, five inches or mobile homes including appurtenances not to exceed twelve feet, five inches and an overall length not to exceed seventy-seventy-five feet, zero inches may be moved for unlimited distances. The vehicle and load shall not exceed the height of thirteen feet, ten inches and the total gross weight as prescribed in section 321.463.

2. Vehicles with indivisible loads having an overall width not to exceed fourteen feet, zero inches and an overall length not to exceed eighty-eighty-five feet, zero inches shall be restricted to trip distances not to exceed fifty highway and street miles in total aggregate. The vehicle and load shall not exceed the height as prescribed in section 321.456 and the total gross weight as prescribed in section 321.463.

Sec. 3. Section three hundred twenty-one E point nine (321E.9), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session,

chapter seventy-three (73), section four (4), is amended by striking the section and inserting in lieu thereof the following:

321E.9 SINGLE-TRIP PERMITS. Subject to the discretion and judgment provided for in section three hundred twenty-one E point one (321E.1) of the Code, single-trip permits shall be issued in accordance with the following provisions:

1. Vehicles with indivisible loads having an overall width not to exceed forty feet, zero inches, an overall length not to exceed one hundred twenty feet, zero inches, or a total gross weight not to exceed one hundred thousand pounds may be moved, provided the gross weight on any one axle shall not exceed the maximum prescribed in section three hundred twenty-one point four hundred sixty-three (321.463), pursuant to rules adopted pursuant to chapter seventeen A (17A) of the Code. The height of the vehicles and loads shall be limited only to height limitations of underpasses, bridges, power lines and other established height restrictions on the specified route. A mobile home shall not be moved under the provisions of this section if the actual mobile home width exceeds twelve feet, five inches or length exceeds sixty-seven feet, six inches, excluding hitch or any overhang. The vehicle with load shall be accompanied by an escort as required by rules adopted pursuant to chapter seventeen A (17A) of the Code.

2. Vehicles with indivisible loads exceeding the width, length, and total gross weight provided in subsection one (1) of this section, may be moved in special or emergency situations, provided the gross weight on any one axle shall not exceed the maximum prescribed in section three hundred twenty-one point four hundred sixty-three (321.463) of the Code. The vehicle and load shall be accompanied by an escort as required by rules adopted pursuant to chapter seventeen A (17A) of the Code. The issuing authority may impose any special restrictions as deemed necessary on movements by permit under this subsection.

3. Vehicles or combinations of vehicles consisting of construction machinery being temporarily moved on streets, roads, and highways with a maximum total gross weight limitation and a single axle weight limitation prescribed in section three hundred twenty-one E point seven (321E.7) of the Code, an overall width not to exceed fourteen feet, an overall length not to exceed eighty feet, may be moved for unlimited distances over specified routes when accompanied by an escort as required by rules adopted pursuant to chapter seventeen A (17A) of the Code. The height of the vehicle or combination of vehicles shall be limited only to the height limitations of underpasses, bridges, power lines, and other established height restrictions on the specified route.

Sec. 4. Section three hundred twenty-one E point thirteen (321E.13), Code 1979, is amended to read as follows:

321E.13 FINANCIAL RESPONSIBILITY. Prior to the issuance of any permit, the applicant for a permit shall be required to file proof of financial responsibility or to post a bond ~~not to exceed ten thousand dollars~~ with the issuing authority. Such bonds The amount of the bond shall be determined by the issuing authority and shall be used as security for repair or replacement of official signs, signals, and roadway foundations, surfaces, or structures

which may be damaged or destroyed during the movement of a vehicle and load operating under ~~such~~ the permit. The duration of the bond shall be determined by the issuing authority for a period not to exceed one year.

Sec. 5. Section three hundred twenty-one E point fourteen (321E.14), Code 1979, is amended to read as follows:

321E.14 FEES FOR PERMITS. The department or local authorities issuing ~~such~~ the permits shall charge a fee of ten dollars for an annual permit and a fee of five dollars for a single-trip permit and shall determine charges for special permits issued pursuant to section three hundred twenty-one E point twenty-nine (321E.29) of the Code by rules adopted pursuant to chapter seventeen A (17A) of the Code. Fees for the movement of buildings, parts of buildings, or unusual vehicles or loads may be increased to cover the costs of inspections by the issuing authority. A fee not to exceed eighty dollars per ten-hour day or prorated fraction thereof per person and car for escort service may be charged when requested or when required under this chapter. Proration of escort fees between state and local authorities when more than one governmental authority provides or is required to provide escort for a movement during the period of a day shall be determined by rule under section 321E.15. The department and local authorities may charge any permit applicant for the cost of trimming trees and removal and replacement of natural obstructions or official signs and signals or other public or private property required to be removed during the movement of a vehicle and load. In addition to the fees provided in this section, the annual fee for a permit for special mobile equipment, as defined in section three hundred twenty-one point one (321.1), subsection seventeen (17), of the Code, operated pursuant to section one (1) of this Act with a combined gross weight up to and including eighty thousand pounds shall be twenty-five dollars and for a combined gross weight exceeding eighty thousand pounds, fifty dollars.

Sec. 6. Section three hundred twenty-one E point seventeen (321E.17), Code 1979, is amended to read as follows:

321E.17 FIVE OR MORE VIOLATIONS. Proof of imposition of penalties on five or more occasions for violation of sections 321.454, 321.456, 321.457, ~~or~~ 321.463, or three hundred twenty-one E point sixteen (321E.16) of the Code or any combination of penalties for violation of said sections totaling five or more incurred during any twelve-month period with respect to the operation of one or more vehicles by any one permit holder, whether operated personally or through agents, servants, or employees of the permit holder shall constitute prima-facie evidence that the permit holder has willfully operated or caused to be operated a vehicle or vehicles in violation of this chapter.

Sec. 7. Section three hundred twenty-one E point twenty-four (321E.24), Code 1979, is amended to read as follows:

321E.24 WARNING DEVICE ON LONG LOADS. Any vehicle which, including load, exceeds the length of ~~sixty-five~~ seventy-five feet shall carry a warning device clearly visible to a motorist approaching from the rear for a distance of ~~at-least~~ five hundred feet.

Sec. 8. Section three hundred twenty-one E point twenty-eight (321E.28), subsection five (5), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy-three (73), section five (5), is amended by striking the subsection.

Sec. 9. Section three hundred twenty-one E point twenty-nine (321E.29), Code 1979, is amended to read as follows:

321E.29 EXCESS SIZE DIVISIBLE LOAD PERMITS. Vehicles or a combination of vehicles with divisible loads in excess of the width, length, or height requirements of chapter three hundred twenty-one (321) of the Code 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 321E.1~~ if the department or issuing authority determines there is a special or emergency situation which warrants the issuance of a special permit. The combined gross weight or gross weight on any one axle or group of axles may exceed the limits established in section 321.463, subject to the limits and routes established by the issuing authority. ~~However, movement permits may be issued for vehicles with divisible loads of hay, straw or stover may be allowed in the absence of~~ without a finding of special or emergency situations, ~~however such if the movement shall be consistent with~~ meets the other requirements ~~for movement of oversize divisible loads~~ this chapter.

Sec. 10. Sections two (2), three (3), four (4), six (6), seven (7), eight (8), and nine (9) of this Act take effect July first following enactment.

Sec. 11. This Act, being deemed of immediate importance, takes effect from and after its publication in the Muscatine Journal, a newspaper published in Muscatine, Iowa, and in the Lee Town News, a newspaper published in Des Moines, Iowa.

Approved May 19, 1980

I hereby certify that the foregoing Act, Senate File 2272, was published in the Muscatine Journal, Muscatine, Iowa on May 28, 1980, and in the Lee Town News, Des Moines, Iowa on May 22, 1980 and republished on June 12, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1108
SNOWMOBILE STORAGE
S. F. 2124

AN ACT relating to the storage of a registered snowmobile.

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

Section 1. Section three hundred twenty-one G point four (321G.4), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a snowmobile is placed in storage, the owner shall return the current registration certificate to the county recorder with an affidavit stating that the snowmobile is placed in storage and the effective date of storage. The county recorder shall notify the commission of each snowmobile placed in storage. When the owner of a stored snowmobile

desires to renew the registration, the owner shall make application to the county recorder and pay the registration and writing fees without penalty. A refund of the registration fee shall not be allowed for a stored snowmobile.

Sec. 2. This Act takes effect January first following its enactment.

Approved March 3, 1980

CHAPTER 1109

MOTOR VEHICLE CONTRACTS — INTEREST RATE

S. F. 2200

AN ACT increasing the maximum interest rate payable under section three hundred twenty-two point nineteen (322.19) of the Code on motor vehicle installment sale contracts involving class one motor vehicles.

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

Section 1. Section three hundred twenty-two point nineteen (322.19), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

Class 1. Any new motor vehicle designated by the manufacturer by a year model not earlier than the year in which the sale is made, an amount equivalent to one and ~~one-fourth~~ one-half percent per month simple interest on the declining balance of the amount financed.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in the Estherville Daily News, a newspaper published in Estherville, Iowa, and in The Times-Republican, a newspaper published in Corydon, Iowa.

Approved April 1, 1980

I hereby certify that the foregoing Act, Senate File 2200, was published in the Estherville Daily News, Estherville, Iowa on April 7, 1980, and in The Times-Republican, Corydon, Iowa on April 8, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1110
MOTOR FUEL PURCHASE

H. F. 736

AN ACT to permit distributors and dealers to purchase fuel from other than the franchisor when motor fuel or special fuel is not available from the franchisor, and providing penalties for violations.

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

Section 1. NEW SECTION. DEFINITIONS. For purposes of this Act, unless the context otherwise requires:

1. "Franchise" means a contract between a refiner and a distributor, a refiner and a retailer, a distributor and another distributor, or a distributor and a retailer under which a refiner or distributor authorizes a retailer or distributor to use, in connection with the sale, consignment, or distribution of motor fuel, a trademark which is owned or controlled by the refiner or by a refiner which supplies motor fuel to the distributor which authorizes the use. "Franchise" includes any contract under which a retailer or distributor is permitted to occupy leased premises, which premises are to be used in connection with the sale, consignment, or distribution of motor fuel under a trademark which is owned or controlled by a refiner or a refiner which supplies motor fuel to the distributor and permits the occupancy of the leased premises.

2. "Franchisor" means a refiner or distributor who authorizes or permits, under a franchise, a retailer or distributor to use a trademark in connection with the sale, consignment, or distribution of motor fuel.

3. "Franchisee" means a retailer or distributor who is authorized or permitted, under a franchise, to use a trademark in connection with the sale, consignment, or distribution of motor fuel.

4. "Motor fuel" means gasoline or diesel fuel of a type distributed for use as a fuel in self-propelled vehicles designed primarily for use on public streets, roads, and highways.

Sec. 2. NEW SECTION. PURCHASE FROM OTHER SOURCE.

1. The orderly flow of an adequate supply of motor fuel is declared to be essential to the economy and to the welfare of the people of this state. Therefore, in the public interest and notwithstanding the terms, provisions, or conditions of any franchise, a franchisee unable to obtain motor fuel from the franchisor may purchase the fuel from another available source, subject to subsections two (2) through five (5) of this section and provided the franchisee has done all of the following:

a. At least forty-eight hours prior to entering into an agreement to purchase motor fuel from another source, the franchisee has requested delivery of motor fuel from the franchisor and the requested motor fuel has not been delivered and the franchisor has given the franchisee notice that

the franchisor is unable to provide the requested motor fuel, or prior to entering into an agreement the franchisor has stated to the franchisee that the requested motor fuel will not be delivered. The request to the franchisor for delivery shall be for a type of fuel normally provided by the franchisor to the franchisee and for a quantity of fuel not exceeding the average amount sold by the franchisee in one week, based upon average weekly sales in the three months preceding the request, except that this provision shall not restrict a franchisee from purchasing gasohol from a source other than the franchisor or limit the quantity to be purchased when the franchisor does not normally supply the franchisee with gasohol.

b. The franchisee has requested and has been denied delivery of motor fuel sold or distributed under the trademark named in the franchise from a person other than franchisor.

c. The franchisee has requested motor fuel from the set-aside program administered by the energy policy council under section ninety-three point seven (93.7), subsection nine (9), of the Code and allocation from the set-aside program has been denied and the director of the energy policy council determines that the franchisee has demonstrated that a special hardship exists in the community served by the franchisee relating to the public health, safety and welfare, as specified under the rules of the energy policy council.

2. The quantity of motor fuel requested or purchased from another source including those sources listed in paragraphs b and c of subsection one (1) of this section shall not exceed the quantity requested from the franchisor.

3. At the time a franchisee enters into an agreement to purchase motor fuel from a source other than the franchisor, the franchisee shall inform the franchisor by the quickest available means.

4. If the franchisee sells motor fuel supplied from a source other than the franchisor, the franchisee shall prominently post a sign disclosing this fact to the public on each motor fuel pump used for dispensing the motor fuel. The size of the sign shall not be less than eight inches by ten inches and the letters on the sign shall be at least three inches in height.

5. A franchisee who sells motor fuel supplied from a source other than the franchisor shall also fully indemnify the franchisor against any claims asserted by a user on which the claimant prevails and in which the court determines that motor fuel not acquired from the franchisor was the proximate cause of the injury.

Purchases of motor fuel in accordance with this section are not good cause for termination of a franchise.

Sec. 3. The provisions of this Act shall be applicable only to franchise agreements entered into or renewed after the effective date of this Act.

Approved May 21, 1980

CHAPTER 1111

GASOHOL TAX

S. F. 2376

AN ACT to impose an excise tax on motor fuel containing at least ten percent alcohol distilled from agricultural products, including a sales tax exemption for motor fuel containing at least ten percent alcohol distilled from agricultural products, subject to penalties provided by law.

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

Section 1. Section three hundred twenty-four point two (324.2), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy-five (75), section one (1), is amended by adding the following new subsection:

NEW SUBSECTION. "Gasohol" means motor fuel containing at least ten percent alcohol distilled from agricultural products.

Sec. 2. Section three hundred twenty-four point three (324.3), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For the privilege of operating motor vehicles in this state an excise tax of five cents per gallon for the period beginning May 1, 1981 and ending June 30, 1983, is hereby imposed upon the use of gasohol used for any purpose except as otherwise provided in this division.

Sec. 3. Chapter three hundred twenty-four (324), Code 1979, is amended by inserting after section three hundred twenty-four point five (324.5), Code 1979, the following new section:

324.6 GASOHOL BLENDERS LICENSE. Any person other than a distributor licensed under this division who blends motor fuel containing at least ten percent alcohol distilled from agricultural products shall obtain a blender's license. The license shall be obtained by following the procedure as set forth in section three hundred twenty-four point four (324.4) of the Code and the license shall be subject to the same restrictions as contained therein. Each blender shall maintain records as required by section three hundred twenty-four point ten (324.10) of the Code as to motor fuel, alcohol and gasohol.

Sec. 4. Section three hundred twenty-four point eight (324.8), subsections four (4) and five (5), Code 1979, are amended to read as follows:

4. From the total number of invoiced gallons of motor fuel "received" by the distributor within the state during the next preceding calendar month shall be made the following deductions:

First, the gallonage of motor fuel received and thereafter sold within the exemptions provided for in section 324.3; and second, the number of gallons of motor fuel equal to three per centum of the first three hundred thousand gallons and one and one-quarter per centum of all gallonage in excess of three hundred thousand gallons of invoiced gallons of motor fuel received by

the distributor within this state during the next preceding calendar month after deduction provided in this subsection, this percentage being a flat allowance to cover evaporation, shrinkage, and losses, ~~other--than--these provided--for--in-section-324-3,~~ and the distributor's expenses and losses in collection, accounting for, and paying over the motor fuel tax.

5. The number of invoiced gallons remaining after the deductions hereinabove set forth shall be multiplied by the per gallon motor fuel tax rate ~~and resulting figure shall be the amount of motor fuel tax in dollars and cents due from the distributor for the next preceding calendar month. Any outstanding credit memoranda issued by the department of revenue to the distributor may be applied against the amount due.~~

Sec. 5.* Chapter three hundred twenty-four point eight (324.8), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For the purpose of determining the amount of the tax liability on alcohol blended to produce gasohol, each licensed blender shall, not later than thirty-one days following the last day of each month, file with the department of revenue a monthly report, signed under penalty for false certificate, which shall include the following: The number of gallons of gasoline blended into gasohol, the number of gallons of alcohol blended into gasohol. The amount of alcohol blended shall be multiplied by the per gallon motor fuel tax rate applicable to gasohol.

Sec. 6. Section three hundred twenty-four point eight (324.8), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. The sum of the number of invoiced gallons of gasohol which are received tax free by the distributor during the next preceding calendar month and the number of gallons of gasohol blended by the distributor during the next preceding calendar month shall be multiplied by the per gallon motor fuel tax rate applicable to gasohol.

Sec. 7. Section three hundred twenty-four point eight (324.8), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. The sum of the tax due under subsection five (5) of this section and section six (6) of this Act shall be the amount of motor fuel tax in dollars and cents due from the distributor for the next preceding calendar month. Any outstanding credit memoranda issued by the department of revenue to the distributor may be applied against the amount due.

Sec. 8. Section three hundred twenty-four point eighteen (324.18), Code 1979, is amended to read as follows:

324.18 REFUND PERMIT. No person may claim a refund under section 324.17 or section nine (9) of this Act until he the person shall have obtained a refund permit from the department of revenue and paid the fee therefor. A special permit shall be obtained by applicants claiming a refund under the provisions of this chapter on account of motor fuel used for the purpose of operating aircraft or used to blend gasohol. Application for a refund permit shall be made to the department of revenue on a form provided by the department of revenue, shall be certified by the applicant under penalty for false certificate and shall contain among other things, the name, the address and occupation of the applicant, the nature of ~~his~~ the applicant's business and a sufficient description for identification of the machines and equipment

*Effective June 30, 1983; See §12 hereof

in which is to be used motor fuel for which refund may be claimed under the permit. Each permit shall bear a separate number and each claim for refund shall bear the number of the permit under which it is made. The department of revenue shall keep a permanent record of all permits issued and a cumulative record of the amount of refund claimed and paid under each. A fee of one dollar shall be collected by the department of revenue from each person to whom a refund permit is issued. A refund permit shall continue in effect until revoked ~~as hereinafter provided~~ or until the claimant shall have moved from the county with which ~~his~~ the claimant's refund permit is identified.

Sec. 9. Chapter three hundred twenty-four (324), division one (I), Code 1979, is amended by adding the following new section:

NEW SECTION. GASOHOL REFUND--CREDIT. Persons other than distributors licensed under this division who blend motor fuel and alcohol to produce gasohol may file for a refund for the difference between taxes paid on the motor fuel purchased to produce gasohol and the tax due on the gasohol blended. If, during any month, a person licensed as a distributor under this division uses tax paid motor fuel to blend gasohol and the refund otherwise due under this section is greater than the distributor's total tax liability for that month, the distributor will be entitled to a credit. The claim for credit shall be filed as part of the report required by section three hundred twenty-four point eight (324.8) of the Code.

In order to obtain the refund established by this section, the person shall do all of the following:

1. Obtain a blender's permit as provided in section three hundred twenty-four point eighteen (324.18) of the Code.
2. File a refund claim containing the information as required by the department of revenue and certified by the claimant under penalty for false certificate.
3. Retain invoices meeting the requirements of section three hundred twenty-four point seventeen (324.17), subsection three (3), of the Code for the motor fuel purchased.
4. Retain invoices for the purchase of alcohol.

A refund or credit memorandum will not be issued unless the claim is filed within ninety days following the end of the month during which the gasohol was actually blended.

If a person files an incorrect refund claim, there shall be added a penalty of five percent to the amount by which the amount claimed and refunded exceeds the amount actually due. If a fraudulent refund claim is filed with intent to evade the tax, the penalty shall be fifty percent in lieu of five percent. The person shall also pay interest on the excess refunded at a rate of three-fourths of one percent per month counting each fraction of a month as an entire month, computed from the date the refund was issued to the date the excess refund is repaid to the state.

Sec. 10.* Section four hundred twenty-two point forty-five (422.45), subsection eleven (11), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-six (96), sections two (2), three (3), and four (4), is amended to read as follows:

*Effective May 1, 1981; See §12 hereof

11. The gross receipts from the sale of motor fuel and special fuel consumed for highway use or in watercraft where the fuel tax has been imposed and paid and no refund has been or will be allowed and the gross receipts from the sales of gasohol, as defined in section three hundred twenty-four point two (324.2) of the Code.

Sec. 11. Chapter three hundred twenty-four (324), division four (IV), Code 1979, is amended by adding the following new section:

NEW SECTION. TAX PAYMENT FOR STORED MOTOR FUEL, GASOHOL, AND SPECIAL FUEL--PENALTY.

1. Persons having title to motor fuel, gasohol, or special fuel in storage and held for sale on the effective date of an increase in the excise tax rate imposed on motor fuel, gasohol, or special fuel under this chapter shall be subject to an inventory tax based upon the gallonage in storage as of the close of the business day next preceding the effective date of the increased excise tax rate of motor fuel, gasohol, or special fuel which will be subject to the increased excise tax rate.

2. Persons subject to the tax imposed under this section shall take an inventory to determine the gallonage in storage for purposes of determining the tax and shall report that gallonage on forms provided by the department of revenue and pay the tax due within thirty days of the prescribed inventory date. The department of revenue shall adopt rules pursuant to chapter seventeen A (17A) of the Code as are necessary to carry out the provisions of this section.

3. The amount of the inventory tax is equal to the inventory tax rate times the gallonage in storage as determined under subsection one (1) of this section. The inventory tax rate is equal to the difference of the increased excise tax rate less the previous excise tax rate.

Sec. 12. The provisions of section five (5) of this Act are effective June 30, 1983.

Sec. 13. The provisions of section ten (10) of this Act shall become effective May 1, 1981.

Approved May 23, 1980

CHAPTER 1112
MOTOR FUEL AND SPECIAL FUEL
H. F. 2587

AN ACT relating to the administration of the motor fuel and special fuel tax laws.

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

Section 1. Section three hundred twenty-four point three (324.3), unnumbered paragraph three (3), Code 1979, is amended by striking the unnumbered paragraph.

Sec. 2. Section three hundred twenty-four point eleven (324.11), subsection one (1), Code 1979, 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 state department of transportation as additional equipment is put to use, each vehicle used to transport motor fuel or special fuel 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 state department of transportation. A fee of five dollars shall be paid to the state department of transportation for original registration of each vehicle. The state department of transportation 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. When any registered vehicle's use for the transportation of motor fuel or special fuel for others is discontinued, the registrant shall notify the state department of transportation and shall either surrender to the state department of transportation or, subject to the approval of the state department of transportation, transfer the vehicle identification issued under this section to another vehicle. On or before the first day of July of each year, each carrier as aforesaid shall file with the state department of transportation a statement showing each registered vehicle then in use for transportation of motor fuel or special fuel for others. Failure to file the required statement by the specified date shall be cause for cancellation of a vehicle's registration. A registration so cancelled may be reinstated in the same manner as an original registration.

Sec. 3. Section three hundred twenty-four point thirty-six (324.36), subsections one (1) and two (2), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy-five (75), section ten (10), are amended to read as follows:

1. REQUIRED. It ~~shall--be~~ is unlawful for any a person to act as a special fuel dealer in this state unless the person holds a special fuel dealer's license issued to the person by the department of revenue, except as

provided in section three (3) of this Act. A person who holds a special fuel distributor's license may dispense special fuel into a motor vehicle special fuel holding tank without obtaining a special fuel dealer's license. Except for special fuel which is delivered by a special fuel dealer into a fuel supply tank of any a motor vehicle or into a motor vehicle special fuel holding tank in this state or delivered by a special fuel distributor into a motor vehicle special fuel holding tank, the use, ~~(as herein defined),~~ of special fuel in this state by any a person ~~shall-be~~ is unlawful unless the person holds a special fuel user's license issued to the person by the department of revenue. It ~~shall--be~~ is unlawful for any a person to sell special fuel in this state in bulk for highway use without first obtaining a special fuel ~~distributor~~ distributor's license. The license shall be issued under the same procedure and subject to the same requirements and limitations as provided in section 324.4.

2. APPLICATION. Application for a special fuel dealer's license or a special fuel user's license shall be made to the department of revenue. A special fuel dealer's license or a special fuel user's license, whichever is applicable, shall be required for each separate place of business or location where special fuels are regularly delivered or placed into the fuel supply tank of a motor vehicle. Provided, that, if a special fuel dealer also operates one or more bulk plants from which the distribution of a special fuel is primarily by tank vehicle, the special fuel dealer need not obtain a separate license for any of these plants not provided with fixed equipment designed for fueling vehicles. Upon written application and at the discretion of the director, a special fuel user whose business operations require mobile special fuel storage may obtain a single special fuel user's license to be issued to the user's permanent principal place of business.

Sec. 4. Section three hundred twenty-four point thirty-eight (324.38), subsection five (5), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy-five (75), section twelve (12), is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. Special fuel delivered by a special fuel distributor into the fuel supply tank of a motor vehicle which is stranded, provided the delivery is limited to twenty gallons and the distributor collects and remits the tax to the department.

Sec. 5. Section three hundred twenty-four point fifty-four (324.54), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

Notwithstanding any provision of this chapter to the contrary, the holder of a permanent permit may make application to the state department of transportation for a refund, not later than ~~thirty-days-after~~ the month following the 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 state department of transportation may require. The state department of transportation shall refund 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.

Sec. 6. Section three hundred twenty-four point fifty-seven (324.57), subsection three (3), Code 1979, is amended to read as follows:

3. "Mobile machinery and equipment" ~~shall mean and include~~ means vehicles self-propelled by an internal combustion engine but not designed or used primarily for the transportation of persons or property on public highways and only incidentally operated or moved over a highway ~~such as~~ including but not limited to corn shellers, truck-mounted feed grinders, roller mills, ditch digging apparatus, power shovels, drag lines, earth moving equipment and machinery, and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers and earth moving scrapers. ~~The foregoing enumeration shall not operate to exclude other vehicles which are within the general terms of this definition.~~ However, "mobile machinery and equipment" shall does not however include dump trucks or self-propelled vehicles originally designed for the transportation of persons or property on public highways and to which machinery, such as truck-mounted transit mixers, cranes, shovels, welders, air compressors, well-boring apparatus or lime spreaders, has been attached. ~~Mobile machinery or equipment originally designed as motor vehicles which are owned by the counties and cities of Iowa shall not be exempt from payment of fuel taxes on fuel used when operating on the public highways.~~

Sec. 7. Section three hundred twenty-four point seventy-two (324.72), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy-six (76), section three (3), is amended to read as follows:

324.72 REFUND OR CREDIT FOR FUEL TAXES ERRONEOUSLY OR ILLEGALLY COLLECTED OR PAID. If any fuel taxes, penalties, or interest have been erroneously or illegally collected by the appropriate state agency from a licensee, the ~~department of revenue~~ appropriate state agency may permit the licensee to take credit against a subsequent tax return for the amount of the erroneous or illegal overpayment, may apply the overpayment against any tax liability outstanding on the books of the department against the claimant, or shall certify the amount ~~thereof~~ to the state comptroller of this state, who shall ~~thereupon~~ draw ~~his or her~~ a warrant for the certified amount on the treasurer of state payable to the licensee. The refund shall be paid to the licensee ~~forthwith~~ immediately.

No A refund or credit shall not be made under ~~the provisions of~~ this section unless a written claim ~~therefor~~ setting forth the circumstances by reason of for which the refund or credit should be allowed, ~~nor unless the~~ claim is filed with the ~~department of revenue~~ appropriate state agency within one year from the date of the payment of the taxes erroneously or illegally collected or paid.

However, if it is found during an examination by the appropriate state agency that a licensee paid, as a result of a mistake, an amount of tax, penalty, or interest which was not due, and the mistake is found within three years of the overpayment, the appropriate state agency shall credit the

amount against any penalty, interest or taxes due, or to become due, or shall refund the amount to the person.

Approved May 19, 1980

CHAPTER 1113

TAX PENALTIES

S. F. 2327

AN ACT to provide or increase the penalty for failure to file or pay the state motor vehicle fuel, freight line and equipment car mileage, income, franchise, sales and use, or inheritance and estate taxes or local hotel and motel tax.

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

Section 1. Section three hundred twenty-four point sixty-five (324.65), Code 1979, is amended to read as follows:

324.65 PENALTY FOR FAILURE TO PROMPTLY REPORT OR PAY FUEL TAXES. If a licensee or other person fails to file a required report with the appropriate state agency on or before the due date, unless it is shown that such the failure was due to reasonable cause there shall be added to the amount required to be shown as tax due on the return five percent of the amount of the tax if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which such the failure continues, not exceeding twenty-five percent in the aggregate. If a licensee or other person fails to remit the tax due with the filing of the return on or before the due date or fails to pay any amount of the tax required to be shown on the return, unless it is shown that the failure was due to reasonable cause, there shall be added to the tax a penalty of five percent of the amount of the tax due, unless-it-is-shown-that such-failure-was-due-to-reasonable-cause if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. The taxpayer shall also pay interest on the tax or additional tax at the rate of three-fourths of one percent per month counting each fraction of a month as an entire month, computed from the date the return was required to be filed. The appropriate state agency shall not remit any part of a penalty for delinquent payment where the delinquency results from the fact that a check given in payment is not honored because of insufficient funds in the account upon which the check was drawn. ~~Provided,~~ ~~further,~~ ~~that~~ However, if it appears as a result of an investigation or from a preponderance of the evidence adduced at a hearing that there has been a deliberate attempt on the part of a licensee or other person to evade payment of fuel taxes there shall be added to the assessment against the offending

person and collected a penalty of fifty percent of the tax due. When penalties are applicable for failure to file a return and failure to pay the tax due or required on the return, the penalty provision for failure to file shall be in lieu of the penalty for failure to pay the tax due or required on the return, except in the case of a deliberate attempt on the part of the licensee or other person to evade payment of fuel taxes. Any report required of licensees or persons operating under divisions I, II and III, upon which no tax may be due, shall be subject to a penalty of ten dollars if ~~such~~ the report is not timely filed with the appropriate state agency.

Sec. 2. Section four hundred twenty-two point sixteen (422.16), subsection ten (10), paragraph b, Code 1979, is amended to read as follows:

b. Any employer or withholding agent required under the provisions of this chapter to withhold taxes on wages or other taxable Iowa income subject to this chapter who fails to file a return for the withholding of tax with the department of revenue on or before the due date, unless it is shown that ~~such~~ the failure was due to reasonable cause, shall be subject to a penalty determined by adding to the amount required to be shown as tax due on the return five percent of the amount of the tax if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which ~~such~~ the failure continues, not exceeding twenty-five percent in the aggregate. If any person or withholding agent fails to remit the tax due with the filing of the return on or before the due date, or fails to pay any amount of any tax required to be shown on the return, unless it is shown that the failure was due to reasonable cause, there shall be added to the tax a penalty of five percent ~~on-the-tax-due unless-it-is-shown-that-such-failure-was--due--to--reasonable--cause~~ of the amount of the tax due, if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. When penalties are applicable for failure to file a return and failure to pay the tax due or required on the return, the penalty provision for failure to file shall be in lieu of the penalty provision for failure to pay the tax due or required on the return. The taxpayer shall also pay interest on the tax or additional tax at the rate of three-fourths of one percent per month counting each fraction of a month as an entire month, computed from the date the return was required to be filed. ~~Such~~ The penalty and interest shall become a part of the tax due from the withholding agent.

Sec. 3. Section four hundred twenty-two point twenty-five (422.25), subsection two (2), Code 1979, is amended to read as follows:

2. In addition to the tax or additional tax as determined by the department under the provisions of subsection 1 of this section, the taxpayer shall pay interest on the tax or additional tax at the rate of three-fourths of one percent per month counting each fraction of a month as an entire month, computed from the date the return was required to be filed. In case of failure to file a return with the department on or before the due date (determined with regard to any extension of time for filing), unless it is shown that ~~such~~ the failure was due to reasonable cause and not due to willful neglect, there shall be added to the amount required to be shown as

tax on ~~such~~ the return five percent of the amount of ~~such~~ the tax if the failure is for not more than one month, with an additional five percent for each additional month or fraction thereof during which ~~such~~ the failure continues, not exceeding twenty-five percent in the aggregate. If any person fails to remit the tax due with the filing of the return on or before the due date, or fails to pay any amount of any tax required to be shown on the return, unless it is shown that the failure was due to reasonable cause, there shall be added to the tax a penalty of five percent of the tax due ~~unless--it--is--shown--that--such--failure--was--due--to--reaseenable--cause, if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate.~~ In case of willful failure to file a return with intent to evade tax, or in case of willfully filing a false return with intent to evade tax, in lieu of the penalty above provided, there shall be added to the amount required to be shown as tax on ~~such~~ the return fifty percent of the amount of ~~such~~ the tax. When penalties are applicable for failure to file a return and failure to pay the tax due or required on the return, the penalty provision for failure to file shall be in lieu of the penalty provision for failure to pay the tax due or required on the return except in the case of willful failure to file a return and willfully filing of a false return with intent to evade tax.

Sec. 4. Section four hundred twenty-two point fifty-eight (422.58), subsection one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-seven (97), section three (3), and as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-seven (97), sections three (3) and four (4), is amended to read as follows:

1. If any person fails to file a permit holders monthly tax deposit or a return with the department of revenue on or before the due date, unless it is shown that ~~such~~ the failure was due to reasonable cause, there shall be added to the amount required to be shown as tax on the monthly tax deposit or return five percent of the amount of the tax if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which ~~such~~ the failure continues, not exceeding twenty-five percent in the aggregate. If any person or permit holder fails to remit at least ninety percent of the tax due with the filing of the monthly tax deposit or return on or before the due date, or pays less than ninety percent of any tax required to be shown on the return, excepting the period between the completion of an examination of the books and records of a taxpayer and the giving of notice to the taxpayer that a tax or additional tax is due, there shall be added to the tax a penalty of five percent ~~en~~ of the amount of the tax due, if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month the failure continues, not exceeding twenty-five percent in the aggregate, unless it is shown that ~~such~~ the failure was due to reasonable cause. In case of willful failure to file a return, willful filing of a false return or willful filing of a false or fraudulent return with intent to evade tax, in lieu of the penalty otherwise provided in this subsection,

there shall be added to the amount required to be shown as tax on the return fifty percent of the amount of the tax. When penalties are applicable for failure to file a monthly tax deposit or return and failure to pay at least ninety percent of the tax due or required on the monthly tax deposit or return, the penalty provision for failure to file shall be in lieu of the penalty provision for failure to pay at least ninety percent of the tax due or required on the monthly tax deposit or return. The taxpayer shall also pay interest on the tax or additional tax at the rate of three-fourths of one percent per month counting each fraction of a month as an entire month, computed from the date the monthly tax deposit or return was required to be filed. ~~Such~~ The penalty and interest shall be paid to the department and disposed of in the same manner as other receipts under this division. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this division.

Sec. 5. Section four hundred twenty-three point eighteen (423.18), subsection one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-seven (97), section five (5), is amended to read as follows:

1. If a person fails to file a return with the department on or before the due date, unless it is shown that the failure was due to reasonable cause, there shall be added to the amount required to be shown as tax on the ~~monthly-tax-deposit-or~~ return five percent of the amount of the tax if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. If a person or permit holder fails to remit at least ninety percent of the tax due with the filing of the ~~monthly-tax-deposit-or~~ return on or before the due date, or pays less than ninety percent of any tax required to be shown on the return, excepting the period between the completion of an examination of the books and records of a taxpayer and the giving of notice to the taxpayer that a tax or additional tax is due, there shall be added to the tax a penalty of five percent of the tax due, if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate, unless it is shown that the failure was due to reasonable cause. In case of willful failure to file a return, willfully filing a false return, or willfully filing a false or fraudulent return with intent to evade tax, in lieu of the penalty otherwise provided in this subsection, there shall be added to the amount required to be shown as tax on the return fifty percent of the amount of the tax. When penalties are applicable for failure to file a ~~monthly-tax-deposit-or~~ return and failure to pay at least ninety percent of the tax due or required on the ~~monthly-tax-deposit-or~~ return, the penalty provision for failure to file is in lieu of the penalty provision for failure to pay at least ninety percent of the tax due or required on the ~~monthly--tax deposit--or~~ return. The taxpayer shall also pay interest on the tax or additional tax at the rate of three-fourths of one percent per month counting each fraction of a month as an entire month, computed from the date the ~~monthly--tax--deposit--or~~ return was required to be filed. The penalty and

interest shall be paid to the department and disposed of in the same manner as other receipts under this chapter. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this chapter.

Sec. 6. Section four hundred thirty-five point five (435.5), Code 1979, is amended to read as follows:

435.5 PENALTY. In case of failure to file a return with the department on or before the due date, unless it is shown that ~~such~~ the failure was due to reasonable cause and not due to willful neglect, there shall be added to the amount required to be shown as tax on ~~such~~ the return five percent of the amount of ~~such~~ tax if the failure is for not more than one month, with an additional five percent for each additional month or fraction thereof during which ~~such~~ the failure continues, not exceeding twenty-five percent in the aggregate. If any person fails to remit the tax due with the filing of the return on or before the due date, or fails to pay the total amount of the tax due as shown on the return, unless it is shown that the failure was due to reasonable cause, there shall be added to the tax a penalty of five percent of the tax due unless-it-is-shown-that-such-failure--was--due--to--reasonable cause, if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. In case of willful failure to file a return with intent to evade tax, or in case of willfully filing a false return with intent to evade tax, in lieu of the penalty above provided, there shall be added to the amount required to be shown as tax on ~~such~~ the return fifty percent of the amount of ~~such~~ tax. When penalties are applicable for failure to file a return and failure to pay the tax due or required on the return, the penalty provision for failure to file shall be in lieu of the penalty provision for failure to pay the tax due or required on the return except in the case of willful failure to file a return and willfully filing of a false return with intent to evade tax.

Sec. 7. Section four hundred fifty point sixty-three (450.63), Code 1979, is amended to read as follows:

450.63 MATURITY OF TAX--INTEREST.

1. All taxes imposed by this chapter shall be payable to the department of revenue and, except when otherwise provided in this chapter, shall be paid within twelve months from the death of the testator or intestate. All taxes not paid within the time prescribed in this chapter shall be subject to a penalty as provided in subsection two (2) of this section and shall draw interest at the rate of eight percent per annum thereafter until paid.

2. If a person liable for the payment of tax as stated in section four hundred fifty point five (450.5) of the Code fails to file a return with the department of revenue on or before the due date, unless it is shown that the failure was due to reasonable cause, there shall be added to the amount of tax required to be shown as tax due on the return five percent of the amount of the tax, if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. If a person fails to remit the tax due with the filing of the return on or before the due date or fails to pay any amount of tax required to be shown on

the return, unless it is shown that the failure was due to reasonable cause, there shall be added to the tax a penalty of five percent of the amount of the tax due, if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. When penalties are applicable for failure to file a return and failure to pay the tax due or required to be shown on the return, the penalty provision for failure to file shall be in lieu of the penalty provision for failure to pay the tax due or required to be shown on the return.

Sec. 8. Section four hundred fifty point ninety-four (450.94), Code 1979, is amended to read as follows:

450.94 FINAL RETURN--DETERMINATION--APPEAL.

1. "Taxpayer" as used in this section means a person liable for the payment of tax as stated in section 450.5.

2. The taxpayer shall file a final inheritance tax return on forms to be prescribed by the director of revenue. When a final inheritance tax return is filed, the department shall examine it and determine the correct amount of tax. If the amount paid is less than the correct amount due, the department shall notify the taxpayer of the total amount due together with any penalty and interest thereon, which shall be a sum certain if paid on or before the last day of the month in which the notice is postmarked, or on or before the last day of the following month if the notice is postmarked after the twentieth day of a month and before the first day of the following month.

3. If the amount paid is greater than the correct tax, penalty and interest due, the department shall refund the excess, with interest after sixty days from the date of payment at six percent per annum, under the provisions of rules ~~as may be~~ prescribed by the director. However, the director shall not allow a claim for refund or credit that has not been filed with the department within five years after the tax payment upon which a refund or credit is claimed ~~becomes~~ became due, or one year after the tax payment was made, whichever time is the later. A determination by the department of the amount of tax, penalty and interest due, or the amount of refund for excess tax paid, shall be final unless the ~~estate, trust, heir, beneficiary, transferee or other~~ person aggrieved by the determination appeals to the director for a revision of the determination within ninety days from the postmark date of the notice of determination of tax, penalty and interest due or refund owing. The director shall grant a hearing, and upon the hearing the director shall determine the correct tax, penalty and interest or refund due, and notify the appellant of the decision by certified mail. The decision of the director shall be final unless the appellant seeks judicial review of the director's decision under section 450.59 within sixty days after the postmark date of the notice of the director's decision.

4. Payments received must be credited first to the penalty and interest accrued and then to the tax due.

Sec. 9. Section four hundred fifty A point twelve (450A.12), Code 1979, is amended to read as follows:

450A.12 APPLICABLE STATUTES. All of the provisions of chapter 450 with respect to the payment and collection of the tax imposed under that chapter,

including penalty and interest upon delinquent taxes, are hereby--made applicable to the provisions of this chapter, except as ~~the same may be~~ they are in conflict ~~hereof with this chapter~~. The director shall adopt and promulgate ~~all~~ rules necessary for the enforcement of this chapter.

Sec. 10. Section four hundred fifty-one point twelve (451.12), Code 1979, is amended to read as follows:

451.12 APPLICABLE STATUTES. All the provisions of ~~the law as it appears in~~ chapter 450 with respect to the determination, imposition, payment and collection of the tax ~~thereby imposed under that chapter~~, including penalty and interest upon delinquent taxes, are hereby--made applicable to the provisions of this chapter, except as ~~the same may be~~ they are in conflict with ~~the provisions hereof~~ this chapter. The director of revenue shall adopt and promulgate ~~all~~ rules necessary for the enforcement of this chapter.

Sec. 11. This Act takes effect January first after enactment.

Approved May 19, 1980

CHAPTER 1114

MOTOR VEHICLE REGISTRATION RECIPROCITY

H. F. 2479

AN ACT relating to the establishment, collection and disbursement of motor vehicle registration reciprocity fees.

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

Section 1. Section three hundred twenty-six point twenty-two (326.22), Code 1979, is amended to read as follows:

326.22 OPERATIONAL LAWS OF IOWA APPLICABLE. Any A nonresident registered vehicle ~~shall be~~ is subject to all laws and rules governing the operation of such vehicle on the highways of this state. The registration number plates, ~~sticker stickers~~, or other identification assigned and furnished to any vehicle for the current registration year by the state in which the vehicle is registered shall be displayed on ~~such~~ the vehicle substantially as provided in chapter 321 for vehicles registered pursuant to the provisions of this chapter. In addition, a fee set by the department to cover actual cost shall charge-and-collect-an-additional-fee-of-one-dollar be charged for each plate, ~~and--two--dollars-for-each~~ sticker, or other identification furnished for each vehicle registered in accordance with the provisions of this section or extended reciprocity in accordance with the provisions of this section ~~except--that--no.~~ A charge shall not be made for the initial registration receipt or cab card issued for each vehicle registered pursuant to an apportionment registration agreement. ~~The same A~~ fee set by the department to cover actual costs shall be charged for issuance of duplicate plates, stickers or other identification required ~~and-a-fee-of-two-dollars-shall-be~~

~~charged-for-each, duplicate or-replacement registration receipt-or receipts, and duplicate cab card cards.~~

Sec. 2. Section three hundred twenty-six point twenty-nine (326.29), Code 1979, is amended to read as follows:

326.29 FEES TO ROAD USE TAX FUND. ~~All--fees~~ Fees collected by the department pursuant to ~~the-provisions-of~~ this chapter shall be remitted to the treasurer of state for deposit in the road use tax fund except that fees collected for other states shall be placed in a special fund known as the "reciprocity fund". The department, at least monthly, shall order the disbursement of such fees collected to the appropriate states. Interest earned on the "reciprocity fund" shall be retained by the state and shall be credited to the road use tax fund.

Sec. 3. Section three hundred twenty-six point thirty-three (326.33), Code 1979, is amended to read as follows:

326.33 RULES ADOPTED. ~~The board--may~~ department shall promulgate any rules deemed pursuant to chapter seventeen A (17A) of the Code as necessary to carry out the provisions of this chapter. Such-rule-making-authority shall-be-subject-to-the-provisions-of-chapter-17A-

Approved April 21, 1980

CHAPTER 1115
RAILROAD PROPERTY REVERSION
S. F. 2230

AN ACT relating to the reversion of railroad property outside of a city or contiguous to agricultural land in a city.

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

Section 1. Section three hundred twenty-seven G point seventy-seven (327G.77), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

327G.77 REVERSION OF RAILROAD RIGHT OF WAY.

1. If a railroad right of way acquired by condemnation is abandoned by order of the federal interstate commerce commission or the state transportation regulation board, that right of way shall revert to owners of the adjacent properties at the time of the abandonment. If there are different owners on each side of the right of way, each owner shall take title to the center of the right of way. The provisions of section six hundred fourteen point twenty-four (614.24) of the Code requiring the filing of a verified claim shall not apply to the reversionary interest granted by this subsection.

2. If the state department of transportation finds that a railroad right of way is suitable for present or future rail use at least fifteen days

before the effective date of an order of abandonment and the railroad right of way was acquired by condemnation, deed or conveyance and is subject to a reversionary interest, the reversion which would occur upon the abandonment of the right of way for railway purposes shall not occur until two years after the effective date of the order of abandonment by the federal interstate commerce commission or the state transportation regulation board. During that two year period another railroad company or the state may succeed to the interest of the abandoning railroad company in the right of way if it is used for railway purposes. A railroad company or the state which succeeds to that interest shall hold that interest as long as it is used for railway purposes subject to the interests as when it was held by the abandoning railroad company.

Sec. 2. Section four hundred seventy-one point six (471.6), Code 1979, is amended to read as follows:

471.6 RAILWAYS. ~~Any The state or any~~ railway, ~~---incorporated---under---the laws-of-the-United-States-or-of-any-state-thereof,~~ corporation may acquire by condemnation ~~or---otherwise---so-much-real-estate~~ property as may be necessary for the location, construction, and convenient use of ~~its~~ a railway. ~~Such~~ The acquisition shall carry the right to use for the construction and repair of ~~said~~ the railway and its appurtenances any earth, gravel, stone, timber, or other material, on or from the land ~~so~~ taken.

Sec. 3. Section four hundred seventy-one point nine (471.9), Code 1979, is amended to read as follows:

471.9 ADDITIONAL PURPOSES. ~~Any-such~~ The state or a railway corporation ~~owning,---operating,---or---constructing---a---railway~~ may, by condemnation or otherwise, acquire lands for the following additional purposes:

1. For necessary additional depot grounds or yards.
2. For ~~the-purpose-of~~ constructing a track or tracks to any mine, quarry, gravel pit, ~~manufactory~~ manufacturing plant, warehouse, or mercantile establishment.
3. For additional or new right of way for constructing double track, reducing or straightening curves, changing grades, shortening or relocating portions of the line, and for excavations, embankments, or places for depositing waste earth.
4. For the ~~purpose-of-constructing-water-stations,-dams-or-reservoirs-for supplying-its-engines-with-water~~ preservation of abandoned railroad right-of-way for future railroad use.

Sec. 4. Section five hundred fifty-eight point forty-four (558.44), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a real estate contract or lease is required to be recorded under this section, the requirement is satisfied by recording either the entire real estate contract or lease or a memorandum of the contract or lease containing at least the names and addresses of all parties named in the contract or lease, a description of all real property and interests therein subject to the contract or lease, the length of the contract or initial term of the lease, and in the case of a lease a statement as to whether any of the named parties have or are subject to renewal rights, and if so, the event or condition upon which renewal occurs, the number of

renewal terms and the length of each, and in the case of a real estate contract a statement as to whether the seller is entitled to the remedy of forfeiture and as to the dates upon which payments are due. This unnumbered paragraph is effective July 1, 1980 for all contracts and leases of agricultural land made on or after July 1, 1980.

Sec. 5. Section five hundred fifty-eight point forty-four (558.44), unnumbered paragraph five (5), Code 1979, is amended to read as follows:

The provisions of this section except as otherwise provided, are effective July 1, 1979, for all conveyances and leases of agricultural land made on or after July 1, 1979.

Sec. 6. Section six hundred fourteen point twenty-four (614.24), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The provisions of this section requiring the filing of a verified claim shall not apply to the reversion of railroad property if the reversion is caused by the property being abandoned for railway purposes and the abandonment occurs after the effective date of this Act. The holder of such a reversionary interest may bring an action based upon the interest regardless of whether a verified claim has been filed under this section at any time after July 4, 1965.

Approved May 26, 1980

CHAPTER 1116
COUNTY SUPERVISORS
S. F. 2015

AN ACT relating to the service of county supervisors on appointive boards, commissions or committees of the state or political subdivisions of the state and making the Act retroactive.

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

Section 1. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eighty-three (83), section three (3) is amended by striking the section and inserting in lieu thereof the following:

SEC. 3. Chapter three hundred thirty-one (331), Code 1979, is amended by adding the following new section:

NEW SECTION. MEMBERSHIP ON APPOINTIVE BOARDS, COMMITTEES AND COMMISSIONS. Unless otherwise provided by law, a county supervisor may serve concurrently as a member of the board of supervisors and as a member of any appointive board, commission or committee of this state or a political subdivision of this state.

Sec. 2. This Act shall take effect and be in force on and retroactive to January 1, 1980 after its publication in the Guthrie Center Times, a

newspaper published in Guthrie Center, Iowa, and in the Urbandale News, a newspaper published in Urbandale, Iowa.

Approved April 30, 1980

I hereby certify that the foregoing Act, Senate File 2015, was published in the Guthrie Center Times, Guthrie Center, Iowa on May 7, 1980, and in the Urbandale News, Urbandale, Iowa on May 8, 1980.

J. HERMAN SCHWEIKER, *Deputy Secretary of State*

CHAPTER 1117
DISPOSITION OF PROPERTY BY COUNTIES
S. F. 2316

AN ACT relating to the disposition of property by counties.

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

Section 1. Section three hundred thirty-two point three (332.3), subsection thirteen (13), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-nine (39), section two (2), and chapter eighty (80), section one (1), is amended by striking the subsection and inserting in lieu thereof the following:

13. When a building, real estate or other property is no longer needed for the purposes for which it was acquired by the county, to convert it to other county purposes, to trade it with another governmental body, or to sell or lease it. In disposing of an interest in real property by sale, by lease for a term of more than three years or by gift, the following procedures shall be followed:

a. The board shall set forth its proposal in a resolution and shall publish at least one notice in a newspaper of general circulation in the county not less than four nor more than twenty days before the date set for the time and place of a public hearing on the proposal.

b. After the public hearing, the board may make a final determination on the proposal by resolution.

c. A county may not dispose of real property by gift except to a governmental body for a public purpose. However, a county may dispose of real property for use in an Iowa homesteading program under section two hundred twenty point fourteen (220.14) of the Code for a nominal consideration.

Sec. 2. Section five hundred sixty-nine point eight (569.8), subsection one (1), as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter sixty-eight (68), section eighteen (18), is amended by striking the subsection and inserting in lieu thereof the following:

1. Disposition by a county of property acquired by tax deed shall comply with the requirements of section three hundred thirty-two point three (332.3), subsection thirteen (13) of the Code.

Sec. 3. Section five hundred sixty-nine point eight (569.8), subsection six (6), as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter sixty-eight (68), section eighteen (18), is amended by striking the subsection.

Sec. 4. This Act takes effect January first following its enactment.

Approved May 13, 1980

CHAPTER 1118
COUNTY FINANCE COMMITTEE
H. F. 2583

AN ACT relating to the duties of the county finance committee and making an appropriation.

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

Section 1. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-five (25), is amended by inserting after section twenty (20) the following new section:

NEW SECTION. The committee may establish a pilot project, with the cooperation of selected counties, not to exceed five in number, to implement the budgeting and accounting system developed by the committee. In the selection of counties for the project, the committee shall select counties which currently have manual and computer budgeting and accounting capabilities in order to analyze the suitability and adaptability of the budgeting and accounting system.

A county selected to participate in the project shall not be required to participate but shall participate only upon approval of the request by the board of supervisors.

A county which has agreed to participate in the project shall not be required to comply with the budgeting and accounting requirements imposed by law but shall be subject to the supervision of the committee.

The committee may accept any federal funds or any grants or gifts for the purposes of the work of the committee as are within the jurisdiction of the committee. All federal funds, gifts and grants shall be deposited with the treasurer of state and shall be used only for the purposes agreed upon as conditions for receiving the federal funds, gifts, and grants.

Sec. 2. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-five (25), section twenty-one (21), is amended to read as follows:

SEC. 21. NEW SECTION. ADDITIONAL DUTIES. In addition to the powers and duties specified in ~~the preceding~~ section twenty (20) of this Act, the committee shall prepare legislation for submission to the general assembly in January, ~~1981~~ 1983, which would have as its principal purpose the consolidation of current county funds into not more than seven functional

funds. The committee shall also make recommendations for appropriate budget or levy limitations for the proposed consolidated funds.

Sec. 3. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-five (25), section twenty-two (22), is amended to read as follows:

SEC. 22. NEW SECTION. The county finance committee established by this Act is abolished on July 1, ~~1981~~ 1983.

Sec. 4. There is appropriated from the general fund of the state to the office of the state comptroller for the use of the county finance committee for the fiscal period beginning July 1, 1980 and ending June 30, 1982, the sum of twenty thousand (20,000) dollars, or so much thereof as is necessary, to be used for the development of a uniform budget and accounting system for use by the counties.

Approved May 17, 1980

CHAPTER 1119

LAW ENFORCEMENT CONTRACTS BY CORPORATIONS

H. F. 2180

AN ACT to allow certain corporations to contract for additional law enforcement services.

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

Section 1. Chapter three hundred thirty-seven (337), Code 1979, is amended by adding the following new section:

NEW SECTION. ADDITIONAL LAW ENFORCEMENT. If a tract of land is owned by a corporation organized under chapter four hundred ninety-one (491) of the Code with assets of the value of one million dollars or more which has one or more platted villages located within the territorial limits of the tract of land, all of the territory within the plats of the villages with their addition or subdivisions shall, for the purposes of this section, be deemed to be one incorporated city. The corporation may assess and collect funds from its property owners for the purpose of obtaining additional law enforcement services from the county sheriff. The corporation may contract under chapter twenty-eight E (28E) of the Code with the county sheriff for additional law enforcement services.

Approved April 14, 1980

CHAPTER 1120
UNIFORMS FOR SHERIFFS AND DEPUTIES

S. F. 2123

AN ACT relating to expenditures for uniforms and accessories for sheriffs and deputy sheriffs.

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

Section 1. Section three hundred thirty-seven A point two (337A.2), Code 1979, is amended to read as follows:

337A.2 FURNISHED BY COUNTY. The county board of supervisors shall provide the sheriff and ~~his~~ the sheriff's full-time bonded deputies with all uniforms and accessories deemed necessary by the sheriff for properly outfitting the sheriff and his deputies. ~~The expenditure--for--uniforms--and accessories--shall--not--exceed--three--hundred--dollars--per--man--in--any--calendar year.~~ The uniforms and accessories remain the property of the county.

Sec. 2. Section three hundred thirty-two point ten (332.10), unnumbered paragraph two (2), Code 1979, is amended by striking the unnumbered paragraph.

Sec. 3. This Act becomes effective January first following its enactment.

Approved April 30, 1980

CHAPTER 1121
DEPUTY SHERIFFS' COMPENSATION

S. F. 2122

AN ACT relating to the compensation of deputy sheriffs.

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

Section 1. Section three hundred forty point eight (340.8), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

340.8 COMPENSATION OF DEPUTY SHERIFFS AND OTHER EMPLOYEES OF THE SHERIFF.

1. Each deputy sheriff shall receive an annual base salary as determined by the board of supervisors. Upon certification by the sheriff, the board of supervisors shall review, and may modify, the annual base salary of each deputy before certifying it to the county auditor. The annual base salary of a first or second deputy sheriff shall not exceed eighty-five percent of the annual base salary of the sheriff. The annual base salary of any other deputy sheriff shall not exceed the annual base salary of the first or second

deputy sheriff except that in counties over two hundred fifty thousand population, the annual base salary of any additional deputies shall not exceed seventy-five percent of the annual base salary of the sheriff.

2. The board of supervisors shall determine the compensation for other employees in the sheriff's office.

3. The total annual compensation including the annual base salary, overtime pay, longevity pay, shift differential pay or other forms of supplemental pay and fringe benefits received by a deputy sheriff shall be less than the total annual compensation including fringe benefits received by the sheriff.

4. As used in this section, "base salary" means the basic compensation excluding overtime pay, longevity pay, shift differential pay, or other supplemental pay and fringe benefits.

Sec. 2. This Act becomes effective January first following its enactment.

Approved April 7, 1980

CHAPTER 1122
RURAL WATER DISTRICTS
H. F. 2573

AN ACT authorizing rural water districts to finance the full cost of construction or purchase of any water district facility.

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

Section 1. Section three hundred fifty-seven A point eleven (357A.11), subsection eight (8), Code 1979, is amended to read as follows:

8. Have power to finance ~~up to ninety-five percent~~ all or part of the cost of the construction or purchase of any project necessary to carry out the purposes for which the district is incorporated, ~~provided the balance of the cost of construction or purchase is acquired by subscription, donation, gift, or otherwise than through the medium of loans,~~ or to refinance ~~up to ninety-five percent~~ all or part of the original cost of any such project, and to evidence ~~such~~ that financing by issuance of revenue bonds or notes which shall mature in a period not to exceed forty years from date of issuance, shall bear interest, or combined interest and insurance charges, at a rate not to exceed six percent per annum, shall be payable only from revenue derived from sale of water by the district, and shall never become or be construed to be a debt against the state of Iowa or any of its political subdivisions other than the district issuing the bonds. A statutory mortgage lien shall exist upon the water system and appurtenances and extensions so acquired in favor of the holders of the bonds and notes.

Approved April 21, 1980

CHAPTER 1123
SANITARY SEWER TRUSTEES

H. F. 2500

AN ACT relating to the compensation and expenses of the board of trustees of a sanitary sewer district.

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

Section 1. Section three hundred fifty-eight point twelve (358.12), Code 1979, is amended to read as follows:

358.12 BOARD OF TRUSTEES--POWERS. The trustees elected ~~in--pursuance--of the--foregoing--provisions--of--this--chapter--shall~~ as provided in section three hundred fifty-eight point nine (358.9) of the Code constitute a board of trustees for the district by which they are elected, ~~which.~~ The board of trustees is ~~hereby--declared--to--be~~ the corporate authority of ~~such~~ the sanitary district, and shall ~~exercise--all--the--powers--and~~ manage and control ~~all~~ the affairs and property of ~~such~~ the district. A majority of the board of trustees shall constitute a quorum, but a smaller number may adjourn from day to day. ~~Said~~ The board of trustees shall ~~have--the--right--to~~ elect a president, a clerk, and a treasurer from ~~their--own--number~~ its membership and, ~~from--without--their--own--number,~~ such may employ employees as ~~the--board--may~~ deem necessary, who shall hold their employment during the pleasure of the board, ~~and.~~ The board shall prescribe the duties and fix the compensation of all employees of ~~said~~ the sanitary district and the amount of bond to be filed by the treasurer of the district and by any employee for whom ~~they~~ the board may require bond, ~~provided,--however,~~ that the compensation of members of the board of trustees is hereby fixed at not to exceed ten dollars per day for each day the board is actually in session and ten dollars--per--day--when not--in--session--but--employed--on--committee--service,--and--ten--cents--for--every mile--traveled--in--going--to--and--from--sessions--of--the--board--and--in--going--to--and--from--the--place--of--performing--committee--service,--provided--further, that members of said board shall not receive compensation for more than sixty days of session and committee service each year. The members of the board of trustees shall receive a per diem of forty dollars for attendance at a meeting of the board or while otherwise engaged in official duties, but the total per diem for each member shall not exceed two thousand four hundred dollars for a fiscal year. However, the board of trustees, by resolution, may establish for its members a lower rate of pay than is fixed by this section. The members of the board shall also be reimbursed for their travel and other necessary expenses incurred in performing their official duties. Travel expenses are reimbursable at the rate specified in section seventy-nine point nine (79.9) of the Code.

~~Said~~ The board of trustees ~~shall--have--full--power--to--pass--all~~ may adopt the necessary ordinances, resolutions, rules and regulations for the proper

management and conduct of the business of ~~said the~~ board of trustees and of ~~said the~~ corporation and for carrying ~~into--effect--the-objects~~ out the purposes for which ~~such the~~ sanitary district is formed.

Approved May 19, 1980

CHAPTER 1124
AGE OF VOLUNTEER FIRE FIGHTERS
S. F. 2311

AN ACT relating to the age of fire fighters.

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

Section 1. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-five (35), section five (5), is amended to read as follows:

SEC. 5. Chapter three hundred sixty-two (362), Code 1979, is amended by adding the following new section:

NEW SECTION. POLICE OFFICERS AND FIRE FIGHTERS. The maximum age for a police officer or fire fighter employed for police duty or the duty of fighting fires is sixty-five years of age. This section shall not apply to volunteer fire fighters.

Approved April 30, 1980

CHAPTER 1125
BIDS FOR PURCHASES IN CERTAIN CITIES
H. F. 2504

AN ACT relating to the size of cities which may purchase from its officers or employees upon a publicly invited and opened written competitive bid.

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

Section 1. Section three hundred sixty-two point five (362.5), unnumbered paragraph two (2) and subsection four (4), Code 1979, is amended to read as follows:

A city officer or employee shall not have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for ~~his~~ the officer's or employee's city. A contract entered into in violation of this section is void. The provisions of this section do not apply to:

4. Contracts made by a city of less than ~~three~~ ten thousand population, upon competitive bid in writing, publicly invited and opened.

Sec. 2. Section three hundred seventy-two point thirteen (372.13), subsection eight (8), Code 1979, is amended to read as follows:

8. By ordinance, the council shall prescribe the compensation of the mayor, council members, and other elected city officers, but a change in the compensation of the mayor shall not become effective during the term in which the change is adopted, and the council shall not adopt such an ordinance changing the compensation of the mayor or council members during the months of November and December immediately following a regular city election. A change in the compensation of council members shall become effective for all council members at the beginning of the term of the council members elected at the election next following the change in compensation. No Except as provided in section one (1) of this Act, an elected city officer shall not receive any other compensation for any other city office or city employment during that officer's term of office, but may be reimbursed for actual expenses incurred. However, if the mayor pro tem performs the duties of the mayor during the mayor's absence or disability for a continuous period of fifteen days or more, the mayor pro tem may be paid for that period such compensation as determined by the council, based upon the mayor pro tem's performance of the mayor's duties and upon the compensation of the mayor.

Approved May 20, 1980

CHAPTER 1126
CITY HOUSING CODE

H. F. 2536

AN ACT relating to housing in cities, by requiring cities to establish a housing code or be subject to the uniform housing code, establishing an interim committee to study housing codes and related areas, repealing the state housing law and authorizing penalties.

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

Section 1. Chapter three hundred sixty-four (364), Code 1979, is amended by adding the following new section:

NEW SECTION. CITY HOUSING CODES.

1. A city with a population of fifteen thousand or more may adopt by ordinance the latest version of one of the following housing codes before January 1, 1981:

a. The uniform housing code promulgated by the international conference of building officials.

b. The housing code promulgated by the American public health association.

c. The basic housing code promulgated by the building officials conference of America.

d. The standard housing code promulgated by the southern building code congress international.

e. Housing quality standards promulgated by the United States department of housing and urban development for use in assisted housing programs.

A city which has adopted a housing code listed in this section before January 1, 1981, is no longer subject to chapter four hundred thirteen (413)* of the Code.

2. Every city with a population of fifteen thousand or more which has not adopted another housing code under this section by January 1, 1981, is subject to and shall be considered to have adopted the uniform housing code promulgated by the international conference of building officials, as amended to January 1, 1980. A city which reaches a population of fifteen thousand, as determined after the effective date of this Act, has six months after such determination to comply with this section.

3. A city which adopts or is subject to a housing code under this section shall adopt enforcement procedures, which shall include a program for regular rental inspections, rental inspections upon receipt of complaints, and certification of inspected rental housing, and may include but are not limited to the following:

a. A schedule of civil penalties or criminal fines for violations.

b. Authority for the issuance of orders requiring violations to be corrected within a reasonable time.

c. Authority for the issuance of citations pursuant to sections eight hundred five point one (805.1) through eight hundred five point five (805.5) of the Code upon a failure to satisfactorily remedy a violation.

d. Authority, if other methods have failed, for an officer to contract to have work done as necessary to remedy a violation, the cost of which shall be assessed to the violator and constitute a lien on the property until paid.

e. An escrow system for the deposit of rent which will be applied to the costs of correcting violations.

f. Mediation of disputes based upon alleged violations.

g. Injunctive procedures.

The enforcement procedures shall be designed to improve housing conditions rather than to displace persons from their homes.

h. Authority by ordinance to provide that no rent shall be recoverable by the owner or lessee of any dwelling which does not comply with the housing code adopted by the city until such time as the dwelling does comply with the housing code adopted by the city.

4. A city which is subject to the uniform housing code or which adopts another housing code under this section may provide reasonable variances for existing structures which cannot practicably meet the standards in the code but are not unsafe for habitation.

5. Cities may establish reasonable fees for inspection and enforcement procedures.

6. Cities with populations of less than fifteen thousand may comply with this section.

*See §3 herein

7. A city may adopt housing code provisions which are more stringent than those in the model housing code it adopts or to which it is subject under this section.

Sec. 2.

1. The legislative council may establish a joint subcommittee of the senate and house standing committees on cities to study subjects related to city and state housing codes during the 1980 interim.

2. The joint subcommittee shall be composed of five members from each house, no more than three from each house to be from the same party.

3. The subcommittee's study shall include, but need not be limited to the following subjects:

a. Possible reorganization of state government to provide for administration of housing codes, building codes including rehabilitation codes, and fire prevention codes under one state agency.

b. Whether there is a need for a state housing code and state housing code administration.

c. Whether there is a need for the state to mandate specific housing code enforcement procedures by cities.

d. Whether cities with a population of less than fifteen thousand should be required to adopt housing codes.

e. Consideration of the need for statutory guidelines regarding nuisance abatement procedures by cities as applied to housing which constitutes a nuisance, including procedures for the demolition of condemned buildings.

f. The most desirable state role in the areas of housing, building, rehabilitation and fire prevention codes, balancing the state's concerns against the concept of home rule for cities.

4. The subcommittee shall present its conclusions and recommendations, in the form of a final report with necessary bill drafts, to the legislative council upon its request and to the general assembly which convenes in January, 1981.

Sec. 3. Chapter four hundred thirteen (413), Code 1979, is repealed effective January 1, 1981.

Approved May 26, 1980

CHAPTER 1127
CITY PUBLIC IMPROVEMENT BIDS

S. F. 2006

AN ACT to increase the estimated cost of a proposed public improvement above which a city must hold a public hearing, advertise and receive sealed bids.

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

Section 1. Section three hundred eighty-four point ninety-six (384.96), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eighty-five (85), section five (5), is amended to read as follows:

384.96 SEALED BIDS. When the estimated total cost of a public improvement exceeds the sum of ~~ten~~ twenty-five thousand dollars, the governing body shall advertise for sealed bids for the proposed improvement by publishing a notice to bidders as provided in section 362.3, except that the notice to bidders may be published more than twenty days but not more than forty-five days before the date for filing bids.

Sec. 2. Section three hundred eighty-four point one hundred two (384.102), Code 1979, is amended to read as follows:

384.102 WHEN HEARING NECESSARY. When the estimated total cost of a public improvement exceeds the sum of ~~ten~~ twenty-five thousand dollars, the governing body shall not enter into a contract for the improvement until it has held a public hearing on the proposed plans, specifications, and form of contract, and estimated cost for the improvement. Notice of the hearing must be published as provided in section 362.3. At the hearing any interested person may appear and file objections to the proposed plans, specifications, contract, or estimated cost of the improvement. After hearing objections, the governing body shall by resolution enter its decision on the plans, specifications, contract, and estimated cost.

Approved April 21, 1980

CHAPTER 1128
TAX INCREMENT DISTRICTS

H. F. 2567

AN ACT relating to the determination of actual and assessed value of property for tax purposes and defining that property which may be included within a tax increment financing district established pursuant to section four hundred three point nineteen (403.19) of the Code.

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

Section 1. Section four hundred three point nineteen (403.19), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. A city shall certify to the county auditor the amount of loans, advances, indebtedness or bonds which qualify for payment from the special fund referred to in subsection two (2) of this section. In any year, the county auditor shall, upon receipt of a certified request from a city filed prior to the date for certification of city taxes specified in section three hundred eighty-four point two (384.2) of the Code, increase the amount to be allocated under subsection one (1) of this section in order to reduce the amount to be allocated in the following fiscal year to the special fund, to the extent that the city does not request allocation to the special fund of the full portion of taxes which could be collected.

Sec. 2. Chapter four hundred three (403), Code 1979, is amended by adding the following new section:

NEW SECTION. In determining the assessed value of property within an urban renewal area which is subject to a division of tax revenues pursuant to section four hundred three point nineteen (403.19) of the Code, the difference between the actual value of the property as determined by the assessor each year and the percentage of adjustment certified for that year by the director of revenue on or before November first pursuant to section four hundred forty-one point twenty-one (441.21), subsection twelve (12), of the Code multiplied by the actual value of the property as determined by the assessor, shall be subtracted from the actual value of the property as determined pursuant to section four hundred three point nineteen (403.19), subsection one (1), of the Code. If the assessed value of the property as determined pursuant to section four hundred three point nineteen (403.19), subsection one (1), of the Code is reduced to zero, the additional valuation reduction shall be subtracted from the actual value of the property as determined by the assessor.

Sec. 3. House File two thousand seventy-two (2072),* section ten (10), enacted by the Sixty-eighth General Assembly, 1980 Session, is repealed.

Approved May 26, 1980

*68GA, ch 1136

CHAPTER 1129
INDEXING INCOME TAX

S. F. 2247

AN ACT relating to the indexing of the state individual income tax.

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

Section 1. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-three (93), section one (1), is amended to read as follows:

SECTION 1. Section four hundred twenty-two point four (422.4), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION.

a. "Annual inflation factor" means an index, expressed as a percentage, determined by the department each year to reflect the purchasing power of the dollar as a result of inflation ~~or deflation~~ during the preceding calendar year. For the 1981 calendar year, "annual inflation factor" means an index, expressed as a percentage, determined by the department by October fifteenth of the calendar year preceding the calendar year for which the factor is determined to reflect the purchasing power of the dollar as a result of inflation during the fiscal year ending in the calendar year preceding the calendar year for which the factor is determined. In determining the annual inflation factor, the department shall use the annual percent change, but not less than zero percent, in the consumer-price-index-produced-by-the-bureau-of-labor--statistics implicit price deflator for the gross national product computed for the whole calendar year or for the second quarter of the calendar year, in the case of the annual inflation factor for the 1981 calendar year, by the bureau of economic analysis of the United States department of labor commerce and shall add one-fourth-for-the-1979-calendar-year-and two-fourths for the 1980 and 1981 calendar year years of that percent change to one hundred percent,-except-that-the-amount-of-the-percent change-added-to-the-one-hundred-percent-shall-not-exceed-the-greater-of--zero or--the--difference-between-the-percent-change-and-three-percent. The annual inflation factor for the 1979 calendar year is one hundred two point three percent. The annual inflation factor and the cumulative inflation factor shall each be expressed as a percentage rounded to the nearest one-tenth of one percent. The annual inflation factor shall not be less than one hundred percent.

b. "Cumulative inflation factor" means the product of the annual inflation factor for the 1978 calendar year and all annual inflation factors for subsequent calendar years as determined pursuant to this subsection. The cumulative inflation factor ~~shall apply~~ applies to all tax years beginning on or after January first of the calendar year ~~in~~ for which the latest annual inflation factor has been determined. For calendar years beginning on or after January 1, 1982, the cumulative inflation factor shall be one hundred percent.

c. The annual inflation factor for the 1978 calendar year is one hundred percent.

~~d. The annual inflation factor and the cumulative inflation factor shall only be computed for the 1979 and 1980 calendar years.~~

e d. Notwithstanding the computation of the annual inflation factor under paragraph a of this subsection, the annual inflation factor is one hundred percent for any calendar year in which the unobligated state general fund balance on June thirtieth as certified by the state comptroller by September tenth of the fiscal year beginning in that calendar year is less than sixty million dollars. However, for the 1981 calendar year, the annual inflation factor is one hundred percent for any calendar year if the unobligated state general fund balance on June thirtieth of the calendar year preceding the calendar year for which the factor is determined, as certified by the state comptroller by October tenth, is less than sixty million dollars.

Sec. 2. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-three (93), section four (4), is amended to read as follows:

SEC. 4. Section four hundred twenty-two point five (422.5), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Upon determination of the latest cumulative inflation factor, the director of revenue shall multiply each dollar amount set forth in subsections 1 through 13 of this section and each dollar amount specified in unnumbered paragraph 6 of this section as the maximum amount of annuities received which may be excluded in determining final taxable income by this cumulative inflation factor, shall round off the resulting product to the nearest one dollar and incorporate the result into the income tax forms and instructions for each tax year. ~~The director shall not alter the dollar amounts specified in subsections 1 through 13 of this section for any tax year beginning on or after January 1, 1981. However, the resulting product shall not reduce the dollar amounts set forth in subsections 1 through 13 and unnumbered paragraph 6 of section 422.5 below those specified on January 1, 1979.~~

Sec. 3. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-three (93), section eight (8), is amended to read as follows:

SEC. 8. Section four hundred twenty-two point twenty-one (422.21), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The director shall determine for the 1979 and 1980 subsequent calendar years the annual and cumulative inflation factors for those calendar years to be applied to tax years beginning on or after January first of that calendar year. The director shall compute the new dollar amounts as specified therein to be adjusted in section 422.5 by the latest cumulative inflation factor and round off the result to the nearest one dollar. ~~The director shall not compute new dollar amounts specified in subsections 1 through 13 of section 422.5 for any tax year beginning on or after January 1, 1981.~~ The annual and cumulative inflation factors determined by the director are not rules as defined in section 17A.2, subsection 7.

Sec. 4. This Act is retroactive to January 1, 1980 for tax years beginning on or after January 1, 1980 and to this extent is retroactive.

Approved May 21, 1980

CHAPTER 1130
INTERNAL REVENUE CODE UPDATE

H. F. 2470

AN ACT updating references to the internal revenue code for purposes of computing individual and corporate income taxes and franchise taxes 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 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-two (92), section one (1), and as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-three (93), section one (1), 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, ~~1979~~ 1980.

Sec. 2. Section four hundred twenty-two point seven (422.7), subsection nine (9), Code 1979, is amended to read as follows:

9. Subtract the amount of the new work incentive programs credit allowable for the taxable year under section forty (40) or the jobs tax credit allowable for the tax year under section 44B of the Internal Revenue Code of 1954 to the extent that the credit increased federal adjusted gross income.

Sec. 3. Section four hundred twenty-two point seven (422.7), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Married taxpayers, who file a joint federal income tax return and who elect to file separate returns or separate filing on a combined return for state income tax purposes, shall include in net income any unemployment compensation benefits received subject to the limitations for joint federal income tax return filers provided in section eighty-five (85) of the Internal Revenue Code of 1954.

Sec. 4. Section four hundred twenty-two point nine (422.9), subsection two (2), paragraph e, Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-three (93), section five (5), is amended by striking the paragraph.

Sec. 5. Section four hundred twenty-two point nine (422.9), subsection three (3), paragraph c, Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-three (93), section five (5), is amended to read as follows:

c. If the election under section 172(b)(3)~~(E)~~(C) of the Internal Revenue Code of 1954 is made, the Iowa net operating loss shall be carried forward seven taxable years.

Sec. 6. Section four hundred twenty-two point thirty-two (422.32), subsection four (4), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-two (92), section two (2), 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, ~~1979~~ 1980.

Sec. 7. Section four hundred twenty-two point thirty-five (422.35), subsection six (6), Code 1979, is amended to read as follows:

6. Subtract the amount of the ~~new~~ work incentive programs credit allowable for the tax year under section forty (40) or the jobs tax credit allowable for the tax year under section 44B of the Internal Revenue Code of 1954 to the extent that the credit increased federal taxable income.

Sec. 8. Section four hundred twenty-two point thirty-five (422.35), subsection seven (7), paragraph c, Code 1979, is amended to read as follows:

c. If the election under section 172(b)(3)~~(E)~~(C) of the Internal Revenue Code of 1954 is made, the Iowa net operating loss shall be carried forward seven taxable years.

Sec. 9.* Section four hundred twenty-two point sixty-one (422.61), subsection four (4), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-two (92), section three (3), 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, ~~1979~~ 1980, shall not be added.

Sec. 10. This Act is retroactive to January 1, 1979 for tax years beginning on or after January 1, 1979 and to this extent the provisions of this Act are retroactive.

Sec. 11. This Act, being deemed of immediate importance, takes effect from and after its publication in the Farmer-Labor Press, a newspaper published in Council Bluffs, Iowa, and in The Clinton Herald, a newspaper published in Clinton, Iowa.

Approved March 25, 1980

I hereby certify that the foregoing Act, House File 2470, was published in the Farmer-Labor Press, Council Bluffs, Iowa on April 3, 1980, and in The Clinton Herald, Clinton, Iowa on March 31, 1980.

MELVIN D. SYNHORST, *Secretary of State*

*See ch 1012, §50 herein

CHAPTER 1131
CIVIL SERVICE INCOME TAX EXEMPTION

H. F. 2577

AN ACT relating to the income tax exemption for annuities received from the United States civil service retirement and disability trust fund 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 six (6), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-three (93), section three (3), and as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-three (93), sections two (2) and four (4), is amended to read as follows:

A person who is disabled, ~~or~~ is sixty-two years of age or older or is the surviving spouse of an individual or survivor having an insurable interest in an individual who would have qualified for the exemption under this paragraph for this tax year and receives ~~an annuity or~~ one or more annuities from the United States civil service retirement and disability trust fund, and whose net income, as defined in section 422.7, is sufficient to require that the tax be imposed upon it under this section, may determine final taxable income for purposes of imposition of the tax by excluding the amount of ~~an annuity or~~ annuities received from the United States civil service retirement and disability trust fund, which are not already excluded in determining net income, as defined in section 422.7, up to a maximum each tax year of five thousand five hundred dollars for a person who files a separate state income tax return and eight thousand dollars total for a husband and wife who file a joint state income tax return. However, a surviving spouse who is not disabled or sixty-two years of age or older can only exclude the amount of annuities received as a result of the death of his or her spouse. The amount of the exemption shall be reduced by the amount of any social security benefits received. For the purpose of this section, the amount of ~~an annuity or~~ annuities received from the United States civil service retirement and disability trust fund taxable under the Internal Revenue Code of 1954 shall be included in net income for purposes of determining eligibility under the ~~four~~ five thousand dollar or less exclusion.

Sec. 2. This Act is retroactive to January 1, 1980 for tax years beginning on or after January 1, 1980.

Sec. 3. This Act, being deemed of immediate importance, takes effect from and after its publication in The Cedar Valley Daily Times, a newspaper

published in Vinton, Iowa, and in the Linn News-Letter, a newspaper published in Central City, Iowa.

Approved May 17, 1980

I hereby certify that the foregoing Act, House File 2577, was published in The Cedar Valley Daily Times, Vinton, Iowa on May 23, 1980 and in the Linn News-Letter, Central City, Iowa on May 28, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1132
VOLUNTARY SERVICES EXPENSE
H. F. 2511

AN ACT to allow an income tax deduction for certain expenses incurred in performing voluntary services.

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

Section 1. Section four hundred twenty-two point nine (422.9), subsection two (2), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-three (93), section five (5), is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. Add an additional deduction for mileage incurred by the taxpayer in voluntary work for a charitable organization consisting of the excess of the state employee mileage reimbursement over the amount deductible for federal income tax purposes. The deduction shall be proven by the keeping of a contemporaneous diary by the person throughout the period of the voluntary work in the tax year.

Sec. 2. This Act takes effect January first following enactment for tax years beginning on or after January first following enactment.

Approved May 21, 1980

CHAPTER 1133
INCOME AND FRANCHISE TAXES

S. F. 2253

AN ACT providing for uniformity in the computation of interest on overpayments made under the individual and corporate income and franchise taxes.

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

Section 1. Section four hundred twenty-two point twenty-five (422.25), subsection three (3), Code 1979, is amended to read as follows:

3. If the amount of the tax as determined by the department ~~shall be~~ is less than the amount ~~theretofore~~ paid, the excess shall be refunded with interest after ~~sixty~~ thirty days from the date of payment or the date the return was due to be filed, whichever is the later at the rate of three-fourths of one percent per month counting each fraction of a month as an entire month under the ~~provisions-of-such~~ rules ~~as-may-be~~ prescribed by the director. If an overpayment of tax results from a net operating loss or net capital loss which is carried back to a prior year, the overpayment, for purposes of computing interest on refunds, shall be considered as having been made at the close of the taxable year in which the net operating loss or net capital loss occurred or ~~sixty~~ thirty days from the date of the actual payment of the tax, whichever is later. However, when the net operating loss or net capital loss carry back to a prior year eliminates or reduces an underpayment of tax due for an earlier year, the full amount of the underpayment of tax shall bear interest at the rate of three-fourths of one percent per month counting each fraction of a month as an entire month from the due date of the tax for the earlier year to the last day of the taxable year in which the net operating loss or net capital loss occurred.

Sec. 2. Section four hundred twenty-two point ninety-one (422.91), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

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 with interest after thirty days from the date of payment or the date the return was due to be filed, whichever is the later, at the rate of three-fourths of one percent per month or fraction of a month and ~~such~~ the 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 422.73, but only if ~~such~~ the application is filed within twelve months after the due date for the return.

Approved May 17, 1980

CHAPTER 1134
FINANCIAL INSTITUTION FRANCHISE TAX
S. F. 500

AN ACT relating to the franchise tax on financial institutions, its imposition and rates, the definition of net income, providing a corresponding adjustment in interest rates for government bonds 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 sixty (422.60), Code 1979, is amended to read as follows:

422.60 IMPOSITION OF TAX. A franchise tax according to and measured by net income is hereby imposed on financial institutions for the privilege of doing business in this state as financial institutions.

Sec. 2.* Section four hundred twenty-two point sixty-one (422.61), subsection four (4), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-two (92), section three (3), 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 17, 1979, no federal income taxes paid or accrued shall be subtracted, and notwithstanding the provisions of sections two hundred sixty-two point forty-one (262.41) and two hundred sixty-two point fifty-one (262.51) or any other provisions of the law, income from obligations of the state and its political subdivisions and any amount of franchise taxes paid or accrued under this division during the taxable year shall not be added.~~

Sec. 3. Section four hundred twenty-two point sixty-three (422.63), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

422.63 AMOUNT OF TAX. The franchise tax is imposed annually in an amount equal to five percent of the net income received or accrued during the taxable year. If the net income of the financial institution is derived from its business carried on entirely within the state, the tax shall be imposed on the entire net income, but if the business is carried on partly within and partly without the state, the portion of net income reasonably attributable to the business within the state shall be specifically allocated or equitably apportioned within and without the state under rules of the director.

Sec. 4. Franchise taxes voluntarily paid shall not be refunded to the extent that the refund claim is based upon an alleged mistake of law

*See ch 1012, §50 herein

regarding the validity or legality under the laws or Constitution of the United States, of the tax imposed by this division. This section prevails over any other statutes authorizing franchise tax refunds.

Sec. 5. The provisions of sections one (1), two (2) and three (3) of this Act are applicable to taxable years beginning on or after January 1, 1980, and to this extent are retroactive. To the extent that the enactment of this Act requires the filing of an amended franchise tax return by a financial institution for a taxable year beginning in 1980, no interest or penalty shall accrue because of an additional tax due by reason of the provisions of this Act, if the amended return is filed within sixty days of the effective date of this Act.

Sec. 6.* NEW SECTION. TEMPORARY RATES.

1. Notwithstanding the interest rate or interest-rate limitation specified in a provision of the Code referred to in subsection two (2) of this section, the interest rate or interest-rate limitation in effect in a provision of the Code referred to in subsection two (2) of this section is a rate of interest which is equal to the sum of the rate actually specified in that provision plus three percentage points, except that if the bond issue voted at an election or approved by the governing body of a political subdivision is for an amount equal to five million dollars or more, then the provisions of this subsection and subsection two (2) of this section shall not be applicable and those bonds when sold under any of the sections enumerated in subsection two (2) of this section shall not be subject to any interest rate limitations.

2. Subsection one (1) of this section applies to the following sections of the Code: Section nineteen point eight (19.8), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-four (24), section one (1); section twenty-eight F point eight (28F.8), and section thirty-seven point six (37.6), Code 1979; section thirty-seven point twenty-eight (37.28), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-four (24), section two (2); section seventy-four point two (74.2), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-four (24), section three (3); section seventy-five point twelve (75.12), subsections one (1), two (2) and three (3), section one hundred eleven A point six (111A.6), unnumbered paragraph two (2), section one hundred forty-five A point seventeen (145A.17), and section two hundred two point five (202.5), Code 1979; section two hundred two point six (202.6), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-four (24), section four (4); section two hundred eighty A point twenty-two (280A.22), unnumbered paragraph two (2), section two hundred ninety-six point one (296.1), section two hundred ninety-eight point twenty-two (298.22), unnumbered paragraph one (1), section three hundred two point twelve (302.12), section three hundred nine point forty-seven (309.47), subsection four (4) and section three hundred nine point seventy-three (309.73), unnumbered paragraph three (3), Code 1979; section three hundred eleven point sixteen (311.16), unnumbered paragraph two (2), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter sixty-eight (68),

*This section is superseded by 68GA, ch 1025, §80

section one (1); section three hundred eleven point seventeen (311.17), unnumbered paragraph one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter sixty-eight (68), section two (2); section three hundred eleven point twenty-eight (311.28), section three hundred thirty point seven (330.7), unnumbered paragraph five (5), section three hundred thirty point fourteen (330.14), section three hundred thirty point sixteen (330.16), unnumbered paragraph two (2), section three hundred thirty A point nine (330A.9), subsection one (1), section three hundred thirty-two point forty-four (332.44), subsection eight (8), unnumbered paragraph two (2), section three hundred forty-five point sixteen (345.16), section three hundred forty-six point three (346.3), unnumbered paragraph one (1), section three hundred forty-six point twenty-three (346.23), unnumbered paragraph two (2), section three hundred forty-six point twenty-six (346.26), subsection three (3), section three hundred forty-six point twenty-seven (346.27), subsection fourteen (14), section three hundred forty-six A point three (346A.3), unnumbered paragraph two (2), section three hundred forty-seven point five (347.5), section three hundred forty-seven point twenty-seven (347.27), unnumbered paragraphs one (1) and three (3), section three hundred forty-seven A point two (347A.2), section three hundred forty-seven A point seven (347A.7), unnumbered paragraph one (1), section three hundred fifty-seven point twenty (357.20), section three hundred fifty-seven A point eleven (357A.11), subsection eight (8), section three hundred fifty-seven B point four (357B.4), section three hundred fifty-seven C point ten (357C.10), section three hundred eighty-five point twenty-one (385.21), unnumbered paragraph four (4), section three hundred fifty-nine point forty-five (359.45), section three hundred eighty-four point fifty-seven (384.57), section three hundred eighty-four point sixty (384.60), subsections three (3) and five (5), section three hundred eighty-four point sixty-eight (384.68), subsection two (2), section three hundred eighty-four point eighty-three (384.83), subsection six (6), section three hundred eighty-six point twelve (386.12), subsection four (4), section three hundred ninety-four point one (394.1), unnumbered paragraph two (2), section four hundred three point nine (403.9), subsection three (3), and section four hundred three A point thirteen (403A.13), unnumbered paragraph one (1), Code 1979; section four hundred fifty-four point twenty (454.20), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-four (24), section five (5); and section four hundred fifty-five point sixty-four (455.64), subsections one (1) and two (2), section four hundred fifty-five point seventy-seven (455.77), unnumbered paragraph one (1), section four hundred fifty-five point seventy-nine (455.79), section four hundred fifty-five point eighty-three (455.83), section four hundred fifty-five point one hundred seventy-five (455.175), section four hundred fifty-five point one hundred ninety-eight (455.198), section four hundred fifty-five point two hundred thirteen (455.213), section four hundred sixty-one point fourteen (461.14), and section four hundred sixty-three point ten (463.10), Code 1979.

3. Notwithstanding the interest-rate limitation specified in sections four hundred sixty point seven (460.7), four hundred sixty-seven A point thirty-three (467A.33), unnumbered paragraph one (1), and four hundred sixty-

seven A point thirty-five (467A.35), subsections one (1) and two (2), Code 1979, the interest-rate limitation which is in effect under each one of those provisions is a rate of interest equal to the sum of the rate of interest actually specified plus four percentage points.

4. Bonds sold on or after the effective date of this Act to finance an improvement for which a final assessment schedule was adopted prior to the effective date of this Act may bear a rate of interest not to exceed ten percent per annum, and section seventy-five point eleven (75.11) of the Code and any other similar statutory restriction does not apply to these bonds.

Sec. 7. This Act, being deemed of immediate importance, shall take effect from and after its publication in the Muscatine Journal, a newspaper published in Muscatine, Iowa, and in the Carroll Daily Times-Herald, a newspaper published in Carroll, Iowa.

Approved March 28, 1980

I hereby certify that the foregoing Act, Senate File 500, was published in the Muscatine Journal, Muscatine, Iowa on April 8, 1980 and republished on April 12, 1980, and in the Carroll Daily Times-Herald, Carroll, Iowa on April 2, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1135

INCOME TAX INFORMATION TO FISCAL BUREAU

S. F. 2373

AN ACT authorizing the legislative fiscal bureau to obtain individual income tax information from the department of revenue for statistical purposes.

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

Section 1. Section four hundred twenty-two point seventy-two (422.72), subsection one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter ninety-four (94), section two (2), is amended to read as follows:

1. It ~~shall be~~ is unlawful for the director, or any person having an administrative duty under this chapter, or any present or former 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. However, the director may authorize examination of ~~such~~ state returns and other state information which is confidential under this

section, if a reciprocal arrangement exists, by tax officers of another state or the federal government. The director may, by rules adopted pursuant to chapter 17A, authorize examination of state information and returns by other officers or employees of this state to the extent required by their official duties and responsibilities. Disclosure of state information to tax officers of another state shall be limited to those disclosures which have a tax administrative purpose and only to officers of those states which have laws that are as strict as the laws of this state protecting the confidentiality of such returns and information. The director shall place upon the state tax form a notice to the taxpayer that state tax information may be disclosed to tax officials of another state or of the United States for tax administrative purposes. The department shall not authorize the examination of tax information by officers and employees of this state, another state, or of the United States if the officers or employees would otherwise be required to obtain a judicial order to examine the information if it were to be obtained from another source, and if the purpose of the examination is other than for tax administration. However, the director of revenue may provide sample individual income tax information to be used for statistical purposes to the legislative fiscal bureau. The information shall not include the name or mailing address of the taxpayer or the taxpayer's social security number. Any information contained in an individual income tax return which is provided by the director shall only be used as a part of a data base which contains similar information from a number of returns. The legislative fiscal bureau shall not have access to the income tax returns of individuals. Each request for individual income tax information shall contain a statement by the director of the legislative fiscal bureau that the individual income tax information received by the bureau shall be used solely for statistical purposes. Nothing--in--this This subsection shall does not prevent the department from authorizing the examination of state returns and state information when--provided under the provisions of section 252B.9. This subsection shall-prevail prevails over the-previsions-of any general law of this state relating to public records.

Approved May 19, 1980

CHAPTER 1136
PROPERTY TAXATION
H. F. 2072

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, by providing for the valuation of agricultural structures, commercial property, industrial property, and property valued by the department of revenue at a percentage of its actual value for tax purposes, by providing a procedure to exceed levy limits, by establishing agricultural dwellings as one class of property and combining agricultural buildings with agricultural land into another class of property, by altering the qualification for a county to levy a property tax because of a federal ordinance and making the Act retroactive.

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

Section 1. Section four hundred twenty-five point one (425.1), subsections two (2), four (4), and seven (7), Code 1979, are amended to read as follows:

2. The homestead credit fund shall be apportioned each year so as to give a credit against the tax on each eligible homestead in the state in an amount equal to the actual levy on the first four thousand five eight hundred fifty dollars of actual value for each homestead.

4. Annually the department of revenue shall estimate the credit not to exceed the actual levy on the first four thousand five eight hundred fifty dollars of actual value of each eligible homestead, and shall certify to the county auditor of each county such the credit and the its amount in dollars thereof. Each county auditor shall then enter such the credit against the tax levied on each eligible homestead in each county payable during the ensuing year, designating on the tax lists such the 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 the 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 the homesteads, ~~provided, however, that.~~ However, 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.

7. 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~~ four thousand eight hundred fifty 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~~ four thousand eight hundred fifty 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. 2. Section four hundred twenty-six point one (426.1), Code 1979, 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 ~~forty-two~~ forty-three million five hundred thousand dollars. Any balance in said fund on June 30 shall revert to the general fund.

Sec. 3. Section four hundred forty-one point twenty-one (441.21), subsection three (3), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

"Actual value", "taxable value", or "assessed value" as used in other sections of the Code in relation to assessment of property for taxation shall mean the valuations as determined by this section; however, other provisions of the Code providing special methods or formulas for assessing or valuing specified property shall remain in effect, but this section shall be applicable to the extent consistent with such provisions. The assessor and department of revenue shall disclose at the written request of the taxpayer all information in any formula or method used to determine the actual value of his property.

Sec. 4. Section four hundred forty-one point twenty-one (441.21), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-five (25), sections three (3), four (4), five (5), and six (6), is amended by inserting after subsection five (5) the following new subsection:

NEW SUBSECTION. For valuations established as of January 1, 1979, commercial property and industrial property, excluding properties referred to in section four hundred twenty-seven A point one (427A.1), subsection six (6), of the Code, shall be assessed as 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, 1979, the percentage shall be the quotient of the dividend and divisor as defined in this section. The dividend for each class of property shall be the total actual valuation for each class of property established for 1978, plus six percent of the amount so determined. The divisor for each class of

property shall be the valuation for each class of property established for 1978, as reported by the assessors on the abstracts of assessment for 1978, plus the amount of value added to the total actual value by the revaluation of existing properties in 1979 as equalized by the director of revenue pursuant to section four hundred forty-one point forty-nine (441.49) of the Code. For valuations established as of January 1, 1979, property valued by the department of revenue pursuant to chapter* four hundred twenty-eight (428), four hundred thirty-three (433), four hundred thirty-six (436), four hundred thirty-seven (437), and four hundred thirty-eight (438) of the Code shall be considered as one class of property and shall be assessed as a percentage of its actual value. The percentage shall be determined by the director of revenue in accordance with the provisions of this section. For valuations established as of January 1, 1979, the percentage shall be the quotient of the dividend and divisor as defined in this section. The dividend shall be the total actual valuation established for 1978 by the department of revenue, plus ten percent of the amount so determined. The divisor for property valued by the department of revenue pursuant to chapters four hundred twenty-eight (428), four hundred thirty-three (433), four hundred thirty-six (436), four hundred thirty-seven (437), and four hundred thirty-eight (438) of the Code shall be the valuation established for 1978, plus the amount of value added to the total actual value by the revaluation of the property by the department of revenue as of January 1, 1979. For valuations established as of January 1, 1980, commercial property and industrial property, excluding properties referred to in section four hundred twenty-seven A point one (427A.1), subsection six (6), of the Code, 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, 1980, the percentage 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, 1979, 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 1979, plus four percent of the amount so determined. The divisor for each class of property shall be the total actual value of all such property in 1979, as equalized by the director of revenue pursuant to section four hundred forty-one point forty-nine (441.49) of the Code, plus the amount of value added to the total actual value by the revaluation of existing properties in 1980. The director shall utilize information reported on the abstracts of assessment submitted pursuant to section four hundred forty-one point forty-five (441.45) of the Code in determining such percentage. For valuations established as of January 1, 1980, property valued by the department of revenue pursuant to chapters four hundred twenty-eight (428), four hundred thirty-three (433), four hundred thirty-six (436), four hundred thirty-seven (437), and four hundred thirty-eight (438) of the Code shall be assessed at a percentage of

*According to enrolled Act

its actual value. The percentage shall be determined by the director of revenue in accordance with the provisions of this section. For valuations established as of January 1, 1980, the percentage shall be the quotient of the dividend and divisor as defined in this section. The dividend shall be the total actual valuation established for 1979 by the department of revenue, plus eight percent of the amount so determined. The divisor for property valued by the department of revenue pursuant to chapters four hundred twenty-eight (428), four hundred thirty-three (433), four hundred thirty-six (436), four hundred thirty-seven (437), and four hundred thirty-eight (438) of the Code shall be the valuation established for 1979, plus the amount of value added to the total actual value by the revaluation of the property by the department of revenue as of January 1, 1980. For valuations established as of January 1, 1981, and each year thereafter, the percentage of actual value as equalized by the director of revenue as provided in section four hundred forty-one point forty-nine (441.49) of the Code at which commercial property and industrial property, excluding properties referred to in section four hundred twenty-seven A point one (427A.1), subsection six (6), of the Code, shall be assessed shall be calculated in accordance with the methods provided herein, except that any references to six percent in this subsection shall be four percent. For valuations established as of January 1, 1981, and each year thereafter, the percentage of actual value at which property valued by the department of revenue pursuant to chapters four hundred twenty-eight (428), four hundred thirty-three (433), four hundred thirty-six (436), four hundred thirty-seven (437), and four hundred thirty-eight (438) of the Code shall be assessed shall be calculated in accordance with the methods provided herein, except that any references to ten percent in this subsection shall be eight percent. Beginning with valuations established as of January 1, 1979, and each year thereafter, property valued by the department of revenue pursuant to chapter four hundred thirty-four (434) of the Code shall also be assessed at a percentage of its actual value which percentage shall be equal to the percentage determined by the director of revenue for commercial property, industrial property, or property valued by the department of revenue pursuant to chapters four hundred twenty-eight (428), four hundred thirty-three (433), four hundred thirty-six (436), four hundred thirty-seven (437), and four hundred thirty-eight (438) of the Code, whichever is lowest.

Sec. 5. Section four hundred forty-one point twenty-one (441.21), subsection six (6), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-five (25), section six (6), is amended to read as follows:

6. 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, 1981, ~~such--agricultural--structures--and~~ the 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~~ be valued as rural

residential property and shall be assessed at the same percentage of actual value as is all other residential property.

Sec. 6. Section four hundred forty-one point twenty-one (441.21), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-five (25), sections three (3), four (4), five (5), and six (6), is amended by inserting after subsection eight (8) the following new subsection:

NEW SUBSECTION. For valuations established as of January 1, 1980, against which taxes will be levied for the fiscal year beginning in the 1980 calendar year by any special charter city that levies and collects its own taxes, the percentage of actual value at which commercial and industrial property, excluding properties referred to in section four hundred twenty-seven A point one (427A.1), subsection six (6), of the Code, 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 valuation for each class of property for valuations established as of January 1, 1979, and upon which any special charter city levied its taxes in 1979, plus four percent of the amount so determined. The divisor for each class of property shall be the total actual value of all such property for 1979, as equalized by the director of revenue pursuant to section four hundred forty-one point forty-nine (441.49) of the Code, plus the amount of value added to said total actual value by the revaluation of existing properties in 1980. For valuations established as of January 1, 1980, property valued by the department of revenue pursuant to chapters four hundred twenty-eight (428), four hundred thirty-three (433), four hundred thirty-six (436), four hundred thirty-seven (437), and four hundred thirty-eight (438) of the Code shall be considered as one class of property and shall be assessed at a percentage of its actual value. The percentage shall be determined by the director of revenue in accordance with the provisions of this section. For valuations established as of January 1, 1980, the percentage shall be the quotient of the dividend and divisor as defined in this section. The dividend shall be the total actual valuation established for 1979 by the department of revenue, plus eight percent of the amount so determined. The divisor for property valued by the department of revenue pursuant to chapters four hundred twenty-eight (428), four hundred thirty-three (433), four hundred thirty-six (436), four hundred thirty-seven (437), and four hundred thirty-eight (438) of the Code shall be the valuation established for 1979, plus the amount of value added to the total actual value by the revaluation of the property by the department of revenue as of January 1, 1980. For valuations established as of January 1, 1980, and each year thereafter, property valued by the department of revenue pursuant to chapter four hundred thirty-four (434) of the Code shall also be assessed at a percentage of its actual value which shall be equal to the percentage determined by the director of revenue for commercial property, industrial property, or property valued by the department of revenue pursuant to chapters four hundred twenty-eight (428), four hundred thirty-three (433), four hundred thirty-six (436), four hundred thirty-seven (437), and four hundred thirty-eight (438) of the Code,

whichever is lowest. The percentage at which commercial property, industrial property and property valued by the department of revenue pursuant to chapters four hundred twenty-eight (428), four hundred thirty-three (433), four hundred thirty-four (434), four hundred thirty-six (436), four hundred thirty-seven (437), and four hundred thirty-eight (438) of the Code shall be assessed will be certified by the director on or before May 31, 1980 to the appropriate city official in special charter cities that levy and collect their own taxes. The percentage so certified shall be applicable only to those valuations against which the special charter city levies its own tax. For valuations established as of January 1, 1981, and each year thereafter for any special charter city that levies and collects its own taxes, the percentage of actual value as equalized by the director of revenue as provided in section four hundred forty-one point forty-nine (441.49) at which commercial property and industrial property, excluding property referred to in section four hundred twenty-seven A point one (427A.1), subsection six (6), of the Code, shall be assessed shall be calculated in accordance with the methods provided herein adjusted to include the applicable and current values as equalized by the director of revenue, except that any references to six percent in this subsection shall be four percent. The assessor shall provide valuation information to the director of revenue sufficient for the computation of the assessment percentage by May fifteenth of each year on forms prescribed by the director of revenue. For valuations established as of January 1, 1981, and each year thereafter, in a special charter city which levies and collects its own taxes, the percentage of actual value at which property valued by the department of revenue pursuant to chapters four hundred twenty-eight (428), four hundred thirty-three (433), four hundred thirty-six (436), four hundred thirty-seven (437), and four hundred thirty-eight (438) of the Code shall be assessed shall be calculated in accordance with the methods provided herein, except that any references to ten percent in this subsection shall be eight percent.

Sec. 7. Section four hundred forty-one point twenty-one (441.21), subsection ten (10), Code 1979, is amended to read as follows:

10. For the purpose of computing the debt limitations for municipalities, political subdivisions and school districts, the term "actual value" means the "actual value" as determined by subsections one (1) through three (3) of this section without application of any percentage reduction and entered opposite each item, and as listed on the tax list as provided in section 443.2 as "actual value".

Whenever any board of review or other tribunal changes the assessed value of property, all applicable records of assessment shall be adjusted to reflect such change in both assessed value and actual value of such property.

Sec. 8. Section four hundred forty-one point twenty-one (441.21), subsection twelve (12), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-five (25), section five (5), is amended to read as follows:

12. Not later than November 1, 1979, and November first of each subsequent year, the director shall certify to the county auditor of each

county the percentages of actual value at which residential and property, agricultural property, commercial property, industrial property, and property valued by the department of revenue pursuant to chapters four hundred twenty-eight (428), four hundred thirty-three (433), four hundred thirty-four (434), four hundred thirty-six (436), four hundred thirty-seven (437), and four hundred thirty-eight (438) of the Code 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 property, residential property, commercial property, industrial property, and property valued by the department of revenue pursuant to chapters four hundred twenty-eight (428), four hundred thirty-three (433), four hundred thirty-four (434), four hundred thirty-six (436), four hundred thirty-seven (437), and four hundred thirty-eight (438) of the Code 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.

Sec. 9. Section four hundred forty-one point twenty-one (441.21), subsection thirteen (13), Code 1979, is amended to read as follows:

13. The percentage of actual value computed by the director for agricultural and property, residential property, commercial property, industrial property and property valued by the department of revenue pursuant to chapters four hundred twenty-eight (428), four hundred thirty-three (433), four hundred thirty-four (434), four hundred thirty-six (436), four hundred thirty-seven (437), and four hundred thirty-eight (438) of the Code and used to determine assessed values of those classes of property does not constitute a rule as defined in section 17A.2, subsection 7.

Sec. 10.* Section four hundred forty-one point twenty-one (441.21), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-five (25), sections three (3), four (4), five (5), and six (6), is amended by adding the following new subsection:

NEW SUBSECTION. The reduction of actual value provided in this section where applicable to property within an urban renewal area, shall be applied to reduce the initial assessed value under section four hundred three point nineteen (403.19), subsection one (1) of the Code, for the purpose of the division of revenue under that section.

Sec. 11. Section four hundred forty-three point two (443.2), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The county auditor shall list the aggregate actual value and the aggregate taxable value of all taxable property within the county and each political subdivision on the tax list in order that the actual value of the taxable property within the county or a political subdivision may be ascertained and shown by the tax list for the purpose of computing the debt-incurring capacity of the county or political subdivision. As used in this section and section four hundred forty-three point five (443.5) of the Code, "actual value" is the value determined under section four hundred forty-one point twenty-one (441.21), subsections one (1) through

*Repealed by 68GA, ch 1128, §3

three (3) of the Code, prior to the reduction to a percentage of actual value as otherwise provided in section four hundred forty-one point twenty-one (441.21) of the Code.

Sec. 12. Section four hundred forty-three point five (443.5), Code 1979, is amended to read as follows:

443.5 AGGREGATE VALUATIONS CERTIFIED. At the time of delivering the list to the treasurer, the auditor shall furnish to the director of revenue a certified statement showing separately the aggregate actual and taxable valuations of the real and personal property in the county, and also the aggregate amount of each separate tax as shown by the tax list.

Sec. 13. Section twenty-four point seventeen (24.17), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The local budgets of the various political subdivisions shall be certified by the chairman of the certifying board or levying board, as the case may be, in duplicate to the county auditor not later than March 15 of each year unless a city or county holds a special levy election, in which case certification shall not be later than fourteen days following the special levy election, on blanks prescribed by the state board, and according to the rules and instruction which shall be furnished all certifying and levying boards in printed form by the state board or city finance committee in the case of cities.

Sec. 14. Section twenty-four point forty-eight (24.48), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter twenty-five (25), section one (1), is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. The city finance committee shall have officially notified any city of its approval, modification or rejection of the city's request for a suspension of the statutory property tax levy limitation prior to thirty-five days before March fifteenth.

NEW UNNUMBERED PARAGRAPH. The state appeals board shall have officially notified any county of its approval, modification or rejection of the county's request for a suspension of the statutory property tax levy limitation prior to thirty-five days before March fifteenth.

Sec. 15. Section three hundred eighty-four point twelve (384.12), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. A tax that exceeds any tax levy limit within this chapter, provided; the question has been submitted at a special levy election and received a simple majority of the votes cast on the proposition to authorize the enumerated levy limit to be exceeded for the proposed budget year.

a. The election may be held as specified herein if notice is given by the city council, not later than February fifteenth, to the county commissioner of elections that the election is to be held.

b. An election under this subsection shall be held on the second Tuesday in March and be conducted by the county commissioner of elections in accordance with the law.

c. The proposition to be submitted shall be substantially in the following form:

Vote for only one of the following:

Shall the city of _____ levy a tax for the purpose of _____ at a rate of _____ which will provide \$ _____.

The city of _____ shall continue under the maximum rate of _____ providing \$ _____.

d. The commissioner of elections conducting the election shall notify the city officials and other county auditors where applicable, of the results within two days of the canvass which shall be held beginning at one o'clock on the second day following the special levy election.

e. Notice of the election shall be published twice in accordance with the provisions of section three hundred sixty-two point three (362.3) of the Code, except that the first such notice shall be given at least two weeks before the election.

f. The cost of the election shall be borne by the city.

g. The election provisions of this subsection shall supersede other provisions for elections only to the extent necessary to comply with the provisions hereof.

h. The provisions of this subsection apply to all cities, however organized, including special charter cities which may adopt ordinances where necessary to carry out these provisions.

i. The council shall certify the city's budget with the tax askings not exceeding the amount approved by the special levy election.

Sec. 16. Section four hundred forty-four point nine (444.9), subsection two (2), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Any county may exceed a tax levy limit contained in this chapter, provided; the proposition has been submitted at a special levy election and received a simple majority of the votes cast on the proposition to authorize the enumerated levy limit rate to be exceeded. The following provisions shall prevail for special levy elections.

1. The election may be held as specified herein if notice is given by the board of supervisors, not later than February fifteenth, to the county commissioner of elections that the election is to be held.

2. An election under this subsection shall be held on the second Tuesday in March and be conducted by the county commissioner of elections in accordance with the law.

3. The proposition to be submitted shall be substantially in the following form:

Vote for only one of the following:

Shall the county of _____ levy a tax for the
 (name of county)
 purpose of _____ at a rate of
 (state purpose of levy election)
 _____ which will provide \$ _____.
 (rate) (amount)

The county of _____ shall continue under the
 maximum rate of _____ providing \$ _____.
 (amount)

4. The commissioner of elections conducting the election shall notify the board of supervisors of the results within two days of the canvass which shall be held beginning at one o'clock on the second day following the special levy election.

5. Notice of the special levy election shall be published at least twice in a newspaper having general circulation in the county prior to the date of the special levy election. The first notice shall appear as early as practicable after the county has decided to seek a special levy.

6. Election provisions conflicting with the provisions of the subsection shall not apply to a special levy election.

Sec. 17. Section four hundred forty-four point nine (444.9), subsection four (4), Code 1979, is amended to read as follows:

4. DES MOINES COUNTY LEVY. In all counties having a population of thirty-five thousand, or more, and not more than ~~forty~~ fifty-five thousand, and having an ordnance plant located therein owned by the United States government, the board of supervisors may, with the approval of the state comptroller, levy not to exceed fifty-four cents per thousand dollars of assessed value under the provisions of this section.

Sec. 18. Notwithstanding the provisions of section four hundred forty-one point twenty-one (441.21), subsection twelve (12), of the Code, as amended by section eight (8) of this Act, the director of revenue shall certify to the county auditor of each county the percentages of actual value at which commercial property, industrial property and property valued by the department of revenue pursuant to chapters four hundred twenty-eight (428), four hundred thirty-three (433), four hundred thirty-four (434), four hundred thirty-six (436), four hundred thirty-seven (437), and four hundred thirty-eight (438) of the Code in each assessing jurisdiction in the county shall be assessed for taxation not later than fifteen days following the effective date of this Act. The county auditor shall immediately proceed to apply the percentages certified by the director of revenue in the manner provided under section four hundred forty-one point twenty-one (441.21), subsection twelve (12), of the Code.

Sec. 19. Notwithstanding the time limit provisions of section twenty-four point seventeen (24.17), unnumbered paragraph one (1), section twenty-four point forty-eight (24.48), section three hundred eighty-four point twelve (384.12), and section four hundred forty-four point nine (444.9), subsection two (2), of the Code as amended by this Act, a city or county wishing to

exceed a tax levy limit for the fiscal year beginning July 1, 1980, shall notify the county commissioner of elections not later than thirty days following the effective date of this Act that a special levy election is to be held and the city or county holding such an election shall certify the local budget to the county auditor not later than fourteen days following the special levy election.

Sec. 20. The provisions of section one (1) of this Act are retroactive to January 1, 1979 for credits claimed on or after January 1, 1979 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 section one (1) of this Act are retroactive.

Sec. 21. The provisions of section four (4) and sections six (6), eight (8) and nine (9) of this Act are retroactive to January 1, 1979 for actual values determined as of January 1, 1979 for commercial property, industrial property, and property valued by the department of revenue pursuant to chapters four hundred twenty-eight (428), four hundred thirty-three (433), four hundred thirty-four (434), four hundred thirty-six (436), four hundred thirty-seven (437), and four hundred thirty-eight (438) of the Code for which the assessed value shall be determined pursuant to the provisions of section four (4) and sections six (6), eight (8) and nine (9) of this Act and to this extent the provisions of section four (4) and sections six (6), eight (8) and nine (9) of this Act are retroactive.

NEW SECTION. The legislative council is directed to create a tax study committee to be composed of the following members: The lieutenant governor is to serve as chairman of this committee and the legislative council shall appoint four members of the senate and four members of the house, two from each political party, to serve on this committee. Twelve members shall be appointed from the public at large, two from each of Iowa's congressional districts. The governor shall appoint two members from each congressional district from lists submitted by the chair of the republican state party and the chair of the democratic state party. This committee shall conduct a comprehensive study of the present property tax structure. The study shall include, but not be limited to, the following:

1. How different types and classes of property should be valued for property tax assessment purposes.

2. The impact of property tax assessment limits on the distribution of state school aid under the foundation plan.

3. The impact of property tax assessment limits on city and county budgets.

4. The advisability of taxing improvements to land relatively less than unimproved land.

5. The feasibility of assessing additional classes of property on a capitalized potential income basis.

6. The impact of the failure to index the income tax to adjust for inflation.

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 shall transmit copies of its final report to the governor and the members of the Sixty-ninth General Assembly, not later than January 12, 1981. The final report shall include findings of fact and its recommendations.

Sec. 22. The provisions of section seventeen (17) of this Act are retroactive to January 1, 1980 for determination of the county property tax levy for budgets for the fiscal year beginning July 1, 1980 and to this extent the provision of section seventeen (17) of this Act is retroactive.

Sec. 23. This Act, being deemed of immediate importance, shall take effect from and after its publication in the Marshalltown Times-Republican, a newspaper published in Marshalltown, Iowa, and in the Globe-Gazette, a newspaper published in Mason City, Iowa.

Approved February 14, 1980

I hereby certify that the foregoing Act, House File 2072, was published in the Marshalltown Times-Republican, Marshalltown, Iowa on February 23, 1980, and in the Globe-Gazette, Mason City, Iowa on February 23, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1137

ELDERLY AND DISABLED — TAX OR RENT CREDIT CLAIM

S. F. 2090

AN ACT providing for certain elderly and disabled property owners to file a claim for reimbursement of property taxes paid in the 1979-1980 fiscal year and removing the acreage limitation in determining the amount of claim for credit for property taxes due or reimbursement for rent constituting property taxes paid by certain elderly and disabled persons under chapter four hundred twenty-five (425) of the Code.

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

Section 1. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter forty-three (43), section nineteen (19), is amended to read as follows:

SEC. 19. Notwithstanding any provision of this Act, the right to file a claim for reimbursement for property taxes paid in the fiscal year ending in the 1979 calendar year or for property taxes paid in the fiscal year ending in the 1980 calendar year under sections four hundred twenty-five point sixteen (425.16) to four hundred twenty-five point thirty-nine (425.39) of the Code is not abridged and the procedures for filing the claim for reimbursement, the verification of the claim, the determination of the amount of the claim and the payment of the claim shall be as specified under

sections four hundred twenty-five point sixteen (425.16) to four hundred twenty-five point thirty-nine (425.39) of the Code before the effective date of this Act except that the amount of reimbursement for a claim for property taxes paid in the fiscal year ending in the 1980 calendar year shall be computed in accordance with section nine (9) of this Act. A person filing a claim for reimbursement for property taxes paid in the fiscal year ending in the 1979 calendar year or for property taxes paid in the fiscal year ending in the 1980 calendar year is not precluded from filing a claim for credit for property taxes due under the provisions of this Act. However, a person who has filed a claim for credit for property taxes due in the fiscal year ending in the 1980 calendar year is precluded from filing for and receiving a reimbursement for property taxes paid in the fiscal year ending in the 1980 calendar year.

Sec. 2. Section four hundred twenty-five point fifteen (425.15), Code 1979, is amended to read as follows:

425.15 DISABLED VETERAN TAX CREDIT. ~~In-the-event~~ If the owner of the homestead, allowed a credit under this chapter, is a veteran of any of the military forces of the United States who acquired the homestead under the provisions of the United States Code, title 38, chapter 21, sections 801 and 802, the credit allowed on ~~said~~ the homestead from the homestead credit fund ~~herein--provided~~ shall be the entire amount of the tax levied on ~~said~~ the homestead. The credit ~~herein~~ allowed shall be continued to the estate of ~~such~~ the veteran who is deceased or the surviving spouse and any child, as defined in section 234.1 who are the beneficiaries ~~thereof~~ of the veteran so long as the surviving spouse remains unmarried. ~~The-provisions-of-this~~ This section ~~shall~~ is not be applicable to the holder of title to any ~~such~~ homestead whose annual income, together with that of his or her spouse, if any, for the last preceding twelve-month income tax accounting period exceeds ten thousand dollars. For the purpose of this section "income" means taxable income for federal income tax purposes plus income from securities of state and other political subdivisions exempt from federal income tax. Any veteran or ~~his~~ a beneficiary of the veteran who elects to secure the credit provided in this section ~~shall~~ is not be eligible for any other real property tax exemption provided by law for veterans of military service. If the veteran acquires a different homestead, the credit allowed under the provisions of this section may be claimed on a new homestead unless the veteran fails to meet the other requirements of this section.

Sec. 3. Section four hundred twenty-five point seventeen (425.17), subsections four (4) and nine (9), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter forty-three (43), section three (3), are amended to read as follows:

4. "Homestead" means the dwelling owned or rented and actually used as a home by the claimant during all or part of the base year, and so much of the land surrounding it, ~~not-exceeding-one-acre~~ including one or more contiguous lots or tracts of land, as is reasonably necessary for use of the dwelling as a home, and may consist of a part of a multidwelling or multipurpose building and a part of the land upon which it is built. It does not include personal ~~preprty~~ property except that a mobile home may be a homestead. Any dwelling

or a part of a multidwelling or multipurpose building which is exempt from taxation shall not qualify as a homestead under the provisions of this division. A homestead must be located in this state.

9. "Property taxes due" means property taxes including any special assessments, but exclusive of delinquent interest and charges for services, due on a claimant's homestead in this state, but includes only property taxes for which the claimant is liable and which will actually be paid by the claimant. However, if the claimant is a person whose property taxes have been suspended under sections four hundred twenty-seven point eight (427.8) and four hundred twenty-seven point nine (427.9) of the Code, "property taxes due" means property taxes including any special assessments, but exclusive of delinquent interest and charges for services, due on a claimant's homestead in this state, but includes only property taxes for which the claimant is liable and which would have to be paid by the claimant if the payment of the taxes have not been suspended pursuant to sections four hundred twenty-seven point eight (427.8) and four hundred twenty-seven point nine (427.9) of the Code. "Property taxes due" shall be computed with no deduction for any credit under this division or for any homestead credit allowed under section 425.1. Each claim shall be based upon the taxes due during the fiscal year next following the base year. If a homestead is owned by two or more persons as joint tenants or tenants in common, and one or more persons are*not a member of claimant's household, "property taxes due" is that part of property taxes due on the homestead which equals the ownership percentage of the claimant and his or her household. The county treasurer shall include with the tax receipt a statement that if the owner of the property is sixty-five years of age or over or is totally disabled, or is a surviving spouse of such person who is over ~~the--age-of~~ fifty-five years of age, the person may be eligible for the credit allowed under this division. If a homestead is an integral part of a farm, the claimant may use the total property taxes due for the larger unit, ~~but not exceeding forty acres of land~~. If a homestead is an integral part of a multidwelling or multipurpose building the property taxes due for the purpose of this subsection shall be prorated to reflect the portion which the value of the property that the household occupies as its homestead is to the value of the entire structure. For purposes of this subsection, "unit" refers to that parcel of property covered by a single tax statement of which the homestead is a part.

Sec. 4. Section four hundred twenty-five point seventeen (425.17), subsection eleven (11), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter forty-three (43), section three (3), is amended by striking the subsection and inserting in lieu thereof the following:

11. "Base year" means the calendar year last ending before the claim is filed.

Sec. 5. Section four hundred twenty-five point twenty (425.20), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter forty-three (43), section six (6), is amended to read as follows:

*According to enrolled Act

425.20 FILING DATE. A claim for reimbursement for rent constituting property taxes paid shall not be paid or allowed, unless the claim is actually filed with and in the possession of the department of revenue on or before October thirty-first of the year following the base year.

A claim for credit for property taxes due shall not be paid or allowed unless the claim is actually filed with the county treasurer ~~on--or--before September--thirtieth--of~~ between January first and July first immediately preceding the fiscal year during which the property taxes are due and contains an affidavit of the claimant's intent to occupy the homestead for six months or more during the fiscal year ~~for beginning in the calendar year in~~ which the claim is filed. The county treasurer shall submit the claim to the director of revenue on or before ~~October-fifteenth~~ August first of each year.

In case of sickness, absence, or other disability of the claimant or if, in the judgment of the director of revenue, good cause exists and the claimant requests an extension prior to November first, or July first in the case of claim for credit for property taxes due, the director may extend the time for filing a claim for reimbursement or credit for a period not to exceed two months.

Sec. 6. Section four hundred twenty-seven point nine (427.9), Code 1979, is amended to read as follows:

427.9 SUSPENSION OF TAXES. Whenever a person is a recipient of federal supplementary security income or state supplementary assistance, as defined in section 249.1, or is a resident of a health care facility, as defined by section 135C.1, which is receiving payment from the department of social services for his or her care, ~~such the~~ such the person shall be deemed to be unable to contribute to the public revenue. The commissioner of social services shall ~~thereupon~~ notify the board of supervisors, of the county in which ~~such the~~ such the assisted person owns property, of the ~~aforsaid~~ fact, giving a statement of property, ~~real-and-personal,~~ owned, possessed, or upon which ~~said the~~ the person is paying taxes as a purchaser under contract. ~~It shall then be the duty of the~~ The board of supervisors so notified, without the filing of a petition and statement as specified in section 427.8, ~~to shall~~ shall order the county treasurer to suspend the collection of all the taxes assessed against ~~said the~~ the property and remaining unpaid by ~~such the~~ such the person or contractually payable by ~~him the person,~~ the person, for such time as ~~such the~~ such the person ~~shall-remain~~ remains the owner or contractually prospective owner of ~~such the~~ such the property, and during the period ~~such the~~ such the person receives assistance as described in this section. The commissioner of social services shall advise the person that the person may apply for an additional property tax credit pursuant to section four hundred twenty-five point sixteen (425.16) through four hundred twenty-five point thirty-nine (425.39) of the Code which shall be credited against the amount of the property taxes suspended.

Sec. 7. This Act, except for sections four (4) and five (5) of this Act, being deemed of immediate importance, takes effect from and after its publication in The Marion Sentinel, a newspaper published in Marion, Iowa,

and in The Cedar Rapids Gazette, a newspaper published in Cedar Rapids, Iowa. Sections four (4) and five (5) of this Act are effective January 1, 1981.

Approved May 26, 1980

I hereby certify that the foregoing Act, Senate File 2090, was published in The Marion Sentinel, Marion, Iowa on June 5, 1980, and in The Cedar Rapids Gazette, Cedar Rapids, Iowa on May 30, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1138

DISABLED PERSONS TAX ABATEMENT

S. F. 69

AN ACT relating to the income requirement of a totally disabled person seeking a special assessment tax abatement.

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

Section 1. Section four hundred twenty-five point twenty-three (425.23), subsection three (3), Code 1979 as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter forty-three (43), section nine (9), is amended to read as follows:

3. a. Any person who is eligible to file a claim for credit for property taxes due and who has a household income of five thousand dollars or less and who has a special assessment levied against the homestead may file a claim with the county treasurer that the claimant had a household income of five thousand dollars or less and that a special assessment is presently levied against the homestead. The department shall provide to the respective county treasurers such forms as are necessary for the administration of this subsection. The claim shall be filed not later than September thirtieth of each year. Upon the filing of the claim, no penalty or interest for late payment shall accrue against the amount of the special assessment due and payable. The claim filed by the claimant shall constitute a claim for credit of an amount equal to the actual amount due and payable upon the special assessment payable during the fiscal year against the homestead of the claimant or an amount equal to the annual payment of the special assessment levied against the homestead of the claimant and payable in annual installments through the period of years provided by the governing body of the city, whichever is less. The department of revenue shall, upon the filing of the claim with the department by the county treasurer, pay that amount of the special assessment during the current fiscal year to the county treasurer. The county treasurer shall submit the claims to the director of revenue not later than October fifteenth of each year. The director of revenue shall certify to the state comptroller the amount of reimbursement due each county for special assessment credits allowed under this subsection.

The amount of reimbursement due each county shall be paid by the state comptroller on November fifteenth of each year, drawn upon warrants payable to the respective county treasurer. There is appropriated annually from the general fund of the state to the department of revenue an amount sufficient to carry out the provisions of this subsection. The county treasurer shall credit any moneys received from the department against the amount of the special assessment due and payable on the homestead of the claimant.

b. For purposes of this subsection, a totally disabled person in computing household income shall deduct all medical and necessary care expenses paid during the twelve-month income tax accounting periods used in computing household income which are attributable to the person's total disability. "Medical and necessary care expenses" are those used in computing the federal income tax deduction under section 213 of the Internal Revenue Code of 1954 as defined in section four hundred twenty-two point four (422.4) of the Code.

Sec. 2. This Act is effective January first following enactment.

Approved May 19, 1980

CHAPTER 1139

CEMETERY ASSOCIATIONS AND LOCKER PLANTS

S. F. 2369

AN ACT relating to the taxation of property of cemetery associations and locker plants and making the Act retroactive.

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

Section 1. Section four hundred twenty-seven point one (427.1), subsection seven (7), Code 1979, is amended to read as follows:

7. PROPERTY OF ~~NONPROFIT~~ CEMETERY ASSOCIATIONS. Burial grounds, mausoleums, buildings and equipment owned and operated by ~~nonprofit~~ cemetery associations and used exclusively for the maintenance and care of the cemeteries devoted to interment of human bodies and human remains. The exemption granted by this subsection shall not apply to any property used for the practice of mortuary science.

Sec. 2. Chapter four hundred twenty-eight (428), Code 1979, is amended by adding the following new section:

NEW SECTION. For purposes of valuing and assessing property for tax purposes, locker plants shall be valued and assessed as commercial property. For purposes of this section, "locker plants" means any property used primarily for any or all of the following purposes:

1. To provide, as a part of its business operations, locker facilities which are rented at retail to consumers to be used for the storage of frozen meats, fish, or fowl owned by the person renting the locker.

2. To custom slaughter livestock under contract for a natural person and to process the carcass for the natural person by cutting, wrapping, and freezing the meat.

3. To process an animal carcass to offer at retail processed meat products to a natural person after the facility has purchased the livestock or carcass.

Sec. 3. This Act is retroactive to January 1, 1980 for the valuation of property on or after January 1, 1980.

Approved May 21, 1980

CHAPTER 1140

TAX EXEMPT PROPERTY — SALE OF FOOD AND DRINKS

S. F. 2060

AN ACT to permit the serving of food and beverages on the premises of certain tax exempt property.

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

Section 1. Section four hundred twenty-seven point one (427.1), subsections two (2), eleven (11), and twenty-five (25), Code 1979, are amended to read as follows:

2. MUNICIPAL AND MILITARY PROPERTY. The property of a county, township, city, school corporation, levee district, drainage district or military company of the state of Iowa, when devoted to public use and not held for pecuniary profit except property of a municipally owned electric utility held under joint ownership which shall be subject to assessment and taxation under provisions of chapters 428 and 437. The exemption for property owned by a city or county also applies to property which is operated by a city or county as a library, art gallery or museum, conservatory, botanical garden or display, observatory or science museum, or as a location for holding athletic contests, sports or entertainment events, expositions, meetings or conventions, or leased from the city or county for any such purposes. Food and beverages may be served at the events or locations without affecting the exemptions, provided the city has approved the serving of food and beverages on the property if the property is owned by the city or the county has approved the serving of food and beverages on the property if the property is owned by the county.

11. PROPERTY OF EDUCATIONAL INSTITUTIONS. Real estate owned by any educational institution of this state as a part of its endowment fund, to the extent of one hundred sixty acres in any civil township except any real property acquired after January 1, 1965, by any educational institution as a part of its endowment fund or upon which any income is derived or used, directly or indirectly, for full or partial payment for services rendered,

shall be taxed beginning with the levies applied for taxes payable in the year 1967, at the same rate as all other property of the same class in the taxing district ~~or-districts~~ in which ~~such~~ the real property is located. ~~Such~~ The property acquired prior to January 1, 1965, and held or owned as part of the endowment fund of an educational institution shall be subject to assessment and levy in the assessment year 1974 for taxes payable in 1975. All ~~such~~ the property shall be listed on the assessment rolls in the district ~~or-districts~~ in which ~~such~~ the property is located and an actual fair market value and an assessed or taxable value be ascribed to it, as contemplated by section 441.21, irrespective of whether an exemption under this subsection may be or is affirmed, and ~~such~~ the information shall be open to public inspection; it being the intent of this section that ~~such~~ the property be valued whether or not it ~~be~~ is subject to a levy. Every educational institution claiming an exemption under ~~the--provisions--of~~ this subsection shall file with the assessor not later than February 1 of the year for which ~~such~~ the exemption is requested, a statement upon forms to be prescribed by the director of revenue, describing and locating the property upon which ~~such~~ the exemption is claimed. Property which is located on the campus grounds and used for student union purposes may serve food and beverages without affecting its exemption received pursuant to subsection nine (9) or this subsection.

25. MANDATORY DENIAL. No exemption shall be granted upon any property which is the location of ~~a-federal-retail-liquor-sales-permit-or-in-which~~ federally licensed devices not lawfully permitted to operate under the laws of the state ~~of-Iowa-are-located~~.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in the West Des Moines Express, a newspaper published in West Des Moines, Iowa, and in the Urbandale News, a newspaper published in Urbandale, Iowa.

Approved April 7, 1980

I hereby certify that the foregoing Act, Senate File 2060, was published in the West Des Moines Express, West Des Moines, Iowa on April 10, 1980, and in the Urbandale News, Urbandale, Iowa on April 10, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1141
TAXABLE STATUS OF PROPERTY

S. F. 2298

AN ACT relating to the taxable status of property.

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

Section 1. Section four hundred twenty-seven point thirteen (427.13), unnumbered paragraph three (3), Code 1979, is amended by striking the unnumbered paragraph.

Sec. 2. Section four hundred forty-one point forty-six (441.46), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The assessment date of January 1 is the first date of an assessment year period which constitutes a calendar year commencing January 1 and ending December 31. All property tax statutes providing for tax exemptions or credits and requiring ~~as a prerequisite thereto~~, that a claim be filed, shall be construed to require such the claims to be filed during by July first of the assessment year. ~~In the event that~~ If no claim is required to be filed to procure an exemption or credit, the status of the property as exempt or taxable on ~~the levy date~~ July first of the fiscal year which commences during the assessment year determines its eligibility for exemption or credit. Any statute requiring proration of property taxes for any purpose shall be for the assessment fiscal year, ~~unless otherwise stated~~, and such the proration shall be based on the status of the property during the assessment fiscal year.

Sec. 3. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter sixty-eight (68), section six (6), is amended to read as follows:

SEC. 6. Chapter four hundred twenty-seven (427), Code 1979, is amended by adding the following new sections:

NEW SECTION. ~~Taxable property on the tax rolls on July first of each year is subject to all property taxes levied and payable during the fiscal year.~~ If property which may be exempt from taxation is acquired after July first by a person or the state or any of its political subdivisions ~~and the person or the state or any of its political subdivisions files for a tax exemption for the property~~, the exemption shall not be denied allowed for that fiscal year and the person or the state or any of its political subdivisions shall pay the property taxes levied against the property for that fiscal year, and payable in the following fiscal year. However, the seller and the purchaser may designate, by written agreement, the party responsible for payment of the property taxes due.

NEW SECTION. All credits for and exemptions from property taxes for which an application is required shall be granted on the basis of eligibility in the fiscal year in for which the application is filed, ~~unless otherwise provided by law~~. If the property which has received a credit or exemption

becomes ineligible for the credit or exemption during the fiscal year for which it was granted, the property ~~shall be~~ is subject to the taxes in a prorated amount for that part of the fiscal year for which the property was ineligible for the credit or exemption, ~~unless otherwise provided by law.~~

Approved May 17, 1980

CHAPTER 1142
JUDICIAL REVIEW OF TAX ASSESSMENTS

S. F. 2264

AN ACT relating to the notice, appeal and judicial review of valuations and tax assessments made by the director of revenue.

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

Section 1. Sections two (2), three (3) and four (4) of this Act shall be codified as a new chapter of the Code.

Sec. 2. NEW SECTION. NOTICE OF ASSESSMENT. The director of revenue shall, at the time of making the assessment of property as provided in chapters four hundred twenty-eight (428), four hundred thirty-three (433), four hundred thirty-four (434), four hundred thirty-six (436), four hundred thirty-seven (437), and four hundred thirty-eight (438) of the Code, inform the person assessed, by certified mail, of the valuation put upon the taxpayer's property. The notice shall contain a notice of the taxpayer's right of appeal to the state board of tax review as provided in section three (3) of this Act.

Sec. 3. NEW SECTION. APPEAL. Notwithstanding the provisions of chapter seventeen A (17A) of the Code, the taxpayer shall have thirty days from the date of postmark of the notice of assessment to appeal the assessment to the state board of tax review. Thereafter, the proceedings before the state board of tax review shall conform to section four hundred twenty-one point one (421.1), subsection four (4) and chapter seventeen A (17A) of the Code.

Sec. 4. NEW SECTION. JUDICIAL REVIEW. Judicial review of the action of the state board of tax review may be sought by the taxpayer in accordance with the terms of chapter seventeen A (17A) of the Code.

Sec. 5. Section four hundred thirty-five point six (435.6), Code 1979, is amended by adding after unnumbered paragraph two (2) the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the tax due is greater than the amount paid, the department shall compute the amount due, together with interest and penalties as provided in section four hundred thirty-five point five (435.5) of the Code, and shall notify the taxpayer by certified mail of the total if paid on or before the last day of the month in which the notice is postmarked.

Sec. 6. Sections four hundred twenty-eight point thirty (428.30) and four hundred twenty-eight point thirty-one (428.31), Code 1979, are repealed.

Approved May 19, 1980

CHAPTER 1143
DECLARATIONS OF VALUE

S. F. 2071

AN ACT to provide that declarations of value shall be public information.

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

Section 1. Section four hundred twenty-eight A point one (428A.1), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

At the time each deed, instrument, or writing by which any real property in this state shall be granted, assigned, transferred, or otherwise conveyed is presented for recording to the county recorder, a declaration of value signed by at least one of the sellers or one of the buyers or their agents shall be submitted to the county recorder. A declaration of value shall not be required for those instruments described in section 428A.2, subsections 2 to 13, or where any transfer is the result of acquisition of lands, whether by contract or condemnation, for public purposes through an exercise of the power of eminent domain. The declaration of value shall state the full consideration paid for the real property transferred. If agricultural land, as defined in section 172C.1, is purchased by a corporation, limited partnership, trust, alien or nonresident alien, ~~that--portion--of~~ the declaration of value ~~which--lists~~ shall include the name and address of the buyer, the name and address of the seller, a legal description of the agricultural land, and ~~identifying~~ identify the buyer as a corporation, limited partnership, trust, alien, or nonresident alien ~~shall-be-a-public record~~. The county recorder shall not record the declaration of value, but shall enter on the declaration of value such information as the director of revenue may require for the production of the sales/assessment ratio study and transmit all declarations of value to the city or county assessor in whose jurisdiction the property is located. The city or county assessor shall enter on the declaration of value such information as the director of revenue may require for the production of the sales/assessment ratio study and transmit all declarations of value to the director of revenue, at such times as directed by the director of revenue. The director of revenue shall, upon receipt of the information required to be filed under the provisions of this chapter by the city or county assessor, send to the office of the secretary of state that part of the declaration of value ~~which is--public record~~ identifies a corporation, limited partnership, trust, alien, or nonresident alien as a purchaser of agricultural land as defined in section

one hundred seventy-two C point one (172C.1) of the Code. The county recorder shall not retain any a copy of a the declaration of value for the recorder's records,--except--that--the-county-recorder which shall retain be available for public inspection a-copy-of-that-portion-of-the-declaration--of value-which-is-public-record.

Sec. 2. Section four hundred twenty-eight A point fifteen (428A.15), unnumbered paragraphs two (2) and three (3), Code 1979, are amended by striking the unnumbered paragraphs.

Sec. 3. This Act shall take effect and be in force on and retroactive to January 1, 1980, after its publication in the Adair County Free-Press, a newspaper published in Greenfield, Iowa, and in the Cherokee Daily Times, a newspaper published in Cherokee, Iowa.

Approved May 26, 1980

I hereby certify that the foregoing Act, Senate File 2071, was published in the Adair County Free-Press, Greenfield, Iowa on June 4, 1980, and in the Cherokee Daily Times, Cherokee, Iowa on May 30, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1144

FAMILY CORPORATION REAL ESTATE TRANSFER

H. F. 741

AN ACT to exempt from the real estate transfer tax certain deeds between family corporations and their stockholders.

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

Section 1. Section four hundred twenty-eight A point two (428A.2), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Deeds between a family corporation and its stockholders for the purpose of transferring real property in an incorporation or corporate dissolution under the laws of this state, where the deeds are given for no actual consideration other than for shares of stock or for debt securities of the corporation. For purposes of this subsection a family corporation is a corporation where the majority of the voting stock is held by and the majority of the stockholders are persons related to each other as spouse, parent, grandparent, lineal ascendants 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 where all of its stockholders are natural persons or persons acting in a fiduciary capacity for the benefit of natural persons.

Approved March 10, 1980

CHAPTER 1145

GIFTED AND TALENTED SCHOOL CHILDREN

H. F. 2275

AN ACT to provide additional allowable growth for financing programs for gifted and talented children for the 1980-1981 school year.

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

Section 1. Section four hundred forty-two point thirty-one (442.31), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section twenty (20), is amended to read as follows:

442.31 GIFTED AND TALENTED CHILDREN. For the school years beginning July 1, 1979 and July 1, 1980 only, a school district may make application to the department of public instruction for programs of instruction for gifted and talented children to be funded for the school year beginning July 1, 1979 by an increase in allowable growth, as defined in section 442.7 and funded for the school year beginning July 1, 1980, by both an increase in allowable growth, as defined in section four hundred forty-two point seven (442.7) of the Code and moneys appropriated in Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section seven (7), subsection twelve (12), ~~of this Act. The department shall not approve programs for which the total budgets are in excess of funds appropriated in section seven (7), subsection twelve (12), of this Act. The department shall transmit moneys allocated to each school district for a program approved under section 442.34 to that school district and the moneys shall be considered miscellaneous income and shall not be included in district cost.~~ The department shall promulgate rules under the provisions of chapter 17A relating to administration of sections 442.31 to 442.36. The rules shall require that approved gifted and talented children programs provide each child with an individually guided educational program which considers the individual abilities and needs of each child.

Sec. 2. Section four hundred forty-two point thirty-four (442.34), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section twenty-one (21), is amended to read as follows:

442.34 PROGRAMS APPROVED. The department of public instruction may approve gifted and talented children programs for the school year beginning July 1, 1979, for not more than ten school districts in this state, and for the school year beginning July 1, 1980 may renew approval for the programs established for the school year beginning July 1, 1979 and may approve additional programs for gifted and talented children in school districts in this state, including districts of various enrollments and geographic locations. The department shall approve at least one program in each area education agency to the extent that districts in an area education agency

make application for approval of a program of instruction which meets the qualifications for approval prescribed in the rules of the department. A single program may be provided by two or more districts acting jointly. For the school year beginning July 1, 1980, the department may allocate an amount to each school district not to exceed one-half the approved budget of the gifted and talented program for that school district. If moneys appropriated under Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section seven (7), subsection twelve (12) are insufficient to meet the allocation under this section, the department shall prorate the moneys allocated to each district.

Sec. 3. Section four hundred forty-two point thirty-five (442.35), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section twenty-two (22), is amended to read as follows:

442.35 COMMITTEE INFORMED. ~~For the school year beginning July 1, 1979,~~ the The department shall inform the school budget review committee of the names of the school districts approved for gifted and talented children programs and the approved budget of each program listed separately for each district and for the school year beginning July 1, 1980, listing the amount of moneys allocated to each district from funds appropriated under Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section seven (7), subsection twelve (12). The school budget review committee shall approve a modified allowable growth for each such district as an unusual circumstance, under the authority granted to it in section 442.13, to provide funds equal to the budget approved by the department of public instruction for the school year beginning July 1, 1979, and equal to the difference between the budget approved for a school district and the amount of moneys allocated to each district from funds appropriated under Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirteen (13), section seven (7), subsection twelve (12) for the school year beginning July 1, 1980.

Sec. 4. This Act, being deemed of immediate importance, takes effect from and after its publication in The Kanawha Reporter, a newspaper published in Kanawha, Iowa, and in the West Des Moines Express, a newspaper published in West Des Moines, Iowa.

Approved March 25, 1980

I hereby certify that the foregoing Act, House File 2275, was published in The Kanawha Reporter, Kanawha, Iowa on April 3, 1980, and in the West Des Moines Express, West Des Moines, Iowa on April 3, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1146
COUNTY AMBULANCE SERVICE

H. F. 2581

AN ACT to authorize county boards of supervisors to levy a tax for support of ambulance service, under certain circumstances.

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

Section 1. Chapter four hundred forty-four (444), Code 1979, is amended by adding the following new section:

NEW SECTION. OPTIONAL AMBULANCE SERVICE LEVY--REFERENDUM.

1. When so authorized pursuant to subsection two (2) of this section, the board of supervisors may levy a tax of not more than twenty-seven cents per thousand dollars of assessed value of the taxable property in the county to support ambulance service provided for the county under section three hundred thirty-two point three (332.3), subsection twenty-three (23) of the Code, or under section three hundred forty-seven point fourteen (347.14), subsection thirteen (13) of the Code, if the county general fund levy authorized by section four hundred forty-four point nine (444.9), subsection two (2) of the Code is at the maximum amount permitted by that subsection, the board has exhausted its right of appeal under section twenty-four point forty-eight (24.48) of the Code, and the board finds by resolution that it is not feasible to support ambulance service from the general fund. However:

a. If the board of supervisors has budgeted an amount from the general fund to support ambulance service which is less than the amount that would be raised in the county by a levy of twenty-seven cents per thousand dollars of assessed value, and the board finds by resolution that it is not feasible to provide additional support for ambulance service from the general fund, the board may levy under this section an amount not more than the difference between the proceeds of a levy of twenty-seven cents per thousand dollars of assessed value in the county and the amount budgeted from the general fund to support ambulance service.

b. If the county has established a county general hospital under chapter three hundred forty-seven (347) of the Code, and the board of trustees of that hospital has budgeted for support of ambulance service some part of the proceeds of a levy for operation and maintenance of the hospital, made under section three hundred forty-seven point twenty-seven (347.27), unnumbered paragraph four (4) of the Code, and the board of trustees finds by resolution that it is not feasible to provide additional support for ambulance service from the proceeds of that levy, the board of supervisors may levy under this section an amount not more than the difference between the proceeds of a levy of twenty-seven cents per thousand dollars of assessed value in the county and the amount budgeted to support ambulance service from the county general hospital operation and maintenance levy. No tax levied under this paragraph

shall be applicable to a township in which ambulance service is being provided by the township trustees pursuant to section three hundred fifty-nine point forty-two (359.42) of the Code.

2. A board of supervisors shall not make a levy under this section unless authorized to do so by a referendum held in the county concurrently with a general election. When so directed by the board of supervisors, at least fifty-five days before the next succeeding general election, the county commissioner of elections shall submit to the voters of the county at that general election, as provided by sections forty-nine point forty-three (49.43) through forty-nine point forty-five (49.45) of the Code, a question in substantially the following form:

"Shall the board of supervisors of _____ county be authorized to levy a tax of not more than twenty-seven cents per thousand dollars of assessed value to support ambulance service, in the manner and subject to the restrictions provided in subsection one (1) of this section, each year for four years beginning next July first?"

If the question receives the affirmative vote of a majority of all electors voting for and against it, the board of supervisors may levy a tax as provided in subsection one (1) of this section in the county budget year beginning July first following the general election at which the referendum is held, and in each of the next four succeeding county budget years.

3. The support of the ambulance service authorized under this section shall be assessed on a proportionate basis by which each taxing unit shall bear its share in proportion that its population is to the total population of all taxing units receiving the ambulance service within the county. The board of supervisors shall estimate annually the amount necessary for the support of the ambulance service and shall transmit the estimate in dollars to the city councils within the county in which the ambulance service is provided. A city may be excluded from the ambulance service by resolution of the city council. The unincorporated area of the county, excluding any township which provides ambulance service as provided under section three hundred fifty-nine point forty-two (359.42) of the Code, is a separate taxing unit. Each city which receives ambulance service under this section is a separate taxing unit. The board of supervisors and the council of each city receiving ambulance service under this section shall certify or make the necessary levies as provided in this subsection for the support of the ambulance services, subject to the tax levy limitation and requirements of subsection one (1) or two (2) of this section.

4. As used in this section, ambulance service includes services provided by a rescue unit of a fire or public safety department.

Sec. 2. This Act takes effect January first following its enactment.

Approved May 26, 1980

CHAPTER 1147
RECAPTURE OF TAXES
H. F. 733

AN ACT relating to the recapture of taxes on certain classes of property when a change in use of the property occurs and making the Act retroactive.

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

Section 1. Section four hundred forty-five point sixty-three (445.63), Code 1979, is repealed.

Sec. 2. This Act is retroactive to January 1, 1978 for additional taxes levied and payable on property on which a change of use has occurred.

Sec. 3. This Act, being deemed of immediate importance, shall take effect from and after its publication in *The Hamburg Reporter*, a newspaper published in Hamburg, Iowa, and in the *Grinnell Herald-Register*, a newspaper published in Grinnell, Iowa.

Approved May 24, 1980

I hereby certify that the foregoing Act, House File 733, was published in *The Hamburg Reporter*, Hamburg, Iowa on June 5, 1980, and in the *Grinnell Herald-Register*, Grinnell, Iowa on June 2, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1148
NATURAL RESOURCE AGENCIES
S. F. 205

AN ACT relating to certain natural resource agencies of the state and the regulation and use of natural resources, by reorganizing the department of environmental quality; creating an environmental quality commission; transferring the powers and duties of the executive committee, air quality commission, water quality commission, and solid waste disposal commission to the environmental quality commission; by transferring the powers and duties of the chemical technology commission to the department of agriculture; authorizing the acquisition and lease of land for hazardous waste treatment or disposal; abolishing the geology board and amending provisions of chapter three hundred five (305) of the Code relating to the duties of the state geologist and expense reimbursement for the state geologist and employees of the geological survey; making coordinating amendments to the Code; and subjecting violators to penalties.

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

Section 1. Section four hundred fifty-five B point one (455B.1), subsection three (3), Code 1979, is amended by striking the subsection and inserting in lieu thereof the following:

3. "Commission" means the environmental quality commission.

Sec. 2. Section four hundred fifty-five B point three (455B.3), subsections one (1), two (2), three (3), four (4), five (5), and six (6), Code 1979, are amended to read as follows:

1. Recommend to the ~~executive-committee~~ commission the adoption of rules that are necessary for the effective administration of the department.

2. Recommend to the ~~appropriate~~ commission ~~within--the--department~~ the adoption of rules to implement the programs and services assigned to ~~them~~ it.

3. Direct and administer the programs and services of the department in compliance with the rules adopted by the ~~executive--committee--and--the~~ commissions commission.

4. Perform other duties assigned by the ~~executive-committee~~ commission.

5. Establish or reorganize, with the approval of the ~~executive--committee~~ commission, the administrative structure of the department.

6. Contract, with the approval of the ~~executive-committee~~ commission, with public agencies of this state to provide all laboratory, scientific field measurement and environmental quality evaluation services necessary to implement the provisions of this chapter. If the executive director finds that public agencies of this state cannot provide the laboratory, scientific field measurement and environmental evaluation services required by the department, he or she may contract, with the approval of the ~~executive~~ committee commission, with any other public or private persons or agencies

for such services or for scientific or technical services required to carry out the programs and services assigned to the department.

Sec. 3. Section four hundred fifty-five B point three (455B.3), subsection eight (8), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Conduct investigations of complaints received directly or referred by ~~any of--the--commissions~~ the commission created in section 455B.4 or such other investigations deemed necessary. While conducting an investigation, the executive director may enter at any reasonable time in and upon any private or public property, except private dwellings, to investigate any actual or possible violation of the provisions of this chapter or the rules or standards adopted under this chapter. However, the owner or person in charge shall be notified.

Sec. 4. Section four hundred fifty-five B point three (455B.3), subsection eight (8), paragraph d, subparagraph two (2), Code 1979, is amended to read as follows:

(2) In a reasonable manner, and any property seized shall be treated in accordance with the provisions of ~~chapter-751~~ chapters eight hundred eight (808) and eight hundred nine (809) of the Code.

Sec. 5. Section four hundred fifty-five B point three (455B.3), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The executive director may appoint, with the approval of the ~~executive committee~~ commission, the technical, professional, secretarial, and clerical staff necessary to accomplish the purposes of this chapter, subject to the provisions of chapter 19A.

Sec. 6. Section four hundred fifty-five B point three (455B.3), Code 1979, is amended by adding the following new subsections:

NEW SUBSECTION. Accept, receive and administer grants or other funds or gifts from public or private agencies, including the federal government, for the abatement, prevention, or control of pollution, or other environmental programs, subject to the approval of the commission.

NEW SUBSECTION. Represent the state in all matters pertaining to plans, procedures, negotiations, and agreements for interstate compacts relating to the control of pollution or the protection or enhancement of the environment. Any agreement is subject to the approval of the commission.

Sec. 7. Section four hundred fifty-five B point four (455B.4), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File two thousand three hundred one (2301), section sixty-nine (69), is amended by striking the section and inserting in lieu thereof the following:

455B.4 ENVIRONMENTAL QUALITY COMMISSION.

1. There is created an environmental quality commission consisting of nine members, not more than five of whom shall be from the same political party. The members shall be appointed by the governor subject to confirmation by the senate. Each member of the commission must be an elector of the state, and have interest and knowledge of the subjects embraced in this chapter. The membership of the commission shall be as follows: three members actively engaged in livestock and grain farming, a member actively engaged in the management of a manufacturing company, one member actively

engaged in the business of finance or commerce, and four members who are electors of the state. The members of the commission shall be appointed to four-year terms of office commencing and ending as provided in Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File two thousand three hundred one (2301), section three (3). Vacancies occurring during a term of office shall be filled by appointment for the balance of the unexpired term subject to confirmation by the Senate. A commission member shall not be appointed to serve more than two consecutive four-year terms.

2. The commission shall organize annually with the election of a chairperson and vice chairperson. The commission shall meet monthly and at the call of the chairperson or upon written request of a majority of the members of the commission. The executive director shall attend the meetings of the commission and act as secretary to the commission.

3. A majority of the voting members of the commission shall constitute a quorum and the concurrence of a majority of the voting members shall be required to determine any matter relating to its powers and duties.

4. The members of the commission who are not in the full-time employment of a public agency shall be paid a per diem of forty dollars while engaged in the performance of the duties of office. Members shall be reimbursed for their actual and necessary expenses while performing the duties of office. Per diem and expenses shall be paid from funds appropriated to the department.

5. The members of the commission shall represent the public interest and at least a majority of the commission membership shall not derive more than ten percent of their income from any person subject to permits or enforcement orders under this chapter. A potential conflict of interest by a commission member shall be immediately disclosed to the commission and the department. In the case of conflict of interest, the commission member involved shall immediately withdraw from consideration of the issuance of a permit or enforcement action by the commission and shall not express an opinion on the matter to any other commission member involved in the consideration of the issuance of the permit or enforcement action. A "conflict of interest" arises when a commission member receives directly or indirectly personal income from a person subject to permit or enforcement action pending before the commission.

6. The executive director shall notify the secretary of agriculture, the commissioner of public health, the chief administrative officer of the department of soil conservation, the director of the Iowa natural resources council, the director of the state conservation commission and the director of the state hygienic laboratory of the scheduled meetings of the commission.

Sec. 8. Section four hundred fifty-five B point five (455B.5), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

455B.5 POWERS AND DUTIES OF THE COMMISSION. The commission shall:

1. Establish policy for the implementation of programs under its jurisdiction. The commission shall appoint advisory committees to advise the commission and the executive director in carrying out their respective powers and duties.

2. Advise, consult, and cooperate with other agencies of the state, political subdivisions, and any other public or private agency to promote the orderly, efficient, and effective accomplishment of its responsibilities.

3. Adopt, modify, or repeal rules necessary to implement the provisions of this chapter and the rules deemed necessary for the effective administration of the department. The rules shall include departmental policy relating to the disclosure of information on a violation or alleged violation of the rules, standards, permits or orders issued by the department and keeping of confidential information obtained by the department in the administration and enforcement of the provisions of this chapter. Rules adopted by the executive committee before January 1, 1981 shall remain effective until modified or rescinded by action of the commission.

4. Approve the departmental budget request prior to submission to the state comptroller. The commission may increase, decrease, or strike any proposed expenditure within the departmental budget request before granting approval.

5. Issue orders and directives necessary to insure integration and coordination of the programs administered by the department.

6. Make a concise annual report to the governor and the general assembly, which report shall contain information relating to the accomplishments and status of the programs administered by the department and include recommendations for legislative action which may be required to protect or enhance the environment or to modernize the operation of the department or any of the programs or services assigned to the department and recommendations for the transfer of powers and duties of the department as deemed advisable by the commission. The annual report shall conform to the provisions of section seventeen point three (17.3) of the Code.

7. Approve all contracts and agreements between the department and other public or private persons or agencies.

8. Obtain an adequate public employees fidelity bond to cover those officers and employees of the department accountable for property or funds of this state.

9. Hold public hearings, except when the evidence to be received is confidential pursuant to this chapter or chapter sixty-eight A (68A) of the Code, necessary to carry out its powers and duties. The commission may issue subpoenas requiring the attendance of witnesses and the production of evidence pertinent to the hearings. A subpoena shall be issued and enforced in the same manner as provided in civil actions.

10. Upon request of at least four members of the commission before adopting or modifying a rule, the executive director shall prepare and publish with the notice required under section seventeen A point four (17A.4), subsection one (1), paragraph a of the Code, a comprehensive estimate of the economic impact of the proposed rule or modification.

Sec. 9. Section four hundred fifty-five B point six (455B.6), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

455B.6 APPEAL BOARD. In lieu of an appeal being heard by the full membership of the commission, the chairperson of the commission may appoint

an appeal board consisting of three or more members of the commission or a hearing officer to conduct a hearing on the appeal of an aggrieved person from the action or order of the executive director as provided in chapter seventeen A (17A) of the Code.

Sec. 10. Section four hundred fifty-five B point nine (455B.9), Code 1979, is amended to read as follows:

455B.9 OFFICE FACILITIES. The ~~executive council~~ department of general services shall provide the department with appropriate office facilities.

Sec. 11. Section four hundred fifty-five B point ten (455B.10), subsection six (6), Code 1979, is amended by striking the subsection.

Sec. 12. Section four hundred fifty-five B point twelve (455B.12), subsections five (5), six (6), seven (7), eight (8), eleven (11), twelve (12), thirteen (13), and fourteen (14), Code 1979, are amended by striking the subsections.

Sec. 13. Section four hundred fifty-five B point thirteen (455B.13), subsection three (3), paragraph c, Code 1979, is amended to read as follows:

c. Upon denial of such a permit, the applicant shall be notified of such denial and informed of the reason or reasons therefor, and such applicant shall be entitled to a hearing before the commission ~~as provided in section 455B.12, subsection 6.~~

Sec. 14. Section four hundred fifty-five B point thirteen (455B.13), subsection six (6), Code 1979, is amended by striking the subsection.

Sec. 15. Section four hundred fifty-five B point thirteen (455B.13), Code 1979, is amended by adding the following new subsections:

NEW SUBSECTION. Consider complaints of conditions reported to, or considered likely to, constitute air pollution, and investigate such complaints upon receipt of the written petition of any state agency, the governing body of a political subdivision, a local board of health, or twenty-five affected residents of the state.

NEW SUBSECTION. Issue orders consistent with rules to cause the abatement or control of air pollution. In making the orders, the executive director shall consider the facts and circumstances bearing upon the reasonableness of the emissions involved, including but not limited to, the character and degree of injury to, or interference with, the protection of health and the physical property of the public, the practicability of reducing or limiting the emissions from the air pollution source, and the suitability or unsuitability of the air pollution source to the area where it is located. An order may include advisory recommendations for the control of emissions from an air contaminant source and the reduction of the emission of air contaminants.

NEW SUBSECTION. Encourage voluntary cooperation by persons or affected groups in restoring and preserving a reasonable quality of air within the state.

NEW SUBSECTION. Encourage political subdivisions to handle air pollution problems within their respective jurisdictions.

NEW SUBSECTION. Review and evaluate air pollution control programs conducted by political subdivisions of the state with respect to whether the programs are consistent with the provisions of division two (II) of this chapter and rules adopted by the commission.

NEW SUBSECTION. Hold public hearings, except when the evidence to be received is confidential pursuant to section four hundred fifty-five B point sixteen (455B.16) of the Code, necessary to accomplish the purposes of division two (II) of this chapter. The executive director may issue subpoenas requiring the attendance of witnesses and the production of evidence pertinent to the hearings. A subpoena shall be issued and enforced in the same manner as in civil actions.

Sec. 16. Section four hundred fifty-five B point seventeen (455B.17), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

455B.17 RESOLUTION OF VIOLATIONS--APPEAL.

1. When the executive director has evidence that a violation of any provision of division two (II) of this chapter, or rule, standard or permit established or issued under division two (II) of this chapter has occurred, the executive director shall notify the alleged violator and, by informal negotiation, attempt to resolve the problem. If the negotiations fail to resolve the problem within a reasonable period of time, the executive director shall issue an order directing the violator to prevent, abate or control the emissions or air pollution involved. The order shall prescribe the date by which the violation shall cease and may prescribe timetables for necessary action to prevent, abate or control the emissions of air pollution. The order may be appealed to the commission.

2. After the hearing on appeal, the commission may affirm, modify or rescind the order of the executive director.

3. The executive director shall keep a complete record of the hearings and proceeding and the record shall be open to public inspection, subject to section four hundred fifty-five B point sixteen (455B.16) of the Code. Upon request, a copy of the transcript shall be furnished to the violator or alleged violator at his or her expense.

4. An appeal to the commission under this section shall be conducted as a contested case under chapter seventeen A (17A) of the Code.

Sec. 17. Section four hundred fifty-five B point eighteen (455B.18), Code 1979, is amended to read as follows:

455B.18 EMERGENCY ORDERS. If the ~~commission or~~ executive director has evidence that any person is causing air pollution and that such pollution creates an emergency requiring immediate action to protect the public health and safety, or property, ~~either~~ the executive director may, without notice ~~or hearing~~, issue an emergency order requiring such person to reduce or discontinue immediately the emission of air contaminants. A copy of the emergency order shall be served ~~as provided in section 455B.17, subsection 1 by personal service.~~ An emergency order issued by ~~the commission or~~ the executive director ~~shall be effective immediately and binding until reviewed by the commission at a public hearing or modified or rescinded by a district court~~ may be appealed to the commission. After hearing on appeal, the commission may affirm, modify or rescind the order of the executive director.

Sec. 18. Section four hundred fifty-five B point twenty (455B.20), Code 1979, is amended to read as follows:

455B.20 LEGAL ACTION. If action to prevent, control, or abate air pollution is not taken in accordance with the rules established, or orders issued by the commission department, or if ~~the commission or~~ the executive director has evidence that an emergency exists by reason of air pollution which requires immediate action to protect the public health or property, the attorney general, at the request of ~~the commission or~~ the executive director, shall commence legal action, in the name of the state, for an injunction to prevent any further or continued violation of such rule or order. ~~In an action for an injunction, any previous findings of the commission, after due notice and hearing, shall be prima facie evidence of the fact or facts found therein.~~

Sec. 19. Section four hundred fifty-five B point twenty-one (455B.21), Code 1979, is amended to read as follows:

455B.21 BURDEN OF PROOF. In all proceedings with respect to any alleged violation of the provisions of this division II or any rule established by the commission, the burden of proof shall be upon the commission department except in an action for an injunction as provided in section 455B.20.

Sec. 20. Section four hundred fifty-five B point twenty-two (455B.22), Code 1979, is amended to read as follows:

455B.22 VARIANCE. Any person who owns or operates any plant, building, structure, process, or equipment may apply for a variance from the rules or standards ~~governing the quality, nature, duration, or extent of emissions~~ adopted by the commission by filing an application with the department. The application shall be accompanied by such information and data required by the commission.

1. The executive director shall promptly investigate the application and ~~recommend to the commission the disposition of such~~ approve or disapprove the application. The commission executive director may grant a variance if ~~it~~ the executive director finds that:

a. The emissions occurring or proposed to occur do not endanger or tend to endanger human health or safety or property; and

b. Compliance with the rules or standards from which the variance is sought will produce serious hardship without equal or greater benefits to the public.

2. ~~A public hearing, subject to the provisions of section 455B.16, shall be held if the commission concludes that a hearing is advisable.~~ The applicant may request a review hearing before the commission if ~~his~~ the application is denied.

3. In determining under what conditions and to what extent a variance may be granted, the commission executive director shall give due recognition to the progress which the applicant has made toward eliminating or preventing air pollution. In such a case, the commission executive director shall consider the reasonableness of the request, conditioned upon such applicant effecting a partial abatement of the particular air pollution within a reasonable period of time, or the commission executive director may prescribe other requirements with which such applicant shall comply.

4. The commission executive director may grant a variance for a specified period of time, not exceeding one year, and the commission executive director

may further specify that the applicant make periodic reports specifying the progress that has been made toward compliance with any rule for which the variance was granted. A variance may be extended from year to year by affirmative action of the ~~commission~~ executive director.

5. The executive director shall maintain a record of each variance granted specifying the reasons for its issuance or extension.

Sec. 21. Section four hundred fifty-five B point twenty-four (455B.24), Code 1979, is amended to read as follows:

455B.24 ACCEPTANCE OF LOCAL PROGRAM. When an air pollution control program conducted by a political subdivision, or a combination thereof, is deemed upon review as provided in section ~~455B.12, subsection 11~~ four hundred fifty-five B point thirteen (455B.13) of the Code, to be consistent with the provisions of this division II or the rules established thereunder, the ~~commission~~ executive director shall accept such program in lieu of state administration and regulation of air pollution within the political subdivisions involved. Nothing contained in this section shall be construed to limit the power of ~~the--commission--or~~ the executive director to take emergency action under the provisions of sections 455B.18 and 455B.20 or to administer a part of the local program that has been suspended.

1. In evaluating an air pollution control program, consideration shall be given to whether such program provides for the following:

a. Ordinances, rules and standards establishing requirements consistent with, or more strict than, those imposed by this division II or rules and standards adopted by the commission.

b. Enforcement of such requirements by appropriate administrative and judicial process.

c. Administrative organization, staff, financial and other resources necessary to administer an efficient and effective program.

d. Location of emission monitoring devices in areas of the political subdivision in compliance with uniform state standards adopted by the commission. The commission shall adopt uniform state standards for the location of emission monitoring devices specifying such intervals and such procedures to provide a reasonably consistent measurement of emissions from air contaminant sources regardless of the political subdivision of the state in which the sources may be located.

2. Upon acceptance of a local air pollution control program, the ~~commission~~ executive director shall issue a certificate of acceptance to the appropriate local agency.

a. Any political subdivision desiring a certificate of acceptance shall apply to the department on forms prescribed by the ~~commission~~ executive director.

b. The executive director shall promptly investigate the application and ~~recommend--the--disposition--of--such~~ approve or disapprove the application to the commission. The ~~commission~~ executive director may conduct a public hearing before action is taken ~~on--the--recommendation~~ to approve or disapprove. If the ~~recommendation-is-against~~ executive director disapproves issuing a certificate, the political subdivision ~~shall-be-entitled-to-a public-hearing-as-provided-in-section-455B.17~~ may appeal the action to the

commission. At the ~~public~~ hearing on appeal, the commission shall decide whether the local program is substantially consistent with the provisions of this division II, or rules adopted thereunder, and whether the local program is being enforced. The burden of proof shall be upon the political subdivision.

c. If the ~~commission~~ executive director determines at any time that a local air pollution program is being conducted in a manner inconsistent with the substantive provisions of this division II or the rules adopted thereunder, the ~~commission~~ executive director shall notify the political subdivision, citing the deviations from the acceptable standards and the corrective measures to be completed within a reasonable amount of time. If the corrective measures are not implemented as prescribed, the ~~commission~~ executive director shall suspend in whole or in part the certificate of acceptance of such political subdivision and shall administer the regulatory provisions of said division in whole or in part within the political subdivision until the appropriate standards are met. Upon receipt of evidence that necessary corrective action has been taken, the ~~commission~~ executive director shall reinstate the suspended certificate of acceptance, and the political subdivision shall resume the administration of the local air pollution control program within its jurisdiction. In cases where the certificate of acceptance is suspended, the political subdivision ~~is entitled to a public hearing as provided in section 455B-17~~ may appeal the suspension to the commission.

d. Nothing in this division II shall be construed to supersede the jurisdiction of any local air pollution control program in operation on the first of January, 1973, except that any such program shall meet all requirements of said division.

Sec. 22. Section four hundred fifty-five B point twenty-nine (455B.29), Code 1979, is amended to read as follows:

455B.29 PRIOR RULES. Any rule adopted or order or variance issued under chapter 136B of prior Codes by the Iowa air pollution control commission or by the state department of health or under division two (II) of this chapter by the air quality commission before January 1, 1981, shall remain effective until modified or rescinded by action of the ~~air quality~~ commission unless ~~such~~ the rule is inconsistent or contrary to this division II.

Sec. 23. Section four hundred fifty-five B point thirty (455B.30), subsection eleven (11), Code 1979, is amended by striking the subsection.

Sec. 24. Section four hundred fifty-five B point thirty-two (455B.32), subsection six (6), Code 1979, is amended by striking the subsection.

Sec. 25. Section four hundred fifty-five B point thirty-two (455B.32), subsection ten (10), Code 1979, is amended to read as follows:

10. Adopt a statewide plan for the provision of safe drinking water under emergency circumstances. All public agencies, as defined in chapter 28E, shall ~~co-operate~~ cooperate in the development and implementation of the plan. The plan shall detail the manner in which the various state and local agencies shall participate in the response to an emergency. The department may enter into any agreement, subject to ~~section--455B-7~~ approval of the commission, with any state agency or unit of local government or with the

federal government which may be necessary to establish the role of such agencies in regard to the plan. This plan shall be ~~co-ordinated~~ coordinated with ~~civil-defense~~ disaster emergency plans.

Sec. 26. Section four hundred fifty-five B point thirty-four (455B.34), subsection three (3), Code 1979, is amended to read as follows:

3. The executive director ~~of the commission~~, with the approval of the commission, may request the attorney general to institute legal proceedings pursuant to section 455B.49.

Sec. 27. Section four hundred fifty-five B point forty-two (455B.42), Code 1979, is amended to read as follows:

455B.42 VARIANCES AND EXEMPTIONS. The ~~commission~~ executive director may, after public notice and hearing, grant exemptions from a maximum contaminant level or treatment technique, or both. The ~~commission~~ executive director may also grant a variance from drinking water standards for public water supply systems when the characteristics of the raw water sources, which are available to a system, cannot meet the requirements with respect to maximum contaminant level of ~~such the~~ standards despite application of the best treatment techniques which are generally available and ~~provided that if the commission executive director~~ determines that the variance will not result in an unreasonable risk to the public health. A schedule of compliance may be prescribed by the ~~commission~~ executive director, at the time the variance or exemption is granted. The ~~commission~~ executive director shall also require ~~such the~~ interim measures to minimize the contaminant levels of systems subject to the variance or exemption as may reasonably be implemented. The executive director may also issue variances from other rules of the commission if necessary and appropriate. The denial of a variance or exemption may be appealed to the commission.

Sec. 28. Section four hundred fifty-five B point forty-nine (455B.49), subsection four (4), Code 1979, is amended to read as follows:

4. The attorney general shall, at the request of ~~the--commission--or~~ the executive director with approval of the commission, institute any legal proceedings, including an action for an injunction or a temporary injunction, necessary to enforce the penalty provisions of part 1 of division III of this chapter or to obtain compliance with the provisions of part 1 of division III of this chapter or any rules promulgated or any provision of any permit issued under part 1 of division III of this chapter. In any such action, any previous findings of fact of the executive director or the commission after notice and hearing shall be conclusive if supported by substantial evidence in the record when the record is viewed as a whole.

Sec. 29. Section four hundred fifty-five B point fifty (455B.50), subsection two (2), Code 1979, is amended by striking the subsection.

Sec. 30. Section four hundred fifty-five B point fifty-two (455B.52), subsection three (3), paragraph b, Code 1979, is amended to read as follows:

b. Information relating to the contents of the examination to persons other than members of a board of certification of another state or their employees or an employee of the department.

Sec. 31. Section four hundred fifty-five B point fifty-eight (455B.58), Code 1979, is amended to read as follows:

455B.58 DURATION. Certificates shall continue in effect from the date of issuance until the following June ~~30~~ thirtieth unless sooner revoked by the ~~executive-director board~~, but such certificates shall remain the property of the department and the certificate shall so state. The fee for issuance of certificates as determined under section 455B.61 shall be prorated on a quarterly basis for any original certificate issued for a period of less than twelve months. A person who fails to renew a certificate by June ~~30~~ thirtieth following its issuance shall be allowed to do so by July ~~31~~ thirty-first, but the executive director may assess a reasonable penalty as established by rule of the commission.

Sec. 32. Section four hundred fifty-five B point fifty-nine (455B.59), Code 1979, is amended to read as follows:

455B.59 REVOCATION OR SUSPENSION. The board 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 operate a water treatment or wastewater treatment plant. A copy of the record of conviction or plea of guilty shall be conclusive evidence.
6. Fraud in representation as to skill or ability.
7. Use of untruthful or improbable statements in advertisements.
8. Willful or repeated violations of ~~this Act~~ division three (III) of this chapter.

Sec. 33. Section four hundred fifty-five B point sixty (455B.60), subsection two (2), Code 1979, is amended to read as follows:

2. A certificate of proper classification shall be issued without examination to any operator who, prior to January 1, 1973, held a valid certificate to operate a particular treatment plant or water distribution system. The certificate so issued shall be valid only for that particular treatment plant or system and shall remain in effect indefinitely unless revoked ~~by the executive-director~~ as provided in section 455B.59.

Sec. 34. Section four hundred fifty-five B point sixty-two (455B.62), Code 1979, is amended to read as follows:

455B.62 RULES. The commission, with the advice of the board, may promulgate such rules as are necessary to carry out the provisions of this part 2 of division III. ~~The--rules--established--shall--be--subject--to--the--provisions--of--section--455B.77--subsection--3.~~

Sec. 35. Section four hundred fifty-five B point sixty-seven (455B.67), subsection two (2), Code 1979, is amended by striking the subsection.

Sec. 36. Section four hundred fifty-five B point sixty-seven (455B.67), subsection four (4), Code 1979, is amended to read as follows:

4. "Eligible project" means a project for construction of sewage treatment works:

a. For which approval of the ~~commission~~ executive director is required under this part 3 of division III.

b. Which is, in the judgment of the ~~commission~~ executive director, eligible for federal pollution abatement assistance, whether or not federal funds are then available for such purpose. Eligible projects shall be those which the construction contract therefor shall have been entered into subsequent to July 1, 1966.

c. Which conforms with applicable rules of the commission.

d. Which is, in the judgment of the ~~commission~~ executive director, necessary for the accomplishment of the state's policy of water purity.

Sec. 37. Section four hundred fifty-five B point sixty-eight (455B.68), Code 1979, is amended to read as follows:

455B.68 GRANTS OF ASSISTANCE. The ~~commission~~ executive director may make grants as funds are available to any municipality to assist such municipality in the construction of sewage treatment works.

Sec. 38. Section four hundred fifty-five B point sixty-nine (455B.69), unnumbered paragraphs one (1) and two (2), Code 1979, are amended to read as follows:

The ~~commission~~ executive director shall accept and administer all funds granted by the state pursuant to this part 3 of division III.

In allocating state grants under said part, the ~~commission~~ executive director shall give consideration to:

Sec. 39. Section four hundred fifty-five B point seventy (455B.70), Code 1979, is amended to read as follows:

455B.70 CONTRACTS. The ~~commission~~ executive director may, in the name of the state, contract with any municipality concerning eligible projects, subject to the approval of the ~~executive-committee~~ commission. ~~Any-such~~ The contract may include such provisions as may be agreed upon by the parties, and shall include, in substance, the following provisions:

1. An estimate of the reasonable cost of the project as determined by the ~~commission~~ executive director.

2. An agreement by the ~~commission~~ executive director to pay to the municipality, during the progress of construction or following completion of the construction as may be agreed upon by the parties, an amount as determined by appropriation of the general assembly.

3. An agreement by the municipality:

a. To proceed expeditiously with, and complete, the project in accordance with plans approved pursuant to this part 3 of division III and pursuant to part 1 of this division III.

b. To commence operation of the sewage treatment works on completion of the project, and not to discontinue operation or dispose of the sewage treatment works without the approval of the ~~commission~~ executive director.

c. To operate and maintain the sewage treatment works in accordance with applicable provisions of part 1 of this division III and rules of the commission.

d. To obtain approval of the ~~commission~~ executive director before applying for federal assistance for pollution abatement, in order to maximize the amounts of such assistance received or to be received for all projects in Iowa.

e. To provide for the payment by the municipality of its share of the cost of the project.

4. A provision that, ~~in-the-event~~ if federal assistance which was not included in the calculation of the state payment pursuant to subsection 2 becomes available to the municipality, the amount of the state payment shall be recalculated with the inclusion of ~~such~~ the additional federal assistance and the municipality shall pay to the state the amount by which the state payment actually made exceeds the state payment determined by the recalculation.

Sec. 40. Section four hundred fifty-five B point seventy-four (455B.74), Code 1979, is amended to read as follows:

455B.74 PRIOR RULES. Any rule adopted or order issued under chapters 136A, 455B and 455C of prior Codes, by the Iowa water pollution control commission or by the state department of health or under this division by the water quality commission before January 1, 1981, shall remain effective until modified or rescinded by action of the ~~water-quality~~ commission unless ~~such~~ the rule is inconsistent or contrary to this division. Any permit issued under chapter 455B of prior Codes shall remain effective until modified or revoked by the executive director.

Sec. 41. Section four hundred fifty-five B point seventy-five (455B.75), subsection five (5), Code 1979, is amended by striking the subsection.

Sec. 42. Section four hundred fifty-five B point seventy-seven (455B.77), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The executive director may issue, modify, or deny variances from the rules of the commission. The applicant may appeal the decision of the executive director to the commission.

Sec. 43. Section four hundred fifty-five B point seventy-eight (455B.78), Code 1979, is amended to read as follows:

455B.78 RULES ESTABLISHED. The commission shall establish rules for the proper administration of the provisions of this part 1 of division IV which shall reflect and accommodate ~~insofar~~ as far as is reasonably possible those current and generally accepted methods and techniques for treatment and disposition of solid waste which will serve the purposes of ~~said part one (1)~~ of this division which shall take into consideration ~~such~~ the factors, including others which it may deem proper, as existing physical conditions, topography, soils and geology, climate, transportation, and land use, ~~such~~ the rules including but not limited to rules relating to the establishment and location of sanitary disposal projects, sanitary practices, inspection of sanitary disposal projects, collection of solid waste, disposal of solid waste, pollution controls, the issuance of permits, approved methods of private disposition of solid waste, the general operation and maintenance of sanitary disposal projects, and the implementation of ~~said part one (1)~~ of this division. Prior to issuance of rules or amendments thereto, the commission shall hold at least one public hearing on the proposed rules or

amendments, and shall give notice of such the hearing at least thirty days in advance by publishing notice in a newspaper of general circulation in the state. ~~The--air--quality--commission--and--the--water--quality--commission--of--the--department--shall--co--operate--with--the--commission--in--the--establishment--of--such--rules---All--rules--promulgated--shall--be--subject--to--the--provisions--of--chapter--17A--and--section--455B.7,--subsection--3.~~

Sec. 44. Section four hundred fifty-five B point seventy-nine (455B.79), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

Permits shall be issued without fee by the executive director or at his or her direction, by a local board of health, for each sanitary disposal project operated in this state. Such permits shall be issued in the name of the city or county or, where applicable, in the name of the public or private agency operating such project. Each sanitary disposal project shall be inspected annually by the department or a local board of health. The permits issued pursuant to this section shall be in addition to any other licenses, permits or variances authorized or required by law, including, but not limited to, the provisions of chapter 358A. A permit may be suspended or revoked ~~after notice--and--hearing--before--the--commission--or--its--designee~~ by the executive director if a sanitary disposal project is found not to meet the requirements of the provisions of ~~said~~ part one (1) of this division or rules issued ~~pursuant--thereto~~ under part one (1) of this division. The suspension or revocation of a permit may be appealed to the commission.

Sec. 45. Section four hundred fifty-five B point eighty-two (455B.82), subsection one (1), Code 1979, is amended to read as follows:

1. It shall be unlawful for any private agency or public agency to dump or deposit or permit the dumping or depositing of any solid waste at any place other than a sanitary disposal project approved by the executive director. This section shall not prohibit a private agency or public agency from dumping or depositing solid waste resulting from its own residential, farming, manufacturing, mining or commercial activities on land owned or leased by it if such the action does not violate any statute of this state or rules promulgated by the commission or local boards of health, or local ordinances, ~~or rules issued by the air quality commission or water quality commission of the department.~~ The executive director may issue temporary permits for dumping or disposal of solid waste at disposal sites for which an application for a permit to operate a sanitary disposal project has been made and which have not met all of the requirements of part 1 of this division and the rules adopted by the commission if a compliance schedule has been submitted by the applicant specifying how and when the applicant will meet the requirements for an operational sanitary disposal project and the executive director determines the public interest will be best served by granting such temporary permit.

Sec. 46. Section four hundred fifty-five B point eighty-three (455B.83), Code 1979, is amended to read as follows:

455B.83 APPEAL FROM ORDER. Any person aggrieved by an order of ~~the commission or~~ the executive director may appeal the same order by filing a written notice of appeal with the executive director within thirty days of the issuance of the order. The executive director shall schedule a hearing

for the purpose of hearing the arguments of the aggrieved person within thirty days of the filing of the notice of appeal. The hearing may be held before the commission or its designee. A complete record shall be made of the proceedings. The executive director shall issue the findings in writing to the aggrieved person within thirty days of the conclusion of ~~such the~~ hearing. Judicial review may be sought of actions of the commission ~~or executive--director~~ in accordance with the terms of the Iowa administrative procedure Act. Notwithstanding the terms of ~~said the~~ Act, petitions for judicial review may be filed in the district court of the county ~~wherein~~ where the acts in issue occurred.

Sec. 47. Section four hundred fifty-five B point eighty-four (455B.84), Code 1979, is amended to read as follows:

455B.84 MODIFICATION OF RULES. Any rule adopted or order issued under chapter 406 of prior Codes by the commissioner of public health or under part one (1) of this division by the solid waste disposal commission before January 1, 1981 shall remain effective until modified or rescinded by action of the ~~solid-waste-disposal~~ commission unless ~~such the~~ rule is inconsistent or contrary to this part 1 of division IV.

Sec. 48. Section four hundred fifty-five B point eighty-five (455B.85), subsection four (4), Code 1979, is amended by striking the subsection.

Sec. 49. Section four hundred fifty-five B point eighty-seven (455B.87), Code 1979, is amended to read as follows:

455B.87 RULES FOR TRANSPORTING. The commission shall provide, by rule, for the proper methods of transporting, storage, and handling of radioactive material except that the provisions of this section shall not apply to the transportation, handling, or storage of radioactive material by licensed physicians and surgeons, ~~or~~ licensed osteopathic physicians and surgeons, licensed podiatrists, licensed dentists or licensed pharmacists within the scope of their practice or by qualified employees of licensed hospitals within the scope of their duties. In adopting such rules, the commission shall consider the methods and techniques used by the United States ~~atomic~~ energy nuclear regulatory commission and radiation control agencies of other states for the regulation of the transporting, handling, and storage of radioactive material. The commission shall also consult with the department of public safety in the development of rules for the transporting of radioactive material on the public roads of this state. ~~All rules adopted by the commission under this section shall be subject to the provisions of chapter 17A and section 455B.7, subsection 3.~~

Sec. 50. Section four hundred fifty-five B point eighty-eight (455B.88), unnumbered paragraph two (2), Code 1979, is amended by striking the unnumbered paragraph.

Sec. 51. Section four hundred fifty-five B point ninety-five (455B.95), subsection three (3), Code 1979, is amended by striking the subsection.

Sec. 52. Section four hundred fifty-five B point one hundred ten (455B.110), subsections six (6), seven (7), and eight (8), Code 1979, are amended by striking the subsections.

Sec. 53. Section four hundred fifty-five B point one hundred fourteen (455B.114), Code 1979, is amended to read as follows:

455B.114 STATE HAZARDOUS CONDITION CONTINGENCY PLAN. All public agencies, as defined in chapter 28E, shall ~~co-operate~~ 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 executive director~~ may enter into agreements, ~~subject-to-section-455B.7~~ with approval of the commission, 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 ~~co-ordinated~~ coordinated with the office of disaster services and any joint county-municipal disaster services and emergency planning administrations established pursuant to chapter 29C.

Sec. 54. Section four hundred fifty-five B point one hundred seventeen (455B.117), subsection two (2), Code 1979, is amended to read as follows:

2. The executive director ~~ex-the-commission~~ may request that the attorney general institute legal proceedings for a temporary or permanent injunction pursuant to section 455B.120 for purposes of enforcing an emergency order.

Sec. 55. Section four hundred fifty-five B point one hundred nineteen (455B.119), subsection six (6), Code 1979, is amended by striking the subsection.

Sec. 56. Chapter four hundred fifty-five B (455B), division four (IV), part four (4), Code 1979, is amended by adding the following new section:

NEW SECTION. PRIOR RULES CONTINUED. Any rules adopted or order issued under part four (4) of this division before January 1, 1981 by the solid waste disposal commission shall remain effective until modified or rescinded by action of the commission.

Sec. 57. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred eleven (111), section two (2), subsection one (1), is amended by striking the subsection.

Sec. 58. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred eleven (111), section thirteen (13), is amended to read as follows:

SEC. 13. Section three hundred seven point ten (307.10), Code 1979, is amended by adding the following new ~~subsectien~~ unnumbered paragraph:

NEW SUBSECTION UNNUMBERED PARAGRAPH. The commission may adopt, after consultation with the department of environmental quality and the department of public safety, rules to enforce the rules regarding transportation of hazardous wastes promulgated by the ~~solid--waste--disposal~~ environmental quality commission of the department of environmental quality under section three (3), subsection three (3) of this Act. The department and the division of the highway safety patrol of the department of public safety shall carry out the rules through the use of the director's powers and duties of enforcement and inspection.

Sec. 59. Chapter four hundred fifty-five B (455B), Code 1979, is amended by adding the following new section to the new part of division four (IV) added by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred eleven (111):

NEW SECTION. ACQUISITION AND LEASE OF SITES. The commission shall adopt rules establishing criteria for the identification of land areas or sites

which are suitable for the operation of a treatment or disposal facility. Upon request, the department shall assist the executive council in locating suitable sites for the location of a treatment or disposal facility. The commission may recommend to the executive council the purchase or condemnation of land to be leased for the operation of a treatment or disposal facility. The executive council may purchase or may condemn the land subject to chapter four hundred seventy-one (471) of the Code. Consideration for a contract for purchase of land shall not be in excess of funds appropriated by the general assembly for that purpose. The executive council upon recommendation of the commission may lease land purchased under this section to any person except the state or a state agency. This section does not authorize the state to own or operate a hazardous waste treatment or disposal facility and the state shall not own or operate such a facility. The terms of the lease shall establish responsibility for long-term monitoring and maintenance of the site. The lessee is subject to all applicable requirements of this part including permit requirements. The commission may require the lessee to post bond conditioned upon performance of conditions of the lease relating to long-term monitoring and maintenance. The leasehold interest including improvements made to the property shall be listed, assessed and valued as any other real property as provided by law.

Sec. 60. Section four hundred fifty-five B point one hundred thirty (455B:130), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

455B.130 RESTRICTIONS ON USE OF AGRICULTURAL CHEMICALS.

1. If the commission determines that an agricultural chemical causes an unreasonable, adverse effect on humans or the environment, the commission shall submit to the secretary of agriculture its findings and recommended actions. The secretary of agriculture shall propose rules implementing the recommended actions and shall hold a public hearing to determine the effects of the proposed rules as provided in chapter two hundred six (206) of the Code after review and consideration of the findings as provided in subsection two (2) of this section. A rule of the secretary shall be adopted pursuant to chapter seventeen A (17A) of the Code.

2. The commission shall submit to the secretary of agriculture its findings on the unreasonable, adverse effect that the agricultural chemical causes to humans or the environment. The department of agriculture shall prepare an estimate of the economic impact of restricting the use of the agricultural chemical. The economic impact statement, the commission's findings and the report of the advisory committee created under section sixty-nine (69) of this Act shall be available at the time of publication of the intended rule action by the secretary. The secretary of agriculture and the advisory committee shall review the commission's findings and collect, analyze and interpret any other scientific data relating to the agricultural chemical. The secretary and the committee shall consider any official reports, academic studies, expert opinions or testimony, or other matters deemed to have probative value and shall consider the toxicity, hazard, effectiveness, public need for the agricultural chemical or other means of control other than the chemical in question, and the economic impact on the members of the public and agencies affected by it.

3. As used in this section, "agricultural chemical" means a pesticide as defined in section two hundred six point two (206.2) of the Code and also means any feed or soil additive, other than a pesticide, which is designed for and used to promote the growth of plants or animals.

Sec. 61. Section sixty-eight B point two (68B.2), subsection four (4), Code 1979, 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, department of environmental quality and Iowa natural resources council.

Sec. 62. Section one hundred seventy-two D point three (172D.3), subsection two (2), paragraph b, unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Applicability of rules of the department other than those ~~issued--by--the~~ air--quality--commission relating to air quality under division two (II) of chapter four hundred fifty-five B (455B) of the Code.

Sec. 63. Section one hundred seventy-two D point three (172D.3), subsection two (2), paragraph c, Code 1979, is amended to read as follows:

c. Applicability of rules of the ~~air--quality--commission~~ department relating to air quality under division two (II) of chapter four hundred fifty-five B (455B) of the Code.

(1) A rule of the ~~air--quality--commission~~ department under division two (II) of chapter four hundred fifty-five B (455B) of the Code in effect on November 1, 1976 shall apply to a feedlot with an established date of operation prior to November 1, 1976.

(2) A rule of the ~~air--quality--commission~~ department under division two (II) of chapter four hundred fifty-five B (455B) of the Code shall apply to a feedlot with an established date of operation subsequent to the effective date of the rule.

(3) A rule of the ~~air--quality--commission~~ department under division two (II) of chapter four hundred fifty-five B (455B) of the Code pertaining to feedlot management standards adopted after November 1, 1976 shall not apply to any feedlot having an established date of operation prior to the effective date of the rule until one year after the effective date of the rule.

(4) A rule of the ~~air--quality--commission~~ department under division two (II) of chapter four hundred fifty-five B (455B) of the Code pertaining to feedlot design standards adopted after November 1, 1976 shall not apply to any feedlot having an established date of operation prior to the effective date of the rule for either a period of ten years from the established date of operation of the feedlot or two years from the effective date of the rule, whichever time period is greater. However, any design standard rule

pertaining to the siting of any feedlot shall apply only to a feedlot with an established date of operation subsequent to the effective date of the rule.

(5) To achieve compliance with applicable rules the department shall issue an appropriate compliance schedule.

Sec. 64. Section two hundred point five (200.5), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. The advisory committee created in section sixty-nine (69) of this Act shall advise and assist the secretary on the registration of a product of commercial fertilizer or soil conditioner under the provisions of this chapter.

Sec. 65. Section two hundred six point two (206.2), subsection twenty-three (23), Code 1979, is amended to read as follows:

23. The term "permit" means a written certificate, issued by the secretary or ~~his--authorized~~ the secretary's agent as authorized in under rules adopted by ~~the--chemical--technology---commission~~ the department authorizing the use of certain state restricted use pesticides.

Sec. 66. Section two hundred six point eleven (206.11), subsection one (1), paragraph d, subparagraph five (5), Code 1979, is amended to read as follows:

(5) The date of manufacture of products found by the ~~chemical-technology review-board~~ secretary to be subject to deterioration because of age.

Sec. 67. Section two hundred six point fourteen (206.14), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. The secretary shall require, by rule, that veterinarians licensed and practicing veterinary medicine in the state promptly report to the department a case of domestic livestock poisoning or suspected poisoning by agricultural chemicals.

Sec. 68. Section two hundred six point nineteen (206.19), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

206.19 RULES. The department shall, by rule, after public hearing following due notice:

1. Declare as a pest any form of plant or animal life or virus which is unduly injurious to plants, man, domestic animals, articles, or substances.

2. Determine the proper use of pesticides including but not limited to their formulations, times and methods of application, and other conditions of use.

Sec. 69. Chapter two hundred six (206), Code 1979, is amended by adding the following new sections:

NEW SECTION. ADVISORY COMMITTEE CREATED--DUTIES.

1. An advisory committee to the secretary is created. The advisory committee shall have the following members:

a. The dean, college of veterinary medicine, Iowa state university of science and technology, or his or her designee;

b. The dean, college of medicine, university of Iowa, or his or her designee;

c. An entomologist, botanist, geneticist, horticulturist, agronomist and two persons representing the general public appointed by the secretary. Appointive members of the advisory committee shall serve terms of four years.

2. The advisory committee shall assist the secretary in obtaining scientific data and coordinating agricultural chemical regulatory, enforcement, research, and educational functions of the state. The advisory committee shall recommend rules regarding the sale, use, or disuse of agricultural chemicals to the secretary.

3. The advisory committee shall adopt rules relating to its procedures, and meetings under the general supervision of the secretary.

4. The members of the advisory committee shall be reimbursed for actual and necessary expenses incurred by them in the discharge of their official duties.

NEW SECTION. PRIOR RULES CONTINUED. A rule adopted or order issued under chapter two hundred six A (206A) of prior Codes by the chemical technology review board or under division five (V) of chapter four hundred fifty-five B (455B) of the Code by the chemical technology commission before January 1, 1981, is effective until modified or rescinded by action of the department of agriculture.

Sec. 70. Section three hundred five point one (305.1), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

305.1 GEOLOGICAL SURVEY CREATED. There is created a geological survey of the state.

Sec. 71. Section three hundred five point two (305.2), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

305.2 STATE GEOLOGIST AND ASSISTANTS.

1. The governor shall appoint the state geologist. The state geologist must have a degree in geology from an accredited college or university and must have at least five years of geological experience. The annual salary of the state geologist shall be determined by the governor as provided by law.

2. The state geologist may appoint the technical, professional, secretarial and clerical staff as necessary, subject to chapter nineteen A (19A) of the Code.

Sec. 72. Section three hundred five point four (305.4), Code 1979, is amended to read as follows:

305.4 INVESTIGATIONS--COLLECTION--RENTING SPACE. The state geologist shall investigate the characters of the various soils and their capacities for agricultural purposes; ~~the growth of timber, the animal and plant life of the state,~~ the streams and ~~water power,~~ and other scientific and natural ~~history~~ resource matters that may be of practical importance and interest. For the purpose of preserving well drilling samples, rock cores, fossils, and other materials as may be necessary to carry on investigations, the state geologist shall have the authority to lease or rent sufficient space for storage of these materials with the approval of the director of the department of general services. A complete cabinet collection ~~may, at the option of the board,~~ be made to illustrate the natural products of the state, and the ~~board~~ state geologist may also furnish suites of materials, rocks, and fossils for colleges and public museums within the state, if it can be done without impairing the general state collection.

Sec. 73. Section three hundred five point seven (305.7), Code 1979, is amended to read as follows:

305.7 ANNUAL REPORT. The state geologist shall, annually, at the time provided by law, make to the governor a full report, ~~approved by the board,~~ of the work in the preceding year, which report shall be accompanied by such other reports and papers as may be considered desirable for publication.

Sec. 74. Section three hundred five point eight (305.8), Code 1979, is amended to read as follows:

305.8 ~~CO-OPERATION~~ COOPERATION. The state geologist shall ~~co-operate~~ cooperate with the United States geological survey, with other federal and state organizations, and with adjoining state surveys in the making of topographic maps and the study of geologic problems of the state when, in the opinion of the ~~geological board~~ state geologist, such ~~co-operation~~ cooperation will result in profit to the state.

Sec. 75. Section three hundred five point nine (305.9), Code 1979, is amended to read as follows:

305.9 PUBLICATION OF REPORTS. The ~~board~~ state geologist may direct the preparation and publication of special reports and bulletins of educational and scientific value or containing information of immediate use to the people.

Sec. 76. Section three hundred five point ten (305.10), Code 1979, is amended to read as follows:

305.10 DISTRIBUTION AND SALE OF REPORTS. All publications of the geological survey shall be distributed by the state as are other published reports of state officers when no special provision is made. When such distribution has been made the ~~board~~ state geologist shall retain a sufficient number of copies to supply probable future demands and any copies in excess of such number shall be sold to persons making application therefor at the cost price of publication, the money thus accruing to be turned into the treasury of the state.

Sec. 77. Section three hundred five point eleven (305.11), Code 1979, is amended to read as follows:

305.11 EXPENSES. The ~~members of the board shall serve without compensation, but the~~ state geologist and ~~such board and its~~ his or her assistants shall be allowed their actual travel and other necessary expenses incurred in the performance of their duties.

Sec. 78. Section four hundred twenty-seven point one (427.1), subsection thirty-two (32), unnumbered paragraphs five (5), six (6), seven (7) and nine (9), Code 1979, are amended to read as follows:

The first annual application for any specific pollution-control property shall be accompanied by a certificate of the executive director of the department of environmental quality ~~stating that the air quality commission or the water quality commission has directed the department of environmental quality to certify~~ certifying that the primary use of the pollution-control property is to control or abate pollution of any air or water of this state or to enhance the quality of any air or water of this state.

A taxpayer may ~~appeal~~ seek judicial review of a determination of the ~~air quality commission or the water quality commission~~ executive director or, on

appeal, of the environmental quality commission in accordance with the provisions of sections 455B.19 and 455B.39 chapter seventeen A (17A) of the Code.

The ~~air--quality~~ environmental quality commission and ~~the water-quality~~ commission of the department of environmental quality shall adopt rules relating to certification under this subsection and information to be submitted for evaluating pollution-control property for which a certificate is requested. The revenue department shall adopt any rules necessary to implement this subsection, including rules on identification and valuation of pollution-control property. All rules adopted shall be subject to the provisions of ~~the statutes on administrative rules~~ chapter seventeen A (17A) of the Code.

For the purposes of this subsection "pollution" means air pollution as defined in section 455B.10 or water pollution as defined in section 455B.30. "Water of the state" means the water of the state as defined in section 455B.30. "Enhance the quality" means to diminish the level of pollutants below the air or water quality standards established by the ~~water--quality~~ environmental quality commission ~~or--the--air--quality--commission~~ of the department of environmental quality.

Sec. 79. Section four hundred fifty-five A point twenty-five (455A.25), subsection three (3), Code 1979, is amended to read as follows:

3. Any person who diverts water or any material from the surface directly into any underground watercourse or basin. ~~Provided, however, that~~ However, any diversion of water or material from the surface directly into any underground watercourse or basin existing upon May 16, 1957, shall not require a permit if ~~said~~ the diversion does not create waste or pollution. No permit shall be issued under this subsection until the approval of the ~~Iowa water-pollution-control-commission~~ executive director of the department of environmental quality has been obtained.

Sec. 80. Section four hundred fifty-five C point one (455C.1), subsection nine (9), Code 1979, is amended to read as follows:

9. "Commission" means the ~~solid--waste--disposal~~ environmental quality commission of the department of environmental quality.

Sec. 81. Chapter four hundred fifty-five C (455C), Code 1979, is amended by adding the following new section:

NEW SECTION. PRIOR RULES CONTINUED. Rules adopted under this chapter before January 1, 1981 by the solid waste disposal commission shall remain effective until modified or rescinded by action of the commission.

Sec. 82. Section four hundred sixty-seven D point six (467D.6), subsection one (1), Code 1979, is amended to read as follows:

1. Exercise such supervision over the water resources of the conservancy district, including water in any basin, watercourse, or other body of water in the conservancy district, and have authority to promulgate and repeal, with approval of the department, and enforce such rules, except those rules relating to water resources under the authority of the council and the ~~Iowa water-quality-commission~~ department of environmental quality, as necessary to achieve the objectives of this chapter as set forth in section 467D.1.

Sec. 83. Sections four hundred fifty-five B point seven (455B.7), four hundred fifty-five B point twenty-eight (455B.28), four hundred fifty-five B point seventy-three (455B.73), four hundred fifty-five B point ninety-nine (455B.99), four hundred fifty-five B point one hundred thirty-one (455B.131), four hundred fifty-five B point one hundred thirty-two (455B.132), four hundred fifty-five B point one hundred thirty-three (455B.133), four hundred fifty-five B point one hundred thirty-four (455B.134), four hundred fifty-five B point one hundred thirty-five (455B.135), four hundred fifty-five B point one hundred thirty-six (455B.136), four hundred fifty-five B point one hundred thirty-seven (455B.137), four hundred sixty-nine point six (469.6), four hundred sixty-nine point seven (469.7) and four hundred sixty-nine point eight (469.8), Code 1979, are repealed.

Sec. 84. PRIOR ACTIONS. A rule adopted or approval given under section four hundred twenty-seven point one (427.1), subsection thirty-two (32) of the Code, before the effective date of this Act, by the air quality commission or the water quality commission of the department of environmental quality shall remain effective until modified or rescinded by action of the department of environmental quality as provided in this Act.

Sec. 85. EFFECTIVE DATE--TRANSITION. The effective date of this Act is January 1, 1981, except that this section shall be effective July 1, 1980. After July 1, 1980, the governor may appoint the members of the environmental quality commission, authorize the environmental quality commission to organize as provided in this Act and authorize the environmental quality commission to plan for the transfer of powers, duties, records, and other property as applicable. Four of the members initially appointed to the environmental quality commission shall be appointed to terms of two years beginning and ending as provided in Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File two thousand three hundred one (2301), section three (3). The persons may be reappointed as provided in this Act. The members of the environmental quality commission authorized to meet before January 1, 1981, may be paid per diem and necessary expenses from funds appropriated to the department of environmental quality.

The terms of office of members of the geology board and the executive committee, water quality commission, air quality commission, solid waste disposal commission and the chemical technology commission of the department of environmental quality shall expire on December 31, 1980.

Approved May 22, 1980

CHAPTER 1149
AIR POLLUTION CONTROL

S. F. 477

AN ACT relating to the control, abatement and prevention of air pollution by the department of environmental quality, and providing a civil penalty.

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

Section 1. Section four hundred fifty-five B point ten (455B.10), subsection seven (7), Code 1979, is amended to read as follows:

7. "Person" means an individual, partnership, copartnership, cooperative, firm, company, public or private corporation, political subdivision, agency of the state, trust, estate, joint stock company, an agency or department of the federal government or any other legal entity, ~~or their~~ or a legal representative, agent, officer, employee or assigns of such entities.

Sec. 2. Section four hundred fifty-five B point ten (455B.10), Code 1979, is amended by adding the following new subsections:

NEW SUBSECTION. "Major stationary source" means a stationary air contaminant source which directly emits, or has the potential to emit, one hundred tons or more of an air pollutant per year including a major source of fugitive emissions of a pollutant as determined by rule by the commission or the administrator of the United States environmental protection agency.

NEW SUBSECTION. "Schedule and timetable of compliance" means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an emission limitation, other limitation, prohibition, or standard.

Sec. 3. Section four hundred fifty-five B point twelve (455B.12), subsections one (1), two (2), and three (3), Code 1979, are amended to read as follows:

1. ~~Direct--the--development--of--a~~ Develop comprehensive plan plans and programs for the abatement, control, and prevention of air pollution in this state, recognizing varying requirements for different areas in the state. The plans may include emission limitations, schedules and timetables for compliance with the limitations, measures to prevent the significant deterioration of air quality and other measures as necessary to assure attainment and maintenance of ambient air quality standards.

2. ~~Establish,--modify~~ Adopt, amend, or repeal rules pertaining to the evaluation, abatement, control, and prevention of air pollution ~~after--at least--sixty--days--public-notice-and-public-hearings.~~ Those that are necessary to obtain approval of the state implementation plan under section 110 of the federal Clean Air Act as amended through January 1, 1979.

3. ~~Establish,--modify~~ Adopt, amend, or repeal ambient air quality standards for the atmosphere of this state on the basis of providing air quality necessary to ~~minimize-air-pollution-after-at-least-sixty-days¹-public notice-and-public-hearings~~ protect the public health and welfare.

Sec. 4. Section four hundred fifty-five B point twelve (455B.12), subsection four (4), Code 1979, is amended by striking the subsection and inserting in lieu thereof the following:

4. Adopt, amend or repeal emission limitations or standards relating to the maximum quantities of air contaminants that may be emitted from any air contaminant source. The standards or limitations adopted under this section shall not exceed the standards or limitations promulgated by the administrator of the United States environmental protection agency or the requirements of the federal Clean Air Act as amended to January 1, 1979. This does not prohibit the commission from adopting a standard for a source or class of sources for which the United States environmental protection agency has not promulgated a standard.

a. (1) The commission shall establish standards of performance unless in the judgment of the commission it is not feasible to adopt or enforce a standard of performance. If it is not feasible to adopt or enforce a standard of performance, the commission may adopt a design, equipment, material, work practice or operational standard, or combination of those standards in order to establish reasonably available control technology or the lowest achievable emission rate in nonattainment areas, or in order to establish best available control technology in areas subject to prevention of significant deterioration review, or in order to adopt the emission limitations promulgated by the administrator of the United States environmental protection agency under section 111 or 112 of the federal Clean Air Act as amended to January 1, 1979.

(2) If a person establishes to the satisfaction of the commission that an alternative means of emission limitation will achieve a reduction in emissions of an air pollutant at least equivalent to the reduction in emissions of the air pollutant achieved under the design, equipment, material, work practice or operational standard, the commission shall amend its rules to permit the use of the alternative by the source for purposes of compliance with this paragraph with respect to the pollutant.

(3) A design, equipment, material, work practice or operational standard promulgated under this paragraph shall be promulgated in terms of a standard of performance when it becomes feasible to promulgate and enforce the standard in those terms.

(4) For the purpose of this paragraph, the phrase "not feasible to adopt or enforce a standard of performance" refers to a situation in which the commission determines that the application of measurement methodology to a particular class of sources is not practicable due to technological or economic limitations.

b. If the maximum standards for the emission of sulphur dioxide from solid fuels have to be reduced in an area to meet ambient air quality standards, a contract for coal produced in Iowa and burned by a facility in that area that met the sulphur dioxide 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 quality standards. To qualify under 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.

c. The degree of emission limitation required for control of an air contaminant under an emission standard shall not be affected by that part of the stack height of a source that exceeds good engineering practice, as defined in rules, or any other dispersion technique. This paragraph shall not apply to stack heights in existence before December 30, 1970, or dispersion techniques implemented before that date.

Sec. 5. Section four hundred fifty-five B point twelve (455B.12), subsection ten (10), Code 1979, is amended to read as follows:

10. a. Require, by rules, notice of the construction ~~or the installation~~ of any equipment air contaminant source 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 air contaminant sources and related control equipment. The rules shall allow the owner or operator of a major stationary source to elect to obtain a conditional permit in lieu of a construction permit. The rules relating to a conditional permit for an electric power generating facility subject to chapter 476A and other major stationary sources 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 unless authorized by subsection four (4) of this section.

b. The commission may give technical advice pertaining to the construction or installation of ~~such~~ the equipment or any other recommendation.

Sec. 6. Section four hundred fifty-five B point thirteen (455B.13), subsection three (3), Code 1979, is amended to read as follows:

3. Grant, modify, or deny permits for the ~~installation construction~~ of new equipment-capable-of-emitting-air-contaminants-to-produce--air--pollution or modified air contaminant sources and for related control equipment, and conditional permits for electric power generating facilities subject to chapter 476A and other major stationary sources, subject to the rules adopted by the commission. The department shall furnish necessary application forms for such permits.

a. ~~No equipment which may cause or contribute to air pollution or which is intended primarily to prevent or to control the emission of air contaminants~~ air contaminant source shall be installed, altered so that it significantly affects ~~operation efficiency~~ emissions, or placed in use unless a construction or conditional permit has been issued for ~~such equipment~~ the source.

b. The condition of expected performance ~~must~~ shall be reasonably detailed in the construction or conditional permit ~~unless it is agreed between the department and the permit holder that a condition of development and adjustment exists~~.

c. All applications for permits other than conditional permits for electric generating facilities shall be subject to such notice and public participation as may be provided by rule by the commission. Upon denial or limitation of such a permit other than a conditional permit for an electric generating facility, the applicant shall be notified of such denial and informed of the reason or reasons therefor, and such applicant shall be entitled to a hearing before the commission as provided in section 455B.12, subsection 6.

d. All applications for conditional permits for electric power generating facilities shall be subject to such notice and opportunity for public participation as may be consistent with chapter 476A or any agreement pursuant thereto under chapter 28E. 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 476A, 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. 7. Section four hundred fifty-five B point twenty-five (455B.25), Code 1979, is amended to read as follows:

455B.25 CIVIL ACTION FOR COMPLIANCE. If any order, permit or rule of the commission is being violated, the attorney general shall, at the request of the commission or the executive director, institute a civil action in any district court for injunctive relief to prevent any further violation of ~~such~~ the order, permit or rule, or for the assessment of a fine civil penalty as determined by the court, not to exceed five hundred thousand dollars per day for each day such violation continues, or both such injunctive relief and fine civil penalty.

Sec. 8. Section four hundred fifty-five B point twenty-six (455B.26), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

455B.26 FAILURE--PROCEDURE.

1. If the executive director fails to take action within sixty days after an application for a variance is made, or if the commission fails to enter a final order or determination within sixty days after the final argument in

hearing on appeal, the person seeking the action may treat the failure to act as a grant of the requested variance, or of a finding favorable to the respondent in hearing on appeal, as the case may be.

2. If the executive director fails to take action within one hundred twenty days after a completed application for a construction permit is made, or if the commission fails to enter a final order or determination within sixty days after the final argument in a hearing on appeal of the permit, the person seeking the action may treat the failure to act as a grant of the requested permit, or of a finding favorable to the respondent in a hearing on appeal, as the case may be.

3. The section shall not apply to an application for a conditional permit for an electrical power generating facility subject to chapter four hundred seventy-six A (476A) of the Code.

Sec. 9. Chapter four hundred fifty-five B (455B), division two (II), Code 1979, is amended by adding the following new section:

NEW SECTION. ENERGY OR ECONOMIC EMERGENCY.

1. Upon application by the owner or operator of a fuel-burning stationary source, and after notice and opportunity for public hearing, the commission may petition the president, under section 110, subsection f, paragraph 1 of the federal Clean Air Act as amended to January 1, 1979, for a determination that a national or regional energy emergency exists. If the president determines an emergency exists, the commission may suspend any requirement of this division or a rule or permit issued under this division. A temporary emergency suspension under this subsection shall be issued only if there exists in the vicinity of the source a temporary emergency involving high levels of unemployment or loss of necessary energy supplies for residential buildings and if the unemployment or loss can be totally or partially alleviated by the suspension. Only one suspension may be issued for a source on the basis of the same set of circumstances or on the basis of the same emergency. A suspension shall remain in effect for a maximum of four months. The commission may include in a suspension a provision directing the executive director to delay for a period identical to the period of the suspension a compliance schedule or increment of progress to which the source is subject under section four hundred fifty-five B point seventeen (455B.17) of the Code, if the source is unable to comply with the schedule or increment solely because of the conditions on the basis of which the suspension was issued.

2. If a plan revision has been submitted to the administrator of the United States environmental protection agency under section 110 of the federal Clean Air Act as amended to January 1, 1979, and if the commission determines that the revision meets the requirements of that section and the revision is necessary to prevent the closing of an air contaminant source for one year or more and to prevent substantial increases in unemployment which would result from the closing, and if the administrator has not approved or disapproved within the required four-month period, the commission may issue a temporary emergency suspension of the part of the applicable implementation plan which is proposed to be revised with respect to the source. The determination under this subsection shall not be made with respect to a

source which would close without regard to whether or not the proposed plan revision is approved. A temporary emergency suspension issued under this subsection shall remain in effect for a maximum of four months. A temporary emergency suspension under this subsection may include a provision directing the executive director to delay for a period identical to the period of the suspension a compliance schedule or increment of progress to which the source is subject under section 119 of the federal Clean Air Act as in effect prior to August 7, 1977, or section 113, subsection d of the federal Clean Air Act as amended to January 1, 1979, upon a finding that the source is unable to comply with the schedule or increment solely because of the conditions on the basis of which a suspension was issued under this subsection.

Sec. 10. Section four hundred fifty-five B point twenty-seven (455B.27), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

455B.27 FEES. The owner or operator of a major stationary source shall pay to the department a fee, as determined from the fee schedule adopted by the commission under this section, for the issuance of a permit required under this division. The fees collected shall be remitted to the treasurer of state who shall deposit the money in the general fund of the state. A local air pollution control program shall establish and collect the fees for major stationary sources within its jurisdiction. The commission may adopt, amend or repeal rules establishing a fee schedule for construction and conditional permits for major stationary sources. The fee shall be sufficient to cover the reasonable costs of reviewing and acting upon an application for a permit and, if the owner or operator receives a permit for the source, the reasonable costs of implementing and enforcing the terms and conditions of the permit excluding court costs or other costs associated with an enforcement action.

Approved March 28, 1980

CHAPTER 1150
WATERWORKS OPERATORS
H. F. 2540

AN ACT relating to the membership of the board of certification of waterworks and waste waterworks operators.

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

Section 1. Section four hundred fifty-five B point fifty-three (455B.53), Code 1979, is amended to read as follows:

455B.53 BOARD. The governor shall appoint, subject to the approval of two-thirds of the members of the senate, a board of certification consisting of the following ~~five~~ seven members:

1. One member who is a waterworks operator holding a valid certificate of the highest classification issued by the department.

2. One member who is a waterworks operator holding a valid certificate and currently working for a water system in a city of three thousand or less population.

~~2~~ 3. One member who is a waste waterworks operator holding a valid certificate of the highest classification issued by the department.

4. One member who is a waste waterworks operator holding a valid certificate and currently working for a waste water system in a city of three thousand or less population.

~~3~~ 5. One member employed by the department who is qualified in water and waste waterworks operation.

~~4~~ 6. Two members who shall not be certificated waterworks operators or certificated waste waterworks operators, but who shall be interested and knowledgeable in water supply or waste water collection and treatment, and who shall represent the general public.

The members prescribed in subsections 1 to ~~3~~ five (5) all have been engaged in the practice of their professions for five years preceding their appointments, the last two years of which shall have been in Iowa.

Professional associations or societies composed of waterworks operators or waste waterworks operators may recommend the names of potential board members to the governor, but the governor shall not be bound by the recommendations. Members of the board shall not be required to be members of any such associations or societies.

The members of the board shall be appointed for three-year terms. Any vacancy shall be filled by appointment for the unexpired term. Members shall be limited to serving three terms or nine years, whichever is less.

Sec. 2. This Act takes effect January first following its enactment.

Approved April 21, 1980

CHAPTER 1151

ONE CENT HANDLING FEE RETAINED

H. F. 2493

AN ACT to amend chapter four hundred fifty-five C (455C) of the Code by retaining the one cent handling fee.

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

Section 1. Section four hundred fifty-five C point two (455C.2), subsection two (2), unnumbered paragraph two (2), Code 1979, is amended by striking the unnumbered paragraph.

Approved May 1, 1980

CHAPTER 1152
DRAINAGE DISTRICT TRUSTEES

H. F. 2463

AN ACT relating to the residence qualification for election to the office of drainage district trustee, and to the compensation of drainage district trustees and county drainage administrators.

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

Section 1. Section four hundred sixty-two point seven (462.7), Code 1979, is amended to read as follows:

462.7 ELIGIBILITY OF TRUSTEES. Each trustee shall be a citizen of the United States not less than eighteen years of age, ~~a resident of the county,~~ and the bona fide owner of agricultural land in the election district for which he or she is elected, and a resident of the county in which that district is located or of a county which is contiguous to or corners on that county.

Sec. 2. Section four hundred sixty-two point thirty-five (462.35), Code 1979, is amended to read as follows:

462.35 COMPENSATION--STATEMENTS REQUIRED. The compensation of the trustees and the clerk of the board is hereby fixed at ~~seventeen-dollars-and-fifty-cents~~ forty dollars per day each and necessary expenses, to be paid out of the funds of the drainage or levee district for each day necessarily expended in the transaction of the business of the district, but no one shall draw compensation for services as trustee and as clerk at the same time. The board of trustees of a district may by resolution establish for themselves and for the clerk of the district a lower rate of pay than is fixed by this section. They shall file with the auditor or auditors, if more than one county, itemized, verified statements of their time devoted to the business of the district and of the expenses incurred.

Sec. 3. Section four hundred fifty-five point two hundred twenty-one (455.221), Code 1979, is amended to read as follows:

455.221 COMPENSATION. The members of the board of county drainage administrators shall each receive ~~seventeen-dollars-and-fifty-cents-per-day~~ for-each-day compensation at an hourly rate established by the county board of supervisors for time actually devoted to the duties of their office, ~~ten cents-for-every-mile-traveled-in-going~~ and reimbursement at the rate established by section seventy-nine point nine (79.9) of the Code for travel to and from meetings of, or other places of performing the duties of, ~~said~~ the board, and other actual and necessary expenses incurred in the performance of their duties.

Sec. 4. This Act takes effect January first following its enactment.

Approved May 19, 1980

CHAPTER 1153
SOIL CONSERVATION

H. F. 2561

AN ACT relating to the powers and duties of soil conservation districts and soil conservation district commissioners, and amending the statutes relating to establishment of soil and water conservation practices and to duties of the owners and operators of agricultural land and of landowners generally with respect to conservation of soil resources, and prescribing a penalty for knowingly making a false statement of material facts or falsely denying knowledge of material facts on a cost sharing application.

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

Section 1. Section four hundred sixty-seven A point four (467A.4), subsection one (1), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File two thousand three hundred one (2301), section seventy-one (71), is amended to read as follows:

1. There is hereby established, to serve as an agency of the state and to perform the functions conferred upon it in this chapter, the department of soil conservation. The department shall be administered in accordance with the policies of the state soil conservation committee, which shall approve administrative rules proposed by the department before the rules are promulgated pursuant to chapter seventeen A (17A) of the Code. The state soil conservation committee shall consist of a chairperson and twelve members. The following shall serve as ex officio nonvoting members of the committee: The director of the state agricultural extension service, or the director's designee, the secretary of agriculture, or the secretary's designee, the director of the state conservation commission or the director's designee, and the director of the Iowa natural resources council or the director's designee. Eight voting members shall be appointed by the governor subject to confirmation by the senate. Six of the appointive members shall be persons engaged in actual farming operations, one of whom shall be a resident of each of the six conservancy districts established by section 467D.3, and no more than one of whom shall be a resident of any one county. The seventh and eighth appointive members shall be chosen by the governor from the state at large with one appointed to be a representative of cities and one appointed to be a representative of the mining industry. The committee may invite the secretary of agriculture of the United States to appoint one person to serve with the above-mentioned members, and the president of the Iowa county engineers association may designate a member of the association to serve in the same manner, but these persons shall have no vote and shall serve in an advisory capacity only. The director of the department of environmental quality shall be an ex officio nonvoting member. The committee shall adopt a seal, which seal shall be judicially noticed, and

may perform acts, hold public hearings, and promulgate rules as provided in chapter 17A as necessary for the execution of its functions under this chapter.

Sec. 2. Section four hundred sixty-seven A point four (467A.4), subsection four (4), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH. To establish and maintain an interagency coordinating committee for the purpose of preparing and disseminating recommendations for coordinated efforts to deal with water and soil management problems, including but not necessarily limited to the flow of water into, across and from public roads and roadside ditches, that are the common concern of two or more of the agencies or groups represented on the committee. The committee shall meet at the call of the chairperson or upon the written request of any three members, to execute the functions assigned it by this section. The coordinating committee shall consist of:

(1) The director of the department of soil conservation or the director's designee, who shall act as chairperson of the coordinating committee.

(2) A representative of the state department of agriculture, designated by the secretary of agriculture.

(3) A representative of the department of environmental quality, designated by the executive director of that department.

(4) A representative of the department of transportation, designated by the director of that department.

(5) A representative of the Iowa natural resources council, designated by the council's director.

(6) A representative of county boards of supervisors, designated by the county supervisors association affiliated with the Iowa state association of counties.

(7) A representative of county engineers, designated by the county engineers association affiliated with the Iowa state association of counties.

(8) A representative of soil conservation district commissioners, designated by the Iowa association of soil conservation district commissioners.

(9) A member of the state soil conservation committee.

(10) The state conservationist of the United States soil conservation service, or that officer's designee.

Sec. 3. Section four hundred sixty-seven A point seven (467A.7), subsection sixteen (16), Code 1979, is amended to read as follows:

16. The commissioners shall, as a condition for the receipt of any ~~est~~ state cost-sharing funds for permanent soil conservation practices, require the ~~landowner~~ owner of the land on which the practices are to be established to covenant and file, in the office of the soil conservation district of the county in which the land is located, an agreement identifying the particular lands upon which the practices for which state cost-sharing funds are to be received will be established and providing that if the project is removed, altered, or modified so as to lessen its effectiveness without the consent of the commissioners, obtained in advance and based on guidelines drawn up by the state soil conservation committee, for a period of

ten twenty years after the date of receiving payment, the landowner owner of the land on which the practices have been so removed, altered or modified shall refund to the department of soil conservation the public state cost-sharing funds used for the project, or for the portion of the project which has been removed, altered or modified so as to lessen its effectiveness. Such refunds shall be computed on a pro rata basis in accordance with guidelines drawn up by the state soil conservation committee in accordance with the age and anticipated remaining useful life of the project, and shall be reallocated to the district from which they were refunded to be used for conservation cost sharing. ~~It shall be the duty of the~~ The commissioners ~~to~~ shall assist the state soil conservation committee in the enforcement of this subsection. The agreement to refund shall not create a lien on the land, but shall be a charge personally against the owner of the land at the time of removal, alteration or modification which gives rise to the need for a refund. Each soil conservation district which has entered into agreements under this subsection shall file in the office of the county recorder a statement that there are in effect in that county certain agreements covenanted under this subsection which place upon owners of agricultural land the obligation to maintain permanent soil conservation practices established with public cost-sharing money, and that failure to do so may result in an obligation to refund a portion of the public cost-sharing money used to establish the practices. A seller of agricultural land with respect to which an agreement covenanted under this subsection is in effect, and who is not currently in violation of that agreement, shall upon request to the commissioners be furnished with a written statement that, as of the date of the statement, the seller has incurred no obligation to refund to the department of soil conservation the state cost-sharing funds obtained pursuant to the agreement.

Sec. 4. Section four hundred sixty-seven A point seven (467A.7), Code 1979, is amended by adding the following new subsections:

NEW SUBSECTION. To enter into special funding agreements which, notwithstanding subsection four (4) of this section, provide for cost sharing up to sixty percent of the cost of a project including five or more contiguous farm units which have at least five hundred or more acres of farmland and which constitute at least seventy-five percent of the agricultural land lying within a watershed or subwatershed, where the owners jointly agree to a watershed conservation plan in conjunction with their respective farm unit soil conservation plans.

NEW SUBSECTION. To encourage local school districts to provide instruction in the importance of and in some of the basic methods of soil conservation, as a part of the course work relating to conservation of natural resources and environmental awareness required pursuant to section two hundred fifty-seven point twenty-five (257.25), subsections three (3) and four (4), of the Code, and to offer technical assistance to schools in developing such instructional programs.

NEW SUBSECTION. To make incentive payments to encourage summer construction of permanent soil and water conservation practices, provided that the commissioners of a soil conservation district shall not use state

cost-sharing funds to pay such incentives in any fiscal year when requests which seek cost sharing for eligible permanent soil and water conservation practices, but which do not seek incentive payments under this subsection, are sufficient to use all of the state cost-sharing funds made available to the district for that year. Incentive payments made under this subsection may, notwithstanding subsection four (4) of this section, provide for cost sharing up to sixty percent of the cost of establishing any permanent soil and water conservation practice where the establishment of that practice involves a construction project which begins after June first but before August fifteenth of any calendar year. Incentive payments under this subsection may also include, or may be limited to a pro rata amount, in accordance with rules of the department, to compensate for production loss on the area disturbed for construction of practices.

Sec. 5. Section four hundred sixty-seven A point forty-two (467A.42), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

In addition to the definitions established by section 467A.3, as used in sections 467A.43 to 467A.53 and sections ten (10) through fifteen (15) of this Act, unless the context otherwise requires:

Sec. 6. Section four hundred sixty-seven A point forty-two (467A.42), Code 1979, is amended by adding the following new subsections:

NEW SUBSECTION. "Agricultural land" has the meaning assigned that term by section one hundred seventy-two C point one (172C.1) of the Code.

NEW SUBSECTION. "Farm unit" means a single contiguous tract of agricultural land, or two or more adjacent tracts of agricultural land, located within a single soil conservation district, upon which farming operations are being conducted by a person who owns or is purchasing or renting all of such land, or by his or her tenant or tenants. If a landowner has multiple farm tenants, the land on which farming operations are being conducted by each tenant shall constitute a separate farm unit. This definition does not prohibit land which is within a single soil conservation district and is owned or being purchased by the same person, or is being rented by the same tenant, from being treated as two or more farm units if the commissioners of the soil conservation district deem it preferable to do so.

NEW SUBSECTION. "Conservation folder" means compiled information concerning the topography, soil composition, natural or artificial drainage characteristics and other pertinent factors concerning a particular farm unit, which are necessary to the preparation of a sound and equitable conservation agreement for that farm unit. The specific items to be contained in a conservation folder shall be prescribed by administrative rules of the department of soil conservation. The department shall provide by rule that an updated farm plan prepared for a particular farm unit within ten years prior to the effective date of this subsection shall be considered an adequate replacement for the conservation folder for that farm unit.

NEW SUBSECTION. "Farm unit soil conservation plan" means a plan jointly developed by the owner and, if appropriate, the operator of a farm unit and the commissioners of the soil conservation district within which that farm unit is located, based on the conservation folder for that farm unit and

identifying those permanent soil and water conservation practices and temporary soil and water conservation practices the use of which may be expected to prevent soil loss by erosion from that farm unit in excess of the applicable soil loss limit or limits. The plan shall if practicable identify alternative practices by which this objective may be attained.

NEW SUBSECTION. "Conservation agreement" means a commitment by the owner or operator of a farm unit to implement a farm unit soil conservation plan or, with the approval of the commissioners of the soil conservation district within which the farm unit is located, a portion of a farm unit soil conservation plan. The commitment shall be conditioned on the furnishing by the soil conservation district of such technical or planning assistance in the establishment of, and cost-sharing or other financial assistance for establishment and maintenance of the soil and water conservation practices necessary to implement the plan, or a portion of the plan.

Sec. 7. Section four hundred sixty-seven A point forty-three (467A.43), Code 1979, is amended to read as follows:

467A.43 DUTY OF PROPERTY OWNERS. To conserve the fertility, general usefulness, and value of the soil and soil resources of this state, and to prevent the injurious effects of soil erosion, it is hereby made the duty of the owners of real property in this state to establish and maintain soil and water conservation practices or erosion control practices, as required by the regulations of the commissioners of the respective soil conservation districts. As used in this section, "owners of real property in this state" includes each state government agency, each political subdivision of the state and each agency of such a political subdivision which has under its control publicly-owned land, including but not limited to agricultural land, forests, parks, the grounds of state educational, penal and human service institutions, public highways, roads and streets, and other public rights-of-way.

Sec. 8. Section four hundred sixty-seven A point forty-four (467A.44), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The commissioners of each soil conservation district shall, with approval of and within time limits set by administrative order of the state soil conservation committee, adopt such reasonable regulations as are deemed necessary to establish a soil loss limit or limits for the district and provide for the implementation of the limit or limits, and may subsequently amend or repeal their regulations as they deem necessary. The state soil conservation committee shall review the soil loss limit regulations adopted by the soil conservation districts at least once every five years, and shall recommend any changes in the regulations of any soil conservation district which the state committee deems necessary to assure that the district's soil loss limits are reasonable and attainable. The commissioners may:

Sec. 9. Section four hundred sixty-seven A point forty-eight (467A.48), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred fifteen (115), section one (1), is amended to read as follows:

467A.48 APPLICATION FOR PUBLIC COST-SHARING FUNDS. No owner or occupant of land in this state shall be required to establish any new permanent or

temporary soil and water conservation practice unless public or other cost-sharing funds have been specifically approved for such land and actually made available to the owner or occupant in an amount equal to at least seventy-five percent of the cost of any permanent soil and water conservation practice, or an amount set by the state soil conservation committee for any temporary soil and water conservation practice, except as otherwise provided by law with respect to land classified as agricultural land under conservation cover. The state soil conservation committee shall review these requirements ~~at--least~~ once each year, and may authorize soil conservation district commissioners to make the mandatory establishment of any specified soil and water conservation practice in any particular case conditional on a higher proportion of public cost-sharing than is required by this section. When the commissioners have been so authorized, they shall, in determining the amount of cost-sharing for establishment of a specified soil and water conservation practice to comply with an administrative order issued pursuant to section 467A.47, consider the extent to which the practice will contribute benefits to the public in relation to the benefits that will accrue to the individual owner or occupant of the land on which the practice is to be established. Evidence that an application for public or other cost-sharing funds, from a source or sources having authority to pay a portion of the cost of work needed to comply with an administrative order issued pursuant to section 467A.47, has been submitted to the proper officer or agency shall constitute commencement of such work within the meaning of sections 467A.43 to 467A.53. Upon receiving evidence of the submission of such application, the commissioners shall forward to the officer or agency to which the application was made a written request to receive notification of the disposition of such application. When notified of the approval of such application, the commissioners shall issue to the same parties who received the original administrative order, or their successors in interest, a supplementary order, to be delivered in the same manner as provided by sections 467A.43 to 467A.53 for delivery of original administrative orders. The supplementary order shall state a time, not more than six months after approval of the application for public cost-sharing funds, by which the work needed to comply with the original administrative order shall actually be commenced, and a time thereafter when such work is to be satisfactorily completed. If feasible, that time shall be within one year after the date of the supplementary order, but the owner of land on which a soil and water conservation practice is being established under this section shall not be required to incur a cost therefor in any one calendar year which exceeds ten dollars per acre for each acre of land belonging to that owner and located in the county containing the land on which the required practice is being established or in counties contiguous thereto.

Sec. 10. Chapter four hundred sixty-seven A (467A), Code 1979, is amended by adding the following new section:

NEW SECTION. DISCRETIONARY INSPECTION BY COMMISSIONERS--ACTIONS UPON CERTAIN FINDINGS.

1. In addition to the authority granted by section four hundred sixty-seven A point forty-seven (467A.47) of the Code, the commissioners of any

soil conservation district may inspect or cause to be inspected any land within the district on which they have reasonable grounds to believe that soil erosion is occurring in excess of the limits established by the district's soil erosion control regulations. If the commissioners find from an inspection conducted under authority of either section four hundred sixty-seven A point forty-seven (467A.47) of the Code or this section that soil erosion is occurring on that land in excess of the applicable soil loss limits established by the district's soil erosion control regulations, they shall send notice of that finding to the landowner or landowners of record, and to the occupant of the land if known to the commissioners. The notice shall describe the land affected and shall state as nearly as possible the extent to which soil erosion from that land exceeds the applicable soil loss limits.

a. If the commissioners find that the excessive erosion described in the notice is not causing sediment damage to property owned or occupied by any person other than the owner or occupant of the land on which the excessive soil erosion is occurring, and that the rate of the excessive erosion is less than twice the applicable soil loss limit, the notice required by this subsection shall include or be accompanied by information regarding financial or other assistance which the commissioners are able to make available to the owner or occupant of the land to aid in achieving compliance with the applicable soil loss limits.

b. If the commissioners find that the excessive soil erosion described in the notice is not causing sediment damage to property owned or occupied by any person other than the owner or occupant of the land on which it is occurring, but that the erosion is occurring at a rate equal to or greater than twice the applicable soil loss limit, the notice shall so state, shall include or be accompanied by the information required by paragraph a of this subsection, and shall be delivered by personal service or by restricted certified mail to each of the persons to whom the notice is directed. A notice given under this paragraph shall also include or be accompanied by information explaining the provisions of subsection two (2) of this section.

2. Beginning January 1, 1985, or five years after the completion of the conservation folder for a particular farm unit pursuant to section ten (10) of this Act, whichever date is later, the commissioners of the soil conservation district in which that farm unit is located may petition the district court for an appropriate order with respect to that farm unit if its owner or occupant has been sent a notice by the commissioners under subsection one (1), paragraph b of this section for three or more consecutive years. The commissioners' petition shall seek a court order which states a time not more than six months after the date of the order when the owner or occupant must commence, and a time when he or she must complete the steps necessary to comply with the order. The time allowed to complete the establishment of any temporary soil and water conservation practice employed to comply or advance toward compliance with the court's order shall be not more than one year after the date of that order, and the time allowed to complete the establishment of any permanent soil and water conservation practice employed to comply with the court's order shall be not more than

five years after the date of that order. The provisions of section four hundred sixty-seven A point forty-eight (467A.48) of the Code shall apply to a court order issued under this subsection. The steps required of the farm unit owner or operator by the court order shall be those which are necessary to do one of the following:

a. Bring the farm unit which is the subject of the order into compliance with its farm unit soil conservation plan, if such a plan had been agreed upon prior to the time the commissioners petitioned for the order.

b. Bring the farm unit which is the subject of the order into compliance with a plan developed for that farm unit by the commissioners, in accordance with guidelines established by the department of soil conservation, and presented to the court as a part of the commissioners' petition, if a farm unit soil conservation plan has not previously been agreed upon for that farm unit. A plan presented to the court by the commissioners under this paragraph shall specify as many alternative approved soil and water conservation practices as feasible, among which the owner or occupant of the farm unit may choose in taking the steps necessary to comply with the court's order.

c. Bring the farm unit which is the subject of the order into compliance with a soil conservation plan developed by the owner or occupant of that farm unit as an alternative to the proposed soil conservation plan developed by the commissioners, if the owner or occupant so petitions the court and the court finds that the owner or occupant's plan will bring the farm unit into conformity with the applicable soil loss limits of the district.

Sec. 11. Chapter four hundred sixty-seven A (467A), Code 1979, is amended by adding the following new section:

NEW SECTION. DUTIES OF COMMISSIONERS AND OF OWNERS AND OCCUPANTS OF AGRICULTURAL LAND--RESTRICTIONS ON USE OF COST-SHARING FUNDS.

1. The commissioners of each soil conservation district shall seek to implement or to assist in implementing the following requirements:

a. Each farm unit shall be furnished a conservation folder by the department of soil conservation, acting through the soil conservation district in which the farm unit is located, not later than January 1, 1985, or as soon thereafter as adequate funding is available to permit completion of a conservation folder for every farm unit in the state. The department shall provide by rule that an updated farm plan prepared for a particular farm unit within ten years prior to the effective date of this subsection shall be considered an adequate replacement for the conservation folder for that farm unit. Upon completion of the conservation folder for a particular farm unit, the district shall send the owner of that farm unit, and also the operator of the farm unit if known by the commissioners to be other than the owner, a letter offering that person or those persons a copy of the folder. The district shall keep a record of the date the folder is completed and the letter is sent. The folder shall be updated from time to time by the district as it deems necessary.

b. The commissioners of each soil conservation district shall complete preparation of a farm unit soil conservation plan for each farm unit within the district, not later than January 1, 1985 or five years after completion

of the conservation folder for that farm unit, whichever date is later, or as soon thereafter as adequate funding is available to permit compliance with this requirement. The commissioners shall make every reasonable effort to consult with the owner and, if appropriate, with the operator of that farm unit, and to prepare the plan in a form which is acceptable to that person or those persons. The plan shall be drawn up and completed without expense to the owner or operator of the farm unit, except that the owner or operator shall not be reimbursed for the value of his or her own time devoted to participation in the preparation of the plan. If the commissioners' plan is unacceptable to the owner or operator of the farm unit, that person or those persons may prepare an alternative farm unit soil conservation plan identifying permanent or temporary soil and water conservation practices which may be expected to achieve compliance with the soil loss limit or limits applicable to that farm unit, and submit that plan to the soil conservation district commissioners for their review.

c. Within one year after completion of a farm unit soil conservation plan for a particular farm unit which is acceptable both to the commissioners of the soil conservation district within which the farm unit is located and to the owner and, if appropriate, to the operator of that farm unit, the commissioners shall offer to enter into a soil conservation agreement with the owner, and also with the operator if appropriate, based on the mutually acceptable farm unit soil conservation plan.

2. State cost-sharing funds shall not be made available for use on a farm unit with respect to which no conservation agreement is in effect by January 1, 1986 or one year after the completion of the farm unit soil conservation plan for that farm unit by the soil conservation district, whichever date is later. The restriction imposed by this subsection shall not apply to any farm unit with respect to which an administrative order or a court order to comply with applicable soil loss limits has been issued as provided by this chapter.

Sec. 12. Chapter four hundred sixty-seven A (467A), Code 1979, is amended by adding the following new section:

NEW SECTION. RIGHT OF PURCHASER OF AGRICULTURAL LAND TO OBTAIN INFORMATION. A prospective purchaser of an interest in agricultural land located in this state is entitled to obtain from the seller, or from the office of the soil conservation district in which the land is located, a copy of the most recently updated conservation folder and of any farm unit soil conservation plan, developed pursuant to section eleven (11), subsection one (1), paragraph b of this Act, which are applicable to the agricultural land proposed to be purchased. A prospective purchaser of an interest in agricultural land located in this state shall be entitled to obtain additional copies of either or both of the documents referred to in this subsection from the office of the soil conservation district in which the land is located, promptly upon request, at a fee not to exceed the cost of reproducing them. Each person who identifies himself or herself to the commissioners or staff of a soil conservation district as a prospective purchaser of agricultural land in the district shall be given information, prepared in accordance with rules of the department of soil conservation, which clearly explains the provisions of section fourteen (14) of this Act.

Sec. 13. Chapter four hundred sixty-seven A (467A), Code 1979, is amended by adding the following new section:

NEW SECTION. EROSION CONTROL PLANS REQUIRED FOR CERTAIN PROJECTS.

1. When a land disturbing activity is to occur as a part of a project for which a permit is required by a political subdivision which has adopted a building code pursuant to chapter one hundred three A (103A) of the Code or zoning ordinances pursuant to chapter three hundred fifty-eight A (358A) or four hundred fourteen (414) of the Code, the required permit for the project causing the land disturbing activity shall not be issued unless there is on file with the permit issuing authority a soil erosion control plan which covers the proposed project and is approved by the soil conservation district commissioners.

2. For the purposes of this section, "land disturbing activity" means a land change such as the tilling, clearing, grading, excavating, transporting or filling of land which may result in soil erosion from water or wind and the movement of sediment and sediment related pollutants into the waters of the state or onto lands in the state but does not include the following:

- a. Tilling, planting or harvesting of agricultural, horticultural or forest crops.
- b. Preparation for single-family residences separately built unless in conjunction with multiple construction in subdivision development.
- c. Minor activities such as home gardens, landscaping, repairs and maintenance work.
- d. Surface or deep mining.
- e. Installation of public utility lines and connections, fence posts, sign posts, telephone poles, electric poles and other kinds of posts or poles.
- f. Septic tanks and drainage fields unless they are to serve a building whose construction is a land disturbing activity.
- g. Construction and repair of the tracks, right-of-way, bridges, communication facilities and other related structures of a railroad.
- h. Emergency work to protect life or property.
- i. Disturbed land areas of less than ten thousand square feet unless a political subdivision by ordinance establishes a smaller exception or establishes conditions for this exception.
- j. The construction, relocation, alteration or maintenance of public roads.

3. If the permit issuing authority determines that a land disturbing activity is not being conducted in compliance with the soil erosion control plan, the permit issuing authority shall file a written and signed complaint with the soil conservation district commissioners. The complaint shall have the same effect and validity as a complaint filed by an owner or occupant of land being damaged by sediment pursuant to section four hundred sixty-seven A point forty-seven (467A.47) of the Code. The soil conservation district commissioners may issue an administrative order as provided in that section to the person conducting the land disturbing activity.

Sec. 14. Chapter four hundred sixty-seven A (467A), Code 1979, is amended by adding the following new section:

NEW SECTION. COST SHARING FOR CERTAIN LANDS RESTRICTED.

1. It is the intent of this Act that, effective January 1, 1981, each tract of agricultural land which has not been plowed or used for growing row crops at any time within fifteen years prior to that date, shall for purposes of this section be considered classified as agricultural land under conservation cover. If any tract of land so classified is thereafter plowed or used for growing row crops, the commissioners of the soil conservation district in which the land is located shall not approve use of state cost-sharing funds for establishing permanent or temporary soil and water conservation practices on that tract of land in an amount greater than one-half the amount of cost-sharing funds which would be available for that land if it were not considered classified as agricultural land under conservation cover. The restriction imposed by this section shall apply even if an administrative order or court order has been issued requiring establishment of soil and water conservation practices on that land. The commissioners may waive the restriction imposed by this section if they determine in advance that the purpose of plowing or row cropping land classified as land under conservation cover is to revitalize permanent pasture and that the land will revert to permanent pasture within two years after it is plowed.

2. When receiving an application for state cost-sharing funds to pay a part of the cost of establishing a permanent or temporary soil and water conservation practice, the commissioners of the soil conservation district to which the application is submitted shall require the applicant to state in writing whether, to the best of the applicant's knowledge, the land on which the proposed practice will be established is land considered to be classified as agricultural land under conservation cover, as defined in subsection one (1) of this section. An applicant who knowingly makes a false statement of material facts or who falsely denies knowledge of material facts in completing the written statement required by this subsection commits a simple misdemeanor and, in addition to the penalty prescribed therefor by law, shall be required to repay to the department of soil conservation any cost-sharing funds made available to the applicant in reliance on the false statement or false denial.

Sec. 15. Chapter four hundred sixty-seven A (467A), Code 1979, is amended by adding the following new section:

NEW SECTION. PROCEDURE WHEN COMMISSIONER IS COMPLAINANT. A soil conservation district commissioner who is an owner or occupant of land being damaged by sediment has the same right as any other person in like circumstances to file a complaint under section four hundred sixty-seven A point forty-seven (467A.47) of the Code, however a commissioner who is the complainant shall not vote on the question whether, on the basis of the inspection made pursuant to the complaint, the commissioners shall issue an administrative order under section four hundred sixty-seven A point forty-seven (467A.47) of the Code.

Sec. 16. The first review of soil loss limit regulations which have been adopted by soil conservation districts in the state, conducted pursuant to section four hundred sixty-seven A point forty-four (467A.44) of the Code as amended by section eight (8) of this Act, shall be completed by the state soil conservation committee not later than December 31, 1980.

Sec. 17. As soon as reasonably possible after July 1, 1980, the commissioners of each soil conservation district in the state shall publish, in a newspaper of general circulation in the district, a notice advising owners and operators of agricultural land in the district of the provisions of section fourteen (14) of this Act. The notice shall be drawn up in accordance with rules of the department of soil conservation.

Sec. 18. Sections one (1) through seven (7) and nine (9) through fifteen (15) of this Act are effective January first following its enactment.

Approved May 22, 1980

CHAPTER 1154
CONSERVANCY DISTRICT DIRECTORS
S. F. 2357

AN ACT relating to the composition and powers of conservancy district boards of directors, and adjusting the statutory boundaries of certain conservancy districts.

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

Section 1. Section four hundred sixty-seven D point four (467D.4), Code 1979, is amended to read as follows:

467D.4 GOVERNING BODY. The governing body of each conservancy district shall be one of the following:

1. The state soil conservation committee established by section 467A.4.
2. A board of not less than five nor more than nine members elected from conservancy district wards established under section four hundred sixty-seven D point five (467D.5) of the Code. Conservancy district board members so elected shall be reimbursed for travel and other actual and necessary expenses incurred in performing their duties. The member of the state soil conservation committee appointed from that conservancy district is an ex officio nonvoting member of the district board of directors.

Sec. 2. Section four hundred sixty-seven D point five (467D.5), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

467D.5 ELECTION OF CONSERVANCY DISTRICT BOARD.

1. The state soil conservation committee acting in its capacity as a conservancy district board may propose division of a conservancy district, currently being governed by the state soil conservation committee under subsection one (1) of section four hundred sixty-seven D point four (467D.4) of the Code, into not less than five nor more than nine wards. Ward boundaries shall coincide with county boundaries, except that each ward shall lie entirely within the conservancy district of which it is a part. Each ward shall be composed of contiguous territory and shall be drawn with

equality of population as an objective, insofar as that objective can reasonably be implemented while meeting the other requirements of this subsection.

2. The board of directors of a conservancy district which has been divided into wards under subsection one (1) of this section shall consist of one director from each ward so established, who shall be elected as provided by subsection three (3) of this section. Each director shall serve a term of three years beginning on the first day of January, following that director's election, which is not a Sunday or a holiday. When a proposal for establishment of wards in a conservancy district has been approved by the state soil conservation committee, the members of the first elected board shall be chosen as provided by subsection three (3) of this section except that the election shall be held not more than one hundred eighty days after the date of approval of the proposal for establishment of wards. The first elected board of directors shall take office on a day specified by the state soil conservation committee, which shall be not more than thirty days after election of the directors is completed. Upon taking office, the first elected board shall divide itself by lot into three classes as nearly equal in size as possible. Thereafter, successors to members of the first class shall be elected in the first succeeding calendar year, successors to members of the second class shall be elected in the second succeeding calendar year, and successors to members of the third class shall be elected in the third succeeding calendar year after the year in which the first elected board takes office.

3. Each member of a conservancy district board of directors shall be elected at a ward convention attended by delegates chosen by and from among the commissioners of the respective soil conservation districts located entirely or partially within that ward.

a. A convention shall be held for each ward not earlier than October first nor later than November thirtieth of each year in which a director is to be elected from that ward. Each ward convention shall be called and its location shall be determined by the board of directors of the conservancy district of which the ward is a part. The conventions shall be held within the boundaries of the respective wards, and may be held in conjunction with other meetings attended by soil conservation district commissioners where doing so will avoid or reduce expense for travel and for use of convention sites. Notice of the time, date and place of a ward convention shall be published by the conservancy district board of directors, at least thirty days prior to the convention date, in at least one newspaper of general circulation in the ward. The cost of publication shall be paid by the conservancy district.

b. The commissioners of each separate soil conservation district located entirely or partially within a conservancy district ward shall jointly cast a single, weighted vote for director of the conservancy district from that ward. The weight of the vote cast by the commissioners of each soil conservation district shall be based upon the ratio that the population of the soil conservation district, or portion of the district, bears to that of the entire ward. The population of each soil conservation district, or

portion of a district, shall be certified by the department of soil conservation.

c. A candidate for election to the conservancy district board from a ward may file a statement of candidacy with the secretary of the conservancy district board at least ten days before the date of that ward's convention. The statement of candidacy shall state the candidate's name and address and shall indicate the soil conservation district within which the candidate resides. The list of candidates in each ward where an election is to occur shall be sent by ordinary mail to the commissioners of each soil conservation district located entirely or partially within the ward, immediately after the last day for filing. The filing of a statement of candidacy shall not be a prerequisite for election as a conservancy district director. A delegate to a ward convention shall not be bound by the soil conservation district commissioners to pledge his or her vote to any candidate prior to the date of the convention.

4. Any eligible elector as defined in section thirty-nine point three (39.3) of the Code residing in a conservancy district ward is eligible to be elected to represent that ward on the board. A conservancy district board member need not be a soil conservation district commissioner, but the same individual may hold both offices concurrently. A person shall be elected to the board for no more than two consecutive terms. A vacancy is created when a member of the board removes his or her residence from the ward he or she was elected to represent. A vacancy shall be filled by appointment of the state soil conservation committee from a list of nominees submitted by the remaining members of the board, for the period until the next regular election under subsection three (3) of this section. At that election, a board member shall be elected for the remaining balance of the unexpired term.

Sec. 3. Section four hundred sixty-seven D point six (467D.6), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Establish, administer and direct various advisory committees as authorized by this chapter.

Sec. 4. Section four hundred sixty-seven D point seven (467D.7), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

467D.7 ADMINISTRATION OF CONSERVANCY DISTRICTS BY STATE COMMITTEE.

1. When officially conducting the business of a conservancy district, the committee shall formally convene as the board of that conservancy district and shall keep minutes as such. The chairperson of the committee shall be the chairperson of the board of each conservancy district that it administers.

2. The state soil conservation committee, serving in its capacity as the board of a conservancy district, shall appoint a secretary and a treasurer for the conservancy district, and may appoint the same individual as secretary for two or more conservancy districts, or as the treasurer for two or more conservancy districts. However, a person shall not simultaneously serve as both a board secretary and a board treasurer, either for the same conservancy district or for different conservancy districts. A person

appointed by the committee as secretary or treasurer of one or more conservancy districts, who is not otherwise employed by the state or any of its political subdivisions, shall receive compensation as the committee determines.

Sec. 5. Section four hundred sixty-seven D point eight (467D.8), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

467D.8 ADMINISTRATION OF CONSERVANCY DISTRICTS BY ELECTED BOARD.

1. The board of each conservancy district which is administered by an elected board shall hold an annual meeting in January and shall meet at least once each quarter. The chairperson of the board shall schedule a special meeting within five days on the request of any two board members. An action of the board requires the affirmative votes of at least a majority of the elected members.

2. At the first meeting after election of the initial board, at the annual meeting in the following calendar year, and at each succeeding annual meeting, the board shall organize by electing a chairperson and a vice-chairperson. Upon completing its organization, the initial elected board of a conservancy district shall so notify the state soil conservation committee in writing. The committee shall transfer the powers, duties and records of the board of that conservancy district to the elected board within thirty days after receiving the notice.

3. At its first meeting after election of the initial board pursuant to section two (2) of this Act, and at each succeeding annual meeting, the board of each conservancy district administered by an elected board shall appoint a secretary and a treasurer for the conservancy district. However, a person shall not simultaneously serve as both a board secretary and a board treasurer, either for the same conservancy district or for different conservancy districts. The secretary and treasurer may be either full-time or part-time employees of the conservancy district, at the board's discretion. The secretary and the treasurer shall each qualify by filing with the board, within ten days after being appointed, a bond in an amount designated by the board, but not less than one thousand dollars, conditioned on the faithful performance of their respective duties. The reasonable cost of the secretary's and the treasurer's bonds may be paid from the funds of the conservancy district.

Sec. 6. Section four hundred sixty-seven D point ten (467D.10), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Perform other duties as directed by the board.

Sec. 7. Section four hundred sixty-seven D point three (467D.3), subsection one (1), paragraph j, Code 1979, is amended to read as follows:

j. In Scott county:

<u>Twp. N.</u>	<u>Range East</u>	<u>Sections</u>
80	1, 2, 3, 4, 5	All.
79	1	1 to 18 inclusive, 23, 24.
	2	1 to 30 inclusive, 33 to 36 inclusive.
	3, 4, 5	All.

78	2	1, 2, 10 to 17 inclusive, 20 to 36 inclusive <u>20 to 30 inclusive, 32 to 36 inclusive.</u>
	3, 4, 5	All.
77	2 -3	All <u>1 to 5 inclusive, 8 to 17 inclusive, 20 to 36 inclusive.</u>
	<u>3</u>	<u>All.</u>

All territory within the corporate limits of the city of Bluegrass, as such limits existed on January 1, 1979, shall be within the northeast Iowa conservancy district, including the portion of such city not within any of the sections of land previously listed in this paragraph.

Sec. 8. Section four hundred sixty-seven D point three (467D.3), subsection one (1), paragraphs k and l, Code 1979, are amended by striking the paragraphs.

Sec. 9. Section four hundred sixty-seven D point three (467D.3), subsection two (2), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

2. The Iowa-Cedar river conservancy district shall include all of Worth, Cerro Gordo, Butler, Franklin, Grundy, Benton, Tama, Johnson, Muscatine, and Iowa counties, those portions of Mitchell, Floyd, Chickasaw, Bremer, Black Hawk, Buchanan, Linn, Cedar, and Scott, ~~and Muscatine~~ counties not included in the northeast Iowa conservancy district, that portion of Jones county not so included in the northeast Iowa conservancy district and also all territory within the corporate limits of the city of Martelle in Jones county, as such limits existed on January 1, 1969, including that portion of such city within any of the sections of land listed in paragraph "h" of subsection 1 of this section, and the designated portions of each of the following counties:

Sec. 10. Section four hundred sixty-seven D point three (467D.3), subsection two (2), paragraph m, Code 1979, is amended to read as follows:

m. In Louisa county:

<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
76	5	All.
75	<u>2</u>	<u>All.</u>
	3	4 to 9 inclusive, 16 to 22 inclusive, 27 to 34 inclusive <u>All.</u>
	4, 5	All.
74	1	All.
	2	18, 19, 29 to 32 inclusive, <u>36 5 to 9 inclusive, 16 to 22 inclusive, 26 to 36 inclusive.</u>
	3	2 to 36 inclusive <u>All.</u>
	4	1 to 30 inclusive, 32 to 36 inclusive.

<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
	5	1 to 29 inclusive, 34.
73	1	All.
	2	17-4-to-36-inclusive All.
	3	All.
	4	1 to 5 inclusive, 9 to 16 inclusive, 23 to 26 inclusive, 35, 36.

~~All-territory-within-the-corporate-limits-of-the-city-of-Grandview,--as--such-limits--existed--on--January--1,--1969,--shall-be-within-the-Iowa-Gedar-river-conservancy-district,--including-the-portion-of-the-city-not-within-any-of-the-sections-of-land-listed-in-this-paragraph.~~

Sec. 11. Section four hundred sixty-seven D point three (467D.3), subsection five (5), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The southern Iowa conservancy district shall include all of Wayne, Decatur, Ringgold, Adams, Taylor, Cass, Montgomery, Mills, Fremont, and Page counties, those portions of Audubon and Monroe counties not included in the Des Moines river conservancy district, and the designated portions of each of the following counties:

Sec. 12. Section four hundred sixty-seven D point three (467D.3), subsection five (5), paragraph k, Code 1979, is amended to read as follows:

k. In Crawford county:

<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
83	37	11 to 36 inclusive.
	38	23 to 26 inclusive, 34, 35, 36.
82	37	All.
	38	1 to 5 inclusive, 9 to 36 inclusive.
	39	13, 23 to 28 inclusive, 33 30 to 36 inclusive.

Sec. 13. Section four hundred sixty-seven D point three (467D.3), subsection five (5), paragraph l, Code 1979, is amended to read as follows:

l. In Shelby county:

<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
81	37, 38	All.
	39	17--27-37-10--to-15--inclusive, 22--to-27--inclusive, 347-357-36 1 to 5 inclusive, 7 to 36 inclusive.
	40	13, 23 to 26 inclusive, 35, 36.
80	37, 38	All.
	39	17--27-37--10--to-16--inclusive, 21--to-29--inclusive, 347-357-36 All.

	<u>40</u>	<u>1 to 4 inclusive, 8 to 17 inclusive, 19 to 36 inclusive.</u>
79	37, 38 <u>39, 40</u>	All. 17--27-37--10-to-16--inclusive,--21-to-28--inclusive, 32-to-36-inclusive <u>All.</u>
78	37, 38, 39 40	All. 17--27-37--10-to--15-inclusive,--21--to-28--inclusive, 32-to-36-inclusive <u>All.</u>

~~All--territory--within--the--corporate--limits--of--the--cities--of--Shelby,--Fennant, and--Westphalia,--as--such--limits--existed--on--January--17,--1969,--shall--be--within the--southern--Iowa--conservaney--district,--including--the--portions--of--such--cities not--within--any--of--the--sections--of--land--listed--in--this--paragraph.~~

Sec. 14. Section four hundred sixty-seven D point three (467D.3), subsection five (5), paragraph m, Code 1979, is amended to read as follows:

m. In Pottawattamie county:

<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
77	38, 39, 40 <u>41, 42, 43</u> <u>44</u>	All. <u>257-36 All.</u> <u>1, 12, 13, 24, 25, 28 to 36 inclusive.</u>
76	38, 39, 40 <u>41, 42, 43,</u> <u>44</u>	All. 17--11--to-15-inclusive,--21 to--29-inclusive,--32-to-36 inclusive <u>All.</u>
75	38, 39, 40, 41 <u>42, 43, 44</u>	All. <u>137-247-257-267-357-36 All.</u>
74	38, 39, 40, 41 <u>42, 43, 44</u>	All. 17--27-11-to-14--inclusive, 237--247--257--357--36 <u>All.</u>

Sec. 15. Section four hundred sixty-seven D point three (467D.3), subsection five (5), paragraphs n and o, Code 1979, are amended by striking the paragraphs and adding the following new paragraph:

NEW PARAGRAPH. In Harrison county:

<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
80	41	25, 26, 34, 35, 36.
79	41	1, 2, 3, 10 to 16 inclusive, 21 to 29 inclusive, 31 to 36 inclusive.
	42	36.
78	41	All.
	42	1 to 5 inclusive, 7 to 36 inclusive.
	43	13, 15, 22 to 28 inclusive, 32 to 36 inclusive.

Sec. 16. Section four hundred sixty-seven D point three (467D.3), subsection six (6), paragraphs c and d, Code 1979, are amended by striking the paragraphs and adding the following new paragraph:

NEW PARAGRAPH. That portion of Harrison county not included in the southern Iowa conservancy district.

Sec. 17. Section four hundred sixty-seven A point thirteen (467A.13), Code 1979, is amended to read as follows:

467A.13 PURPOSE OF SUBDISTRICTS. Subdistricts of a soil conservation district may be formed as hereinafter provided for the purpose purposes of cooperating with conservancy districts and of carrying out watershed protection and flood prevention programs within the subdistrict but may not be formed solely for the purpose of establishing or taking over the operation of an existing drainage district.

Sec. 18. Section four hundred sixty-seven A point twenty-four (467A.24), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The amount of benefit appraised to each forty acres of land within the subdistrict shall be determined by the improvements within said subdistrict based upon the work plan as agreed upon by the subdistrict ~~and--furnished--by the-United-States-soil-conservation-service.~~

Sec. 19. Section four hundred sixty-seven D point nine (467D.9), Code 1979, is repealed.

Approved May 22, 1980

CHAPTER 1155
COMMERCE COMMISSION RULES
H. F. 2550

AN ACT relating to the authority of the Iowa state commerce commission to promulgate rules requiring energy conservation management and strategies.

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

Section 1. Chapter four hundred seventy-six (476), Code 1979, is amended by adding the following new section:

NEW SECTION. PEAK-LOAD ENERGY CONSERVATION.

1. The commission may promulgate rules pursuant to chapter seventeen A (17A) of the Code which require or authorize a public utility to establish peak load management procedures.

2. Rules of the commission shall relate to reducing or limiting the peak-load period consumption.

3. In promulgating rules under this section, the commission is not bound by decisions, rulings or orders which relate to the definitions of types or

classes of customers and which were issued by the Iowa state commerce commission prior to the effective date of this Act.

Sec. 2. Section four hundred seventy-six point one (476.1), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The jurisdiction of the commission under this chapter shall include programs designed to promote the use of energy conservation strategies by rate or service-regulated gas and electric utilities. These programs shall be cost effective. The commission may initiate these programs as pilot projects to accumulate sufficient data to determine if the programs meet the requirements of this paragraph.

Sec. 3. Section four hundred seventy-six point two (476.2), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The commission shall promulgate rules concerning the use of energy conservation strategies by rate or service-regulated gas and electric utilities by July 1, 1981. The commission may prescribe appropriate rates for any approved energy conservation program. Nothing in this paragraph subjects the rates of municipal utilities to the regulatory authority of the commission.

Approved May 23, 1980

CHAPTER 1156
LOANS, ADVANCES AND CREDIT
H. F. 2492

AN ACT relating to the regulation of terms and conditions of certain loans, advances and extensions of credit.

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

Section 1. Section four hundred seventy-six point six (476.6), unnumbered paragraph six (6), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred seventeen (117), section one (1), is amended to read as follows:

However, a public utility ~~shall-have-the-right~~ may at any time after said rates, charges, schedules or regulations have been suspended for ninety days ~~to~~ place in effect any or all of ~~such~~ the suspended rates, charges, schedules or regulations by filing with the commission a bond or other undertaking approved by the commission conditioned upon the refund in a manner to be prescribed by the commission of any amounts collected ~~thereunder~~ in excess of the amounts which would have been collected under rates, charges, schedules or regulations finally approved by the commission. The commission shall establish a rate of interest to be paid by a public utility to persons receiving refunds. ~~Such~~ The rate of interest shall be a reasonable rate as determined by the commission, but not less than five percent per annum, nor

more--than--twelve--percent--per--annum, and the interest shall be compounded annually. The public utility shall not place into effect any portion of any suspended rates, charges, schedules or regulations of any subsequent rate filing relating to services with respect to which a rate filing is pending within twelve months following the date a prior application was filed or until after the commission has issued a final order in any previously filed rate proceedings, whichever is earlier, unless the public utility applies to the commission for authority and receives authority to place a portion of the subsequent filed rate filing into effect on an interim basis.

Sec. 2. NEW SECTION. TEMPORARY EXEMPTIONS.

1. The following persons may agree in writing to pay any rate of interest, and a person so agreeing in writing shall not plead or interpose the claim or defense of usury in any action or proceeding, and the person agreeing to receive such rate of interest shall not be subject to any penalty or forfeiture for agreeing to receive or receiving such interest:

a. A person borrowing money to finance the acquisition of real property, including the refinancing of a contract for deed, and including the refinancing or assumption of a prior loan by a new borrower if the lender releases the original borrower from all personal liability with respect to the loan;

b. A person borrowing money or obtaining credit in an amount which exceeds thirty-five thousand dollars, exclusive of interest, for the purpose of constructing improvements on real property, whether or not the real property is owned by that person;

c. A vendee under a contract for deed to real property; or

d. A person described in section five hundred thirty-five point two (535.2), subsection two (2), of the Code.

e. A person borrowing money or obtaining credit for business or agricultural purposes, or a person borrowing money or obtaining credit in an amount which exceeds thirty-five thousand dollars for personal, family or household purposes. As used in this paragraph, "agricultural purpose" means and includes any of the purposes referred to in section five hundred thirty-seven point one thousand three hundred one (537.1301), subsection four (4) of the Code, but regardless of whether or not the activities described in that subsection are undertaken by a natural person or other entity.

2. The provisions of subsection one (1) of this section apply only to written agreements which are executed on or after the effective date of this Act and with respect to those agreements, the provisions of this Act supersede any interest rate or finance charge limitations contained in the Code, including but not limited to provisions of chapters three hundred twenty-one (321), three hundred twenty-two (322), five hundred twenty-four (524), five hundred thirty-three (533), five hundred thirty-four (534), five hundred thirty-five (535), five hundred thirty-six A (536A), and five hundred thirty-seven (537) of the Code. A rate of interest which is lawful under the provisions of this Act shall remain lawful during the entire term of the written agreement in which the rate is set forth, including any extensions thereof, and until the principal amount to which the rate pertains is paid, and may apply to all money due or to become due under that agreement, including future advances, if any.

3. A lender may collect, in connection with any loan made pursuant to a written agreement executed by the borrower on or after the effective date of this Act, or in connection with any loan made pursuant to a written commitment by the lender mailed or delivered to the borrower on or after the effective date of this Act, a loan processing fee which does not exceed two percent of an amount which is equal to the loan principal, except that in the event of an assumption or refinancing of a prior loan the lender may collect a loan processing fee which does not exceed an amount which is a reasonable estimate of the expenses of processing the loan assumption or refinancing but which does not exceed one percent of the amount assumed or refinanced. As used in this subsection, the term "loan" means as defined in section five hundred thirty-five point eight (535.8), subsection one (1), of the Code. The provisions of this subsection supersede conflicting provisions of section five hundred thirty-five point eight (535.8), subsection two (2), paragraph a, Code 1979 Supplement, but no other provision of this section is intended to affect any other subsection or paragraph of section five hundred thirty-five point eight (535.8) Code 1979 Supplement.

4. This section does not supersede the provisions of section five hundred thirty-five point nine (535.9), Code 1979 Supplement.

Sec. 3. Section five hundred twenty-four point nine hundred one (524.901), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred twenty-eight (128), section sixteen (16), is amended by adding the following new subsection:

NEW SUBSECTION. A state bank may invest in participation certificates issued by one or more production credit associations chartered under the laws of the United States in an amount which does not exceed, in the aggregate with respect to all such associations, twenty percent of the capital and surplus of the state bank.

Sec. 4. Section five hundred twenty-four point nine hundred six (524.906), subsection six (6), Code 1979, is amended by striking the subsection.

Sec. 5. Section five hundred twenty-four point nine hundred eight (524.908), Code 1979, is amended to read as follows:

524.908 ~~DIRECT-LEASING~~ LEASING OF PERSONAL PROPERTY. A state bank shall ~~have--the--power,--subject-to-approval-by-the-superintendent,--to~~ may acquire, upon the specific request of and for the use of a customer, and lease, personal property pursuant to a binding arrangement for the leasing of ~~such~~ the property to the customer upon terms requiring payment to the state bank, during the minimum period of the lease, of rentals which in the aggregate, when added to the estimated tax benefits to the bank resulting from the ownership of the lease property plus the estimated residual market value of the leased property at the expiration of the initial term of the lease, will be at least equal to the total expenditures by the state bank for, and in connection with, the acquisition, ownership, maintenance and protection of the property. A lease made under authority of this section shall have the prior approval of the superintendent or be made pursuant to personal property lease guidelines approved by the superintendent for use by the lessor bank or pursuant to a personal property lease guideline rule of general applicability for use by all state banks.

Sec. 6. Section five hundred thirty-six A point twenty-three (536A.23), subsection one (1), unnumbered paragraph one (1), Code 1979 Supplement, is amended to read as follows:

1. Charge, receive or collect interest at a rate exceeding ~~nine~~ ten cents on the hundred by the year, except that the interest may be computed when the note is made on the full amount of the cash advanced on the loan from the date of the note to the date of the final installment thereof, and the interest so computed may be included in the note, notwithstanding any agreement to pay the entire amount in installments; or the interest may be computed on the amount of the note and discounted or collected in advance when the loan is made, notwithstanding any agreement to pay the entire amount in installments. If the note is repayable in other than equal monthly installments, the interest may be an amount computed on the basis of the effective rates permitted as provided above; provided, however, there shall be no compounding of interest and when an interest rate as authorized herein is advertised, or negotiated for with a prospective borrower, with intent that it be computed by either of the two methods authorized herein, they being the "add on" method or the "discount" method, in such case such rate shall be further described as to the method of computation to be used, but interest computed by either method shall be stated to the borrower as provided in section 537.3210.

Sec. 7. Chapter five hundred thirty-five (535), Code 1979, is amended by adding the following new section:

NEW SECTION. FINANCE CHARGE ON ACCOUNTS RECEIVABLE.

1. Except where the parties have agreed in writing for the payment of a different finance charge or rate of interest, a creditor may charge a finance charge on the unpaid balances of an account receivable at a rate not exceeding that permitted by subsection three (3) or four (4) of this section if the creditor gives notice as required by subsection two (2) of this section.

2. As a condition of imposing a finance charge under this section, the creditor shall give notice to the debtor as follows:

a. In a transaction that is subject to the truth in lending Act, the creditor shall give all disclosures as required by that Act and at the time or times required by that Act.

b. In a transaction that is not subject to the truth in lending Act, the creditor shall give written notice to the debtor at the time the debt arises. The notice shall be contained on the invoice or bill of sale evidencing the credit transaction, and shall disclose the rate of the finance charge and the date or day of the month before which payment must be received if the finance charge is to be avoided. With respect to open accounts, this notice shall be given at the time credit is initially extended; provided that additional advance notice in writing shall be given to the debtor not less than ninety days prior to any change in the terms of the agreement or of rate of the finance charge or date payment is due. For purposes of this paragraph, notice is given if the invoice or bill of sale is delivered with the goods, whether or not the debtor is present at the time of delivery.

c. As used in this subsection, "truth in lending Act" means as defined in section five hundred thirty-seven point one thousand three hundred two (537.1302) of the Code.

3. With respect to an account other than an open account, the creditor may impose a finance charge not exceeding that permitted by section five hundred thirty-seven point two thousand two hundred one (537.2201), subsections two (2) through five (5) of the Code.

4. With respect to an open account, the creditor may impose a finance charge not exceeding that permitted by section five hundred thirty-seven point two thousand two hundred two (537.2202), subsections two (2) and three (3) of the Code.

5. As used in this section, "finance charge" means as defined in section five hundred thirty-seven point one thousand three hundred one (537.1301) of the Code; and "account receivable" means a debt arising from the retail sale of goods or services or both on credit; and "open account" means an account receivable consisting of debt arising from the extension of open-end credit, as defined in section five hundred thirty-seven point one thousand three hundred one (537.1301) of the Code.

6. This section does not supersede any of the provisions of chapter five hundred thirty-seven (537) of the Code, except that section five hundred thirty-seven point three thousand two hundred twelve (537.3212) of the Code does not apply to a consumer credit transaction in which a finance charge is imposed under this section. This section does not authorize the compounding of a finance charge.

7. The finance charge authorized by this section is in lieu of interest or a finance charge authorized under section five hundred thirty-five point two (535.2), subsection one (1) of the Code or any other provision of law. The rate of a finance charge imposed pursuant to this section is applicable to a judgment in an action on the account, notwithstanding section five hundred thirty-five point three (535.3) of the Code.

8. If a creditor imposes a finance charge in violation of this section, the debtor shall have the right to recover all amounts unlawfully received by the creditor as finance charges, plus attorney's fees and court costs incurred in any action to effect recovery. This subsection does not limit remedies which may be available under chapter five hundred thirty-seven (537) of the Code.

Sec. 8. Section five hundred thirty-five point eight (535.8), subsection two (2), Code 1979 Supplement, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. Notwithstanding section six hundred twenty-eight point three (628.3) of the Code, when a foreclosure of a mortgage on real property results from the enforcement of a due-on-sale clause, the mortgagor may redeem the real property at any time within three years from the day of sale under the levy, and the mortgagor shall, in the meantime, be entitled to the possession thereof; and for the first thirty months thereafter such right of redemption is exclusive. Any real property redeemed by the debtor shall thereafter be free and clear from any liability for any unpaid portion of the judgment under which the real property was sold. The right of redemption

established by this paragraph is not subject to waiver by the mortgagor and the period of redemption established by this paragraph shall not be reduced. The times for redemption by creditors provided in sections six hundred twenty-eight point five (628.5), six hundred twenty-eight point fifteen (628.15) and six hundred twenty-eight point sixteen (628.16) of the Code shall be extended to thirty-three months in any case in which the mortgagor's period for redemption is extended by this paragraph. This paragraph does not apply to foreclosure of a mortgage if for any reason other than enforcement of a due-on-sale clause. As used in this paragraph, "due-on-sale clause" means any type of covenant which gives the mortgagee the right to demand payment of the outstanding balance or a major part thereof upon a transfer by the mortgagor to a third party of an interest of the mortgagor in property covered by the mortgage. This paragraph applies to any foreclosure occurring on or after the effective date of this Act. However, this paragraph does not apply if the lender establishes, based on reasonable criteria which are not more restrictive than those used to evaluate new mortgage-loan applications, that the security interest or the likelihood of repayment is impaired as a result of the transfer of interest.

Sec. 9. Section three hundred twenty-two point nineteen (322.19), unnumbered paragraphs two (2) and three (3), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, Senate File two thousand two hundred (2200), section one (1), are amended to read as follows:

Class 1. Any new motor vehicle designated by the manufacturer by a year model not earlier than the year in which the sale is made, an amount equivalent to one and ~~one-half~~ three-fourths percent per month simple interest on the declining balance of the amount financed.

Class 2. Any new motor vehicle not in Class 1 and any used motor vehicle designated by the manufacturer by a year model of the same or not more than two years prior to the year in which the sale is made, an amount equivalent to ~~one-and-three-fourths~~ two percent per month simple interest on the declining balance of the amount financed.

Sec. 10. Chapter three hundred twenty-one (321), Code 1979, is amended by adding the following new section:

NEW SECTION. MOBILE HOME AND MODULAR HOME RETAIL INSTALLMENT CONTRACT--FINANCE CHARGE. A retail installment contract or agreement for the sale of a mobile home or modular home may include a finance charge not in excess of an amount equivalent to one and three-fourths percent per month simple interest on the declining balance of the amount financed.

"Amount financed" shall be as defined in section five hundred thirty-seven point one thousand three hundred one (537.1301) of the Code.

The limitations contained in this section do not apply in a transaction referred to in section five hundred thirty-five point two (535.2), subsection two (2), of the Code. With respect to a consumer credit sale, as defined in section five hundred thirty-seven point one thousand three hundred one (537.1301) of the Code, the limitations contained in this section supersede conflicting provisions of chapter five hundred thirty-seven (537), article two (2), part two (2) of the Code.

Sec. 11. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred twenty-eight (128), section one (1), amending chapter three hundred twenty-one (321) of the Code, is amended to read as follows:

SECTION 1. Chapter three hundred twenty-one (321), Code 1979, is amended by adding the following new section:

NEW SECTION. SEMITRAILER OR TRAVEL TRAILER RETAIL INSTALLMENT CONTRACT-- FINANCE CHARGES. ~~Notwithstanding the provisions of any other law, a~~ A retail installment contract or agreement for the sale of a semitrailer or travel trailer may include a finance charge not in excess of the following rates:

Class 1. Any new semitrailer or travel trailer designated by the manufacturer by a year model not earlier than the year in which the sale is made, an amount equivalent to one and ~~one-fourth~~ three-fourths percent per month simple interest on the declining balance of the amount financed.

Class 2. Any new semitrailer or travel trailer not in Class 1 and any used semitrailer designated by the manufacturer by a year model of the same or not more than two years prior to the year in which the sale is made, an amount equivalent to ~~one--and--three-fourths~~ two percent per month simple interest on the declining balance of the amount financed.

Class 3. Any used semitrailer or travel trailer not in Class 2 and designated by the manufacturer by a year model more than two years prior to the year in which the sale is made, an amount equivalent to two and one-fourth percent per month simple interest on the declining balance of the amount financed.

Amount financed shall be as defined in section five hundred thirty-seven point one thousand three hundred one (537.1301) of the Code.

The limitations contained in this section do not apply in a transaction referred to in section five hundred thirty-five point two (535.2), subsection two (2) of the Code. With respect to a consumer credit sale, as defined in section five hundred thirty-seven point one thousand three hundred one (537.1301) of the Code, the limitations contained in this section supersede conflicting provisions of chapter five hundred thirty-seven (537), article two (2), part two (2) of the Code.

Sec. 12. Section five hundred thirty-seven point one thousand three hundred one (537.1301), subsection fifteen (15), paragraph b, subparagraph two (2), Code 1979, is amended by striking the subparagraph and inserting in lieu thereof the following:

(2) A loan secured by a first lien on land given to finance the acquisition of that land.

Sec. 13. Section five hundred thirty-seven point two thousand two hundred one (537.2201), subsection two (2), Code 1979, is amended to read as follows:

2. The finance charge, calculated according to the actuarial method, may not exceed ~~fifteen~~ twenty-one percent per year on the unpaid balances of the amount financed.

Sec. 14. Section five hundred thirty-seven point two thousand four hundred one (537.2401), subsection one (1), Code 1979, is amended to read as follows:

1. Except as provided with respect to a finance charge for loans pursuant to open end credit under section 537.2402, a lender may contract for and

receive a finance charge not exceeding the maximum charge permitted by the laws of this state or of the United States for similar lenders, and, in addition, with respect to a consumer loan ~~not-secured-by-a-first-lien-on-a dwelling-of-the-debtor-given-to-finance-the-acquisition-of-that-dwelling~~, a supervised financial organization may contract for and receive a finance charge, calculated according to the actuarial method, not exceeding fifteen twenty-one percent per year on the unpaid balance of the amount financed.

Sec. 15. Section five hundred thirty-five point two (535.2), subsection four (4), Code 1979 Supplement, is amended by striking that subsection.

Sec. 16. With respect to any written agreement which was executed prior to August 3, 1978, and which contained a provision for the adjustment of the interest rate specified in that agreement, and which was governed by the limitation contained in section five hundred thirty-five point two (535.2), subsection four (4), Code 1979 Supplement, the interest rate may be adjusted after the effective date of this Act according to the terms of the agreement to any rate of interest permitted by the laws of this state as of the date an adjustment in interest is to be made. This section does not authorize adjustment of interest in any manner other than that expressly permitted by the terms of the written agreement, and nothing contained in this section or section fifteen (15) of this Act authorizes the collection of additional interest with respect to any portion of a debt which was paid or repaid prior to the effective date of an interest-rate adjustment.

Sec. 17. Section five hundred thirty-seven point one thousand three hundred one (537.1301), subsection four (4), Code 1979, is amended by striking the subsection and renumbering the remaining subsections.

Sec. 18. Section five hundred thirty-seven point one thousand three hundred one (537.1301), subsection thirteen (13), paragraph a, subparagraph three (3), Code 1979, is amended to read as follows:

(3) The goods, services or interest in land are purchased primarily for a personal, family, or household ~~or-agricultural~~ purpose.

Sec. 19. Section five hundred thirty-seven point one thousand three hundred one (537.1301), subsection fourteen (14), paragraph c, Code 1979, is amended to read as follows:

c. The lessee takes under the lease primarily for a personal, family, or household ~~or-agricultural~~ purpose.

Sec. 20. Section five hundred thirty-seven point one thousand three hundred one (537.1301), subsection fifteen (15), paragraph a, subparagraphs three (3) and five (5), Code 1979, are amended to read as follows:

(3) The debt is incurred primarily for a personal, family, or household ~~or-agricultural~~ purpose.

(5) Either the amount financed does not exceed thirty-five thousand dollars, or the debt is ~~not-incurred-primarily-for-an-agricultural-purpose~~ and-is secured by an interest in land.

Sec. 21. Section five hundred thirty-seven point three thousand three hundred one (537.3301), subsections one (1) and two (2), Code 1979, are amended to read as follows:

1. With respect to a consumer credit sale, a seller may take a security interest in the property sold. In addition, a seller may take a security

interest in goods upon which services are performed or in which goods sold are installed or to which they are annexed, or in land to which the goods are affixed or which is maintained, repaired or improved as a result of the sale of the goods or services, if in the case of a security interest in land the amount financed is one thousand dollars or more, or in the case of a security interest in goods if either the amount financed is three hundred dollars or more, or if the goods are household goods, or motor vehicles used by a consumer, his or her dependents, or the family with which the consumer resides, as transportation to and from a place of employment, one hundred dollars or more. ~~The seller may also take a security interest in property which is itemized in the security agreement, to secure the debt arising from a consumer credit sale primarily for an agricultural purpose.~~ Except as provided with respect to cross-collateral under section 537.3302, a seller may not otherwise take a security interest in property to secure the debt arising from a consumer credit sale.

2. With respect to a consumer lease ~~other than a lease primarily for an agricultural purpose,~~ a lessor may not take a security interest in property to secure the debt arising from the lease. This subsection does not apply to a security deposit for a consumer lease.

Sec. 22. Section five hundred thirty-seven point three thousand three hundred three (537.3303), subsection one (1), Code 1979, is amended to read as follows:

1. If debts arising from two or more consumer credit sales, other than sales ~~primarily for an agricultural purpose or~~ pursuant to open end credit, are secured by cross-collateral or consolidated into one debt payable on a single schedule of payments, and the debt is secured by security interests taken with respect to one or more of the sales, payments received by the seller after the taking of the cross-collateral or the consolidation are deemed, for the purpose of determining the amount of the debt secured by the various security interests, to have been first applied to the payment of the debts arising from the sales first made. To the extent debts are paid according to this section, security interests in items of property terminate as the debt originally incurred with respect to each item is paid.

Sec. 23. Section five hundred thirty-seven point three thousand three hundred seven (537.3307), Code 1979, is amended to read as follows:

537.3307 CERTAIN NEGOTIABLE INSTRUMENTS PROHIBITED. With respect to a consumer credit sale or consumer lease, ~~other than a sale or lease primarily for an agricultural purpose,~~ the creditor may not take a negotiable instrument other than a check or credit union share draft dated not later than ten days after its issuance as evidence of the obligation of the consumer.

Sec. 24. Section five hundred thirty-seven point three thousand three hundred eight (537.3308), subsection two (2), paragraph c, Code 1979, is amended by striking the paragraph and relettering the remaining paragraphs.

Sec. 25. Section five hundred thirty-seven point three thousand three hundred ten (537.3310), subsection one (1), Code 1979, is amended to read as follows:

1. In a consumer credit transaction, ~~ether-than-one-for-an-agricultural purpose,~~ if performance by a creditor is by delivery of goods, services or both, in four or more installments, either on demand of the consumer or by prearranged scheduled performance, the consumer shall have the right to cancel the obligation with respect to that part which has not been performed on the date of cancellation.

Sec. 26. Section five hundred thirty-seven point three thousand four hundred one (537.3401), Code 1979, is amended to read as follows:

537.3401 RESTRICTION ON LIABILITY IN CONSUMER LEASE. The obligation of a lessee upon expiration of a consumer lease ~~ether-than-one-primarily-for-an agricultural-purpose,~~ may not exceed twice the average payment allocable to a monthly period under the lease. This limitation does not apply to charges for damages to the leased property or for other default.

Sec. 27. Section five hundred thirty-seven point three thousand four hundred four (537.3404), subsection one (1), Code 1979, is amended to read as follows:

1. With respect to a consumer credit sale or consumer lease, ~~ether--than one--primarily--for-an-agricultural-purpose,~~ an assignee of the rights of the seller or lessor is subject to all claims and defenses of the consumer against the seller or lessor arising from the sale or lease of property or services, notwithstanding that the assignee is a holder in due course of a negotiable instrument issued in violation of the provisions prohibiting certain negotiable instruments in section 537.3307; unless the consumer has agreed in writing not to assert against an assignee a claim or defense arising out of such sale, and the consumer's contract has been assigned to an assignee not related to the seller who acquired the consumer's contract in good faith and for value and who gives the consumer notice of the assignment as provided in this subsection and who within thirty days after the mailing of the notice receives no written notice of the facts giving rise to the consumer's claim or defense. Such agreement not to assert a claim or defense is not valid if the assignee receives such written notice from the consumer within such thirty-day period. The notice of assignment shall be in writing and addressed to the consumer at his or her address as stated in the contract, identify the contract, describe the property purchased by the consumer, state the names of the seller and consumer, the name and address of the assignee, the amount payable by the consumer and the number, amounts and due dates of the installments, and contain a conspicuous notice to the consumer that he or she has thirty days from the date of the mailing of the notice to him or her within which to notify the assignee in writing of any claims or defenses he or she may have against the seller and that if written notification of any such claims or defenses is not received by the assignee within such thirty-day period, the assignee will have the right to enforce the contract free of any claims or defenses the consumer may have against the seller. An assignee does not acquire a consumer's contract in good faith within the meaning of this subsection if the assignee has knowledge or, from his or her course of dealing with the seller or his records, notice of substantial complaints by other consumers of the seller's failure or refusal to perform his or her contracts with them and of the seller's failure to

remedy his or her defaults within a reasonable time after the assignee notifies him or her of the complaints.

Sec. 28. Section five hundred thirty-seven point three thousand four hundred five (537.3405), subsection one (1), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

A lender, other than the issuer of a lender credit card, who, with respect to a particular transaction, makes a consumer loan for the purpose of enabling a consumer to buy or lease from a particular seller or lessor property or services, ~~---other---than---for---use---primarily---for---an---agricultural---purpose,~~ is subject to all claims and defenses of the consumer against the seller or lessor arising from that sale or lease of the property or services if any of the following are applicable:

Sec. 29. Section five hundred thirty-seven point three thousand five hundred one (537.3501), Code 1979, is amended to read as follows:

537.3501 DOOR-TO-DOOR SALES. In a consumer credit sale or a sale in which the goods or services are paid for in whole or in part by a lender credit card or a consumer loan in which the lender is subject to defenses arising from the sale under section 537.3405, ~~other-than-a-transaction-for-an-agricultural-purpose,~~ a consumer has, in addition to all the rights and remedies provided by chapter 713B, a cause of action under section 537.5201, subsection 1, and the administrator has all powers granted under article 6, part 1, to enforce the provisions of chapter 713B.

Sec. 30. Notwithstanding sections seventeen (17) through twenty-nine (29) of this Act, a consumer credit transaction for an agricultural purpose which was executed or undertaken before July 1, 1980, is subject to the applicable provisions of chapter five hundred thirty-seven (537) of the Code as they existed prior to July 1, 1980, and nothing in sections seventeen (17) through twenty-nine (29) of this Act applies with respect to rights, duties, privileges, obligations or remedies of parties to such a transaction; provided, however, that no additional loans, advances or extensions of credit shall be made on or after July 1, 1980, with respect to agreements which were made prior to July 1, 1980. Sections seventeen (17) through twenty-nine (29) of this Act apply to a consumer credit transaction executed or undertaken on or after July 1, 1980.

Sec. 31. Section five hundred thirty-four point twenty-one (534.21), subsection two (2), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Renegotiable rate mortgage loans may be made for a term of three, four or five years, secured by a mortgage of up to thirty years, and automatically renewable at a varying interest rate. However, the authority to make home loans under this paragraph is available only for periods of time when federally chartered savings and loan associations operating in this state are granted similar authority, and the state authorization is subject to the rights and limitations imposed upon the federally chartered associations for this type of activity.

Sec. 32. The general assembly of the state of Iowa hereby declares and states that it does not want any of the provisions of Public Law No. 96-221 (94 stat. 132), section 501, subsection (a), paragraph (1), to apply with

respect to loans, mortgages, credit sales, and advances made in this state; and that it does not want any of the provisions of Public Law No. 96-221 (94 stat. 132), Part B (section 511, subsections (a) and (b)), to apply with respect to loans made in this state; and that it does not want any of the provisions of any of the amendments contained in Public Law No. 96-221 (94 stat. 132), sections 521, 522 and 523 to apply with respect to loans made in this state; and that it does not want any of the provisions of Public Law No. 96-221 (94 stat. 132), section 524 to apply with respect to loans made in this state. It is the intent of the general assembly of the state of Iowa in enacting this section to exercise all authority granted by Congress and to satisfy all requirements imposed by Congress in Public Law No. 96-221 (94 stat. 132), section 501 subsection (b), paragraph (2), and section 512, and section 524 subsection (i), paragraph (3), and section 525, for the purpose of rendering the provisions of Public Law No. 96-221 (94 stat. 132), Title V, inapplicable in this state.

Sec. 33. All of the provisions of this Act except sections one (1), three (3), four (4), five (5), seventeen (17) through thirty (30), thirty-one (31) and thirty-two (32) of this Act expire July 1, 1983.

Sec. 34.

1. This Act, being deemed of immediate importance, takes effect from and after its publication in the Quad City Times, a newspaper published in Davenport, Iowa, and in The Council Bluffs Nonpareil, a newspaper published in Council Bluffs, Iowa.

2. Section one (1) of this Act applies to any refund order issued by the Iowa state commerce commission on or after the effective date of this Act.

3. Sections nine (9), ten (10) and eleven (11) of this Act apply only with respect to contracts executed on or after the effective date of this Act. Sections thirteen (13) and fourteen (14) of this Act apply only with respect to loans or extensions of credit made or granted on or after the effective date of this Act.

Approved April 30, 1980

I hereby certify that the foregoing Act, House File 2492, was published in the Quad City Times, Davenport, Iowa on May 9, 1980, and in The Council Bluffs Nonpareil, Council Bluffs, Iowa on May 9, 1980.

J. HERMAN SCHWEIKER, *Deputy Secretary of State*

CHAPTER 1157
CANCELLATION OF EASEMENTS
S. F. 286

AN ACT relating to the cancellation of property interests granted for pipeline or electric transmission line purposes.

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

Section 1. Chapter four hundred seventy-eight (478), Code 1979, is amended by adding the following new section:

NEW SECTION. CANCELLATION. A person seeking to acquire an easement or other property interest for the construction, maintenance or operation of an electric transmission line shall:

1. Allow the landowner or a person serving in a fiduciary capacity in the landowner's behalf to cancel any agreement granting an easement or other interest by certified mail with return requested to the company's principal place of business if received by the company within seven days, excluding Saturday and Sunday, of the date of the contract and inform the landowner or such fiduciary in writing of the right to cancel prior to the signing of the agreement by the landowner or such fiduciary.

2. Provide the landowner or a person serving in a fiduciary capacity in the landowner's behalf with a form in duplicate for the notice of cancellation.

3. Not record any agreement until after the period for cancellation has expired.

4. Not include in the agreement any waiver of the right to cancel in accordance with this section.

The landowner or a person serving in a fiduciary capacity in the landowner's behalf may exercise the right of cancellation only once for each transmission line project.

Sec. 2. Chapter four hundred seventy-nine (479), Code 1979, is amended by adding the following new section:

NEW SECTION. CANCELLATION. A person seeking to acquire an easement or other property interest for the construction, maintenance or operation of a pipeline shall:

1. Allow the landowner or a person serving in a fiduciary capacity in the landowner's behalf to cancel an agreement granting an easement or other interest by certified mail with return requested to the company's principal place of business if received by the company within seven days, excluding Saturday and Sunday, of the date of the contract and inform the landowner or such fiduciary in writing of the right to cancel prior to the signing of the agreement by the landowner or such fiduciary.

2. Provide the landowner or a person serving in a fiduciary capacity in the landowner's behalf with a form in duplicate for the notice of cancellation.

3. Not record any agreement until after the period for cancellation has expired.

4. Not include in the agreement any waiver of the right to cancel in accordance with this section.

The landowner or a person serving in a fiduciary capacity in the landowner's behalf may exercise the right of cancellation only once for each pipeline project.

Sec. 3. This Act is effective January first following its enactment.

Approved February 14, 1980

CHAPTER 1158
FOREIGN TRADE ZONE CORPORATION
H. F. 2491

AN ACT authorizing the organization of corporations to establish, operate and maintain foreign-trade zones pursuant to 19 United States Code 81A et seq.

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

Section 1. NEW SECTION. A corporation may be organized under the laws of this state for the purpose of establishing, operating and maintaining a foreign-trade zone as defined in 19 United States Code, s. 81a. A corporation organized for the purposes set forth in this section has all powers necessary or convenient for applying for a grant of authority to establish, operate and maintain a foreign-trade zone under the provisions of 19 United States Code s. 81a, et seq., and rules promulgated thereunder, and for establishing, operating and maintaining a foreign-trade zone pursuant to that grant of authority.

Approved April 21, 1980

CHAPTER 1159
PROFESSIONAL CORPORATION SHARES

H. F. 708

AN ACT to permit the issuance of shares of a professional corporation to persons who are licensed in other states to practice the profession which the corporation is licensed to practice in Iowa.

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

Section 1. Section four hundred ninety-six C point ten (496C.10), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Shares of a professional corporation may be issued, and treasury shares may be disposed of, only to individuals who are licensed to practice in this state, or in any other state or territory of the United States or in the District of Columbia, a profession which the corporation is authorized to practice.

Sec. 2. This Act is effective January first following its enactment.

Approved March 17, 1980

CHAPTER 1160
ACCIDENT AND SICKNESS INSURANCE

H. F. 2537

AN ACT relating to the sale of individual policies of accident and sickness insurance and subscriber contracts, relating to deductible and coinsurance provisions of contracts with health maintenance organizations, and providing penalties.

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

Section 1. Title twenty (XX), Code 1979, is amended by adding sections two (2) through nine (9) of this Act as a new chapter five hundred fourteen D (514D) of the Code.

Sec. 2. NEW SECTION. PURPOSE. The purpose of this division is to provide reasonable standardization, simplification, and disclosure of the terms and coverages of individual accident and sickness insurance policies issued under chapter five hundred fourteen A (514A) of the Code and individual subscriber contracts issued under chapter five hundred fourteen (514) of the Code, in order to facilitate public understanding and comparison and to eliminate provisions which may be misleading or unreasonably confusing in connection with the purchase of coverage or the settlement of claims.

Sec. 3. NEW SECTION. DEFINITIONS. As used in this division, unless the context otherwise requires:

1. "Accident and sickness insurance" means individual accident and sickness insurance within the meaning of section five hundred fourteen A point one (514A.1) of the Code. "Accident and sickness insurance" also means individual subscriber contracts for hospital service, or medical and surgical service, or individual pharmaceutical or optometric service issued under chapter five hundred fourteen (514) of the Code, and for purposes of this division, corporations issuing contracts under chapter five hundred fourteen (514) of the Code are deemed to be engaged in the business of insurance.

2. "Form" means and includes policies, contracts, riders, endorsements and applications used in connection with the sale of accident and sickness insurance under chapter five hundred fourteen (514) of the Code or chapter five hundred fourteen A (514A) of the Code.

3. "Policy" means the entire contract between the insurer and the insured, including the policy riders, endorsements, and the application, if attached, and includes individual subscriber contracts issued under chapter five hundred fourteen (514) of the Code.

4. "Medicare" means the Health Insurance for the Aged Act, title XVIII of the United States Social Security Act added by the amendment of 1965 as amended on or before the effective date of this Act.

Sec. 4. NEW SECTION. STANDARDS FOR POLICIES ESTABLISHED.

1. The commissioner shall issue rules to establish specific standards, including standards of full and fair disclosure, that set forth the manner, content, and required disclosure for the sale of policies of individual accident and sickness insurance and individual subscriber contracts which shall be in addition to and in accordance with applicable laws of this state, including but not limited to sections five hundred fourteen A point one (514A.1) through five hundred fourteen A point twelve (514A.12) of the Code. These rules may include, but shall not be limited to, any of the following subjects:

- a. Terms of renewability.
- b. Initial and subsequent conditions of eligibility.
- c. Nonduplication of coverage provisions.
- d. Coverage of dependents.
- e. Coverage of persons eligible for medicare by reason of age.
- f. Preexisting conditions.
- g. Termination of insurance.
- h. Probationary periods.
- i. Limitations.
- j. Exceptions.
- k. Reductions.
- l. Elimination periods.
- m. Requirements for replacement.
- n. Recurrent conditions.
- o. The definition of terms, including but not limited to the following: hospital, accident, sickness, injury, physician, accidental means, total disability, partial disability, nervous disorder, guaranteed renewable, and noncancelable.

2. The commissioner may issue rules with respect to policies of individual accident and sickness insurance and individual subscriber contracts that specify prohibited policies or subscriber contracts, or prohibited policy or contract provisions which the commissioner finds to be unjust, unfair, or unfairly discriminatory to the policyholder or any person insured under the policy or any beneficiary. This subsection does not authorize the commissioner to prohibit a policy or policy provision or subscriber contract or contract provision which is specifically authorized by statute.

3. A rule issued by the commissioner under this section shall not apply to a conversion policy issued pursuant to a contractual conversion privilege under a group or individual policy of accident and sickness insurance when such group or individual contract contains provisions that are inconsistent with the requirements of this chapter or any rule issued under this chapter.

4. A rule issued by the commissioner under this section shall not apply to policies being issued to employees or members being added to a franchise plan, as defined in section five hundred nine point fourteen (509.14) of the Code, which is in existence on the effective date of the rule.

Sec. 5. NEW SECTION. STANDARDS FOR BENEFITS ESTABLISHED.

1. The commissioner shall issue rules to establish minimum standards for benefits under each of the following categories of coverage contained in policies of individual accident and sickness insurance or subscriber contracts:

- a. Basic hospital expense coverage.
- b. Basic medical-surgical expense coverage.
- c. Hospital confinement indemnity coverage.
- d. Major medical expense coverage.
- e. Disability income protection coverage.
- f. Accident only coverage.
- g. Specified disease or specified accident coverage.
- h. Medicare supplement coverage.
- i. Limited benefit health coverage.

2. This section does not prohibit the issuance of a policy which combines two or more of the categories of coverage enumerated in paragraphs a through f of subsection one (1) of this section. A category of coverage referred to in paragraph g, h or i of subsection one (1) of this section shall not be combined in a policy or contract either with another category of coverage referred to in paragraph g, h or i of subsection one (1) of this section or with a category of coverage referred to in any of paragraphs a through f of subsection one (1) of this section unless a rule issued by the commissioner specifically authorizes that combination of coverages.

3. The commissioner shall prescribe the method of identification of policies and contracts based upon coverages provided.

4. A policy of accident and sickness insurance or subscriber contract shall not be delivered or issued for delivery in this state unless the policy or contract meets the minimum standards prescribed under this section.

5. The commissioner may upon notice and hearing at any time after the initial filing or approval of any individual accident and sickness policy or

subscriber contract form, withdraw approval or suspend further sale of the form if the benefits provided are unreasonable in relation to the premium charge. The commissioner shall establish reasonable and creditable anticipated minimum loss ratios for medicare supplement and other accident and sickness insurance policies.

6. A rule issued by the commissioner under this section shall not apply to a conversion policy issued pursuant to a contractual conversion privilege under a group or individual policy of accident and sickness insurance when such group or individual contract contains provisions which are inconsistent with the requirements of this chapter or any rule issued under this chapter.

7. A rule issued by the commissioner under this section shall not apply to policies being issued to employees or members being added to a franchise plan, as defined in section five hundred nine point fourteen (509.14) of the Code, which is in existence on the effective date of the rule.

Sec. 6. NEW SECTION. DISCLOSURE OF COVERAGE.

1. Except as otherwise provided in subsection three (3) of this section, in order to provide for full and fair disclosure in the sale of individual accident and sickness insurance policies or subscriber contracts a policy or contract shall not be delivered or issued for delivery in this state unless the outline of coverage described in subsection two (2) of this section either accompanies the policy or contract or is delivered to the applicant at the time application is made and unless an acknowledgement of receipt or certificate of delivery of the outline is provided the insurer. In the event the policy or contract is issued on a basis other than that applied for, the outline of coverage properly describing the policy or contract must accompany the policy or contract when it is delivered and must clearly state that it is not the policy or contract for which application was made.

2. The commissioner shall prescribe the format and content of the outline of coverage required by subsection one (1) of this section. "Format" means style, arrangement, and overall appearance, including such items as the size, color, and prominence of type and the arrangement of text and captions. The outline of coverage shall include all of the following:

a. A statement identifying the applicable category or categories of coverage provided by the policy or contract as prescribed in section five (5) of this Act.

b. A description of the principal benefits and coverage provided in the policy or contract.

c. A statement of the exceptions, reductions and limitations contained in the policy or contract.

d. A statement of the renewal provisions including any reservation by the insurer of a right to change premiums.

e. A statement that the outline is a summary of the policy or contract issued or applied for and that the policy or contract should be consulted to determine governing contractual provisions.

If payment will not be made for services performed by a chiropractor acting within the scope of his or her license when those services would be compensable if performed by a medical doctor, then a statement that services performed by a chiropractor are not compensable shall be included in the outline of coverage.

3. The commissioner may prescribe disclosure rules for medicare supplement coverage which are determined to be in the public interest and which are designed to adequately inform the prospective insured of the need for and extent of coverage offered as medicare supplement coverage. For medicare supplement coverage, the outline of coverage required by subsection two (2) of this section shall be furnished to the prospective insured with the application form.

4. The commissioner may further prescribe by rule a standard form for and the contents of an informational brochure for persons eligible for medicare by reason of age, which is intended to improve the buyer's ability to select the most appropriate coverage and to improve the buyer's understanding of medicare. Except in the case of direct response insurance policies, the commissioner may require by rule that this informational brochure be provided to prospective insureds eligible for medicare concurrently with delivery of the outline of coverage. With respect to direct response insurance policies, the commissioner may require by rule that this brochure must be provided to prospective insureds eligible for medicare by reason of age upon request, but not later than at the time of delivery of the policy or contract.

5. The commissioner shall adopt rules prohibiting the advertising of forms titled as "nursing home" forms or inferring coverage for custodial care in an intermediate care facility as defined in section one hundred thirty-five C point one (135C.1) of the Code unless such forms provide coverage for custodial care in an intermediate care facility as defined in section one hundred thirty-five C point one (135C.1) of the Code.

Sec. 7. NEW SECTION. LIMITATION ON DEFENSES. Notwithstanding section five hundred fourteen A point three (514A.3), subsection one (1), paragraph b, subparagraph two (2) of the Code, or any contrary provision of chapter five hundred fourteen (514) of the Code, if the issuer of the policy of accident and sickness insurance or subscriber contract elects to use a simplified application form, with or without a question as to the applicant's health at the time of application, but without any questions concerning the insured's health history or medical treatment history, the policy or contract must cover any loss occurring after twelve months from the date of issue of the policy or contract from any preexisting condition not specifically excluded from coverage by terms of the policy or contract, and, except as so provided, the policy or contract shall not include wording that would permit a defense based upon preexisting conditions.

Sec. 8. NEW SECTION. EXCLUSIONS. This division does not apply to any of the following:

1. A policy of credit accident and health or credit accident and sickness insurance.

2. A policy of accident and sickness insurance which is exempt from the provisions of sections five hundred fourteen A point one (514A.1) through five hundred fourteen A point twelve (514A.12) of the Code by virtue of an exemption set forth in section five hundred fourteen A point one (514A.1) or five hundred fourteen A point eight (514A.8) of the Code.

3. Any evidence of coverage issued to an enrollee of a health maintenance organization under chapter five hundred fourteen B (514B) of the Code.

Sec. 9. NEW SECTION. TITLE AND EFFECTIVE DATE OF CHAPTER. This chapter may be cited as the "Uniform individual accident and health insurance minimum standards Act". This chapter takes effect July 1, 1980. Rules issued by the commissioner of insurance pursuant to this chapter shall be subject to the provisions of chapter seventeen A (17A) of the Code, and all rules issued by the commissioner of insurance shall give the issuers of policies and contracts a reasonable time to achieve compliance.

Sec. 10. Chapter five hundred seven B (507B), Code 1979, is amended by adding the following new section:

NEW SECTION. SALE OF DUPLICATE COVERAGE PROHIBITED.

1. A person shall not knowingly engage in the sale of duplicate medicare supplement insurance coverage, as defined by rule of the commissioner.

2. The commissioner of insurance shall adopt rules pursuant to chapter seventeen A (17A) of the Code which define the sale of duplicate medicare supplement insurance coverage.

Sec. 11. Section five hundred fourteen A point three (514A.3), subsection one (1), paragraph b, Code 1979, is amended to read as follows:

b. A provision as follows:

Time limit on certain defenses: (1) After ~~three~~ two years from the date of issue of this policy no misstatements, except fraudulent misstatements, made by the applicant in the application for such policy shall be used to void the policy or to deny a claim for loss incurred or disability (as defined in the policy) commencing after the expiration of ~~such--three-year~~ this two-year period.

(The foregoing policy provision shall not be so construed as to affect any legal requirement for avoidance of a policy or denial of a claim during such initial ~~three-year~~ two-year period, nor to limit the application of subsection 2, paragraphs "a", "b", "c", "d" and "e", in the event of misstatement with respect to age or occupation or other insurance.)

(A policy which the insured has the right to continue in force subject to its terms by the timely payment of premium (a) until at least age fifty or, (b) in the case of a policy issued after age forty-four, for at least five years from its date of issue, may contain in lieu of the foregoing the following provision (from which the clause in parentheses may be omitted at the insurer's option) under the caption "incontestable":

After this policy has been in force for a period of ~~three~~ two years during the lifetime of the insured, (excluding any period during which the insured is disabled), it shall become incontestable as to the statements contained in the application.)

(2) No claim for loss incurred or disability (as defined in the policy) commencing after ~~three~~ two years from the date of issue of this policy shall be reduced or denied on the ground that a disease or physical condition not excluded from coverage by name or specific description effective on the date of loss had existed prior to the effective date of coverage of this policy.

Sec. 12. Section five hundred fourteen B point five (514B.5), subsection three (3), Code 1979, is amended to read as follows:

3. The health maintenance organization provides or arranges for the provision of basic health care services on a prepaid basis, except that the

health maintenance organization may impose deductible and coinsurance charges subject to approval by the commissioner which might be required to be paid by persons on whose behalf the federal government contracts with the health maintenance organization for health care services. The commissioner has the authority to promulgate rules pursuant to chapter seventeen A (17A) establishing reasonable maximum deductible and coinsurance charges which may be imposed by health maintenance organizations.

Approved May 19, 1980

CHAPTER 1161
INSURANCE POLICIES
H. F. 454

AN ACT relating to countersignatures on insurance policies.

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

Section 1. Section five hundred fifteen point fifty-two (515.52), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding this section and sections five hundred fifteen point fifty-three (515.53) through five hundred fifteen point sixty-one (515.61) of the Code, if the law of another state does not require the countersignature of a licensed agent who resides in that state for insurance contracts and endorsements written, issued or placed in that state by a licensed agent who resides in this state, the countersignature of a licensed agent who resides in this state is not required for insurance contracts and endorsements written, issued, or placed in this state by a licensed agent who resides in that other state.

Sec. 2. This Act is effective January first following its enactment.

Approved March 21, 1980

CHAPTER 1162

WORKERS' COMPENSATION INSURANCE

S. F. 460

AN ACT relating to workers' compensation insurance proceedings and rates.

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

Section 1. Section five hundred fifteen A point six (515A.6), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Notwithstanding any other provision of the Code, the commissioner of insurance shall provide for a hearing in a proceeding involving a workers' compensation insurance rate filing by a licensed rating organization in accordance with the provisions of this subsection and rules promulgated by the commissioner of insurance pursuant to chapter seventeen A (17A) of the Code. Except as otherwise provided herein, the provisions of this subsection shall not be subject to the requirements of chapter seventeen A (17A) of the Code. The procedures for such hearing shall be as follows:

a. The commissioner shall provide notice of the filing of the proposed rates at least thirty days before the effective date of the proposed rates by publishing a notice in the Iowa administrative bulletin.

b. A public hearing shall be held on the proposed rates by the commissioner of insurance if within fifteen days of the date of publication a workers' compensation policyholder or an established organization with one or more workers' compensation policyholders among its members files a written demand with the commissioner of insurance for a hearing on the proposed rates.

c. The commissioner of insurance shall hold the hearing within twenty days after receipt of the written demand for a hearing and shall give not less than ten days written notice of the time and place of the hearing to the person or association filing the demand, to the rating organization, and to any other person requesting such notice.

d. At any such hearing, the rating organization shall bear the burden of proof to support the proposed rates by a preponderance of the evidence. The person or association requesting the hearing, and any other person admitted as a party to the proceeding, shall be given the opportunity to respond and introduce evidence and arguments on all the issues involved.

e. Within fifteen days after the start of the hearing, the commissioner of insurance will approve or disapprove the proposed rates and specify the reasons therefor. The commissioner of insurance may suspend or postpone the effective date of the proposed rates pending the hearing and written decision thereon.

f. Judicial review of the decision of the commissioner of insurance on such rates may be sought in accordance with the provisions of chapter seventeen A (17A) of the Code.

Approved April 14, 1980

CHAPTER 1163
INSOLVENT INSURER
S. F. 2012

AN ACT relating to the definition of insolvent insurer for purposes of 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 two (515B.2), subsection five (5), Code 1979, is amended to read as follows:

5. "Insolvent insurer" means an insurer ~~as herein defined which has been determined to be insolvent by a court of competent jurisdiction~~ against which an order of liquidation with a finding of insolvency has been entered on or after the effective date of this Act by a court of competent jurisdiction of this state or of the state of the insurer's domicile, and the order of liquidation has not been stayed or been the subject of a writ of supersedeas or other comparable order.

Approved March 3, 1980

CHAPTER 1164

CREDIT UNIONS

S. F. 2352

AN ACT amending the Iowa credit union law as it relates to the composition of the credit union review board, the annual report of the department, the use of a credit union by the department's employees and the use of the term "credit union".

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

Section 1. Section five hundred thirty-three point three (533.3), Code 1979, is amended to read as follows:

533.3 RESTRICTION.

1. No person, firm, corporation, copartnership, or association, except a credit union organized under the provisions of this chapter or under the federal credit union Act (12 U.S.C. s. 1751 et seq.) or except the Iowa credit union league, incorporated, or chapters of said league, shall A person other than one referred to in subsection two (2) of this section shall not use a name or title containing the words "credit union" or any derivation thereof ~~or shall~~, and shall not represent themselves, in their advertising or otherwise, ~~as that the person is~~ conducting business as a credit union.

2. The prohibitions contained in subsection one (1) of this section do not apply to a credit union organized under this chapter or under the Federal Credit Union Act, 12 U.S.C. Sec. 1751 et seq., or to the Iowa credit union league, or a chapter, affiliate or subsidiary of the Iowa credit union league, or to a political action committee formed under Public Law 94-283 or chapter fifty-six (56) of the Code by the Iowa credit union league or by credit unions organized under this chapter or federal law.

3. Any person, firm, corporation, copartnership, or association, upon conviction of the violation of the provisions of this section shall be guilty of a serious misdemeanor, and the violator may be enjoined from such continued the use of said words, advertising or other representation prohibited by subsection one (1) of this section.

Sec. 2. Section five hundred thirty-three point fifty-three (533.53), subsection one (1), Code 1979, is amended to read as follows:

1. A credit union review board is created. The board shall consist of seven members, ~~each five~~ of whom shall have been a ~~member~~ members in good standing for at least the previous five years of either an Iowa state chartered credit union, or a credit union chartered under the federal Credit Union Act and having its principal place of business in Iowa. ~~Two of the members shall not be credit union directors or employees.~~ Two of the members may be public members; however, at no time shall more than five of the members be directors or employees of a credit union. Each member shall serve

for a term of three years except that the terms of the members first appointed after January 1, 1979 shall expire, as designated by the governor at the time of appointment as follows:

- a. Two members on June 30, 1980.
- b. Two members on June 30, 1981.
- c. Three members expiring on June 30, 1982.

Sec. 3. Section five hundred thirty-three point sixty-one (533.61), subsection two (2), paragraph b, Code 1979, is amended to read as follows:

b. A summary of the assets, liabilities and capital structures of all credit unions, and a summary of the volume of consumer installment credit outstanding per credit union, as of ~~June-30~~ December thirty-first of the year for which the report is made.

Sec. 4. Section five hundred thirty-three point sixty-two (533.62), subsection four (4), Code 1979, is amended to read as follows:

4. The administrator, deputy or employees of the department shall not be ~~members-of-or~~ have any business dealings with a an Iowa state chartered credit union, except that any of these persons may hold a membership in a credit union for the purpose of engaging in transactions involving savings of the person which are held or to be held in share accounts, deposit accounts, thrift club accounts or sharedraft accounts. Credit unions shall not accept moneys for deposit and shall not have any business transaction with the administrator, deputy or an employee of the credit union department, except to the extent permitted by the first sentence of this subsection. ~~if--a person~~ A person who willfully receives-or-accepts-a-deposit-or undertakes to establish a business dealing contrary to this section, ~~upon--conviction--that~~ person--shall--be--guilty--of commits a serious misdemeanor, and shall be permanently disqualified from acting as an officer, director or employee of a state chartered credit union and permanently disqualified from acting as administrator, deputy or employee of the state credit union department.

Approved April 14, 1980

CHAPTER 1165
SALE OF TRAVELERS CHECKS
S. F. 2189

AN ACT amending chapter five hundred thirty-three B (533B) of the Code, relating to the sale of traveler's checks and similar instruments.

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

Section 1. Section five hundred thirty-three B point one (533B.1), Code 1979, is amended to read as follows:

533B.1 PERMISSION FROM SUPERINTENDENT OF BANKING. ~~No~~ A person shall not engage in the business of selling written instruments for the transmission or payment of money, whether in the form of checks, drafts, money orders, travelers checks or otherwise, ~~unless such~~ the person has been issued a license by the superintendent of banking. A person is not eligible to receive or retain a license under this chapter unless the person's net worth is at all times at least twenty-five thousand dollars as shown by financial statements satisfactory to the superintendent of banking and such unless the person has deposited and at all times keeps on deposit with the superintendent of banking ~~fifty-thousand-dollars~~ in the form of cash or securities satisfactory to the superintendent of banking or any combination of these, the sum of fifty thousand dollars plus an additional one thousand dollars for each office or agent from or through which the person engages in business under this chapter, provided that the maximum deposit required of a person under this section shall not exceed two hundred thousand dollars. However, the superintendent of banking may at his or her option accept a surety bond ~~in-the-sum-of-fifty-thousand-dollars~~ of equivalent value in the form satisfactory to ~~him~~ the superintendent and issued by a surety company acceptable to ~~him~~ the superintendent in lieu of ~~such~~ the required deposit. ~~Such~~ The deposit or bond shall be for the protection of purchasers or holders of instruments sold by ~~such-person~~ the licensee, and the superintendent or any aggrieved party may enforce claims on such instruments against ~~such~~ the deposit or bond. ~~Simultaneously-with-the-making-of-such-deposit-or--delivery-of--such--bond--and--annually--thereafter--each--such-person--shall--pay--to--the-superintendent-of-banking-an-annual-fee-of-one-hundred-dollars.~~

The annual fee for a license issued under this chapter shall be the sum of one hundred fifty dollars plus an additional five dollars for each location in this state at which business is conducted through agents or employees of the licensee. The annual license fee shall be paid to the superintendent of banking at the time the person submits an application for a license or an application for annual renewal of the license. If the licensee gives notice to the superintendent of the opening of a new business location, as required under section five hundred thirty-three B point two (533B.2) of the Code, the licensee shall submit payment of the required additional fee at the time of giving notice.

Sec. 2. Section five hundred thirty-three B point two (533B.2), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Each licensee shall give notice to the superintendent of banking of the business name and business location of each office, agent or other representative through which instruments are sold under this chapter. This notice shall be given at the time the licensee submits an application for a license or license renewal. Any change in locations, agents or other representatives shall be reported on a quarterly basis.

Sec. 3. Section five hundred thirty-three B point four (533B.4), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. As used in this chapter "superintendent" or "superintendent of banking" means either the superintendent of banking or a person designated by the superintendent of banking.

Sec. 4. Chapter five hundred thirty-three B (533B), Code 1979, is amended by adding the following new section:

NEW SECTION. EXAMINATION. The superintendent may investigate at any time the business of a person licensed under this chapter, and the superintendent may examine the books, records, accounts and files pertaining to business conducted under the authority of this chapter. The superintendent may require annual reports of licensees under this chapter, and may require such additional reports from a licensee as the public interest may require. The superintendent may accept an opinion audit conducted by a certified public accountant in lieu of an investigation or examination performed by the department of banking.

If an investigation or examination is performed by the department of banking under this section the licensee shall pay to the superintendent a fee which is equal to the cost of the investigation or examination, as determined by the superintendent according to a cost schedule promulgated by administrative rule. A licensee shall pay the fee not later than thirty days following receipt of notice of the fee. A fee shall not be charged for the submission of an annual report required of all licensees.

Sec. 5. Chapter five hundred thirty-three B (533B), Code 1979, is amended by adding the following new section:

NEW SECTION. TERMINATION OF LICENSE.

1. The superintendent may suspend or revoke a license issued under this chapter after notice and opportunity for hearing if the superintendent finds any of the following conditions to exist:

- a. The licensee has failed to pay fees when due.
- b. The licensee has failed to maintain the deposit or bond required under this chapter.
- c. The licensee has failed to comply with an order, decision or finding of the superintendent made under this chapter.
- d. The licensee has violated a provision of this Act, and the violation is detrimental to the public interest.
- e. A fact or condition exists which, had it existed at the time of application for a license, would have disqualified the person from licensure under this chapter.

2. A licensee is entitled to ten day's*advance notice of a hearing to be held for the purpose of considering the suspension or revocation of the license, except that the superintendent may immediately suspend a license pending a hearing if the superintendent has reasonable grounds to believe that the public interest would be substantially harmed if the licensee were to continue doing business pending the conclusion of the hearing.

3. A licensee under this chapter may surrender the license by delivering a written notice of surrender to the superintendent.

4. A voluntary or involuntary termination of a license under this section shall not affect civil or criminal liability of the licensee for acts or omissions occurring prior to termination of the license, and shall not exonerate the deposit or bond from any claims arising prior to the effective date of termination. Termination of a license does not entitle the licensee to any refund of fees. The superintendent may withhold release of the deposit of a licensee following termination of a license for a reasonable period of time as necessary to assure satisfaction of outstanding claims.

Sec. 6. This Act takes effect as provided by law. However, with respect to persons who are licensed under this chapter on the effective date of this Act the license fee, deposit, bonding and reporting provisions of this Act are not enforceable until the expiration of sixty days after the effective date of this Act or until the existing licensee seeks to renew a license under chapter five hundred thirty-three B (533B) of the Code, whichever first occurs.

Approved May 13, 1980

CHAPTER 1166

SAVINGS AND LOAN WITHDRAWALS

S. F. 2121

AN ACT relating to the powers 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 eleven (534.11), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. NEGOTIABLE ORDER OF WITHDRAWAL ACCOUNTS. Associations may offer accounts under which account owners may order or authorize the withdrawal of a specified amount of the account by means of cash or a negotiable or nonnegotiable check or similar instrument payable to the account owner or to third parties or their order for the benefit of the account owner. However, this authority is available only for periods of time when federally chartered savings and loan associations operating in this state are granted similar authority, and the state authorization is subject

*According to enrolled Act

to the rights and limitations imposed upon the federally chartered associations for this type of activity.

Approved March 13, 1980

CHAPTER 1167
SAVINGS AND LOAN ASSOCIATIONS

H. F. 2572

AN ACT relating to the lending and investment powers of savings and loan associations under section five hundred thirty-four point nineteen (534.19) of the Code.

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

Section 1. Section five hundred thirty-four point nineteen (534.19), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred twenty-nine (129), section seven (7), is amended by adding the following new subsection:

NEW SUBSECTION. CONSUMER LOANS AND CERTAIN SECURITIES. An association may make consumer loans as defined in chapter five hundred thirty-seven (537) of the Code, subject to the consumer loan provisions of that chapter. An association may invest in, sell, or hold commercial paper, corporate debt securities and bankers acceptances. The aggregate amount of such loans and investments at any time may not exceed twenty percent of the assets of the association. However, this authority is available only for periods of time when federally chartered savings and loan associations operating in this state are granted similar authority, and the state authorization is subject to the rights and limitations imposed upon the federally chartered associations for this type of activity.

Approved April 21, 1980

CHAPTER 1168
USURY PROVISIONS

S. F. 2375

AN ACT limiting the adjustment of rates of interest on certain closed-end loans executed prior to July 1, 1979, and in connection therewith repealing Acts of the Sixty-eighth General Assembly, 1980 Session, House File two thousand four hundred ninety-two (2492), sections fifteen (15) and sixteen (16), and making such repeal retroactive to the effective date of that Act.

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

Section 1. Section five hundred thirty-five point two (535.2), subsection four (4), Code 1979 Supplement is amended to read as follows:

4. a. Notwithstanding the provisions of subsection 3, with respect to any agreement which was executed prior to August 3, 1978, and which contained a provision for the adjustment of the rate of interest specified in that agreement, the maximum lawful rate of interest which may be imposed under that agreement shall be nine cents on the hundred by the year, and any excess charge shall be a violation of section 535.4.

b. Notwithstanding the limitation contained in paragraph a of this subsection, with respect to a written agreement for the repayment of money loaned, which was executed prior to August 3, 1978 and which provided for the payment of over fifty percent of the initial principal amount of the loan as a single payment due at the end of the term of the agreement, the interest rate may be adjusted after the effective date of this Act according to the terms of the agreement to any rate of interest permitted by the laws of this state as of the date an adjustment in interest is to be made. This paragraph does not authorize adjustment of interest in any manner other than that expressly permitted by the terms of the written agreement, and nothing contained in this paragraph authorizes the collection of additional interest with respect to any portion of a loan which was repaid prior to the effective date of an interest-rate adjustment.

Sec. 2. Section five hundred thirty-five point two (535.2), Code 1979 Supplement, is amended by adding the following new subsection:

NEW SUBSECTION. a. Notwithstanding the provisions of Acts of the Sixty-eighth General Assembly, 1980 Session, House File two thousand four hundred ninety-two (2492), with respect to any agreement which was executed on or after August 3, 1978 and prior to July 1, 1979, and which contained a provision for the adjustment of the rate of interest specified in the agreement, the maximum lawful rate of interest which may be imposed under that agreement shall be that rate which is two and one-half percentage points above the rate initially to be paid under the agreement, provided that the greatest interest-rate adjustment which may be made at any one time shall be

one-half of one percent and an interest rate adjustment may not be made until at least one year has passed since the last interest rate adjustment, and any excess charge shall be a violation of section five hundred thirty-five point four (535.4) of the Code.

b. Notwithstanding the limitation contained in paragraph a of this subsection, with respect to a written agreement for the repayment of money loaned which was executed on or after August 3, 1978, and prior to July 1, 1979, and which provided for the payment of over fifty percent of the initial principal amount of the loan as a single payment due at the end of the term of the agreement, the interest rate may be adjusted after the effective date of this Act according to the terms of the agreement to any rate of interest permitted by the laws of this state as of the date an adjustment in interest is to be made. This paragraph does not authorize adjustment of interest in any manner other than that expressly permitted by the terms of the written agreement, and nothing contained in this paragraph authorizes the collection of additional interest with respect to any portion of a loan which was repaid prior to the effective date of an interest-rate adjustment.

Sec. 3. Acts of the Sixty-eighth General Assembly, 1980 Session, House File two thousand four hundred ninety-two (2492), sections fifteen (15) and sixteen (16) are repealed. It is the intent of the general assembly that this section be retroactive to the effective date of House File two thousand four hundred ninety-two (2492) with the effect that sections fifteen (15) and sixteen (16) of that Act be void as if never enacted.

Sec. 4. This Act, being deemed of immediate importance, takes effect from and after its publication in the Quad City Times, a newspaper published in Davenport, Iowa, and in The Council Bluffs Nonpareil, a newspaper published in Council Bluffs, Iowa.

Approved May 24, 1980

I hereby certify that the foregoing Act, Senate File 2375, was published in the Quad City Times, Davenport, Iowa on June 2, 1980, and in The Council Bluffs Nonpareil, Council Bluffs, Iowa on June 2, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1169
AGRICULTURAL LOANS INTEREST RATE

H. F. 2486

AN ACT to permit agricultural credit corporations to make agricultural purpose loans at interest rates in excess of the maximum rate permitted under section five hundred thirty-five point two (535.2) of the Code.

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

Section 1. Chapter five hundred thirty-five (535), Code 1979, is amended by adding the following new section:

NEW SECTION. LOANS BY AGRICULTURAL CREDIT CORPORATION.

1. An agricultural credit corporation, as defined in subsection four (4) of this section, may lend money pursuant to a written promissory note or other writing evidencing the loan obligation, at a rate of interest which is not more than four percentage points above the lending rate in effect at the federal intermediate credit bank of Omaha, Nebraska, for the month during which the writing evidencing the loan obligation is made, provided that the loan is for an agricultural production purpose as defined in subsection five (5) of this section and further provided that the loan would, but for this section, be subject to the maximum rate of interest prescribed by section five hundred thirty-five point two (535.2), subsection three (3), paragraph a, of the Code.

2. On or prior to the first day of each calendar month following the effective date of this Act, the superintendent of banking shall determine the maximum rate of interest which may be charged pursuant to subsection one (1) of this section on loans made by an agricultural credit corporation during that month, and shall cause the maximum rate to be published as soon after determination as possible, as a notice in the Iowa administrative bulletin or as a legal notice in a newspaper of general circulation published in Polk county. The maximum rate so determined shall be effective as provided in subsection one (1) of this section regardless of the date of publication of the notice, except that no agricultural credit corporation shall be found in violation of this chapter solely on account of having made a loan on or prior to the day on which a notice of a maximum rate is published as provided in this subsection, if the loan would have been lawful if made during the preceding calendar month.

3. This section does not prohibit an agricultural credit corporation from lending money as otherwise permitted by law.

4. As used in this section, "agricultural credit corporation" means a corporation which has been designated by the federal intermediate credit bank of Omaha, Nebraska, as an agricultural credit corporation eligible to sell or discount loans to that bank pursuant to the provisions of 12 United States Code, s. 2074.

5. As used in this section "agricultural production purpose" means a purpose related to the production of agricultural products. "Agricultural products" includes agricultural, horticultural, viticultural, and dairy products, livestock, wildlife, poultry, bees, forest products thereof, and any and all products produced on farms.

Sec. 2. Chapter five hundred thirty-five (535), Code 1979, is amended by adding the following new section:

NEW SECTION. DEFINITION. As used in this chapter, unless the context otherwise requires, "agricultural purpose" means a purpose related to the production, harvest, exhibition, marketing, transportation, processing or manufacture of agricultural products by a person who cultivates, plants, propagates or nurtures the agricultural products. "Agricultural products" includes agricultural, horticultural, viticultural, and dairy products, livestock, wildlife, poultry, bees, forest products, fish and shellfish, and any products thereof, including processed and manufactured products, and any and all products raised or produced on farms and any processed or manufactured products thereof.

Sec. 3. Acts of the Sixty-eighth General Assembly, 1980 Session, House File two thousand four hundred ninety-two (2492), section two (2), subsection one (1), paragraph e, is amended to read as follows:

e. A person borrowing money or obtaining credit for business or agricultural purposes, or a person borrowing money or obtaining credit in an amount which exceeds thirty-five thousand dollars for personal, family or household purposes. As used in this paragraph, "agricultural purpose" means ~~and includes any of the purposes referred to in section five hundred thirty-seven point one thousand three hundred one (537.1301), subsection four (4) of the Code, but regardless of whether or not the activities described in that subsection are undertaken by a natural person or other entity as defined in section two (2) of this Act.~~

Sec. 4. Acts of the Sixty-eighth General Assembly, 1980 Session, House File two thousand four hundred ninety-two (2492), section eight (8), amending section five hundred thirty-five point eight (535.8), subsection two (2), Code 1979 Supplement, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. This lettered paragraph applies only to a mortgage given in connection with a loan as defined in section five hundred thirty-five point eight (535.8), subsection one (1), Code 1979 Supplement.

Sec. 5. Section five hundred twenty-four point one hundred three (524.103), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. "Agricultural credit corporation" means as defined in section one (1), subsection four (4) of this Act.

Sec. 6. Sections two (2), three (3) and four (4) of this Act are retroactive to the effective date of Acts of the Sixty-eighth General Assembly, 1980 Session, House File two thousand four hundred ninety-two (2492), and shall be deemed to have been enacted as an integral part of that Act.

Sec. 7. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Jefferson Herald, a

newspaper published in Jefferson, Iowa and The Council Bluffs Nonpareil, a newspaper published in Council Bluffs, Iowa.

Approved May 19, 1980

I hereby certify that the foregoing Act, House File 2486, was published in The Jefferson Herald, Jefferson, Iowa on May 22, 1980, and in The Council Bluffs Nonpareil, Council Bluffs, Iowa on May 23, 1980 and republished on June 12, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1170
INTEREST ON JUDGMENTS AND DECREES

H. F. 673

AN ACT increasing the amount of interest on money due on judgments and decrees of courts from seven to ten percent.

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

Section 1. Section five hundred thirty-five point three (535.3), Code 1979, is amended to read as follows:

535.3 INTEREST ON JUDGMENTS AND DECREES. Interest shall be allowed on all money due on judgments and decrees of courts at the rate of ~~seven-cents on-the-hundred-by-the-year~~ ten percent per year, unless a different rate is fixed by the contract on which the judgment or decree is rendered, in which case the judgment or decree shall draw interest at the rate expressed in the contract, not exceeding the maximum applicable rate permitted by the provisions of section 535.2, which rate must be expressed in the judgment or decree. The interest shall accrue from the date of the commencement of the action.

Sec. 2. This Act is effective January 1, 1981 and shall not apply to judgments rendered or decrees entered of record prior to that date.

Approved March 28, 1980

CHAPTER 1171
INDUSTRIAL LOAN GUARANTY FUND

H. F. 2513

AN ACT creating an industrial loan corporation thrift certificate guaranty fund, and providing penalties.

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

Section 1. NEW SECTION. TITLE. This Act shall be known and may be cited as the "Iowa Industrial Loan Corporation Thrift Guaranty Act."

Sec. 2. NEW SECTION. DEFINITIONS. As used in this Act unless the context otherwise requires:

1. "Industrial loan corporation" means a corporation licensed under chapter five hundred thirty-six A (536A) of the Code.

2. "Auditor" means the auditor of state.

3. "Guaranty corporation" means the corporation created pursuant to section four (4) of this Act.

4. "Member" means an industrial loan corporation which is required by section five (5) of this Act to be a member of the guaranty corporation.

5. "Thrift certificates" means senior indebtedness issued to and in the hands of the general public, and includes thrift certificates, installment thrift certificates, certificates of indebtedness, promissory notes, or similar evidences of indebtedness.

6. "Independent activity" means an activity other than one directed solely at increasing guarantee coverage under section seven (7) of this Act.

7. "Capital impairments", or "impaired capital" means the failure of a member to comply with the capital stock requirements of section five hundred thirty-six A point eight (536A.8) of the Code.

8. "Insolvency" means the inability of a member to pay its debts and obligations as they become due.

Sec. 3. NEW SECTION. PURPOSE. It is the purpose of the guaranty corporation to guarantee payment of thrift certificates issued by a member up to ten thousand dollars for each account, subject to the limitations of this Act.

Sec. 4. NEW SECTION. ESTABLISHMENT OF GUARANTY CORPORATION.

1. Within ninety days after the effective date of this Act, industrial loan corporations which are required by section five (5) of this Act to participate as members shall establish a corporation under chapter five hundred four A (504A) of the Code to operate under the name "Industrial Loan Thrift Guaranty Corporation of Iowa".

2. The guaranty corporation established under subsection one (1) of this section shall adopt a plan of organization and operation which may be amended from time to time. The guaranty corporation may promulgate regulations prescribing terms and conditions relative to the issuance of thrift

certificates by members, which shall not take effect until they have been submitted to and adopted by the auditor as rules pursuant to chapter seventeen A (17A) of the Code.

Sec. 5. NEW SECTION. PARTICIPATION--MEMBERSHIP ASSESSMENT.

1. Each industrial loan corporation which has issued and outstanding thrift certificates shall participate as a member in the guaranty corporation in accordance with this Act and with the bylaws established by the board of directors of the guaranty corporation. An industrial loan corporation which is required by this section to participate as a member shall pay a membership assessment, to be paid into the guarantee fund, in an amount determined according to the following schedule:

a. Two thousand five hundred dollars for a member which at any time has issued and outstanding thrift certificates in an amount of two hundred fifty thousand dollars or less.

b. Five thousand dollars for a member which at any time has issued and outstanding thrift certificates in an amount greater than two hundred fifty thousand dollars, but not more than one million dollars.

c. Ten thousand dollars for a member which at any time has issued and outstanding thrift certificates in an amount greater than one million dollars.

Each industrial loan corporation which has issued and outstanding thrift certificates as of the effective date of this Act shall pay the membership assessment to the guaranty corporation within thirty days after the date of its incorporation. Each industrial loan corporation which initially issues thrift certificates after the effective date of this Act shall pay the membership assessment within thirty days after the thrift certificates are issued. When the amount which has been paid by a member as the membership assessment becomes less than the amount which is required by this subsection, the member shall pay the deficiency within ninety days after the date when the deficiency arises.

2. An industrial loan company is exempt from participation as a member of the guaranty corporation so long as it does not have issued and outstanding thrift certificates. An industrial loan company which has issued and outstanding thrift certificates as of the effective date of this Act shall be exempt from participation as a member of the guaranty corporation if it files an undertaking with the auditor that it will not issue thrift certificates and that it will redeem existing thrift certificate obligations within ninety days after the effective date of this Act, and if it redeems existing thrift certificate obligations within the ninety-day period.

Sec. 6. NEW SECTION. RULES OF AUDITOR. The auditor shall adopt rules pursuant to chapter seventeen A (17A) of the Code which may be necessary or advisable to accomplish the purposes of this Act. Rules adopted by the auditor shall continue in force until either modified by subsequent rule or superseded by a plan submitted by the guaranty corporation and approved by the auditor.

Sec. 7. NEW SECTION. GUARANTEE OF THRIFT CERTIFICATES. Thrift certificates of a member of the guaranty corporation shall be guaranteed by the guaranty corporation as follows:

1. With respect to single ownership obligations in any one member:

a. Funds owned by an individual and invested in the manner set forth in this subsection shall be added together and guaranteed up to ten thousand dollars in the aggregate.

b. Individual accounts invested in one or more accounts in the individual's own name shall be guaranteed up to ten thousand dollars in the aggregate.

c. Funds owned by a principal and invested in one or more accounts in the name or names of agents or nominees shall be added to any individual accounts of the principal and guaranteed up to ten thousand dollars in the aggregate.

d. Accounts held by a guardian, custodian, or conservator for the benefit of his ward or for the benefit of a minor under a Uniform Gifts to Minors Act and invested in one or more accounts in the name of the guardian, custodian, or conservator shall be added to any individual accounts of the ward or minor and guaranteed up to ten thousand dollars in the aggregate.

2. With respect to testamentary accounts in any one member:

a. Funds owned by an individual and invested in a revocable trust account, tentative trust account, payable-on-death account, or similar account evidencing an intention that on his or her death the funds shall belong to a named beneficiary, shall be guaranteed up to ten thousand dollars in the aggregate as to each such named beneficiary, separately from any other accounts of the owner.

b. Accounts in any one member held by executors or administrators which are funds of a decedent held in the name of the decedent or in the name of the executor or administrator of the decedent's estate and invested in one or more accounts, shall be guaranteed up to ten thousand dollars in the aggregate, separately from the individual accounts of the beneficiaries of the estate or of the executor or administrator.

3. With respect to corporation or partnership accounts in any one member, accounts of a corporation or partnership which is engaged in an independent activity shall be guaranteed up to ten thousand dollars in the aggregate. For guarantee purposes an account of a corporation or partnership which is not engaged in an independent activity shall be deemed to be owned by the person or persons owning the corporation or comprising the partnership and the interest of each person in the account shall be added to any other accounts individually owned by that person and guaranteed up to ten thousand dollars in the aggregate.

4. With respect to accounts of unincorporated associations, accounts in any one member which are accounts of an unincorporated association engaged in an independent activity shall be guaranteed up to ten thousand dollars in the aggregate. For guarantee purposes an account of an unincorporated association which is not engaged in an independent activity shall be deemed to be owned by the persons comprising the association and the interest of each owner in the account shall be added to any other accounts individually owned by that person and guaranteed up to ten thousand dollars in the aggregate.

5. With respect to joint accounts in any one member:

a. Accounts owned jointly, whether as joint tenants with right of survivorship, as tenants by the entireties, or as tenants in common, shall be guaranteed separately from accounts individually owned by the co-owners.

b. A joint account shall be deemed to exist for purposes of guarantee of accounts only if each co-owner has personally executed an account signature card and possesses redemption rights.

c. An account owned jointly which does not qualify as a joint account for purposes of guarantee of accounts shall be treated as owned by the named persons as individuals, and the actual ownership interest of each such person in the account shall be added to any other accounts individually owned by that person and guaranteed up to ten thousand dollars in the aggregate.

d. All joint accounts owned by the same combination of individuals shall first be added together and guaranteed up to ten thousand dollars in the aggregate.

e. The interests of each co-owner in all joint accounts owned by different combinations of individuals shall then be added together and guaranteed up to ten thousand dollars in the aggregate.

6. Trust accounts in any one member which are trust interests for the same beneficiary invested in accounts established pursuant to valid trust arrangements created by the same settlor or grantor shall be added together and guaranteed up to ten thousand dollars in the aggregate, separately from other accounts of the trustee of the trust funds or the settlor or beneficiary of the trust arrangements.

Sec. 8. NEW SECTION. GUARANTEE FUND.

1. The guaranty corporation shall establish and maintain a guarantee fund which shall consist of the membership assessments under section five (5) of this Act, plus the assessments under subsections two (2) and three (3) of this section.

2. Beginning with the year in which this Act takes effect, the members of the guaranty corporation shall be subject to an assessment on May first of each year. The amount of the annual assessment is determined by the amount in the fund on December thirty-first of the prior year, net of any demands made by the auditor under section eleven (11) of this Act and remaining unpaid at such December thirty-first, as follows: If the net amount in the fund is less than the greater of two million dollars or two percent of the total thrift certificates of all members, the annual assessment for each member shall equal one-fourth of one percent of the member's thrift certificates which are outstanding on December thirty-first of the year prior to the levy; and if the net amount in the fund exceeds the greater of two million dollars or two percent of the aggregate thrift certificates of all members, no annual assessment shall be made.

3. If upon liquidation of a member the amount available in the guaranty fund is insufficient to pay up to ten thousand dollars for each thrift certificate obligation specified in section seven (7) of this Act, the auditor may make demand upon the guaranty corporation for advance payment of annual assessments to become due in such amounts as required to meet the deficiency, but not exceeding two times the maximum assessment that could

have been levied on each member on the prior May first as the annual assessment if the net amount in the fund the preceding December thirty-first had been less than the greater of two million dollars or two percent of the total thrift certificates of all members. Any amount prepaid by a member shall be credited against subsequent annual assessments, and the member shall pay the balance of the annual assessments thus due, if any, or shall be refunded any amount overpaid as a result of the advance assessment. At no time shall a member be required to be prepaid in excess of two years.

Sec. 9. NEW SECTION. NOTICE OF ASSESSMENT. The guaranty corporation shall send a written notice of assessment to each member assessed within ten days after the levy of an annual or advance assessment. The amount assessed shall be paid to the guaranty corporation by the member not later than thirty days following the date the notice of assessment is mailed.

Sec. 10. NEW SECTION. DEFAULTED ASSESSMENTS--ACTIONS TO ENFORCE. In the event a member fails to pay when due the membership assessment, or a deficiency in the membership assessment, or an annual or advance assessment, the guaranty corporation shall report the default in writing to the auditor within two business days after the default, and shall within thirty days after the default bring an action in law or in equity to enforce payment. If the guaranty corporation does not bring an action within the time specified, the auditor may bring an action to enforce payment. The auditor also may revoke the right of a member to issue thrift certificates when the member is in default in paying assessments when due.

Sec. 11. NEW SECTION. PAYMENTS FROM GUARANTEE FUND--DEFICIENCIES.

1. When the property and business of a member has been liquidated or is in the process of liquidation by the auditor and the proceeds of liquidation are insufficient to pay up to ten thousand dollars for each thrift certificate obligation specified in section seven (7) of this Act, the guaranty corporation shall pay each deficiency at the direction of and in amounts as specified by the auditor, and within one hundred twenty days from the date the auditor makes demand for payment. If the total funds available from the guaranty corporation at the time of demand are insufficient to pay in full the amounts required by section seven (7) of this Act, the amount paid toward each obligation shall be reduced ratably in proportion to the amount by which the fund is deficient. Thereafter further payments shall be made in accordance with the directions of the auditor and as additional funds are paid into the guarantee fund from assessments and income accrued on them. When the thrift certificate obligations are paid, the account of each member of the guaranty corporation shall be reduced by an amount which is of the same relation to the total amount paid as the account balance of the member is to the sum of account balances of all members. The guaranty corporation has a claim against a member which has been liquidated or which is in the process of liquidation and the assets of the member for any thrift certificate obligations paid under this section.

2. The auditor shall not direct the guaranty corporation to pay in one calendar year any thrift certificate obligations that exceed in the aggregate the total amount in the fund after allowance for all amounts to be added to the fund during the year by assessment as provided in this Act.

Sec. 12. NEW SECTION. AUDITOR MAY MANAGE CORPORATION. Whenever it appears to the auditor that the guaranty corporation has violated its articles of incorporation or a law of this state; has not paid amounts as directed by the auditor of state pursuant to section eleven (11) of this Act, has invested its funds in violation of section fourteen (14) of this Act, has not levied assessments as required by sections five (5), eight (8) and nine (9) of this Act, has not diligently prosecuted an action to enforce payment as required by section ten (10) of this Act, has violated a provision of this Act, or has neglected or refused to submit its books, papers, and affairs for the inspection of an examiner, the auditor may issue and serve upon the guaranty corporation a notice containing a statement of the facts constituting the alleged violation or violations and fixing a time and place at which a hearing will be held to determine whether the auditor should take possession of the property and business of the guaranty corporation and retain possession until the guaranty corporation satisfies the auditor that it will operate in conformity with the provisions of this Act. During the time the auditor has possession of the guaranty corporation, the auditor shall perform the duties and carry out the obligations of the guaranty corporation.

Sec. 13. NEW SECTION. JUDICIAL REVIEW. Actions of the auditor under section twelve (12) of this Act shall be subject to judicial review under the provisions of chapter seventeen A (17A) of the Code. The district court for Polk county has exclusive jurisdiction of judicial review proceedings under this section.

Sec. 14. NEW SECTION. INVESTMENTS OF GUARANTEE FUND.

1. The guaranty corporation may invest its funds only as provided by rules promulgated by the auditor. The auditor shall promulgate rules which are reasonably necessary for the purpose of preserving reasonable liquidity of the guarantee fund.

2. Income from investments shall be recorded in an income account and shall be used to defray expenses of administration. Income from investments that exceeds an amount determined by the board of directors to be adequate to provide for current expenses may be credited to members' accounts. Each member's account shall receive credit ratably, based on member account balances. Income received by the guaranty corporation, whether or not credited to members' accounts, shall be subject to a demand of the auditor made under section eleven (11) of this Act, except as to that portion reserved by the board of directors for expenses of administration during the calendar year.

3. Expenses of administration that exceed income from investments at the end of the fiscal year of the guarantee*corporation shall be charged to members' accounts. Each member's account shall be charged ratably based on member account balances for the amount of the excess of expenses over income.

Sec. 15. NEW SECTION. POWER OF AUDITOR--MANAGEMENT OF MEMBER.

1. In addition to other remedies provided in this Act, the auditor may take over the management of the property and business of a member for reasonable cause, including but not limited to fraud, impairment of capital, violation of this Act, or revocation of a member's industrial loan license

*According to enrolled Act

for any of the reasons stated in section five hundred thirty-six A point eighteen (536A.18) of the Code.

2. Actions of the auditor under subsection one (1) of this section shall be subject to judicial review under the provisions of chapter seventeen A (17A) of the Code. The aggrieved member may institute proceedings for judicial review in the county in which its principal place of business is located.

3. Upon assuming management of the property and business of a member under this section, the auditor may operate and direct the affairs of the member in its regular course of business, collect amounts due to the member, and do other acts necessary to conduct the affairs of the member and to conserve or protect its assets, property and business.

4. The auditor shall thereafter manage the property and business of the member until such time as he or she may relinquish to the member the management thereof, upon such conditions as the auditor may prescribe, or until the affairs of the member be finally dissolved as provided in section five hundred thirty-six A point nineteen (536A.19) of the Code.

Sec. 16. NEW SECTION. LIQUIDATION OF MEMBER--AUDITOR AS RECEIVER. If when managing a member under section fifteen (15) of this Act the auditor concludes that the member is insolvent or should be dissolved for any other reason enumerated in section fifteen (15), subsection one (1), of this Act, the auditor shall petition the district court for the county in which the principal place of business of the member is located to appoint a receiver for the member. Upon the petition of the auditor under this section, or in any other case where appointment of a receiver for a member is sought by any person, the district court may appoint the auditor as receiver of the member, to serve without bond. The attorney general shall represent the auditor in all proceedings connected with the receivership.

Sec. 17. NEW SECTION. NOTICE TO GUARANTY CORPORATION. The auditor of state shall give prompt notice to the guaranty corporation when for any cause the auditor takes possession of the property and business of a member to manage its affairs, and shall give further prompt notice when he or she determines to liquidate the property and business of a member.

Sec. 18. NEW SECTION. REGULATION. The operation of the guaranty corporation shall at all times be subject to the supervision of the auditor. The auditor may at any time investigate the affairs and examine the books, accounts, records, and files of the guaranty corporation. The auditor shall have free access to the offices, books, accounts, papers, records, files, safes, and vaults of the guaranty corporation.

The corporation shall pay to the auditor such fees as may be established by the auditor by rule under chapter seventeen A (17A) of the Code for the recovery of administrative costs and expenses incurred in the discharge of the duties imposed upon the auditor by this Act. Recoverable costs and expenses shall include, but not be limited to costs and expenses for salaries, expenses and travel for employees, and additional office facilities, supplies and equipment required in the administration of this Act. The fees shall include an annual fee to cover the ordinary annual expenses of the auditor in the administration of this Act and such special

fees as may be necessary for the recovery of extraordinary expenses. Rules of the auditor shall specify when the fees are to be paid by the corporation, and shall provide for the giving of notice of fees which are to become due. Failure to pay a required fee within ten days after the due date shall subject the corporation to an additional fee equal to five percent of the amount assessed for each day the payment is delinquent.

Sec. 19. NEW SECTION. APPEAL TO AUDITOR. A member aggrieved by an action or decision of the guaranty corporation may appeal to the auditor within thirty days from the action or decision.

Sec. 20. NEW SECTION. NONTRANSFERABILITY OF MEMBERSHIPS. Memberships in the guaranty corporation are nontransferable, and the guaranty corporation and memberships in the guaranty corporation are exempt from the provisions of chapter five hundred two (502) of the Code.

Sec. 21. NEW SECTION. ADVERTISEMENTS.

1. The guaranty corporation shall not cause or permit to be advertised, printed, displayed, published, distributed, or broadcast, in any manner, a statement or representation with regard to its plan of operation without first obtaining the written approval of the auditor.

2. All advertising by a member with regard to its membership in the guaranty corporation shall include the following statement: "Thrift certificates are protected up to a maximum of ten thousand dollars by the Industrial Loan Thrift Guaranty Corporation of Iowa, a private corporation, regulated by the state of Iowa; however thrift certificates are not guaranteed by the state of Iowa."

3. All advertising of members with regard to thrift certificates shall comply with such reasonably necessary rules as the guaranty corporation may adopt to prevent the use of false, misleading or deceptive advertising practices.

Sec. 22. NEW SECTION. LIST OF COMPANIES--REPORTS.

1. In order to permit the guaranty corporation to fulfill its obligations under this Act, and notwithstanding the provisions of sections five hundred thirty-six A point fifteen (536A.15) and five hundred thirty-seven point two thousand three hundred four (537.2304) of the Code to the contrary, the auditor shall furnish to the guaranty corporation a list of all industrial loan corporations which have outstanding thrift certificate obligations; and the auditor shall promptly furnish to the guaranty corporation one copy of all reports of each of these industrial loan corporations filed with the auditor, excluding examination reports and responses to examinations.

2. Each member, annually and within ninety days of the close of its fiscal year, shall file with the guaranty corporation and the auditor a report of an audit performed in accordance with generally accepted auditing standards and certified by a certified public accountant licensed to practice in the state of Iowa.

3. The guaranty corporation may submit reports and make recommendations to the auditor regarding the affairs or financial condition of a member. In addition, the guaranty corporation shall have the authority to select and direct an independent certified public accountant licensed to practice in the state of Iowa to audit the financial condition of a member, the report of

which shall be provided only to the board of directors of the guaranty corporation and the auditor. The member shall allow access to the records and other information requested by the guaranty corporation during the audit. The cost and expenses of the audit or examination shall be paid by the guaranty corporation. These reports, actions, and recommendations shall be kept confidential.

4. There shall be no liability on the part of, and no cause of action of any manner shall arise against, the guaranty corporation or its members, directors, officers, employees or agents, or the auditor for actions or statements made by them respecting reports or recommendations made under the authority of this section.

Sec. 23. NEW SECTION. EXEMPTIONS.

1. Securities of an industrial loan company issued in a transaction which is an exempt transaction within the meaning of section five hundred two point two hundred three (502.203), subsection nine (9), of the Code are not thrift certificates, and shall bear a statement that they are not guaranteed by the Iowa industrial loan corporation thrift guaranty Act.

2. The guaranty corporation is not an insurance corporation and is not transacting insurance business. The organization, operation and liquidation of the guaranty corporation are exempt from title twenty (XX) of the Code.

Sec. 24. NEW SECTION. SUBORDINATED DEBT. Subordinated debt of a member shall not be construed as thrift certificates and securities representing subordinated debt shall bear a statement that they are not guaranteed by the Iowa industrial loan corporation thrift guaranty Act. At the time of issue subordinated debt shall not exceed two times the total amount of capital, surplus, and undivided profits of the member.

Sec. 25. CAPITAL IMPAIRMENT.

1. The guarantees provided in this Act do not apply to the obligations of an industrial loan corporation, the capital of which is impaired on the effective date of this Act until such time as the capital impairment is eliminated.

2. For purposes of subsection one (1) of this section, an audit performed by a certified public accountant licensed to practice in the state of Iowa for an industrial loan licensee's fiscal year immediately preceding the effective date of this Act shall be conclusive as to whether the capital of the industrial loan corporation is impaired on the effective date of this Act.

Sec. 26. NEW SECTION. STATEMENT OF CONDITION. Each member shall by April thirtieth of each year prepare a statement of its condition as of the close of the preceding calendar year. Each member shall make copies of its statement of condition available to the general public at each of its places of business. The auditor by rule may prescribe minimum content of the statement of condition.

Sec. 27. NEW SECTION. LIABILITIES. The state of Iowa is not liable for any actions or omissions of the auditor in administering the Iowa industrial loan corporation thrift guaranty Act. Members of the guaranty corporation shall be liable for losses incurred as a result of such actions or omissions. The guaranty corporation shall defend the auditor of state and employees of

the auditor against any action commenced against any of them individually as a result of acts or omissions arising from the administration of the Act, and shall indemnify and hold them harmless for any losses caused by such acts or omissions.

Sec. 28. Section five hundred two point two hundred two (502.202), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred twenty (120), sections five (5) and six (6), is amended by adding the following new subsection:

NEW SUBSECTION. Any security representing a thrift certificate of an industrial loan company which is a member of the industrial loan thrift guaranty corporation of Iowa.

Sec. 29. LEGISLATIVE INTENT. Because of the increase in the issuance by industrial loan corporations of thrift certificates, these being essential to the well-being and prosperity of the state and the inhabitants of it, it is the intent of the general assembly to provide by this Act for an adequate guarantee of thrift certificates issued by industrial loan corporations.

Sec. 30. This Act shall take effect January first following its enactment.

Approved May 22, 1980

CHAPTER 1172

TITLE TO REAL PROPERTY LIMITATION OF ACTION

S. F. 2279

AN ACT relating to the dates for limitations of actions on title to real property.

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

Section 1. Section five hundred fifty-eight point five (558.5), Code 1979, is amended to read as follows:

558.5 CONTRACT FOR DEED--PRESUMPTION OF ABANDONMENT. When the record shows that a contract or bond for a deed has been given prior to January 1, 1950 1970, and the record discloses no performance of the same and that more than ten years have elapsed since the contract by its terms was to be performed, ~~such~~ the contract shall be deemed abandoned and of no effect and the land shall be freed from any lien or defect on account of ~~such~~ the contract.

Sec. 2. Section six hundred fourteen point fourteen (614.14), Code 1979, is amended to read as follows:

614.14 RECOVERY BY ~~ESTATE-OR~~ BENEFICIARY OF TRUST. In all cases where ~~any~~ a deed of trust or declaration of trust has been executed and the real estate affected ~~thereby by the deed or declaration~~ has been conveyed by the trustee or the surviving spouse or heirs of said the trustee and such the

conveyance was duly recorded in the proper county prior to January 1, ~~1960~~ 1970, and the interest of the ~~cestui-que~~ beneficiary of the trust thereunder in the real estate has not been ~~by--such--cestui--que--trust~~ conveyed, or established by proper proceedings in court ~~no~~ by the beneficiary, an action, suit or proceeding shall not be commenced or maintained to foreclose the same, or to establish or recover the interest of the ~~cestui-que-trust-therein~~ beneficiary in the real estate, or of the surviving spouse or heirs of the ~~cestui-que-trust~~ beneficiary, unless such the action, suit, or proceeding be is commenced by filing petition and service of notice not later than March 1, ~~1971~~ 1981.

Sec. 3. Section six hundred fourteen point fifteen (614.15), Code 1979, is amended to read as follows:

614.15 SPOUSE FAILING TO JOIN IN CONVEYANCE. In all cases where the holder of the legal or equitable title or estate to real estate situated within this state, prior to January 1, ~~1960~~ 1970, conveyed said the real estate or any interest ~~therein in the real estate~~ by deed, mortgage, or other instrument, and the spouse failed to join ~~therein in the conveyance~~, such the spouse or the heirs at law, personal representatives, devisees, grantees, or assignees of such the spouse ~~shall-be~~ are barred from recovery unless suit is brought ~~therefor for recovery~~ within one year after July 1, ~~1970~~ 1980. But in case the right to such the distributive share has not accrued by the death of the spouse making such the instrument, then the one not joining is ~~hereby~~ authorized to file in the recorder's office of the county where the land is situated, a notice with affidavit, setting forth affiant's claim, together with the facts upon which such the claim rests, and the residence of such the claimants, ~~and-if-such~~. If the notice is not filed within two years from July 1, ~~1970~~ 1980, such the claim ~~shall-be~~ is barred forever. Any action contemplated in this section may include land situated in different counties, by giving notice ~~thereof~~ as provided by section 617.13.

Sec. 4. Section six hundred fourteen point sixteen (614.16), Code 1979, is amended to read as follows:

614.16 INTERPRETATIVE CLAUSE. Sections 614.14 and 614.15 ~~shall do~~ not affect ~~pending~~ pending litigation pending on July 1, 1980, nor ~~shall do~~ they operate to revive rights or claims ~~previously~~ previously barred previous to that date, nor permit an action to be brought or maintained upon any claim or cause of action which is barred by any a statute ~~which-is~~ in force prior to July 1, ~~1970~~ 1980.

Sec. 5. Section six hundred fourteen point seventeen (614.17), Code 1979, is amended to read as follows:

614.17 CLAIMS TO REAL ESTATE ANTEDATING ~~1960~~ 1970. ~~No~~ An action based upon any a claim arising or existing prior to January 1, ~~1960~~ 1970, shall not be maintained, either at law or in equity, in any court to recover any real estate in this state or to recover or establish any interest ~~therein in~~ or claim ~~therete to real estate~~, legal or equitable, against the holder of the record title to such the real estate in possession, when such the holder of the record title and ~~his-grantors~~ the holder's immediate or remote grantors are shown by the record to have held chain of title to said the real estate, since January 1, ~~1960~~ 1970, unless such the claimant, by himself or herself,

or by ~~his~~ the claimant's attorney or agent, or if ~~he-be~~ the claimant is a minor or under legal disability, by his or her guardian, trustee, or either parent ~~shall~~, within one year from and after July 1, ~~1970~~ 1980, ~~file files~~ in the office of the recorder of deeds of the county ~~wherein-sueh~~ in which the real estate is situated, a statement in writing, which ~~shall-be is~~ is duly acknowledged, definitely describing the real estate involved, the nature and extent of the right or interest claimed, and stating the facts upon which the ~~same claim~~ claim is based.

For the purposes of this section and sections 614.18 to 614.20 ~~any a~~ a person who holds title to real estate by will or descent from ~~any a~~ a person who held the title of record to ~~sueh the~~ the real estate at the date of his or her death or who holds title by decree or order of ~~any a~~ a court, or under ~~any a~~ a tax deed, trustee's, referee's, guardian's, executor's, administrator's, receiver's, assignee's, master's in chancery, or sheriff's deed, ~~shall--be deemed--to--held~~ holds chain of title the same as though holding by direct conveyance.

For the purposes of this section, such possession of ~~said~~ the real estate may be shown of record by affidavits showing ~~sueh the~~ the possession, and when ~~said the~~ the affidavits have been filed and recorded, it ~~shall-be is~~ is the duty of the recorder to enter upon the margin of ~~said the~~ the record, a certificate to the effect that ~~said the~~ the affidavits were filed by the owner in possession, as named in ~~said the~~ the affidavits, or by ~~his the~~ the owner's attorney in fact, as shown by the records and in like manner, ~~sueh the~~ the affidavits may be filed and recorded where any action was barred on any claim by this section as in force prior to July 1, ~~1970~~ 1980.

Sec. 6. Section six hundred fourteen point twenty (614.20), Code 1979, is amended to read as follows:

614.20 LIMITATION ON ACT. ~~Provided, however, that nothing--contained--in sections Sections~~ Sections 614.17 to 614.19 ~~shall-be-construed-as-limiting do not limit~~ or ~~extending extend~~ the time within which actions by a spouse to recover dower or distributive share in real estate within this state may be brought or maintained under the provisions of section 614.15, ~~or-as--limiting or-extending nor do they limit or extend~~ the time within which actions may be brought or maintained to foreclose or enforce any real estate mortgage, bond for deed, trust deed, or contract for the sale or conveyance of real estate under the provisions of section 614.21, ~~and-provided-further, that sections 614.17-to-614.19-should-in-no-case nor do they~~ nor do they revive or permit an action to be brought or maintained upon any claim or cause of action which is barred by ~~any a~~ a statute which is in force prior to July 1, ~~1970~~ 1980; ~~provided-that nothing-contained-in-sections-614.17-to--614.19--shall nor do they~~ nor do they affect ~~pending litigation pending on July 1, 1980.~~

Sec. 7. Section six hundred fourteen point twenty-two (614.22), Code 1979, is amended to read as follows:

614.22 ACTION AFFECTING ANCIENT DEEDS. ~~No~~ An action shall ~~not~~ not be maintained to set aside, cancel, annul, declare void or invalid, or to redeem from ~~any a~~ a tax deed, guardian's deed, executor's deed, administrator's deed, receiver's deed, referee's deed, assignee's deed, ~~or~~ or sheriff's deed which ~~shall--have~~ has been recorded in the office of the recorder of the county or

counties in this state in which the land described in such the deed is situated prior to January 1, ~~1960~~ 1970, unless such the action ~~shall-be~~ is commenced prior to January 1, ~~1971~~ 1981, and if ~~no~~ an action to set aside, cancel, annul, declare void or invalid, or to redeem from ~~any-such the~~ deed ~~shall-be~~ is not commenced prior to January 1, ~~1971~~ 1981, then such the deed and all the proceedings upon which the same deed is based ~~shall-be conclusively-presumed-to-have-been-in-all-things~~ are valid and unimpeachable and effective to convey title ~~according-to-the-purport-thereof~~ as stated in the deed, without exception for infancy, mental illness, absence from the state, or other disability or cause; provided that this section and section 614.23 ~~shall do~~ not apply to any real property described in ~~any-such a~~ deed which is not on July 1, ~~1970~~ 1980, in the possession of those claiming title under such the deed.

Sec. 8. This Act takes effect January first following its enactment.

Approved April 21, 1980

CHAPTER 1173
MECHANIC'S LIENS

S. F. 190

AN ACT relating to the perfection and enforcement of a mechanic's lien.

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

Section 1. Section five hundred seventy-two point eight (572.8), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

572.8 PERFECTION OF LIEN. A person shall perfect a mechanic's lien by filing with the clerk of the district court of the county in which the building, land, or improvement to be charged with the lien is situated a verified statement of account of the demand due the person, after allowing all credits, setting forth:

1. The time when such material was furnished or labor performed, and when completed.
2. The correct description of the property to be charged with the lien.
3. The name and last known mailing address of the owner, agent, or trustee of the property.

Upon the filing of the lien, the clerk of court shall mail a copy of the lien to the owner, agent, or trustee. If the statement of the lien consists of more than one page, the clerk may omit such pages as consist solely of an accounting of the material furnished or labor performed. In this case, the clerk shall attach a notification that pages of accounting were omitted and may be inspected in the clerk's office.

Sec. 2. Chapter five hundred seventy-two (572), Code 1979, is amended by adding the following new section:

NEW SECTION. COOPERATIVE AND CONDOMINIUM HOUSING. A lien arising under this chapter as a result of the construction of an apartment house or apartment building which is owned on a cooperative basis under chapter four hundred ninety-nine A (499A) of the Code, or which is submitted to a horizontal property regime under chapter four hundred ninety-nine B (499B) of the Code, is not enforceable, notwithstanding any contrary provision of this chapter, as against the interests of an owner in an owner-occupied dwelling unit contained in the apartment house or apartment building acquired in good faith and for valuable consideration, unless a lien statement specifically describing the dwelling unit is filed under section five hundred seventy-two point eight (572.8) of the Code within the applicable time period specified in section five hundred seventy-two point nine (572.9) of the Code, but determined from the date on which the last of the material was supplied or the last of the labor was performed in the construction of that dwelling unit.

Approved May 26, 1980

CHAPTER 1174
CITY PLATS LEGALIZED
S. F. 2275

AN ACT to legalize certain plats of city or town lots recorded before January 1, 1970.

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

Section 1. Section five hundred ninety-two point three (592.3), Code 1979, is amended to read as follows:

592.3 CITY AND TOWN PLATS. In all cases where, prior to January 1, ~~1950~~ 1970, any person, ~~persons, or corporations have~~ has laid out any parcel of land into town or city lots and the plat ~~or plats thereof have~~ of the lots has been recorded and the ~~same plat~~ plat appears to be insufficient because of failure to show certificates of the county judge clerk of the district court, county treasurer, or county recorder, or the affidavit and bond, if any, and the certificate of approval of the local governing body or because ~~said the~~ said the certificates are defective, or because of a failure to fully comply with all of the provisions of chapter 409 of the Code, ~~1950 of 1966 as amended to~~ December 31, 1969, or corresponding statutes of earlier Codes, or because ~~said the~~ said the plat failed to show signatures or acknowledgment of proprietors as provided by law, or because ~~said the~~ said the acknowledgment was defective, and, subsequent to ~~such the~~ such the platting, lots or subdivisions ~~thereof of the lots~~ thereof have been sold and conveyed, all such ~~said~~ said plats which have not been vacated

~~and--have--been--of--record--for--a--period--of--twenty--years--or--more,~~ are hereby legalized ~~and--made--of--full--force--and--effect~~ as of the date of ~~the--making~~ thereof the recording of the plat, the same as though all certificates have been attached and all the other necessary steps taken as provided by law, and the record ~~thereof~~ of the plat shall be conclusive evidence that the ~~person,~~ ~~persons,~~ ~~firm,~~ ~~or--corporation--were--the--proprietors~~ was the proprietor of such ~~the~~ tract of land and the ~~owners--thereof~~ owner of the tract at the time of ~~said~~ the platting, and that ~~said~~ the tract of land was free and clear of all encumbrances unless an affidavit to the contrary was filed at the time of recording ~~such~~ the plat. ~~After--January--17--1954--no--action--shall--be--brought--to--establish--enforce--or--recover--any--right--title--interest--lien--or--condition--existing--at--the--time--of--the--platting--adverse--to--or--against--a--clear--absolute--and--unqualified--title--in--fee--simple--in--the--owner--or--owners.~~ After ~~January--17--1960~~ July 1, 1981, no action shall be brought on any cause arising ~~between--January--17--1930--and--December--31--1949--inclusive~~ after December 31, 1949, and before January 1, 1970, to establish, enforce, or recover any right, title, interest, lien, or condition existing at the time of the platting ~~between--the--dates--aforesaid~~ after December 31, 1949, and before January 1, 1970, and adverse to ~~or--against~~ a clear, ~~absolute,~~ and unqualified title in fee simple in the owner ~~or--owners~~ unless on or before July 1, 1981, there is filed in the office of county recorder of the county where the real estate involved is located a written statement, acknowledged by the claimant, definitely describing the real estate involved, stating the nature and extent of the right or interest claimed, and stating the facts upon which the claim is based.

Sec. 2. This Act becomes effective January first following its enactment.

Approved April 30, 1980

CHAPTER 1175
DISSOLUTION OF MARRIAGE

H. F. 2562

AN ACT relating to dissolution of marriage, annulment and separate maintenance actions and providing a penalty.

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

Section 1. Section five hundred ninety-eight point thirteen (598.13), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

598.13 FINANCIAL STATEMENTS FILED. Both parties shall disclose their financial status. A showing of special circumstances shall not be required before the disclosure is ordered. A statement of net worth set forth by affidavit on a form prescribed by the supreme court and furnished without

charge by the clerk of the district court shall be filed by each party prior to the dissolution hearing, unless waived by both parties.

Failure to comply with the requirements of this section constitutes failure to make discovery as provided in rule of civil procedure one hundred thirty-four (134) of the Code.

Sec. 2. Section five hundred ninety-eight point seventeen (598.17), unnumbered paragraph three (3), Code 1979, is amended by striking the unnumbered paragraph.

Sec. 3. Section five hundred ninety-eight point twenty-one (598.21), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

598.21 ORDERS FOR DISPOSITION AND SUPPORT.

1. Upon every judgment of annulment, dissolution or separate maintenance the court shall divide the property of the parties and transfer the title of the property accordingly. The court may protect and promote the best interests of children of the parties by setting aside a portion of the property of the parties in a separate fund or conservatorship for the support, maintenance, education and general welfare of the minor children. The court shall divide all property, except inherited property or gifts received by one party, equitably between the parties after considering all of the following:

- a. The length of the marriage.
- b. The property brought to the marriage by each party.
- c. The contribution of each party to the marriage, giving appropriate economic value to each party's contribution in homemaking and child care services.
- d. The age and physical and emotional health of the parties.
- e. The contribution by one party to the education, training or increased earning power of the other.
- f. The earning capacity of each party, including educational background, training, employment skills, work experience, length of absence from the job market, custodial responsibilities for children and the time and expense necessary to acquire sufficient education or training to enable the party to become self-supporting at a standard of living reasonably comparable to that enjoyed during the marriage.
- g. The desirability of awarding the family home or the right to live in the family home for a reasonable period to the party having custody of any children.
- h. The amount and duration of an order granting support payments to either party pursuant to subsection two (2) of this section and whether the property division should be in lieu of such payments.
- i. Other economic circumstances of each party, including pension benefits, vested or unvested, and future interests.
- j. The tax consequences to each party.
- k. Any written agreement made by the parties concerning property distribution.
- l. The provisions of an antenuptial agreement.

m. Other factors the court may determine to be relevant in an individual case.

2. Property inherited by either party or gifts received by either party prior to or during the course of the marriage is the property of that party and is not subject to a property division under this section except upon a finding that refusal to divide the property is inequitable to the other party or to the children of the marriage.

3. Upon every judgment of annulment, dissolution or separate maintenance, the court may grant an order requiring support payments to either party for a limited or indefinite length of time after considering all of the following:

a. The length of the marriage.

b. The age and physical and emotional health of the parties.

c. The distribution of property made pursuant to subsection one (1) of this section.

d. The educational level of each party at the time of marriage and at the time the action is commenced.

e. The earning capacity of the party seeking maintenance, including educational background, training, employment skills, work experience, length of absence from the job market, custodial responsibilities for children and the time and expense necessary to acquire sufficient education or training to enable the party to find appropriate employment.

f. The feasibility of the party seeking maintenance becoming self-supporting at a standard of living reasonably comparable to that enjoyed during the marriage, and the length of time necessary to achieve this goal.

g. The tax consequences to each party.

h. Any mutual agreement made by the parties concerning financial or service contributions by one party with the expectation of future reciprocation or compensation by the other party.

i. The provisions of an antenuptial agreement.

j. Other factors the court may determine to be relevant in an individual case.

4. Upon every judgment of annulment, dissolution or separate maintenance, the court may order either parent or both parents to pay an amount reasonable and necessary for support of a child. Consideration shall be given to the child's need for close contact with both parents and recognition of joint parental responsibility for the welfare of a minor child. In any order requiring payments for support of a minor child the court shall consider the following:

a. The financial resources of the child.

b. The financial resources of both parents.

c. The standard of living the child would have enjoyed had there not been an annulment, dissolution or separate maintenance.

d. The desirability that the custodian remain in the home as a full-time parent.

e. The cost of day care if the custodian works outside the home, or the value of custodial services performed by the custodian if the custodian remains in the home.

- f. The physical and emotional health needs of the child.
- g. The child's educational needs.
- h. The tax consequences to each party.
- i. Other factors the court may determine to be relevant in an individual case.

5. The court may protect and promote the best interests of a minor child by setting aside a portion of the child support which either party is ordered to pay in a separate fund or conservatorship for the support, education and welfare of the child.

6. The court may provide for joint custody of the children by the parties. Orders relating to custody of a child are subject to the provisions of chapter five hundred ninety-eight A (598A) of the Code.

7. Orders made pursuant to this section need mention only those factors relevant to the particular case for which the orders are made.

8. The court may subsequently modify orders made under this section when there is a substantial change in circumstances. Any change in child support because of alleged change in circumstances shall take into consideration each parent's earning capacity, economic circumstances and cost of living. Modifications of orders pertaining to child custody shall be made pursuant to chapter five hundred ninety-eight A (598A) of the Code.

Sec. 4. Section five hundred ninety-eight point twenty-two (598.22), unnumbered paragraphs one (1) and two (2), Code 1979, are amended to read as follows:

All orders or judgments providing for temporary or permanent support payments shall direct the payment of such sums to the clerk of the court for the use of the person for whom the ~~same~~ payments have been awarded.

Upon a finding of previous failure to pay child support, the court may order the person obligated for permanent child support to make an assignment of periodic earnings, or trust income to the clerk of court for the use of the person for whom the assignment is ordered. The assignment of earnings ordered by the court shall not exceed the amounts set forth in 15 U.S.C. s. 1673b (Supp. 1979). The assignment is binding on the employer, trustee, or other payor of the funds two weeks after service upon that person of notice that the assignment has been made. The payor shall withhold from the earnings, or trust income payable to the person obligated the amount specified in the assignment and shall transmit the payments to the clerk. The payor may deduct from each payment a sum not exceeding one dollar as a reimbursement for costs. An employer who dismisses an employee due to the entry of an assignment order commits a simple misdemeanor.

PARAGRAPH DIVIDED. An order or judgment entered by the court for temporary or permanent support or for an assignment shall be filed with the court clerk. Such orders shall have the same force and effect as judgments when entered in the judgment docket and lien index and shall be a record open to the public. The clerk shall disburse the payments received pursuant to such orders or judgments. All moneys received or disbursed under this section shall be entered in a record book kept by the clerk, which shall be open to inspection by the parties to the action and their attorneys.

If the sums ordered to be paid in a support payment order are not paid to the clerk at the time provided in ~~said~~ the order or judgment, the clerk shall certify a default to the court which may, on its own motion, proceed as provided in section 598.23.

Sec. 5. Section five hundred ninety-eight point twenty-three (598.23), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

The court may, as an alternative to punishment for contempt, make an order directing the defaulting party to assign, trust income or a sufficient amount in salary or wages due, or to become due in the future, from an employer or successor employers, to the clerk of the court where the order or judgment was granted for the purpose of paying the sums in default as well as those to be made in the future. The Where the assignment is of salary or wages due, the amount assigned shall not exceed the amount set forth in 15 U.S.C. s. 1673b (Supp. 1979) and the assignment order shall be binding upon the employer only for those amounts that represent child support and only upon receipt by the employer of a copy of the order, signed by the employee. For each payment deducted in compliance with such request, the employer shall receive one dollar to cover the expense created by the deduction, which amount shall be deducted from the money due the employee payor may deduct a sum not exceeding one dollar as a reimbursement for costs. Compliance by ~~an employer~~ a payor with the court's ~~request~~ order shall operate as a discharge of his or her liability to the ~~employee payee~~ payee as to the affected portion of the ~~employee's~~ payee's wages, or trust income.

Sec. 6. Chapter five hundred ninety-eight (598), Code 1979, is amended by adding the following new section:

NEW SECTION. ORDER TO VACATE. Notwithstanding section five hundred sixty-one point fifteen (561.15) of the Code, the court may order either party to vacate the homestead pending entry of a decree of dissolution upon a showing that the other party or the children are in imminent danger of physical harm if the order is not issued.

Approved May 19, 1980

CHAPTER 1176
ADOPTION INVESTIGATIONS

S. F. 28

AN ACT relating to preplacement investigation requirements for adoptions and to consent to adoptions.

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

Section 1. Section six hundred point seven (600.7), subsection two (2), paragraphs b and c, Code 1979, are amended to read as follows:

b. If by any ~~adult~~ other person ~~to-be-adopted~~, either in the presence of the court in which the adoption petition is filed or before a notary public. ~~e.--if-by-any-other-person,-before-a-notary-public-~~

Sec. 2. Section six hundred point eight (600.8), subsection two (2), paragraph a, Code 1979, 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 subsection 12 of this section.

Sec. 3. Section six hundred point eight (600.8), subsection seven (7), Code 1979, is amended to read as follows:

7. Any investigation or report required under this section shall not apply when the person to be adopted is an adult or when the prospective adoption petitioner or adoption petitioner is a stepparent of the person to be adopted. However, in the case of a stepparent adoption, the court, upon the request of an interested person or on its own motion stating the reasons therefor of record, may order an investigation or report pursuant to this section.

Sec. 4. Section six hundred point eight (600.8), subsection twelve (12), Code 1979, is amended to read as follows:

12. Any investigation and report required under subsection* of this section may be waived by the court if the adoption petitioner ~~is-a-stepparent~~

*“(1)” probably intended

~~ef--er~~ is related within the fourth degree of consanguinity to the person to be adopted.

Approved April 30, 1980

CHAPTER 1177
ADOPTION RECORDS
S. F. 2114

AN ACT relating to access to certain sealed records for the purpose of locating county of adoption and to the compilation and disclosure of certain medical and developmental and family medical information concerning an adopted person.

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

Section 1. Section one hundred forty-four point twenty-four (144.24), Code 1979, is amended to read as follows:

144.24 SUBSTITUTING FOR ORIGINAL. When a new certificate of birth is established, the actual place and date of birth shall be shown. The certificate shall be substituted for the original certificate of birth. Thereafter, the original certificate and the evidence of adoption, paternity, legitimation or sex change shall not be subject to inspection except under order of a court of competent jurisdiction or as provided by regulation for statistical or administrative purposes, only. However, the state registrar shall, upon the application of an adult adopted person, an adoptive parent, or the legal representative of either the adult adopted person or the adoptive parent, inspect the original certificate and the evidence of adoption and reveal to the applicant the name and address of the court which issued the adoption decree. Upon receipt of notice of annulment of adoption, the original certificate of birth shall be restored to its place in the files and the new certificate and evidence shall not be subject to inspection except upon order of the district court.

Sec. 2. Section six hundred point eight (600.8), subsection four (4), Code 1979, is amended to read as follows:

4. A postplacement investigation and a background information investigation and the reports of these investigations shall be completed and the reports filed with the court prior to the holding of the adoption hearing prescribed in section 600.12. Upon the filing of an adoption petition pursuant to section 600.5, the court shall immediately appoint the department, an agency, or an investigator to conduct ~~this--investigation--and report~~ and complete the postplacement and background information investigations and reports. In addition to filing the background information report with the court prior to the holding of the adoption hearing, the department, agency, or investigator appointed to conduct the background

information investigation shall complete the background information investigation and report and furnish a copy to the adoption petitioner within thirty days after the filing of the adoption petition. Any person, including a juvenile court, who has gained relevant background information concerning a minor person subject to an adoption petition shall, upon request, fully cooperate with the conducting of the background information investigation and report by disclosing any relevant background information, whether contained in sealed records or not.

Sec. 3. Section six hundred point sixteen (600.16), subsection one (1), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Information regarding an adopted person's existing medical and developmental history and family medical history, which meets the definition of background information in section six hundred point eight (600.8), subsection one (1), paragraph c of the Code, but which was compiled prior to the effective date of that paragraph, shall be made available as provided in this subsection. However, the identity of the adopted person's natural parents shall not be disclosed.

Approved May 23, 1980

CHAPTER 1178
CITIZENS' AIDE NOTARIES
H. F. 79

AN ACT to allow members of the office of citizens' aide to become notary publics.

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

Section 1. Section six hundred one G point seven (601G.7), subsection one (1), Code 1979, is amended to read as follows:

1. Hold ~~any-ether~~ another public office of trust or profit under the laws of the state other than the office of notary public.

Approved March 28, 1980

CHAPTER 1179
COURT PERSONNEL

S. F. 2306

AN ACT relating to court personnel including magistrates, judges of the district court, judges of the court of appeals, supreme court justices and court appointed interpreters and to the compensation and expenses thereof.

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

Section 1. Section six hundred two point thirty-one (602.31), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter two (2), section thirteen (13), is amended to read as follows:

602.31 SALARY, EXPENSES, RETIREMENT. The annual salary of each district associate judge, payable from the general fund of the state of Iowa, shall be a sum set by the general assembly. District associate judges shall also receive from the state their actual and necessary expenses in the performance of their duties ~~away--from-the-city-of-their-residence,~~ in accordance with section 605.2. District associate judges who are members of the judicial retirement system under chapter 605A shall remain members thereof; but the state of Iowa, instead of the city and county, shall deduct four percent from their salaries for the judicial retirement fund and shall contribute the public's portion to the judicial retirement fund.

Sec. 2. Section six hundred two point fifty-four (602.54), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter two (2), section fourteen (14), 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 set by the general assembly. The judicial magistrates serving pursuant to section 602.51 shall receive an annual salary in an amount set by the general assembly. Judicial magistrates appointed pursuant to section 602.51 except district associate judges shall be members of the Iowa public employees' retirement system. Judicial magistrates appointed pursuant to either section 602.50 or section 602.58 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. 3. Section six hundred five point two (605.2), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter three (3), section eight (8), is amended to read as follows:

605.2 EXPENSES. Where Except as provided in section six hundred eighty-four point fifty-three (684.53) of the Code, where a magistrate or judge of

the district court, court of appeals or supreme court is required to travel, in the discharge of official duties, ~~to leave the county of the magistrate's or judge's residence~~, the magistrate or judge shall may be paid such actual and necessary expenses incurred in the performance of his or her duties not to exceed a maximum amount set by the supreme court by rule prescribing the maximum amount, terms and conditions for reimbursement.

Sec. 4. NEW SECTION.

1. As used in this Act, unless the context otherwise requires:

a. "Hearing impaired person" means a person whose hearing is impaired so that the person cannot understand oral communication when spoken in a normal conversational tone and also includes a person who, because of a speech or other physical impairment, is unable to orally communicate with other persons and therefore relies primarily on sign language to communicate.

b. "Interpreter" means an interpreter who is fluent in sign language pursuant to rules on qualifications of interpreters applying to the proceeding.

c. "Administrative agency" means any department, board, commission or agency of the state or any political subdivision of the state.

2. The supreme court, after consultation with the department of health, shall adopt rules governing the qualifications and compensation of interpreters appearing in a proceeding before a court, grand jury or administrative agency under this Act. However, an administrative agency which is subject to chapter seventeen A (17A) of the Code may adopt rules differing from those of the supreme court governing the qualifications and compensation of interpreters appearing in proceedings before that agency.

Sec. 5. NEW SECTION. If a hearing impaired person is a party to, or a witness at, a proceeding before a grand jury, court or administrative agency of this state, the court or administrative agency shall appoint an interpreter without expense to the hearing impaired person to interpret or translate the proceedings to the hearing impaired person and to interpret or translate his or her testimony unless the hearing impaired person waives the right to an interpreter.

Sec. 6. NEW SECTION. When a hearing impaired person is entitled to an interpreter the hearing impaired person shall notify the presiding official within three days after receiving notice of the proceeding, stating the disability and requesting the services of an interpreter. If the hearing impaired person receives notification of an appearance less than five days prior to the proceeding, that person shall notify the presiding official requesting an interpreter as soon as practicable or may apply for a continuance until an interpreter is appointed.

Sec. 7. NEW SECTION. The service program for the deaf of the state department of health shall prepare and continually update a listing of qualified and available interpreters. The courts and administrative agencies shall maintain a directory of qualified interpreters for hearing impaired persons as furnished by the state department of health. The service program for the deaf shall maintain information on the qualifications of interpreters which is confidential except to a court, administrative agency or interested parties to an action using the services of such interpreter.

Sec. 8. NEW SECTION. Before participating in a proceeding, an interpreter shall take an oath that the interpreter will make a true interpretation in an understandable manner to the person for whom the interpreter is appointed and that the interpreter will interpret or translate the statements of the hearing impaired person to the best of the interpreter's skills and judgment.

Sec. 9. NEW SECTION. Communication between a hearing impaired person and a third party which is privileged under chapter six hundred twenty-two (622) of the Code in which the interpreter participates as an interpreter shall be privileged to the interpreter.

Sec. 10. NEW SECTION. An interpreter appointed under this Act is entitled to a reasonable fee and expenses as determined by the rules applying to that proceeding. This schedule shall be furnished to all courts and administrative agencies and maintained by them. If the interpreter is appointed by the court, the fee and expenses shall be paid out of the court expense fund and if the interpreter is appointed by an administrative agency, the fee and expenses shall be paid out of funds available to the administrative agency. If a hearing impaired person is not a party to the action, the fees and expenses of an interpreter shall be charged to costs.

Sec. 11. NEW SECTION. On motion of a party or on its own motion, a court or administrative agency shall inquire into the qualifications and integrity of an interpreter. A court or administrative agency may disqualify for good reason any person from serving as an interpreter in that proceeding. If an interpreter is disqualified, the court or administrative agency shall appoint another interpreter.

Sec. 12. Section six hundred twenty-two A point two (622A.2), Code 1979, is amended to read as follows:

622A.2 WHO ENTITLED TO INTERPRETER. Every person who cannot speak or understand the English language, ~~or every person who because of hearing, speaking or other impairment has difficulty in communicating with other persons,~~ and who is a party to any legal proceeding or a witness therein, shall be entitled to an interpreter to assist such person throughout the proceeding.

Approved May 20, 1980

CHAPTER 1180
COURT RECORDS COMPUTERIZED

H. F. 2501

AN ACT relating to the use of computers for the storage of court records.

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

Section 1. Section six hundred six point seven (606.7), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The provisions of this section do not prohibit the storage of all the required records on computer, provided the records remain readily accessible.

Sec. 2. Chapter six hundred ninety-two (692), Code 1979, is amended by adding the following new section:

NEW SECTION. DATA TO ARRESTING AGENCY. The clerk of the district court shall forward conviction and disposition data to the criminal justice agency making the arrest within thirty days of final court disposition of the case.

Approved May 17, 1980

CHAPTER 1181
JURY LIST INFORMATION

H. F. 715

AN ACT relating to the information to be furnished a jury commission for use in drawing jury lists.

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

Section 1. Section six hundred nine point five (609.5), Code 1979, is amended to read as follows:

609.5 ADDITIONAL INFORMATION PROVIDED. For the purpose of aiding the appointive commission in drawing the jury lists, officials of the state and its political subdivisions shall furnish the appointive commission with copies of the current list of registered voters, ~~tax-assessments-lists~~, lists of persons holding motor vehicle operators' licenses, or such other comprehensive lists of persons residing in the county as the commission may request. The clerk of the district court shall also deliver to the

commission a list of all persons who have served as grand or petit jurors since January ± first of the preceding year.

Approved March 28, 1980

CHAPTER 1182
FALSE CHECKS — ATTORNEY FEES

H. F. 668

AN ACT relating to determination of attorney's fees by the court and the recovery of costs in actions to recover payment on a check, draft, or written instrument which is written in violation of chapter seven hundred fourteen (714) of the Code.

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

Section 1. Section six hundred twenty-five point twenty-two (625.22), Code 1979, is amended to read as follows:

625.22 ATTORNEY'S FEES. When judgment is recovered upon a written contract containing an agreement to pay an attorney's fee, the court shall allow and tax as a part of the costs a reasonable attorney's fee to be determined by the court.

~~1. On the first two hundred dollars or fraction thereof recovered, ten percent.~~

~~2. On the excess of two hundred to five hundred dollars, five percent.~~

~~3. On the excess of five hundred to one thousand dollars, three percent.~~

~~4. On all sums in excess of one thousand dollars, one percent.~~

In an action against the maker to recover payment on a check, draft, or written instrument written in violation of chapter seven hundred fourteen (714) of the Code, the plaintiff, if successful, may recover all court costs incurred, including a reasonable attorney's fee, or an individual's cost of processing a small claims recovery such as lost time and transportation costs from the maker of the check, draft, or written instrument.

Approved February 21, 1980

CHAPTER 1183
COMMON TRUST FUNDS OF BANKS
S. F. 2299

AN ACT permitting the establishment and use of common trust funds by banks having common ownership.

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

Section 1. Section six hundred thirty-three point one hundred twenty-six (633.126), subsection one (1), Code 1979, is amended to read as follows:

1. "Common trust fund" means a fund maintained by a bank or trust company exclusively for the collective investment and reinvestment of moneys contributed thereto by the that bank or trust company, or by another bank or trust company at least eighty percent of the voting stock of which is owned or controlled by a bank holding company which owns or controls at least eighty percent of the voting stock of the bank or trust company maintaining the common trust fund, in its capacity as a fiduciary or cofiduciary.

Sec. 2. Section six hundred thirty-three point one hundred twenty-seven (633.127), Code 1979, is amended to read as follows:

633.127 ESTABLISHMENT OF COMMON TRUST FUNDS. Any bank or trust company qualified to act as fiduciary in this state may establish common trust funds, or may utilize one or more common trust funds previously established by it, for the purpose of furnishing investments to itself as fiduciary, or to itself and others, as cofiduciaries, or to another bank or trust company as fiduciary or cofiduciary; and may, as such a fiduciary or cofiduciary, invest funds which it lawfully holds for investment in interests in such common trust funds maintained by it or by another bank or trust company at least eighty percent of the voting stock of which is owned or controlled by a bank holding company which owns or controls at least eighty percent of the common stock of the bank or trust company investing such funds, if such investment is not prohibited by the instrument, judgment, decree, or order creating such fiduciary relationship, and if, in the case of cofiduciaries, the bank or trust company procures the consent of its cofiduciaries to such investment. If the instrument creating the fiduciary relationship gives to the bank or trust company the exclusive right to select investments, the consent of the cofiduciary shall not be required.

Approved April 21, 1980

CHAPTER 1184
DECEDENT'S ESTATE FINAL REPORT

S. F. 464

AN ACT relating to the final report of the personal representative of a decedent's estate.

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

Section 1. Section six hundred thirty-three point four hundred seventy-seven (633.477), subsection ten (10), Code 1979, 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. 2. Section six hundred thirty-three point four hundred seventy-seven (633.477), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Upon the request of the personal representative, an itemization of services performed, time spent for such services, and responsibilities assumed by the personal representative's attorney for all estates of decedents dying after January 1, 1981. If the itemization is not included, there shall be set forth a statement that the personal representative was informed of the provisions of this subsection and did not request the itemization.

Sec. 3. This Act is effective January first following its enactment.

Approved April 21, 1980

CHAPTER 1185
REAL ESTATE CONTRACTS

S. F. 468

AN ACT relating to the forfeiture of installment real estate contracts.

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

Section 1. Section six hundred fifty-six point two (656.2), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Such forfeiture and cancellation shall be initiated by the vendor or by his or her successor in interest, by serving or causing to be served on the vendee or his or her successor in interest, if known to the vendor or his or

her successor in interest, and on the mortgagee or assignee for security purposes of the vendee or his or her successor in interest, if the interest of such mortgagee or assignee for security purposes is of record, and on the party in possession of said real estate, a written notice which shall:

Sec. 2. Section six hundred fifty-six point four (656.4), Code 1979, is amended to read as follows:

656.4 COMPLIANCE WITH NOTICE. The right to forfeit for breach occurring before said notice was served shall terminate if, prior to the expiration of the day for performance as specified in the notice, the party in default, or the mortgagee or assignee for security purposes of the party in default, performs the terms and conditions as to which he or she is in default, and pays to the party not in default the reasonable cost of serving said notice.

Sec. 3. This Act applies to all forfeitures and cancellations of real estate contracts initiated on or after the effective date of this Act.

Sec. 4. This Act is effective January first following its enactment.

Approved March 13, 1980

CHAPTER 1186
PARENT AND CHILD
H. F. 2516

AN ACT relating to the determination of the parent and child relationship and the obligations of parents to their children.

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

Section 1. Chapter six hundred seventy-five (675), Code 1979, is amended by adding sections two (2) and three (3) of this Act.

Sec. 2. NEW SECTION. CUSTODY AND VISITATION. The mother of a child born out of wedlock whose paternity has not been acknowledged and who has not been adopted has sole custody of the child unless the court orders otherwise. If a judgment of paternity is entered, the father may petition for rights of visitation or custody in an equity proceeding separate from any action to establish paternity.

Sec. 3. NEW SECTION. BLOOD TESTS. In any proceeding to establish paternity in law or in equity the court may on its own motion, and upon request of a party shall, require the child, mother, and alleged father to submit to blood tests. If a blood test is required, the court shall direct that inherited characteristics, including but not limited to blood types, be determined by appropriate testing procedures, and shall appoint an expert qualified as an examiner of genetic markers to analyze and interpret the results and to report to the court. Blood test results which show a statistical probability of paternity are admissible and shall be weighed along with other evidence of the alleged father's paternity. If the results

of blood tests or the expert's analysis of inherited characteristics is disputed, the court, upon reasonable request of a party, shall order that an additional test be made by the same laboratory or an independent laboratory at the expense of the party requesting additional testing. Verified documentation of the chain of custody of the blood specimens is competent evidence to establish the chain of custody. A verified expert's report shall be admitted at trial unless a challenge to the testing procedures or the results of blood analysis has been made before trial. All costs shall be paid by the parties in proportions and at times determined by the court.

Sec. 4. This Act takes effect January first following its enactment.

Approved May 17, 1980

CHAPTER 1187
STATE APPELLATE DEFENDER
S. F. 2229

AN ACT establishing the office of state appellate defender.

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

Section 1. Sections two (2) through six (6) of this Act shall not be codified and are effective only for the fiscal year beginning July 1, 1980 for the purpose of establishing a pilot program contingent upon the receipt of funds other than a direct appropriation for the fiscal year 1980-1981. The first session of the Sixty-ninth General Assembly shall review the operations of the program and determine the feasibility of its continuance.

Sec. 2. DEFINITIONS. As used in this Act unless the context otherwise requires:

1. "Appellate defender" means the state appellate defender.

2. "Indigent" means a person found by the trial court to be unable to retain legal counsel without prejudicing the person's financial ability to provide economic necessities for the person and the person's dependents.

Sec. 3. CREATION OF OFFICE. The office of state appellate defender is established as a pilot program for the fiscal year beginning July 1, 1980. The governor shall appoint the state appellate defender and establish the appellate defender's salary.

Sec. 4. QUALIFICATIONS OF APPELLATE DEFENDER. Only persons admitted to practice law in this state shall be appointed appellate defender or assistant appellate defender.

Sec. 5. DUTIES OF APPELLATE DEFENDER. The appellate defender shall represent indigents on appeal in criminal cases and in proceedings to obtain postconviction relief when appointed to do so by the district court in which the judgment or order was issued and shall not engage in the private practice of law. The court may, upon the application of the indigent or the

indigent's trial attorney, or on its own motion, appoint the appellate defender to represent the indigent on appeal or in postconviction proceedings.

Sec. 6. STAFF. The appellate defender may appoint assistant appellate defenders who, subject to the direction of the appellate defender, shall have the same duties as the appellate defender and shall not engage in the private practice of law. The salaries of the staff shall be fixed by the appellate defender. The appellate defender and his or her staff shall receive actual and necessary expenses, including travel at the state rate set forth in section eighteen point one hundred seventeen (18.117) of the Code.

Sec. 7. This Act is repealed June 30, 1981.

Approved May 26, 1980

CHAPTER 1188

STRIP SEARCHES

H. F. 2495

AN ACT relating to strip searches subsequent to arrest.

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

Section 1. Chapter seven hundred two (702), Code 1979, is amended by adding the following new section:

NEW SECTION. STRIP SEARCH. "Strip search" means having a person remove or arrange some or all of his or her clothing so as to permit an inspection of the genitalia, buttocks, anus, female breasts or undergarments of that person or a physical probe of any body cavity.

Sec. 2. Chapter eight hundred four (804), Code 1979, is amended by adding the following new section:

NEW SECTION. STRIP SEARCHES. A person arrested for a scheduled violation or a simple misdemeanor shall not be subjected to a strip search unless there is probable cause to believe the person is concealing a weapon or contraband. A strip search pursuant to this section shall not be conducted except under all of the following conditions:

1. Written authorization of the supervisor on duty is obtained.
2. A search warrant is obtained for the probing of any body cavity other than the mouth, ears or nose.
3. A visual search or probing of any body cavity shall be performed under sanitary conditions. A physical probe of a body cavity other than the mouth, ears or nose shall be performed only by a licensed physician unless voluntarily waived in writing by the arrested person.
4. The search is conducted in a place where it cannot be observed by persons not conducting the search.

5. The search is conducted by a person of the same sex as the arrested person, unless conducted by a physician.

Subsequent to a strip search a written report shall be prepared which includes the written authorization required by subsection one (1) of this section, the name of the person subjected to the search, the names of the persons conducting the search, the time, date and place of the search and, if required by subsection two (2) of this section, a copy of the search warrant authorizing the search. A copy of the report shall be provided to the person searched.

Approved May 23, 1980

CHAPTER 1189
FRAUDULENT TRANSFER OF PROPERTY
H. F. 685

AN ACT making it a fraudulent practice to knowingly participate in the transfer or assignment of a property interest with the intent to obtain public assistance for which a person is not eligible and providing penalties.

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

Section 1. Section seven hundred fourteen point eight (714.8), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Knowingly transfers or assigns a legal or equitable interest in property, as defined in section seven hundred two point fourteen (702.14) of the Code, for less than fair consideration, with the intent to obtain public assistance under title eleven (XI) of the Code, or accepts a transfer of or an assignment of a legal or equitable interest in property, as defined in section seven hundred two point fourteen (702.14) of the Code, for less than fair consideration, with the intent of enabling the party transferring the property to obtain public assistance under title eleven (XI) of the Code. A transfer or assignment of property for less than fair consideration within one year prior to an application for public assistance benefits shall be evidence of intent to transfer or assign the property in order to obtain public assistance for which a person is not eligible by reason of the amount of the person's assets. If a person is found guilty of a fraudulent practice in the transfer or assignment of property under this subsection the maximum sentence shall be the penalty established for a serious misdemeanor and sections seven hundred fourteen point nine (714.9), seven hundred fourteen point ten (714.10) and seven hundred fourteen point eleven (714.11) of the Code shall not apply.

Approved May 19, 1980

CHAPTER 1190
ANTIQUE GAMBLING DEVICES

H. F. 2481

AN ACT permitting the possession of antique slot machines and antique pinball machines and providing a penalty.

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

Section 1. Section seven hundred twenty-five point nine (725.9), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

725.9 POSSESSION OF GAMBLING DEVICES PROHIBITED.

1. "Antique slot machine" means a slot machine which is twenty-five years old or older.
2. "Antique pinball machine" means a pinball machine which is twenty-five years old or older.
3. "Gambling device" means a device used or adapted or designed to be used for gambling and includes, but is not limited to, roulette wheels, klondike tables, punchboards, faro layouts, keno layouts, numbers tickets, slot machines, pinball machines, push cards, jar tickets and pull-tabs. However, "gambling device" does not include an antique slot machine, antique pinball machine, or any device regularly manufactured and offered for sale and sold as a toy, except that any use of such a toy, antique slot machine or antique pinball machine for gambling purposes constitutes unlawful gambling.
4. A person who, in any manner or for any purpose, except under a proceeding to destroy the device, has in possession or control a gambling device is guilty of a serious misdemeanor.

Sec. 2. Section ninety-nine B point eighteen (99B.18), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

Any A gambling device intended for use or used as herein provided shall be in this section is exempt from the provisions of section 725.9, subsection three (3).

Approved April 14, 1980.

CHAPTER 1191
RESERVE PEACE OFFICERS

H. F. 2443

AN ACT relating to the establishment of a force of reserve peace officers for a city, county or the state of Iowa.

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

Section 1. NEW SECTION. ESTABLISHMENT OF A FORCE OF RESERVE PEACE OFFICERS. The governing body of a city, county, or the state of Iowa may provide for the establishment of a force of reserve peace officers, and may limit the size of the reserve force. In the case of the state, the department of public safety shall act as the governing body. A reserve peace officer is a volunteer, nonregular, sworn member of a law enforcement agency who serves with or without compensation, has regular police powers while functioning as an agency's representative and participates on a regular basis in the agency's activities including those of crime prevention and control, preservation of the peace and enforcement of the law.

This Act constitutes the only procedure for appointing reserve peace officers.

Sec. 2. NEW SECTION. PERSONAL STANDARDS. The director of the law enforcement academy with the approval of the law enforcement academy council may establish minimum standards of physical, educational, mental, and moral fitness for members of the reserve force.

Sec. 3. NEW SECTION. TRAINING STANDARDS. The chief of police, sheriff or commissioner of public safety, as the case may be, shall establish minimum training standards requiring at least thirty hours of instruction for members of the reserve force.

Sec. 4. NEW SECTION. TRAINING. Training for individuals appointed as reserve peace officers shall be provided by that law enforcement agency, but may be obtained in a merged area school or other facility selected by the individual and approved by the law enforcement agency. Upon satisfactory completion of training, the chief of police, sheriff or commissioner of public safety shall certify the individual as a reserve peace officer. Initial training shall be completed within one year from the date of appointment.

Sec. 5. NEW SECTION. NO EXEMPTIONS. There shall be no exemptions from the personal and training standards provided for in this Act except as provided in sections seven (7) and sixteen (16) of this Act.

Sec. 6. NEW SECTION. STATUS OF RESERVE PEACE OFFICERS. Reserve peace officers shall serve as peace officers on the orders and at the discretion of the chief of police, sheriff, or commissioner of public safety or the commissioner's designee, as the case may be.

While in the actual performance of official duties, reserve peace officers shall be vested with the same rights, privileges, obligations, and duties as any other peace officers.

Sec. 7. NEW SECTION. CARRYING WEAPONS. A member of a reserve force shall not carry a weapon in the line of duty until he or she has been approved by the governing body and certified by the Iowa law enforcement academy council. Individuals serving as reserve peace officers as of July 1, 1980 are exempt from the certification requirements of this section pending completion of approved training or until one year from the effective date of this Act, whichever comes first. After approval and certification, a reserve peace officer may carry a weapon in the line of duty only when authorized by the chief of police, sheriff, or commissioner of public safety or the commissioner's designee, as the case may be.

Sec. 8. NEW SECTION. SUPPLEMENTARY CAPACITY. Reserve peace officers shall act only in a supplementary capacity to the regular force and shall not assume full-time duties of regular peace officers without first complying with all requirements for regular peace officers.

Sec. 9. NEW SECTION. SUPERVISION OF RESERVE PEACE OFFICERS. Reserve peace officers shall be subordinate to regular peace officers, shall not serve as peace officers unless under the direction of regular peace officers, and shall wear a uniform prescribed by the chief of police, sheriff, or commissioner of public safety unless that superior officer designates alternate apparel for use when engaged in assignments involving special investigation, civil process, court duties, jail duties and the handling of mental patients. The reserve peace officer shall not wear an insignia of rank. Each department for which a reserve force is established shall appoint a regular force peace officer as the reserve force coordinating and supervising officer. That regular peace officer shall report directly to the chief of police, sheriff, or commissioner of public safety or the commissioner's designee, as the case may be.

Sec. 10. NEW SECTION. NO REDUCTION OF REGULAR FORCE. The governing body shall not reduce the authorized size of a regular law enforcement department or office because of the establishment or utilization of reserve peace officers.

Sec. 11. NEW SECTION. EMPLOYEE--PAY. While performing official duties, each reserve peace officer shall be considered an employee of the governing body which he or she represents and shall be paid a minimum of one dollar per year. The governing body of a city, county, or the state may provide additional monetary assistance for the purchase and maintenance of uniforms and equipment used by reserve peace officers but not to exceed the allowance provided in section three hundred thirty-seven A point two (337A.2) of the Code.

Sec. 12. NEW SECTION. BENEFITS WHEN INJURED. Hospital and medical assistance and benefits as provided in chapter eighty-five (85) of the Code shall be provided by the governing body to members of the reserve force who sustain injury in the course of performing official duties.

Sec. 13. NEW SECTION. INSURANCE. Liability and false arrest insurance shall be provided by the governing body to members of the reserve force while performing official duties in the same manner as for a regular peace officer.

Sec. 14. NEW SECTION. NO PARTICIPATION IN A PENSION FUND OR RETIREMENT SYSTEM. This Act shall not be construed to authorize or permit a reserve peace officer to become eligible for participation in a pension fund or

retirement system created by the laws of this state of which regular peace officers may become members.

Sec. 15. NEW SECTION. CIVIL DEFENSE AUXILIARY POLICE EXEMPT. This Act does not apply to local civil defense auxiliary police forces organized by local civil defense officials and trained according to standards established by the United States office of civil defense and contained in the code of federal regulations.

Sec. 16. Section eighty-five point thirty-six (85.36), subsection ten (10), paragraph "a", Code 1979, is amended to read as follows:

a. In computing the compensation to be allowed a volunteer ~~fireman~~ fire fighter or reserve peace officer, his or her earnings as a ~~fireman~~ fire fighter or reserve peace officer shall be disregarded and he or she shall be paid the maximum compensation allowable under the workers' compensation law.

Sec. 17. Section eighty-five point sixty-one (85.61), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. The words "reserve peace officer" shall mean a person defined as such by section one (1) of this Act who is not a full-time member of a paid law enforcement agency. A person performing such services shall not be classified as a casual employee.

Approved May 24, 1980

CHAPTER 1192
PRESENTENCE INVESTIGATIONS

H. F. 2429

AN ACT requiring presentence investigators to inquire into mental disabilities of the defendant.

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

Section 1. Section nine hundred one point three (901.3), Code 1979, is amended to read as follows:

901.3 PRESENTENCE INVESTIGATION REPORT. Whenever a presentence investigation is ordered by the court, the investigator shall promptly inquire into: The defendant's characteristics, family and financial circumstances, needs, and potentialities, including the presence of any previously diagnosed mental disorder; the defendant's criminal record and social history; the circumstances of the offense; the time the defendant has been in detention; and the harm to the victim, the victim's immediate family, and the community. All local and state mental and correctional institutions, courts, and police agencies shall furnish to the investigator on request the defendant's criminal record and other relevant information. With the approval of the court, a physical examination or psychiatric evaluation of the defendant may be ordered, or the defendant may be committed to a an inpatient or outpatient psychiatric facility for an evaluation of his or her

personality and mental health. The results of any such examination or evaluation shall be included in the report of the investigator.

Approved April 7, 1980

CHAPTER 1193
NEW OFFENSE WHILE IN CUSTODY
S. F. 2003

AN ACT providing that a person sentenced for a new offense while committed to the custody of the director of the division of adult corrections shall serve the new sentence in the same facility in which the person is already confined.

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

Section 1. Section nine hundred one point eight (901.8), Code 1979, is amended to read as follows:

901.8 CONSECUTIVE SENTENCES. If a person is sentenced for two or more separate offenses, the sentencing judge may order the second or further sentence to begin at the expiration of the first or succeeding sentence. If a person is sentenced for escape under section 719.4 or for a crime committed while confined in a detention facility or penal institution, the sentencing judge shall order the sentence to begin at the expiration of any existing sentence. If the person is presently in the custody of the director of the division of adult corrections, the sentence shall be served at the facility or institution in which the person is already confined unless the person is transferred by the director. If consecutive sentences are specified in the order of commitment, the several terms shall be construed as one continuous term of imprisonment.

Sec. 2. Section nine hundred three point four (903.4), Code 1979, is amended to read as follows:

903.4 PROVIDING PLACE OF CONFINEMENT. All persons sentenced to confinement for a period of one year or less shall be confined in a place to be furnished by the county where the conviction was had unless the person is presently committed to the custody of the director of the division of adult corrections, in which case the provisions of section nine hundred one point eight (901.8) of the Code apply. All persons sentenced to confinement for a period of more than one year shall be committed to the custody of the director of the division of adult corrections to be confined in a place to be designated by the director and the cost of such confinement shall be borne by the state. The director may contract with local governmental units for the use of detention or correctional facilities maintained by such units for the confinement of such persons.

Approved March 13, 1980

**SPECIAL ACTS
RULES OF CIVIL PROCEDURE
RULES OF CRIMINAL PROCEDURE
RULES OF APPELLATE PROCEDURE
QUESTIONS OF LAW
RULES FOR HOSPITALIZATION
OF MENTALLY ILL
AND
RULES FOR JUVENILE
PROBATION OFFICERS**

SPECIAL ACTS**CHAPTER 1194
FORT DODGE LEGALIZING ACT
H. F. 2594**

AN ACT to legalize and validate the proceedings of the city council of Fort Dodge, Webster county, state of Iowa, relating to the execution of a certain contract.

WHEREAS, the City Council of the City of Fort Dodge, Iowa, authorized the execution of a contract with Van Hauen-Keller Contractors Inc. for the construction of certain water, sanitary sewer improvements in the City; and

WHEREAS, the aforementioned contract was approved and executed by the City of Fort Dodge, to formalize the agreements between the City of Fort Dodge and said contractor which were incorporated in a change order to a previous agreement entered into between the City of Fort Dodge and said contractor which previous agreement was entered into after compliance with all of the provisions of the law; and

WHEREAS, some doubt has arisen as to the validity of the aforementioned contract executed between the City of Fort Dodge and Van Hauen-Keller Contractors Inc. for the construction of the aforementioned water, sanitary sewer improvements in the City and said proceedings and contract 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 City Council of the City of Fort Dodge, Webster County, State of Iowa, pertaining to the authorization and execution of a contract with Van Hauen-Keller Contractors Inc. for the construction of certain water, sanitary sewer improvements in the City are validated, legalized and confirmed and said contract shall constitute a valid, legal and binding contract for the construction of said water, sanitary sewer improvements in the City.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in the Fort Dodge Messenger, a newspaper published in Fort Dodge, Iowa, and in The Des Moines Register, a newspaper published in Des Moines, Iowa.

Approved May 19, 1980

I hereby certify that the foregoing Act, House File 2594, was published in the Fort Dodge Messenger, Fort Dodge, Iowa on June 13, 1980, and in The Des Moines Register, Des Moines, Iowa on June 16, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1195
APPANOOSE COUNTY LEGALIZING ACT

H. F. 2357

AN ACT to legalize proceedings taken by the board of supervisors of Appanoose county relating to the sale of certain properties.

WHEREAS, the board of supervisors of Appanoose County acquired certain property by virtue of tax deed; and

WHEREAS, the board of supervisors of Appanoose 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 July 1, 1975 and on or before August 31, 1977; and

WHEREAS, the board of supervisors complied with all the provisions of the law, except the notice was published only once and not twice, on different dates, in a newspaper of general circulation in the county as provided by law; and

WHEREAS, the lack of a second publication of notice in connection with each of these sales of property acquired by virtue of a tax deed has raised some doubt as to the validity of the sales of the properties and such doubts may raise an issue concerning the merchantability of the title to said properties sold on or after July 1, 1975, and on or before August 31, 1977, and said acts should be legalized and the matter once and for all 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 Appanoose County pertaining to the sale of property acquired by virtue of tax deeds and sold on or after July 1, 1975, and on or before September 30, 1977, where the board of supervisors failed to publish a second notice of time and place and date of sale as provided by law are validated, legalized and confirmed, and shall constitute a valid, legal and binding sale of those properties sold on or after July 1, 1975, and on or before August 31, 1977, by the board of supervisors of Appanoose County.

Approved April 4, 1980

CHAPTER 1196
BLACK HAWK COUNTY LEGALIZING ACT
S. F. 2219

AN ACT to legalize proceedings taken by the board of supervisors of Black Hawk county relating to the sale of certain properties.

WHEREAS, the board of supervisors of Black Hawk county acquired certain property by virtue of a tax deed; and

WHEREAS, the board of supervisors of Black Hawk county subsequently offered these properties for sale as provided in section five hundred sixty-nine point eight (569.8) of the Code on June 27, 1977, August 15, 1977, May 14, 1979, June 11, 1979, and October 22, 1979; and

WHEREAS, the board of supervisors complied with all of the provisions of the law, except that the board failed to publish two notices of the date, time, and place of the sale at public auction not more than fifteen days prior to the date of the sales held on June 27, 1977, August 15, 1977, May 14, 1979, June 11, 1979, and October 22, 1979; and

WHEREAS, some doubt has arisen as to the validity of the sales of the properties and the doubts may raise an issue concerning the merchantability of the title to properties sold at public auction on June 27, 1977, August 15, 1977, May 14, 1979, June 11, 1979, and October 22, 1979 and the 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 Black Hawk county pertaining to the sale of property acquired by virtue of a tax deed and sold at public auction on June 27, 1977, August 15, 1977, May 14, 1979, June 11, 1979, and October 22, 1979 where the board failed to publish two notices of the time, date, and place of the sale not more than fifteen days prior to the dates of the sales are legalized and constitute a legal and binding sale of those properties sold on June 27, 1977, August 15, 1977, May 14, 1979, June 11, 1979, and October 22, 1979 by the board of supervisors of Black Hawk county.

Approved April 30, 1980

CHAPTER 1197
CLAY COUNTY LEGALIZING ACT

H. F. 2311

AN ACT to legalize the proceedings of the board of supervisors of Clay county, Iowa, relating to the issuance of county building bonds and the levy of taxes for the payment of the principal and interest on the bonds.

WHEREAS, it appears from the records of the board of supervisors of Clay county, Iowa, that at a special election held in the county on November 6, 1979, the proposition of issuing bonds of the county in the sum of five hundred thousand (500,000) dollars for the purpose of remodeling and reconstructing the Clay county courthouse, purchasing real estate, and erecting, constructing and equipping a new county administration building in the county, was approved by more than sixty percent of the total number of votes cast for and against the proposition, and after the election the board of supervisors by resolution authorized the issuance of the county building bonds as authorized by the election proposition and made provision for the levy of taxes to pay the bonds and the interest on the bonds; and

WHEREAS, doubts have arisen concerning legal sufficiency of the election and the proceedings for the issuance and payment of the bonds and it is deemed advisable to put the doubts and all those that might arise concerning the same at 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 Clay county, Iowa, relating to the election on the county building bonds held in the county on November 6, 1979, and all proceedings providing for the issuance and delivery of county building bonds of the county in the amount of five hundred thousand (500,000) dollars pursuant to the election and for the levy of taxes to pay the bonds and interest on the bonds, are legalized and the county building bonds issued, sold and delivered pursuant to and in accordance with the proceedings are legal and binding obligations of the county.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in The Daily Reporter, a newspaper published in Spencer, Iowa, and the Peterson Patriot, a newspaper published in Peterson, Iowa, without expense to the state.

Approved March 10, 1980

I hereby certify that the foregoing Act, House File 2311, was published in The Daily Reporter, Spencer, Iowa on March 17, 1980, and in the Peterson Patriot, Peterson, Iowa on March 13, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1198
OSCEOLA COUNTY LEGALIZING ACT
H. F. 2365

AN ACT to legalize proceedings taken by the board of supervisors of Osceola county relating to the sale of certain properties.

WHEREAS, the board of supervisors of Osceola county acquired certain properties by tax deed at various times; and

WHEREAS, the board of supervisors of Osceola county subsequently offered these properties for sale pursuant to section five hundred sixty-nine point eight (569.8) of the Code, on or after July 1, 1967 and on or before June 30, 1975; and

WHEREAS, the board of supervisors complied with all the provisions of the law, except that the board failed to properly publish notice of the date, place and time of the sale as required by law, or failed to acquire consents from other tax certifying bodies when a sale was for an amount less than the unpaid taxes; 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 July 1, 1967 and on or before June 30, 1975 and said acts should now be legalized and the matter once and for all 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 Osceola county pertaining to the sale of real property acquired by virtue of a tax deed and sold on or after July 1, 1967 and on or before June 30, 1975, where the board of supervisors failed to publish notice of the time, place and date of the sale in compliance with the provisions of section five hundred sixty-nine point eight (569.8) of the Code, or failed to obtain consent from any other tax certifying body concerned, where a property was sold for less than the amount of the unpaid real estate taxes, are validated, legalized, and confirmed and shall constitute a valid, legal and binding sale of those properties sold on or after July 1, 1967 and on or before June 30, 1975, by the board of supervisors of Osceola county.

Approved April 4, 1980

CHAPTER 1199
POTTAWATTAMIE COUNTY LEGALIZING ACT
S. F. 2317

AN ACT to legalize proceedings taken by the board of supervisors of Pottawattamie county relating to the sale of certain properties.

WHEREAS, the board of supervisors of Pottawattamie county acquired certain property by virtue of a tax deed; and

WHEREAS, the board of supervisors of Pottawattamie county subsequently offered these properties for sale as provided in section five hundred sixty-nine point eight (569.8) of the Code on January 22, 1977, February 11, 1978, and April 7, 1979; and

WHEREAS, the board of supervisors complied with all of the provisions of the law, except that the board failed to publish two notices of the date, time, and place of the sale at public auction not more than fifteen (15) days prior to the date of the sales held on January 22, 1977, February 11, 1978, and April 7, 1979; and

WHEREAS, some doubt has arisen as to the validity of the sales of the properties and the doubts may raise an issue concerning the merchantability of the title to properties sold at public auction on January 22, 1977, February 11, 1978, and April 7, 1979 and the 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 Pottawattamie county pertaining to the sale of property acquired by virtue of a tax deed and sold at public auction on January 22, 1977, February 11, 1978, and April 7, 1979 where the board failed to publish two notices of the time, date, and place of the sale not more than fifteen (15) days prior to the dates of the sales are validated, legalized, and confirmed and shall constitute a valid, legal, and binding sale of those properties sold on January 22, 1977, February 11, 1978, and April 7, 1979 by the board of supervisors of Pottawattamie county.

Approved April 7, 1980

CHAPTER 1200
LEE COUNTY LEGALIZING ACT

S. F. 2331

AN ACT to legalize the sale of certain property in Lee county.

WHEREAS, subsection thirteen (13) of section three hundred thirty-two point three (332.3) of the Code provides that a county may sell property no longer needed for the purposes for which the same was acquired by the county and requires notice of such sale to be published once in a newspaper of general circulation in the county in which the property is located; and

WHEREAS, section five hundred sixty-nine point eight (569.8) of the Code allows a county to sell property acquired by virtue of a tax deed after notice of the sale has been published twice in a newspaper or newspapers of general circulation in the county wherein the property is located; and

WHEREAS, these two sections appear to apply to property acquired by a county through different methods but property acquired by both methods often is sold at the same time and reliance is placed upon subsection thirteen (13) of section three hundred thirty-two point three (332.3) of the Code, which requires publication once, rather than section five hundred sixty-nine point eight (569.8) of the Code, which requires publication twice; and

WHEREAS, Lee County sold property on September 25, 1976 and published notice of such sale only once in reliance on subsection thirteen (13) of section three hundred thirty-two point three (332.3) of the Code but should also have taken notice of the conflicting provision of section five hundred sixty-nine point eight (569.8) of the Code in making such sale; and

WHEREAS, failure to publish twice as required by section five hundred sixty-nine point eight (569.8) of the Code may create a cloud on the title of the land which was sold; 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 Lee county in the sale of property on September 25, 1976, are validated, legalized and confirmed and shall constitute a valid, legal and binding sale.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in the Daily Gate City, a newspaper published in Keokuk, Iowa, and in the West Point Bee, a newspaper published in West Point, Iowa.

Approved April 21, 1980

I hereby certify that the foregoing Act, Senate File 2331, was published in the Daily Gate City, Keokuk, Iowa on May 7, 1980, and in the West Point Bee, West Point, Iowa on May 7, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1201

AREA EDUCATION AGENCY 14 LEGALIZING ACT

H. F. 2355

AN ACT to legalize and validate the proceedings of the board of directors of the Area Education Agency 14 in the counties of Montgomery, Adams, Taylor, Ringgold, Union, Adair, Madison, Clarke, Decatur, Page, Lucas, Wayne and Pottawattamie, in connection with an election authorizing a lease-purchase agreement and the lease-purchase authorization.

WHEREAS, the board of directors of area education agency 14 ordered the submission of a public question at an election held coincident with the regular school election held on Tuesday, September 11, 1979; and

WHEREAS, notice of the election was published in a newspaper of general circulation in each of the counties in area education agency 14 except for the counties of Pottawattamie and Madison; and

WHEREAS, it appears from the records of the area education agency 14 that the proposition was approved by more than fifty percent of the total number of votes cast for and against the proposition, and in reliance upon the election, the board of directors proposes to enter into a lease-purchase agreement as authorized; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of the election and it is deemed advisable to put such doubts and all others that might arise forever at rest; NOW THEREFORE,

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

Section 1. That the proceedings taken preliminary to and in connection with the special election held in area education agency 14 on September 11, 1979, and the adoption by the voters of the following proposition:

"Shall the Board of Directors of the Area Education Agency 14 (Green Valley AEA 14) in the Counties of Montgomery, Adams, Taylor, Ringgold, Union, Adair, Madison, Clarke, Decatur, Page, Lucas, Wayne and Pottawattamie, State of Iowa, be authorized to enter into a lease-purchase agreement for the lease of a building and property for facilities for provision of the programs and services of the area education agency, such agreement to contain a lease-purchase option?"

are legalized.

Sec. 2. That the board of directors of area education agency 14 is authorized to enter into a lease-purchase agreement for the lease of a building and property as facilities for provision of the programs and services of the area education agency containing a lease-purchase option as authorized at the special election.

Sec. 3. This Act, being deemed of immediate importance, takes effect from and after its publication in the Lenox Time-Table, a newspaper published in

Lenox, Iowa, and in the Atlantic News-Telegraph, a newspaper published in Atlantic, Iowa.

Approved April 4, 1980

I hereby certify that the foregoing Act, House File 2355, was published in the Lenox Time-Table, Lenox, Iowa on April 23, 1980, and in the Atlantic News-Telegraph, Atlantic, Iowa on April 17, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1202
FREMONT-MILLS SCHOOL LEGALIZING ACT
H. F. 2522

AN ACT to legalize and validate the proceedings whereby the Community School District of Fremont-Mills in the counties of Fremont and Mills sold two tracts of real estate.

WHEREAS, the Directors of the Community School District of Fremont-Mills at their regular meeting of July 10, 1972, approved the sale of the East 1/2 of Block 6 in the Town of Tabor, Fremont County, Iowa, to Marion White for \$8,500, and at their regular meeting on December 18, 1972, approved the sale of the West 1/2 of Block 6 in the Town of Tabor, Fremont County, Iowa, to Marion White for \$8,000, and

WHEREAS, said tracts were appraised by appraisers appointed by the County Superintendent of Fremont County, pursuant to the provisions of Section 297.22, Code of Iowa, with appraisal on the first described property of \$5,000 and appraisal on the second described property of \$10,000, and

WHEREAS, the Directors advertised for bids on said properties, but through error or misunderstanding, notice was published with insufficient time between the last publication and the sale date, and

WHEREAS, the first parcel was sold at public auction on June 17, 1972, at which there was competitive bidding and the second parcel was sold at public auction on December 9, 1972, at which there was competitive bidding, and

WHEREAS, doubts have arisen concerning the legality of the notice to bidders, the appraisals, and subsequent proceedings for the sale of said lands, and it is deemed advisable to remove forever all such doubts as to the validity of these transactions; NOW THEREFORE,

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

Section 1. All proceedings heretofore taken by the Board of Directors of the Community School District of Fremont-Mills in the Counties of Fremont and Mills, State of Iowa, in connection with the advertising for bids, appraisals, public auction, and sale of the East 1/2 of Block 6 in the Town

of Tabor, Fremont County, Iowa, and the West 1/2 of Block 6 in the town of Tabor, Fremont County, Iowa, to Marion White are hereby legalized, validated, and confirmed.

Approved April 21, 1980

CHAPTER 1203
GRINNELL-NEWBURG SCHOOL LEGALIZING ACT
S. F. 2314

AN ACT to legalize the proceedings of the Grinnell-Newburg Community School District relating to the sale of certain property.

WHEREAS, the Grinnell-Newburg community school district conveyed to Robert F. Maring and Leila N. Maring, husband and wife, as joint tenants, with full rights of survivorship, and not as tenants in common, the property legally described as:

Commencing at the Northeast Corner of Section Nine, Township Eighty North, Range Sixteen West of the 5th P.M., thence running South Nine Rods, thence West Eighteen Rods, thence North Nine Rods, thence East Eighteen Rods to the Place of Beginning; and

WHEREAS, in the sale of the above described property to Robert F. Maring and Leila N. Maring, the board of directors of the Grinnell-Newburg community school district complied with all of the provisions of the law, except that questions have arisen as to whether there was compliance with the provisions of law relating to publication of notice for bids and the acceptance of bids and whether the consolidation proceedings had been properly filed; NOW THEREFORE,

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

Section 1. All proceedings taken by the board of directors of the Grinnell-Newburg community school district relating to the sale to Robert F. Maring and Leila N. Maring, the property legally described as:

Commencing at the Northeast Corner of Section Nine, Township Eighty North, Range Sixteen West of the 5th P.M., thence running South Nine Rods, thence West Eighteen Rods, thence North Nine Rods, thence East Eighteen Rods to the Place of Beginning

are legalized and shall constitute a legal sale of the above described property.

Approved April 21, 1980

CHAPTER 1204
SHELLSBURG SCHOOL LEGALIZING ACT
H. F. 2181

AN ACT to legalize proceedings taken by the board of directors of the Shellsburg Community School District relating to the sale of certain properties.

WHEREAS, the board of directors of the Shellsburg community school district authorized the sale of Lots 48, 49, 50, and 51 in Runyan's Second Addition to Shellsburg, Benton county, Iowa; and

WHEREAS, the board of directors approved the sale of Lots 48 and 49 in Runyan's Second Addition to Shellsburg to Clyde M. Mason and Decie R. Mason on August 17, 1977 and the sale of Lots 50 and 51 in Runyan's Second Addition to Shellsburg to Clarice L. and Donald R. Miller on August 18, 1977; and

WHEREAS, said properties were not appraised by three disinterested freeholders residing within the school district as required under section two hundred ninety-seven point twenty-two (297.22), Code of Iowa, 1977; and

WHEREAS, some doubts have arisen concerning the sale of the properties and the doubts may raise an issue concerning the merchantability of the title to the properties and the 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. All proceedings taken by the board of directors of the Shellsburg community school district relating to the sale of Lots 48 and 49 in Runyan's Second Addition to Shellsburg, Benton county, Iowa to Clyde M. Mason and Decie R. Mason and the sale of Lots 50 and 51 in Runyan's Second Addition to Shellsburg, Benton county, Iowa, where the board failed to have the properties appraised by three disinterested freeholders residing within the school district, are legalized and constitute a legal and binding sale of those properties by the board of directors of the Shellsburg community school district.

Approved April 4, 1980

CHAPTER 1205
MERGED AREA X LEGALIZING ACT

H. F. 2591

AN ACT to legalize the proceedings of the board of directors of the Kirkwood Community College (Merged Area X) in the counties of Benton, Black Hawk, Buchanan, Cedar, Clinton, Delaware, Dubuque, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Linn, Louisa, Poweshiek, Tama, and Washington, Iowa and the Linn county commissioner of elections in connection with an election authorizing the levy of a tax and declaring the validity of said election and the validity of taxes levied pursuant thereto.

WHEREAS, the Board of Directors of the Kirkwood Community College (Merged Area X) ordered the submission at a special election held coincident with the regular school election in and for said Merged Area on September 11, 1979, the following proposition to-wit:

"Shall the Board of Directors of Merged Area (Education) X be authorized to continue to levy a tax of not exceeding twenty and one-fourth cents per thousand dollars of assessed value in any one year for a period of not to exceed ten consecutive years, commencing with the levy for the year 1981, payable in fiscal years ending June 30, 1982, 83, 84, 85, 86, 87, 88, 89, 90, and 91, for the purpose of maintaining, remodeling, improving, purchase of grounds, construction of buildings, payment of debts contracted for the construction of buildings, purchase of buildings and equipment for buildings, and the acquisition of libraries, or expanding the community college of the Merged Area?"; and

WHEREAS, it appears from the records of the Kirkwood Community College that the proposition was approved by more than fifty percent of the votes cast for and against the measure, and in reliance on said election the Board of Directors proposes to levy and collect said tax in each year as authorized, and

WHEREAS, it appears that notice of the election was properly published as a part of the local school election notice in a newspaper of general circulation in each of the local school districts within the Merged Area except Iowa Valley Community School District, Williamsburg Community School District, Lone Tree Community School District and Anamosa Community School District; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said election and it is deemed advisable to put such doubts and all others that might arise concerning same forever at rest; NOW THEREFORE,

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

Section 1. That all proceedings heretofore taken by the Board of Directors of the Kirkwood Community College (Merged Area X), and the County Commissioner of Elections of Linn County, Iowa, preliminary to and in

connection with said election held in said Merged Area District on September 11, 1979, said election and the adoption by the voters of the proposition set forth above are hereby legalized, validated and confirmed and by authority of said election and this Act said Board of Directors are authorized to levy said tax of not to exceed twenty and one-fourth (20 1/4) cents per thousand dollars of assessed value on all taxable property within said Merged Area for the purposes authorized of said election, said authorization to be effective for a period of ten years commencing with the levy for the taxes payable in the fiscal year ending June 30, 1982.

Sec. 2. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Cedar Valley Daily Times, a newspaper published in Vinton, Iowa, and in The Marion Sentinel, a newspaper published in Marion, Iowa.

Approved May 17, 1980

I hereby certify that the foregoing Act, House File 2591, was published in The Cedar Valley Daily Times, Vinton, Iowa on June 6, 1980, and in The Marion Sentinel, Marion, Iowa on June 12, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1206
COUNTY SUPERVISORS
S. F. 2370

AN ACT relating to the term of office of certain county supervisors.

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

Section 1. Notwithstanding sections thirty-nine point eight (39.8), thirty-nine point eighteen (39.18) and three hundred thirty-one point one (331.1) of the Code, the term of office of a county supervisor elected to that office in November, 1976, for a four-year term which commenced in January, 1978, shall expire on the first day of January, 1982, which is not a Sunday or legal holiday. A successor to that office of county supervisor shall be elected at the general election in November, 1980, for a three-year term which shall commence in January, 1982, and expire on the first day of January, 1985, which is not a Sunday or legal holiday. Thereafter, the term of office of a successor to that office of county supervisor shall be four years, except as otherwise provided by section three hundred thirty-one point twenty-five (331.25), subsection two (2) or three hundred thirty-one point twenty-six (331.26), subsection four (4) of the Code.

Approved May 19, 1980

RULES OF CIVIL PROCEDURE

CHAPTER 1207 RULES OF CIVIL PROCEDURE

IN THE MATTER OF THE
RULES OF CIVIL PROCEDURE

}

REPORT OF THE
SUPREME COURT

TO THE 1980 REGULAR SESSION OF THE SIXTY-EIGHTH 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 existing Rules of Civil Procedure as follows:

Rule 42.

That rule 42 be stricken and the following new rules 42.1 through 42.20 be substituted:

"42.1. COMMENCEMENT OF A CLASS ACTION.

One or more members of a class may sue or be sued as representative parties on behalf of all in a class action if:

- (1) the class is so numerous or so constituted that joinder of all members, whether or not otherwise required or permitted, is impracticable; and
- (2) there is a question of law or fact common to the class.

"42.2. CERTIFICATION OF CLASS ACTION.

(a) Unless deferred by the court, as soon as practicable after the commencement of a class action the court shall hold a hearing and determine whether or not the action is to be maintained as a class action and by order certify or refuse to certify it as a class action.

(b) The court may certify an action as a class action, if it finds that (1) the requirements of rule 42.1 have been satisfied, (2) a class action should be permitted for the fair and efficient adjudication of the controversy, and (3) the representative parties fairly and adequately will protect the interests of the class.

(c) If appropriate, the court may (1) certify an action as a class action with respect to a particular claim or issue, (2) certify an action as a class action to obtain one or more forms of relief, equitable, declaratory, or monetary, or (3) divide a class into subclasses and treat each subclass as a class.

"42.3. CRITERIA CONSIDERED.

(a) In determining whether the class action should be permitted for the fair and efficient adjudication of the controversy, as appropriately limited under rule 42.2(c), the court shall consider, and give appropriate weight to, the following and other relevant factors:

- (1) whether a joint or common interest exists among members of the class;
- (2) whether the prosecution of separate actions by or against individual members of the class would create a risk of inconsistent or varying adjudications with respect to individual members of the class that would establish incompatible standards of conduct for a party opposing the class;
- (3) whether adjudications with respect to individual members of the class as a practical matter would be dispositive of the interests of other members not parties to the adjudication or substantially impair or impede their ability to protect their interests;
- (4) whether a party opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making final injunctive relief or corresponding declaratory relief appropriate with respect to the class as a whole;
- (5) whether common questions of law or fact predominate over any questions affecting only individual members;
- (6) whether other means of adjudicating the claims and defenses are impracticable or inefficient;
- (7) whether a class action offers the most appropriate means of adjudicating the claims and defenses;
- (8) whether members not representative parties have a substantial interest in individually controlling the prosecution or defense of separate actions;
- (9) whether the class action involves a claim that is or has been the subject of a class action, a government action, or other proceeding;
- (10) whether it is desirable to bring the class action in another forum;
- (11) whether management of the class action poses unusual difficulties;
- (12) whether any conflict of laws issues involved pose unusual difficulties; and
- (13) whether the claims of individual class members are insufficient in the amounts or interests involved, in view of the complexities of the issues and the expenses of the litigation, to afford significant relief to the members of the class.

(b) In determining under rule 42.2(b) that the representative parties fairly and adequately will protect the interests of the class, the court must find that:

- (1) the attorney for the representative parties will adequately represent the interests of the class;

(2) the representative parties do not have a conflict of interest in the maintenance of the class action; and

(3) the representative parties have or can acquire adequate financial resources, considering rule 42.17, to assure that the interests of the class will not be harmed.

"42.4. ORDER ON CERTIFICATION.

(a) The order of certification shall describe the class and state: (1) the relief sought, (2) whether the action is maintained with respect to particular claims or issues, and (3) whether subclasses have been created.

(b) The order certifying or refusing to certify a class action shall state the reasons for the court's ruling and its findings on the facts listed in rule 42.3(a).

(c) An order certifying or refusing to certify an action as a class action is appealable.

(d) Refusal of certification does not terminate the action, but does preclude it from being maintained as a class action.

"42.5. AMENDMENT OF CERTIFICATION ORDER.

(a) The court may amend the certification* order at any time before entry of judgment on the merits. The amendment may (1) establish subclasses, (2) eliminate from the class any class member who was included in the class as certified, (3) provide for an adjudication limited to certain claims or issues, (4) change the relief sought, or (5) make any other appropriate change in the order.

(b) If notice of certification has been given pursuant to rule 42.7, the court may order notice of the amendment of the certification order to be given in terms and to any members of the class the court directs.

(c) The reasons for the court's ruling shall be set forth in the amendment of the certification order.

(d) An order amending the certification order is appealable. An order denying the motion of a member of a defendant class, not a representative party, to amend the certification order is appealable if the court certifies it for immediate appeal.

"42.6. JURISDICTION OVER MULTI-STATE CLASSES.

(a) A court of this state may exercise jurisdiction over any person who is a member of the class suing or being sued if:

(1) a basis for jurisdiction exists or would exist in a suit against the person under the law of this state; or

(2) the state of residence of the class member, by class action law similar to subdivision (b), has made its residents subject to the jurisdiction of the courts of this state.

(b) A resident of this state who is a member of a class suing or being sued in another state is subject to the jurisdiction of that state if by similar class action law it extends reciprocal jurisdiction to this state.

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"42.7. NOTICE OF ACTION.

(a) Following certification, the court by order, after hearing, shall direct the giving of notice to the class.

(b) The notice, based on the certification order and any amendment of the order, shall include:

(1) a general description of the action, including the relief sought, and the names and addresses of the representative parties;

(2) a statement of the right of a member of the class under rule 42.8 to be excluded from the action by filing an election to be excluded, in the manner specified, by a certain date;

(3) a description of possible financial consequences on the class;

(4) a general description of any counterclaim being asserted by or against the class, including the relief sought;

(5) a statement that the judgment, whether favorable or not, will bind all members of the class who are not excluded from the action;

(6) a statement that any member of the class may enter an appearance either personally or through counsel;

(7) an address to which inquiries may be directed; and

(8) other information the court deems appropriate.

(c) The order shall prescribe the manner of notification to be used and specify the members of the class to be notified. In determining the manner and form of the notice to be given, the court shall consider the interests of the class, the relief requested, the cost of notifying the members of the class, and the possible prejudice to members who do not receive notice.

(d) Each member of the class, not a representative party, whose potential monetary recovery or liability is estimated to exceed \$100 shall be given personal or mailed notice if his identity and whereabouts can be ascertained by the exercise of reasonable diligence.

(e) For members of the class not given personal or mailed notice under subdivision (d), the court shall provide, as a minimum, a means of notice reasonably calculated to apprise the members of the class of the pendency of the action. Techniques calculated to assure effective communication of information concerning commencement of the action shall be used. The techniques may include personal or mailed notice, notification by means of newspaper, television, radio, posting in public or other places, and distribution through trade, union, public interest, or other appropriate groups.

(f) The plaintiff shall advance the expense of notice under this rule if there is no counterclaim asserted. If a counterclaim is asserted the expense of notice shall be allocated as the court orders in the interest of justice.

(g) The court may order that steps be taken to minimize the expense of notice.

"42.8. EXCLUSION.

(a) A member of a plaintiff class may elect to be excluded from the action unless (1) he is a representative party, (2) the certification order contains an affirmative finding under paragraph (1), (2), or (3) of rule 42.3(a), or (3) a counterclaim under rule 42.11 is pending against the member or his class or subclass.

(b) Any member of a plaintiff class entitled to be excluded under subdivision (a) who files an election to be excluded, in the manner and in the time specified in the notice, is excluded from and not bound by the judgment in the class action.

(c) The elections shall be made a part of the record in the action.

(d) A member of a defendant class may not elect to be excluded.

"42.9. CONDUCT OF ACTION.

(a) The court on motion of a party or its own motion may make or amend any appropriate order dealing with the conduct of the action including, but not limited to, the following: (1) determining the course of proceedings or prescribing measures to prevent undue repetition or complication in the presentation of evidence or argument; (2) requiring, for the protection of the members of the class or otherwise for the fair conduct of the action, that notice be given as the court directs, of (i) any step in the action, (ii) the proposed extent of the judgment, or (iii) the opportunity of members to signify whether they consider the representation fair and adequate, to enter an appearance and present claims or defenses, or otherwise participate in the action; (3) imposing conditions on the representative parties or on intervenors; (4) inviting the attorney general to participate with respect to the question of adequacy of class representation; (5) making any other order to assure that the class action proceeds only with adequate class representation; and (6) making any order to assure that the class action proceeds only with competent representation by the attorney for the class.

(b) A class member not a representative party may appear and be represented by separate counsel.

"42.10. DISCOVERY BY OR AGAINST CLASS MEMBERS.

(a) Discovery may be used only on order of the court against a member of the class who is not a representative party or who has not appeared. In deciding whether discovery should be allowed the court shall consider, among other relevant factors, the timing of the request, the subject matter to be covered, whether representatives of the class are seeking discovery on the subject to be covered, and whether the discovery will result in annoyance, oppression, or undue burden or expense for the member of the class.

(b) Discovery by or against representative parties or those appearing is governed by the rules dealing with discovery by or against a party to a civil action.

"42.11. COUNTERCLAIMS.

(a) A defendant in an action brought by a class may plead as a counterclaim any claim the court certifies as a class action against the plaintiff class. On leave of court, the defendant may plead as a counterclaim a claim against a member of the class or a claim the court certifies as a class action against a subclass.

(b) Any counterclaim in an action brought by a plaintiff class must be asserted before notice is given under rule 42.7.

(c) If a judgment for money is recovered against a party on behalf of a class, the court rendering judgment may stay distribution of any award or execution of any portion of a judgment allocated to a member of the class against whom the losing party has pending an action in or out of state for a judgment for money, and continue the stay so long as the losing party in the class action pursues the pending action with reasonable diligence.

(d) A defendant class may plead as a counterclaim any claim on behalf of the class that the court certifies as a class action against the plaintiff. The court may certify as a class action a counterclaim against the plaintiff on behalf of a subclass or permit a counterclaim by a member of the class. The court shall order that notice of the counterclaim by the class, subclass, or member of the class be given to the members of the class as the court directs, in the interest of justice.

(e) A member of a class or subclass asserting a counterclaim shall be treated as a member of a plaintiff class for the purpose of exclusion under rule 42.8.

(f) The court's refusal to allow, or the defendant's failure to plead, a claim as a counterclaim in a class action does not bar the defendant from asserting the claim in a subsequent action.

"42.12. DISMISSAL OR COMPROMISE.

(a) Unless certification has been refused under rule 42.2, a class action, without the approval of the court after hearing, may not be (1) dismissed voluntarily, (2) dismissed involuntarily without an adjudication on the merits, or (3) compromised.

(b) If the court has certified the action under rule 42.2, notice of hearing on the proposed dismissal or compromise shall be given to all members of the class in a manner the court directs. If the court has not ruled on certification, notice of hearing on the proposed dismissal or compromise may be ordered by the court which shall specify the persons to be notified and the manner in which notice is to be given.

(c) Notice given under subdivision (b) shall include a full disclosure of the reasons for the dismissal or compromise including, but not limited to, (1) any payments made or to be made in connection with the dismissal or compromise, (2) the anticipated effect of the dismissal or compromise on the class members, (3) any agreement made in connection with the dismissal or compromise, (4) a description and evaluation of alternatives considered by the representative parties and (5) an explanation of any other circumstances giving rise to the proposal. The notice also shall include a description of the procedure available for modification of the dismissal or compromise.

(d) On the hearing of the dismissal or compromise, the court may:

(1) as to the representative parties or a class certified under rule 42.2, permit dismissal with or without prejudice or approve the compromise;

(2) as to a class not certified, permit dismissal without prejudice;

(3) deny the dismissal;

(4) disapprove the compromise; or

(5) take other appropriate action for the protection of the class and in the interest of justice.

(e) The cost of notice given under subdivision (b) shall be paid by the party seeking dismissal, or as agreed in case of a compromise, unless the court after hearing orders otherwise.

"42.13. EFFECT OF JUDGMENT ON CLASS.

In a class action certified under rule 42.2 in which notice has been given under rule 42.7 or 42.12, a judgment as to the claim or particular claim or issue certified is binding, according to its terms, on any member of the class who has not filed an election of exclusion under rule 42.8. The judgment shall name or describe the members of the class who are bound by its terms.

"42.14. COSTS.

(a) Only the representative parties and those members of the class who have appeared individually are liable for costs assessed against a plaintiff class.

(b) The court shall apportion the liability for costs assessed against a defendant class.

(c) Expenses of notice advanced under rule 42.7 are taxable as costs in favor of the prevailing party.

"42.15. RELIEF AFFORDED.

(a) The court may award any form of relief consistent with the certification order to which the party in whose favor it is rendered is entitled including equitable, declaratory, monetary, or other relief to individual members of the class or the class in a lump sum or installments.

(b) Damages fixed by a minimum measure of recovery provided by any statute may not be recovered in a class action.

(c) If a class is awarded a judgment for money, the distribution shall be determined as follows:

(1) The parties shall list as expeditiously as possible all members of the class whose identity can be determined without expending a disproportionate share of the recovery.

(2) The reasonable expense of identification and distribution shall be paid, with the court's approval, from the funds to be distributed.

(3) The court may order steps taken to minimize the expense of identification.

(4) The court shall supervise, and may grant or stay the whole or any portion of, the execution of the judgment and the collection and distribution of funds to the members of the class as their interests warrant.

(5) The court shall determine what amount of the funds available for the payment of the judgment cannot be distributed to members of the class individually because they could not be identified or located or because they did not claim or prove the right to money apportioned to them. The court after hearing shall distribute that amount, in whole or in part, to one or more states as unclaimed property or to the defendant.

(6) In determining the amount, if any, to be distributed to a state or to the defendant, the court shall consider the following criteria: (i) any

unjust enrichment of the defendant; (ii) the willfulness or lack of willfulness on the part of the defendant; (iii) the impact on the defendant of the relief granted; (iv) the pendency of other claims against the defendant; (v) any criminal sanction imposed on the defendant; and (vi) the loss suffered by the plaintiff class.

(7) The court, in order to remedy or alleviate any harm done, may impose conditions on the defendant respecting the use of the money distributed to him.

(8) Any amount to be distributed to a state shall be distributed as unclaimed property to any state in which are located the last known addresses of the members of the class to whom distribution could not be made. If the last known addresses cannot be ascertained with reasonable diligence, the court may determine by other means what portion of the unidentified or unlocated members of the class were residents of a state. A state shall receive that portion of the distribution that its residents would have received had they been identified and located. Before entering an order distributing any part of the amount to a state, the court shall give written notice of its intention to make distribution to the attorney general of the state of the residence of any person given notice under rule 42.7 or 42.12 and shall afford the attorney general an opportunity to move for an order requiring payment to the state.

"42.16. ATTORNEY'S FEES.

(a) Attorney's fees for representing a class are subject to control of the court.

(b) If under an applicable provision of law a defendant or defendant class is entitled to attorney's fees from a plaintiff class, only representative parties and those members of the class who have appeared individually are liable for those fees. If a plaintiff is entitled to attorney's fees from a defendant class, the court may apportion the fees among the members of the class.

(c) If a prevailing class recovers a judgment for money or other award that can be divided for the purpose, the court may order reasonable attorney's fees and litigation expenses of the class to be paid from the recovery.

(d) If the prevailing class is entitled to declaratory or equitable relief, the court may order the adverse party to pay to the class its reasonable attorney's fees and litigation expenses if permitted by law in similar cases not involving a class or the court finds that the judgment has vindicated an important public interest. However, if any monetary award is also recovered, the court may allow reasonable attorney's fees and litigation expenses only to the extent that a reasonable proportion of that award is insufficient to defray the fees and expenses.

(e) In determining the amount of attorney's fees for a prevailing class the court shall consider the following factors:

(1) the time and effort expended by the attorney in the litigation, including the nature, extent, and quality of the services rendered;

- (2) results achieved and benefits conferred upon the class;
- (3) the magnitude, complexity, and uniqueness of the litigation;
- (4) the contingent nature of success;
- (5) in cases awarding attorney's fees and litigation expenses under subdivision (d) because of the vindication of an important public interest, the economic impact on the party against whom the award is made; and
- (6) appropriate criteria in the Iowa Code of Professional Responsibility for Lawyers.

"42.17. ARRANGEMENTS FOR ATTORNEY'S FEES AND EXPENSES.

(a) Before a hearing under rule 42.2(a) or at any other time the court directs, the representative parties and the attorney for the representative parties shall file with the court, jointly or separately: (1) a statement showing any amount paid or promised them by any person for the services rendered or to be rendered in connection with the action or for the costs and expenses of the litigation and the source of all of the amounts; (2) a copy of any written agreement, or a summary of any oral agreement, between the representative parties and their attorney concerning financial arrangements or fees and (3) a copy of any written agreement, or a summary of any oral agreement, by the representative parties or the attorney to share these amounts with any person other than a member, regular associate, or an attorney regularly of counsel with his law firm. This statement shall be supplemented promptly if additional arrangements are made.

(b) Upon a determination that the costs and litigation expenses of the action cannot reasonably and fairly be defrayed by the representative parties or by other available sources, the court by order may authorize and control the solicitation and expenditure of voluntary contributions for this purpose from members of the class, advances by the attorneys or others, or both, subject to reimbursement from any recovery obtained for the class. The court may order any available funds so contributed or advanced to be applied to the payment of any costs taxed in favor of a party opposing the class.

"42.18. STATUTE OF LIMITATIONS.

The statute of limitations is tolled for all class members upon the commencement of an action asserting a class action. The statute of limitations resumes running against a member of a class:

- (1) upon his filing an election of exclusion;
- (2) upon entry of an order of certification, or of an amendment thereof, eliminating him from the class;
- (3) except as to representative parties, upon entry of an order under rule 42.2 refusing to certify an action as a class action; and
- (4) upon dismissal of the action without an adjudication on the merits.

"42.19. UNIFORMITY OF APPLICATION AND CONSTRUCTION.

Rules 42.1 through 42.20 shall be construed and applied to effectuate their general purpose to make uniform the law with respect to the subject of these rules among states enacting them.

"42.20. SHORT TITLE.

Rules 42.1 through 42.20 may be cited as the Uniform Class Actions Rules."

Rules 45, 46, and 47.

That rules 45, 46, and 47 be stricken.

Rule 84.

That rule 84 be stricken.

Rule 122(e).

That rule 122 be amended by adding the following new subdivision "e."

"(e) No motion relating to depositions or discovery shall be filed by the clerk or considered by the court unless the motion alleges that counsel for the moving party has made a good faith but unsuccessful attempt to resolve the issues raised by the motion with opposing counsel without intervention of the court."

Rule 126.

That rule 126 be amended as follows:

"126. INTERROGATORIES TO PARTIES.

(a) Availability - procedures for use. Except in small claims, any party may ~~file~~ serve written interrogatories to be answered by another party served or, if the other party is a public or private corporation or a partnership or association or governmental agency, by any officer or agent, who shall furnish such information as is available to the party. Copies of interrogatories and answers shall be ~~filed-for~~ served on each adverse party. Interrogatories may, without leave of court, be directed to the plaintiff after commencement of the action and upon any other party with or after service of the original notice upon that party.

Each interrogatory shall be followed by a reasonable space for insertion of the answer. An interrogatory which does not comply with this requirement shall be subject to objection.

Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. A party answering interrogatories must answer in the space provided or must set out ~~the~~ each interrogatory immediately preceding the answer ~~thereto~~ to it. A failure to comply with this rule shall be deemed a failure to answer and shall be subject to sanctions as provided in rule 134. The answers are to be signed by the person making them. The party to whom the interrogatories are directed shall file the answers, and objections if any, within thirty days after they are ~~filed~~ served, except that a defendant may file answers or objections within forty-five days after service of the original notice upon that defendant. The court may allow a shorter or longer time. The party submitting the interrogatories may move for an order under rule 134(a) with respect to any objection to or other failure to answer an interrogatory. Copies of answers shall be delivered as provided in rule 82.

A party shall not serve more than thirty interrogatories on any other party except upon agreement of the parties or leave of court granted upon a showing of good cause. A motion for leave of court to serve more than thirty interrogatories must be in writing and shall set forth the proposed interrogatories and the reasons establishing good cause for their use.

(b) Scope - use at trial. Interrogatories may relate to any matters which can be inquired into under rule 122, and the answers may be used to the extent permitted by the rules of evidence.

An interrogatory otherwise proper is not necessarily objectionable merely because an answer to the interrogatory involves an opinion or contention that relates to fact or the application of law to fact, but the court may order that such an interrogatory need not be answered until after designated discovery has been completed or until a pretrial conference or other later time.

(c) Option to produce business records. Where the answer to an interrogatory may be derived or ascertained from the business records of the party upon whom the interrogatory has been served or from an examination, audit or inspection of such business records, or from a compilation, abstract or summary based thereon, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity to examine, audit or inspect such records and to make copies, compilations, abstracts or summaries.

(d) Notwithstanding the provisions of rule 82(d), copies of the interrogatories which are served need not be filed with the clerk. Parties who serve interrogatories shall serve and file a notice of serving interrogatories stating the parties upon whom interrogatories were served, the numbers of the interrogatories, and the date of service."

Rule 147(d).

That rule 147(d) be amended as follows:

"(d) If the deponent is a party or the officer, partner or managing agent of a party which is not a natural person, the deponent shall be required to submit to examination in the county where the action is pending, unless otherwise ordered by the court, ~~as provided in rule 141(d).~~"

Rule 152.

That rule 152 be amended as follows:

"152. CERTIFICATION AND RETURN - COPIES.

(a) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. ~~He shall then securely seal the deposition in an envelope endorsed with the title of the action and marked "Deposition of (here insert name of witness)" and shall promptly file it with the court in which the action is pending or send it by registered or certified mail to the clerk thereof for filing.~~ When the deposition is transcribed the officer shall

file in the action a certificate showing the name of the witness deposed, the cost of reporting and transcribing the deposition, and to whom the original and copies were delivered. Documents and things produced for inspection during the examination of the witness shall, upon the request of a party, be marked for identification and annexed to and returned with the deposition, and may be inspected and copied by any party, except that:

(1) the person producing the materials may substitute copies to be marked for identification, if he affords to all parties fair opportunity to verify the copies by comparison with the originals, and

(2) if the person producing the materials requests their return, the officer shall mark them, give each party an opportunity to inspect and copy them, and return them to the person producing them, and the materials may then be used in the same manner as if annexed to and returned with the deposition. Any party may move for an order that the original be annexed to and returned with the deposition to the court, pending final disposition of the case.

(b) ~~The clerk shall immediately give notice of the filing of all depositions to all parties who have appeared in the action.~~ Depositions may be filed, but filing is not required unless requested by the court. If requested by the court, the party who ordered the original of the deposition shall promptly file the original. Any party may file a deposition, which may be a copy.

(c) Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent."

Rule 183(b).

That rule 183(b) be amended as follows:

"(b) All such motions based on absence of evidence must be supported by affidavit of the party, his agent or attorney, and must show: (1) the name and residence of the absent witness, or, if unknown, that affiant has used diligence to ascertain them; (2) what efforts, constituting due diligence, have been made to obtain such witness or his testimony, and facts showing reasonable grounds to believe the testimony will be procured by ~~the next term~~ a certain, specified date; (3) what particular facts, distinct from legal conclusions, affiant believes the witness will prove, and that he believes them to be true and knows of no other witness by whom they can be fully proved. If the court finds such motion sufficient, the adverse party may avoid the continuance by admitting that the witness if present, would testify to the facts therein stated, as the evidence of such witness."

Rule 187.

That rule 187 be amended as follows:

"187. IMPANELING JURY.

(a) Selection. The clerk shall prepare and deposit in a box separate ballots containing the names of all persons returned or added as jurors. At each jury trial he shall select sixteen jurors by closing and shaking the box to intermingle the ballots, and drawing them from the box without seeing the names. He shall list all jurors so drawn. Before drawing begins, either

party may require that the name of all jurors be called, and have an attachment for those absent who are not engaged in other trials; but the court may wait for its return or not, in its discretion.

(b) Oath or examination. The prospective jurors shall be sworn. The parties may then examine those drawn. The court may conduct such examination as it deems proper. It may on its own motion exclude any juror.

(c) Challenges. Challenges are objections to trial jurors for cause, and may be either to the panel or to an individual juror. ~~Coparties-at-the-trial cannot sever their peremptory challenges, but must join in them unless the court otherwise order.~~ The court shall determine the law and fact as to all challenges, and must either allow or deny them.

(d) To panel. Before any juror is sworn, either party may challenge the panel, in writing, distinctly specifying the grounds, which can be founded only on a material departure from the statutory requirements for drawing or returning the jury. On trial thereof, any officer, judicial or ministerial, whose irregularity is complained of, and any other persons, may be examined concerning the facts specified. If the court sustains the challenge it shall discharge the jury, no member of which can serve at that trial.

(e) To juror. Challenge to an individual juror, ~~peremptory or for cause~~, must be made before the jury is sworn to try the case. ~~A juror peremptorily challenged must be excused without reasons being given.~~ On demand of either party to a challenge ~~for cause~~, the juror shall answer every question pertinent to the inquiry, and other evidence may be taken.

(f) For cause. A juror may be challenged by either party for any of the following causes: (1) Conviction of a felony; (2) want of any statutory qualification required to make him a competent juror; (3) physical or mental defects rendering him incapable of performing the duties of a juror; (4) consanguinity or affinity within the ninth degree to the adverse party; (5) being guardian, ward, master, servant, landlord or tenant of the adverse party, or a member of his family or in his employ; or being a client of any attorney engaged in the cause; (6) being a party adverse to the challenging party in any civil action; or having complained of or been accused by him in a criminal prosecution; (7) having already sat upon a trial of the same issues; (8) having served as a grand or trial juror in a criminal case based on the same transaction; (9) when it appears the juror has formed or expressed an unqualified opinion on the merits of the controversy, or shows a state of mind which will prevent him from rendering a just verdict*; (10) being interested in a question like the issue to be tried; (11) having requested, directly, or indirectly, that his name be returned as a juror for the regular biennial period; (12) having served in the district court as a grand or petit juror during the last preceding calendar year.

Exemption from jury service is not a ground of challenge, but the privilege of the person exempt.

(g) Number - striking. Each side ~~may peremptorily challenge three jurors~~ and must strike ~~off two~~ four jurors. ~~but before the examination of the jury commences the court may in its discretion authorize and fix the number of additional peremptory challenges~~ Where there are two or more parties represented by different counsel, the court in its discretion may authorize

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~~and fix an additional number of jurors to be impaneled and strikes to be exercised. After all challenges for--cause are completed, plaintiff and defendant shall alternately make-or--waive--their--peremptory--challenges--by appropriate--notations--on--the--jury--list exercise their strikes. Thereafter each-side-in-like-manner-shall-strike-off-two-jurors-from-the-list.~~

(h) Vacancies. After a ~~peremptory~~ challenge is ~~exercised-or-a--challenge for--cause~~ sustained, another juror shall be called and examined ~~before further-challenges-are-made~~, and shall be subject to being challenged or stricken as are other jurors.

(i) Jury sworn. The clerk shall read the names of the ~~twelve~~ eight jurors who remain on the list after all others have been ~~challenged--or~~ stricken. These shall constitute the jury and shall be sworn substantially as follows:

'You and each of you do solemnly swear (or affirm) that you will well and truly try the issues wherein.....is plaintiff and.....is defendant, and a true verdict render; and that you will do so solely on the evidence introduced and in accordance with the instructions of the court; so help you God.'

Rule 189.

That rule 189 be stricken and the following new rule 189 be substituted:

"189. JUROR INCAPACITY - MINIMUM NUMBER OF JURORS.

(a) Juror incapacity. In the event any juror becomes unable to act, or is disqualified, before the jury retires the remaining jurors shall continue to try the case.

(b) Minimum of six jurors required. In the event more than two jurors become unable to act, or are disqualified, before the jury retires and renders a verdict, the court shall declare a mistrial."

Rule 203(a).

That rule 203(a) be amended as follows:

"(a) Number. Before a general verdict, special verdicts, or answers to interrogatories are returned, the parties may stipulate that the finding may be rendered by a stated majority of the jurors. In the absence of such stipulation, a general verdict, special verdicts, or answers to interrogatories may must be rendered ~~by--five-sixths--of--the--jurors unanimously~~. However, ~~no~~ a general verdict, special verdict, or answers to interrogatories may be rendered by ~~five-sixths~~ all jurors excepting one of the jurors ~~or-less-until~~ if the jurors have deliberated for a period of not less than six hours after the issues to be decided have been submitted to them."

Rule 237(c).

That rule 237(c) be amended as follows:

"(c) Motion and proceedings thereon. The motion shall be filed at least ten days before the time fixed for the hearing. The adverse party prior to the day of hearing may file opposing affidavits. The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to

interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages. If summary judgment is rendered on the entire case, rule 179(b) shall apply."

Division XVI.

That a new division XVI consisting of the following new rules 331, 332, and 333 be added:

"DIVISION XVI
PROCEEDINGS FOR JUDICIAL REVIEW
OF AGENCY ACTION

"331. APPLICABILITY OF RULES. Except to the extent that they are inconsistent with any provision of the Iowa Administrative Procedures*Act, chapter 17A, The Code, or with the rules specifically set forth in this division, the rules of civil procedure shall be applicable to proceedings for judicial review of agency action brought under that Act.

"332. TIME FOR SPECIAL APPEARANCE, MOTION OR ANSWER. Respondent shall, within twenty days from the date of mailing of a petition for judicial review under section 17A.19(2), The Code, serve upon petitioner and all others upon whom the petition is required to be served, and within a reasonable time thereafter file, a written special appearance, motion, or answer.

"333. CONTESTED CASE PROCEEDINGS - INTERVENTION, SCHEDULE, APPLICABILITY OF RULE 179(b). In proceedings for judicial review of agency action in a contested case pursuant to section 17A.19, The Code:

(a) An intervenor may join with petitioner or respondent or claim adversely to both.

(b) Upon request of any party the reviewing court shall, or upon its own motion may, establish a schedule for the conduct of the proceeding.

(c) The provisions of rule 179(b) shall apply."

Respectfully submitted,
THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson
W. W. REYNOLDSON, CHIEF JUSTICE

Des Moines, Iowa
January 28, 1980

*According to enrolled copy

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the twenty-eighth day of January, 1980, of the foregoing report of the Supreme Court of Iowa pertaining to the Rules of Civil Procedure.

/s/ Frank Stork

Secretary of the Senate, 1980
Regular Session of the Sixty-
Eighth General Assembly of the
State of Iowa

ACKNOWLEDGMENT

I, the undersigned, Chief Clerk of the House of Representatives of the State of Iowa, hereby acknowledge delivery to me on the twenty-eighth day of January, 1980, of the foregoing report of the Supreme Court of Iowa pertaining to the Rules of Civil Procedure.

/s/ David L. Wray

Chief Clerk of the House of
Representatives, 1980 Regular
Session of the Sixty-eighth
General Assembly of the State
of Iowa

CERTIFICATE

I, Terry E. Branstad, do hereby certify that I am the President of the Senate of the 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa; and I, Frank J. Stork, do hereby certify that I am the Secretary of the Senate of the 1980 Regular Session of the Sixty-eighth 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, 1980, the Supreme Court of the State of Iowa reported to said Senate, and filed with it, the attached and foregoing Rules of Civil Procedure;

THAT the date of making said report to the 1980 Regular Session of the Sixty-eighth General Assembly was within the twenty days subsequent to the convening of the 1980 Regular Session of the Sixty-eighth 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 1980 Regular Session of said Sixty-eighth General Assembly.

Signed this 26th day of April, 1980, being the sine die adjournment of the 1980 Regular Session of the Sixty-eighth General Assembly.

/s/ Terry E. Branstad

TERRY E. BRANSTAD

President of the Senate

/s/ Frank J. Stork

FRANK J. STORK

Secretary of the Senate, 1980
Regular Session of the Sixty-
eighth General Assembly of the
State of Iowa.

CERTIFICATE

I, William H. Harbor, do hereby certify that I am the Speaker of the House of Representatives of the 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa; and I, Bruce Graham, do hereby certify that I am the Assistant Chief Clerk of the House of Representatives of the 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa, and we do hereby jointly certify that as such Speaker and Assistant Chief Clerk that on the twenty-eighth day of January, 1980, the Supreme Court of the State of Iowa reported to said House of Representatives, and filed with it, the attached and foregoing Rules of Civil Procedure;

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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 1980 Regular Session of said Sixty-eighth General Assembly.

Signed this 26th day of April, 1980, being the sine die adjournment of the 1980 Regular Session of the Sixty-eighth General Assembly.

/s/ William H. Harbor

WILLIAM H. HARBOR

Speaker of the House

/s/ Bruce Graham

BRUCE GRAHAM

Assistant Chief Clerk of the House of Representatives, 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa.

RULES OF CRIMINAL PROCEDURE

CHAPTER 1208 RULES OF CRIMINAL PROCEDURE

IN THE MATTER OF THE
RULES OF CRIMINAL
PROCEDURE

}

REPORT OF THE

SUPREME COURT

TO THE 1980 REGULAR SESSION OF THE SIXTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF IOWA:

Pursuant to sections 813.4 and 684.19, The Code, the Supreme Court of Iowa has prescribed and hereby reports to the General Assembly changes in existing Rules of Criminal Procedure as follows:

Rule 3(4)(e).

That the first sentence of rule 3(4)(e) be amended as follows:

"e. Securing witnesses and records. The clerk of the court must, when required by the foreman of the grand jury or prosecuting attorney, issue subpoenas including subpoenas duces tecum for witnesses to appear before the grand jury."

Rule 4(1).

That rule 4(1) be amended as follows:

"1. Defined. An indictment is an accusation in writing, found and presented by a grand jury legally impaneled and sworn to the court in which it is impaneled, charging that the person named therein has committed an indictable public offense, ~~punishable on indictment.~~"

Rule 4(3).

That the first sentence of rule 4(3) be amended as follows:

"3. Evidence to support. An indictment should be found when all the evidence, taken together, is such as in the judgment of the grand jury, if unexplained, would warrant a conviction by the trial jury; otherwise it ~~should~~ shall not."

Rule 4(6)(a).

That rule 4(6)(a) be amended as follows:

"a. A minute of evidence shall consist of a notice in writing stating the name, place of residence, and occupation of the witness upon whose testimony the indictment is found, and a full and fair statement of the witness' testimony before the grand jury and a full and fair statement of additional expected testimony at trial."

Rule 4(8)(a).

That rule 4(8)(a) be amended as follows:

"a. Generally. The court may, on motion of the state, and either before or during the trial, order the indictment amended so as to correct errors or omissions in matters of form or substance. Amendment ~~may be~~ is not allowed ~~before--or--during--trial--when~~ if no substantial rights of the defendant are prejudiced by the amendment, or and if a wholly new and different offense is ~~not~~ charged."

Rule 6(6).

That rule 6 be amended by denominating existing subdivision 6 as "7" and adding the following new subdivision 6:

"6. Allegations of use of a firearm. If the offense charged is one for which the defendant, if convicted, will be subject by reason of the Code to a minimum sentence because of use of a firearm, the allegation of such use, if any, shall be contained in the indictment. If use of a firearm is alleged as provided by this rule, and if the allegation is supported by the evidence, the court shall submit to the jury a special interrogatory concerning this matter, as provided in R. Cr. P. 21(2)."

Rule 10(4).

That rule 10(4) be amended as follows:

"4. Time of filing. Motions hereunder, except a motion for a bill of particulars, shall be filed within ~~thirty~~ forty days after arraignment ~~or~~ prior-to-impaneling-of-the-trial-jury, whichever event occurs earlier, unless the period of filing is extended by the court for good cause shown."

Rule 11(1)(e).

That rule 11(1)(e) be amended as follows:

"e. The warrant was illegally executed. The court shall receive evidence on any issue of fact necessary to the decision of the motion. If the motion is granted the property shall be restored to its owner or legal custodian unless otherwise subject to lawful detention, and it shall not be admissible in evidence at any hearing or trial.

The motion shall be made ~~before--trial--or--hearing--unless--opportunity~~ therefore-did-not-exist-or-the-defendant-was-unaware-of-the--factual--grounds ~~for--the--motion,--but--the--court--in--its--discretion--may--entertain--the--motion--at~~ the-trial-or-hearing,--upon--good-cause--supported--by--affidavit pursuant to R. Cr. P. 10(3) and (4)."

Rule 12(5).

That rule 12 be amended by adding the following new subdivision 5:

"5. Time of taking. Depositions taken hereunder shall be taken within thirty days after arraignment, unless the period for taking is extended by the court for good cause shown."

Rule 17(1).

That rule 17(1) be stricken and the following new rule 17(1) be substituted:

"1. Selection. The clerk shall prepare and deposit in a box separate ballots containing the names of all persons returned or added as jurors. At each jury trial he shall select sixteen jurors by closing and shaking the box to intermingle the ballots, and drawing them from the box without seeing the names. He shall list all jurors so drawn. Before drawing begins, either party may require that the names of all jurors be called, and have an attachment for those absent who are not engaged in other trials; but the court may wait for its return or not, in its discretion."

Rule 17(3).

That rule 17(3) be stricken and the following new rule 17(3) be substituted:

"3. Challenges to the panel. Before any juror is sworn, either party may challenge the panel, in writing, distinctly specifying the grounds, which can be founded only on a material departure from the statutory requirements for drawing or returning the jury. On trial thereof, any officer, judicial or ministerial, whose irregularity is complained of, and any other persons, may be examined concerning the fact specified. If the court sustains the challenge it shall discharge the jury, no member of which can serve at the trial."

Rule 17(9).

That rule 17(9) be stricken and the following new rule 17(9) be substituted:

"9. Peremptory challenges. Peremptory challenges must be made before the jury is sworn to try the case. A juror peremptorily challenged must be excused without reasons being given. After all challenges for cause are completed, the state and defendant shall alternately make or waive their peremptory challenges by appropriate notations on the jury list."

Rule 17(18).

That rule 17 be amended by adding the following new subdivision 18:

"18. Returning ballots to box. When a jury is sworn, the ballots containing the names of those absent or excused from the trial shall be immediately returned to the box. Those containing the names of jurors sworn shall be set aside, and returned to the box immediately on the discharge of that jury."

Rule 21(2).

That rule 21(2) be amended as follows:

"2. Answers to interrogatories. It must also return with the general verdict answers to special interrogatories submitted by the court upon its own motion, or at the request of the defendant in prosecutions where the defense is an affirmative one, or it is claimed any witness is an accomplice, or there has been a failure to corroborate where corroboration is required.

Where a defendant is alleged to be subject to the minimum sentence provisions of section 902.7, The Code (use of firearms), and the allegation is supported by the evidence, the court shall submit a special interrogatory concerning that matter to the jury."

New rule 26.1.

That the following rule 26.1 be adopted:

"Rule 26.1. APPOINTMENT OF APPELLATE COUNSEL IN CRIMINAL CASES.

1. An indigent defendant, as defined in section 336A.4, The Code, convicted of an indictable offense or a simple misdemeanor where defendant faces the possibility of imprisonment, is entitled to appointment of counsel on appeal or application for discretionary review to the supreme court. Application for appointment of appellate counsel shall be made to the trial court, which shall retain authority to act on such application after notice of appeal or application for discretionary review has been filed. The supreme court, or a justice thereof, shall have authority to appoint counsel in the event the trial court fails or refuses to appoint and it becomes necessary to further provide for counsel.

2. Defendant may make oral application that appellate counsel be appointed only at the time specified in R. Cr. P. 22(3)(f). Upon such oral application if the trial court determines defendant is an indigent, the court shall proceed pursuant to R. Cr. P. 22(3)(f).

3. At all subsequent times defendant shall apply for appointment of appellate counsel in writing to the trial court, which shall by order either approve or deny such application no later than seven days after it is filed.

4. If the trial court finds defendant is ineligible for appointment of appellate counsel, it shall include in the record a statement of the reasons why counsel was not appointed. Defendant may apply to the supreme court for review of a trial court order denying defendant appointed counsel. Such application must be filed with the supreme court within ten days of the filing of the trial court order denying defendant's request for appointed counsel.

5. If defendant has proceeded as an indigent in the trial court and a financial statement required by section 336B.2, The Code, has been filed pursuant to section 336B.4, The Code, such defendant, upon making application for appointment of appellate counsel, shall be presumed to be an indigent, and an additional financial statement shall not be required to be submitted to the court, unless evidence is offered that defendant is not an indigent. In all other cases defendant shall be required to submit a

financial statement to the trial court. Defendant and appointed appellate counsel shall be under a continuing obligation to inform the trial court of any change in circumstances that would make defendant ineligible to qualify as an indigent.

6. Trial counsel shall continue as defendant's appointed appellate counsel unless the trial court or supreme court orders otherwise. Selection of appointed appellate counsel shall be the responsibility of the trial court. Defendant shall not have the right to select the attorney to be assigned; however, defendant's request for particular counsel shall be given consideration by the trial court."

New rule 26.2.

That the following rule 26.2 be adopted:

"Rule 26.2. WAIVER OF RIGHT TO APPELLATE COUNSEL IN CRIMINAL CASES.

An indigent defendant may waive his or her right to have appellate counsel appointed if defendant does so in writing and the trial court finds of record that defendant has acted with full awareness of his or her rights and of the consequences of a waiver and if the waiver is otherwise made according to law. Defendant may withdraw a waiver of his or her right to appellate counsel at any time. Such withdrawal and subsequent appointment of counsel shall not affect any prior appellate proceedings in which defendant acted pro se and shall not extend any appellate deadlines, unless the appropriate appellate court otherwise orders. Notwithstanding a waiver by defendant, the trial court, after notice of appeal or application for discretionary review has been filed, may appoint counsel to advise defendant during appellate proceedings if it appears to the court that, because of the gravity of the offense and other circumstances affecting defendant, the failure to appoint counsel may result in injustice to the defendant."

New rule 26.3.

That the following rule 26.3 be adopted:

"Rule 26.3. COMPENSATION OF APPOINTED APPELLATE COUNSEL.

Appointed appellate counsel's compensation shall be determined by the trial court pursuant to the provisions of section 815.7, The Code."

Rule 27(2)(a).

That rule 27(2)(a) be amended as follows:

"a. When a person an adult is arrested for the commission of a public offense, or, in the case of a child, when the juvenile court enters an order waiving jurisdiction pursuant to section 232.45, The Code, and an indictment is not found against him within forty-five days, the court must order the prosecution to be dismissed, unless good cause to the contrary is shown or the defendant waives his right thereto."

Form 11, Appendix of Forms.

That the following new form 11 be adopted:

"FORM 11

APPLICATION FOR POSTCONVICTION RELIEF FORM
IN THE IOWA DISTRICT COURT FOR _____ COUNTY

_____, Applicant,
vs.
STATE OF IOWA, Respondent.

Law No. CL _____
Application for Post-
conviction Relief Pur-
suant to Chapter 663A,
The Code.

I.

Conviction or sentence concerning which postconviction relief is demanded:

A. Crime and statute applicant was convicted of violating:

B. Criminal Case No. _____

C. District court and judge that entered judgment of conviction or sen-
tence: _____

D. Date of entry of judgment of conviction or sentence:

E. Sentence: _____

F. Place of confinement: _____

G. Plea:
____ Guilty
____ Not Guilty

H. Trial:
____ Jury
____ Judge only

II.

Prior proceedings:

A. Conviction or sentence was _____ appealed
1. to _____ court

2. Grounds raised: _____

3. Result: _____

4. Date of result: _____

B. Other petitions, applications or motions relating to this conviction
or sentence in any court, state or federal:

1. Name of court: _____

2. Nature of proceedings: _____

3. Grounds raised: _____

- 4. Result: _____
- 5. Date of result: _____

III.

Grounds upon which application is based (grounds checked must be fully explained in space below):

- A. _____ The conviction or sentence was in violation of the Constitution of the United States or the Constitution or laws of this state.
- B. _____ The court was without jurisdiction to impose sentence.
- C. _____ The sentence exceeds the maximum authorized by law.
- D. _____ There exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice.
- E. _____ (1) Applicant's sentence has expired.
 _____ (2) Applicant's probation, parole, or conditional release has been unlawfully revoked.
 _____ (3) Applicant is otherwise unlawfully held in custody or other restraint.
- F. _____ The conviction or sentence is otherwise subject to collateral attack upon ground(s) of alleged error formerly available under any common law, statutory, or other writ, motion, proceeding, or remedy.

Specific explanation of grounds and allegation of facts:

IV.

Facts supporting application within personal knowledge of applicant:

V.

The following documents, exhibits, affidavits, records*, or other evidence supporting this application are attached to the application (list):

VI.

The following documents, exhibits, affidavits, records, or other evidence supporting this application are not attached to the application (list):

These items are not attached for the following reason(s):

VII.

Relief desired (state clearly):

VIII.

I, the undersigned applicant, am _____ able to pay court costs and expenses of representation and do _____ desire to have counsel appointed to represent me concerning this application. (If applicant indicates inability to pay court costs and expenses of representation and does desire to have counsel appointed, applicant shall attach a financial statement to this application. See ss 336B.1 and 336B.2, The Code.)

*According to enrolled copy

 VERIFICATION

I, _____, applicant, being first duly sworn, declare to the undersigned authority that the information in this application, including the facts within my personal knowledge set out in division IV and the items listed in division V, is true and correct.

Applicant's signature

Attorney (if any) for applicant

Address: _____

State of Iowa, _____ County, ss.

Subscribed, sworn and acknowledged before me by _____,
applicant, this _____ day of _____, 19__.

Notary public, or other officer
authorized to take and certify
acknowledgments and administer
oaths.

DIRECTIONS TO CLERK OF COURT

The clerk of court shall docket this application upon its receipt*and promptly*bring it to the attention of the court and deliver a copy to the county attorney and the attorney general. See s 663A.3, The Code."

Respectfully submitted,
THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson
W. W. REYNOLDSON, CHIEF JUSTICE

Des Moines, Iowa
January 28, 1980

*According to enrolled copy

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the twenty-eighth day of January, 1980, of the foregoing report of the Supreme Court of Iowa pertaining to the Rules of Criminal Procedure.

/s/ Frank Stork
Secretary of the Senate, 1980
Regular Session of the Sixty-
Eighth General Assembly of the
State of Iowa

ACKNOWLEDGMENT

I, the undersigned, Chief Clerk of the House of Representatives of the State of Iowa, hereby acknowledge delivery to me on the twenty-eighth day of January, 1980, of the foregoing report of the Supreme Court of Iowa pertaining to the Rules of Criminal Procedure.

/s/ David L. Wray
Chief Clerk of the House of
Representatives, 1980 Regular
Session of the Sixty-Eighth
General Assembly of the State
of Iowa

CERTIFICATE

I, Terry E. Branstad, do hereby certify that I am the President of the Senate of the 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa; and I, Frank J. Stork, do hereby certify that I am the Secretary of the Senate of the 1980 Regular Session of the Sixty-eighth 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, 1980, the Supreme Court of the State of Iowa reported to said Senate, and filed with it, the attached and foregoing Rules of Criminal Procedure;

THAT the date of making said report to the 1980 Regular Session of the Sixty-eighth General Assembly was within the twenty days subsequent to the convening of the 1980 Regular Session of the Sixty-eighth General Assembly;

THAT no other report pertaining to the Rules of Criminal Procedure was made or filed by said Supreme Court with said Senate;

THAT no changes, modifications, amendments, revisions or additions to the Rules of Criminal Procedure were made or enacted at such 1980 Regular Session of said Sixty-eighth General Assembly.

Signed this 26th day of April, 1980, being the sine die adjournment of the 1980 Regular Session of the Sixty-eighth General Assembly.

/s/ Terry E. Branstad

TERRY E. BRANSTAD

President of the Senate

/s/ Frank J. Stork

FRANK J. STORK

Secretary of the Senate, 1980
Regular Session of the Sixty-
eighth General Assembly of the
State of Iowa.

CERTIFICATE

I, William H. Harbor, do hereby certify that I am the Speaker of the House of Representatives of the 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa; and I, Bruce Graham, do hereby certify that I am the Assistant Chief Clerk of the House of Representatives of the 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa, and we do hereby jointly certify that as such Speaker and Assistant Chief Clerk that on the twenty-eighth day of January, 1980, the Supreme Court of the State of Iowa reported to said House of Representatives, and filed with it, the attached and foregoing Rules of Criminal Procedure;

THAT the date of making said report to the 1980 Regular Session of the Sixty-eighth General Assembly was within the twenty days subsequent to the convening of the 1980 Regular Session of the Sixty-eighth General Assembly;

THAT no other report pertaining to the Rules of Criminal 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 Criminal Procedure were made or enacted at such 1980 Regular Session of said Sixty-eighth General Assembly.

Signed this 26th day of April, 1980, being the sine die adjournment of the 1980 Regular Session of the Sixty-eighth General Assembly.

/s/ William H. Harbor

WILLIAM H. HARBOR
Speaker of the House

/s/ Bruce Graham

BRUCE GRAHAM
Assistant Chief Clerk of the House
of Representatives, 1980 Regular
Session of the Sixty-eighth
General Assembly of the State of
Iowa.

RULES OF APPELLATE PROCEDURE

CHAPTER 1209
RULES OF APPELLATE PROCEDURE

IN THE MATTER OF THE
RULES OF APPELLATE
PROCEDURE

}

REPORT OF THE

SUPREME COURT

TO THE 1980 REGULAR SESSION OF THE SIXTY-EIGHTH 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 changes in the Rules of Appellate Procedure as follows:

Rule 1.

That rule 1 be amended by adding the following new subdivision "c":

"(c) If an appeal to the supreme court is improvidently taken because the order from which appeal is taken is interlocutory, this alone shall not be ground for dismissal. The papers upon which the appeal was taken shall be regarded and acted upon as an application for interlocutory appeal under rule 2, rules of appellate procedure, as if duly presented to the supreme court at the time the appeal was taken."

Rule 5.

That rule 5 be amended as follows:

"Rule 5. TIME FOR APPEALS.

(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) Notwithstanding these rules, an order disposing of an action as to fewer than all of the parties to the suit, even if their interests are severable, may be appealed within the time for appeal from the order, judgment or decree finally disposing of the action as to remaining parties.

(c) 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."

Respectfully submitted,
THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson
W. W. REYNOLDSON, CHIEF JUSTICE

Des Moines, Iowa
January 28, 1980

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the twenty-eighth day of January, 1980, of the foregoing report of the Supreme Court of Iowa pertaining to the Rules of Appellate Procedure.

/s/ Frank Stork
Secretary of the Senate, 1980
Regular Session of the Sixty-
Eighth General Assembly of the
State of Iowa

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/s/ David L. Wray
Chief Clerk of the House of
Representatives, 1980 Regular
Session of the Sixty-Eighth
General Assembly of the State
of Iowa

CERTIFICATE

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THAT the date of making said report to the 1980 Regular Session of the Sixty-eighth General Assembly was within the twenty days subsequent to the convening of the 1980 Regular Session of the Sixty-eighth 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 1980 Regular Session of said Sixty-eighth General Assembly.

Signed this 26th day of April, 1980, being the sine die adjournment of the 1980 Regular Session of the Sixty-eighth General Assembly.

/s/ Terry E. Branstad

TERRY E. BRANSTAD
President of the Senate

/s/ Frank J. Stork

FRANK J. STORK
Secretary of the Senate, 1980
Regular Session of the Sixty-
eighth General Assembly of the
State of Iowa.

CERTIFICATE

I, William H. Harbor, do hereby certify that I am the Speaker of the House of Representatives of the 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa; and I, Bruce Graham, do hereby certify that I am the Assistant Chief Clerk of the House of Representatives of the 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa, and we do hereby jointly certify that as such Speaker and Assistant Chief Clerk that on the twenty-eighth day of January, 1980, 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 1980 Regular Session of the Sixty-eighth General Assembly was within the twenty days subsequent to the convening of the 1980 Regular Session of the Sixty-eighth 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 1980 Regular Session of said Sixty-eighth General Assembly.

Signed this 26th day of April, 1980, being the sine die adjournment of the 1980 Regular Session of the Sixty-eighth General Assembly.

/s/ William H. Harbor

WILLIAM H. HARBOR
Speaker of the House

/s/ Bruce Graham

BRUCE GRAHAM
Assistant Chief Clerk of the House
of Representatives, 1980 Regular
Session of the Sixty-eighth
General Assembly of the State of
Iowa.

QUESTIONS OF LAW

CHAPTER 1210
UNIFORM CERTIFICATION OF QUESTIONS OF LAW

IN THE MATTER OF RULES OF
PROCEDURE CONCERNING THE
ANSWERING AND CERTIFICATION
OF QUESTIONS OF LAW UNDER
THE UNIFORM CERTIFICATION
OF QUESTIONS OF LAW ACT



REPORT OF THE
SUPREME COURT

TO THE 1980 REGULAR SESSION OF THE SIXTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF IOWA:

Pursuant to section 6 of the Uniform Certification of Questions of Law Act and section 684.19, The Code, the Supreme Court of Iowa has prescribed and hereby reports to the General Assembly new Rules of Appellate Procedure concerning the answering and certification of questions of law under the Uniform Certification of Questions of Law Act as follows:

That the Iowa Rules of Appellate Procedure be amended by adding the following new division VI consisting of rules 451-461:

"VI. CERTIFICATION OF QUESTIONS OF LAW

"Rule 451. Procedure for certification of question of law. The procedure for answering and certifying questions of law shall be as provided in the Uniform Certification of Questions of Law Act, Laws of the 1979 Regular Session of the 68th General Assembly, chapter 144; and this division VI of the rules of appellate procedure.

"Rule 452. Contents of certification order. The certification order shall contain the matter required by section 3 of the Uniform Certification of Questions of Law Act and shall be captioned as the matter was in the certifying court with the party, if any, who moved for certification of the question identified as the 'movant.' If the question is certified on the court's own motion, the certification order shall specify which party is to file a brief first. The certification order shall contain the names and

addresses of the interested parties or their counsel if they are represented by counsel.

"Rule 453. Docketing. Upon receipt of a certified question the clerk of the supreme court shall prepare a docket page and assign a number to the matter. Within ten days after the filing of the certification order the movant or party who is to file his brief first shall pay to the clerk of the supreme court the docket fee in the amount prescribed pursuant to section 685.3, The Code, for docketing an appeal from a final judgment or decree. Upon receipt of the docket fee, the clerk of the supreme court shall enter the matter upon the docket and give notice to the certifying court and all parties or their attorneys of the date on which the matter is entered on the docket.

"Rule 454. Briefs. The movant or party who is to file his brief first shall file and serve the initial brief within twenty days after the matter is entered upon the docket. The responding party shall file and serve a responsive brief within twenty days after service of the initial brief. A reply brief may be filed and served within ten days after service of the responsive brief. Rules 13(e), 14, and 16(a), rules of appellate procedure, shall apply to briefs with those portions applicable to appellant's briefs applying to briefs of the movant or the party who is to file a brief first and those portions applicable to appellee's brief applying to the brief of the responding party.

"Rule 455. Appendix. The movant or party who is to file his brief first shall file and serve with his initial brief an appendix to the briefs. The appendix shall contain the certification order and such portions of the record relevant to the question as the parties by agreement or the certifying court by order may determine. Rules 15(a), 15(d), 15(e), and 16(a), rules of appellate procedure, shall apply to the appendix to the greatest extent possible.

"Rule 456. Record. The certifying court shall attach to its certification order a copy of the portions of the record made in that court which it deems necessary for a full understanding of the question. If the entire record is not included, the supreme court may, in its discretion, order that a copy of all or any portion of the remaining record be filed with its clerk.

"Rule 457. Submission and oral argument. The matter shall be considered ready for submission after the certification order, initial brief, appendix, and responding brief have been filed. Rule 21, rules of appellate procedure, shall apply.

"Rule 458. Opinion and rehearing. Upon the filing of an opinion on a certified question the clerk of the supreme court shall comply with section 7 of the Uniform Certification of Questions of Law Act. A petition for rehearing shall not be allowed.

"Rule 459. Costs and fees. Printing costs shall be certified by the parties as provided in rule 16(c), rules of appellate procedure. Upon the filing of the supreme court's opinion on a certified question, its clerk shall prepare and transmit to the clerk of the certifying court a bill of costs indicating the docket fee and reasonable printing costs and the parties who paid them. The clerk of the certifying court shall be responsible for collecting and apportioning the fee and costs pursuant to section 5 of the Uniform Certification of Questions of Law Act.

"Rule 460. State as amicus curiae. When the constitutionality of an act of the legislature of this state affecting the public interest is drawn in question in a certification to which the State of Iowa or an officer, agency, or employee thereof is not a party, the supreme court shall notify the attorney general and shall permit the State of Iowa to file an amicus curiae brief pursuant to rule 18, rules of appellate procedure, on the question of constitutionality.

"Rule 461. Changes in rules. Rules of procedure concerning the answering and certification of questions of law may be revoked, changed, or supplemented as provided in rule 701, rules of appellate procedure."

That existing divisions of the Iowa Rules of Appellate Procedure numbered "VI, VII, and VIII" be respectively renumbered "VII, VIII, and IX."

Respectfully submitted,
THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson
W. W. REYNOLDSON, CHIEF JUSTICE

Des Moines, Iowa
January 28, 1980

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the twenty-eighth day of January, 1980, of the foregoing report of the Supreme Court of Iowa pertaining to rules of procedure concerning the answering and certification of questions of law under the Uniform Certification of Questions of Law Act.

/s/ Frank Stork

Secretary of the Senate, 1980
Regular Session of the Sixty-
Eighth General Assembly of the
State of Iowa

ACKNOWLEDGMENT

I, the undersigned, Chief Clerk of the House of Representatives of the State of Iowa, hereby acknowledge delivery to me on the twenty-eighth day of January, 1980, of the foregoing report of the Supreme Court of Iowa pertaining to rules of procedure concerning the answering and certification of questions of law under the Uniform Certification of Questions of Law Act.

/s/ David L. Wray

Chief Clerk of the House of
Representatives, 1980 Regular
Session of the Sixty-Eighth
General Assembly of the State
of Iowa

CERTIFICATE

I, Terry E. Branstad, do hereby certify that I am the President of the Senate of the 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa; and I, Frank J. Stork, do hereby certify that I am the Secretary of the Senate of the 1980 Regular Session of the Sixty-eighth 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, 1980, the Supreme Court of the State of Iowa reported to said Senate, and filed with it, the attached and foregoing Rules of Procedure Concerning the Answering and Certification of Questions of Law Under the Uniform Certification of Questions of Law Act;

THAT the date of making said report to the 1980 Regular Session of the Sixty-eighth General Assembly was within the twenty days subsequent to the convening of the 1980 Regular Session of the Sixty-eighth General Assembly;

THAT no other report pertaining to the Rules of Procedure Concerning the Answering and Certification of Questions of Law Under the Uniform Certification of Questions of Law Act was made or filed by said Supreme Court with said Senate;

THAT no changes, modifications, amendments, revisions or additions to the Rules of Procedure Concerning the Answering and Certification of Questions of Law Under the Uniform Certification of Questions of Law Act were made or enacted at such 1980 Regular Session of said Sixty-eighth General Assembly.

Signed this 26th day of April, 1980, being the sine die adjournment of the 1980 Regular Session of the Sixty-eighth General Assembly.

/s/ Terry E. Branstad

TERRY E. BRANSTAD

President of the Senate

/s/ Frank J. Stork

FRANK J. STORK

Secretary of the Senate, 1980
Regular Session of the Sixty-
eighth General Assembly of the
State of Iowa.

CERTIFICATE

I, William H. Harbor, do hereby certify that I am the Speaker of the House of Representatives of the 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa; and I, Bruce Graham, do hereby certify that I am the Assistant Chief Clerk of the House of Representatives of the 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa, and we do hereby jointly certify that as such Speaker and Assistant Chief Clerk that on the twenty-eighth day of January, 1980, the Supreme Court of the State of Iowa reported to said House of Representatives, and filed with it, the attached and foregoing Rules of Procedure Concerning the Answering and Certification of Questions of Law Under the Uniform Certification of Questions of Law Act;

THAT the date of making said report to the 1980 Regular Session of the Sixty-eighth General Assembly was within the twenty days subsequent to the convening of the 1980 Regular Session of the Sixty-eighth General Assembly;

THAT no other report pertaining to the Rules of Procedure Concerning the Answering and Certification of Questions of Law Under the Uniform Certification of Questions of Law Act 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 Procedure Concerning the Answering and Certification of Questions of Law Under the Uniform Certification of Questions of Law Act were made or enacted at such 1980 Regular Session of said Sixty-eighth General Assembly.

Signed this 26th day of April, 1980, being the sine die adjournment of the 1980 Regular Session of the Sixty-eighth General Assembly.

/s/ William H. Harbor

WILLIAM H. HARBOR
Speaker of the House

/s/ Bruce Graham

BRUCE GRAHAM
Assistant Chief Clerk of the House
of Representatives, 1980 Regular
Session of the Sixty-eighth
General Assembly of the State of
Iowa.

RULES FOR HOSPITALIZATION OF MENTALLY ILL

CHAPTER 1211 INVOLUNTARY HOSPITALIZATION OF MENTALLY ILL

IN THE MATTER OF RULES OF PROCEDURE AND FORMS FOR THE INVOLUNTARY HOSPITALIZATION OF THE MENTALLY ILL



REPORT OF THE SUPREME COURT

TO THE 1980 REGULAR SESSION OF THE SIXTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF IOWA:

Pursuant to sections 229.40 and 684.19, The Code, the Supreme Court of Iowa has prescribed and hereby reports to the General Assembly changes in existing Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill as follows:

Rule 5.

That rule 5 be stricken and the following new rule 5 be substituted:

"5. At the request of the respondent or his or her attorney, the hearing provided in section 229.12, The Code, may be continued beyond the statutory limit in order that the respondent's attorney have adequate time to prepare his or her case, and in such instances custody pursuant to section 229.11 may be extended by court order until the hearing is held. The continuance shall be no longer than five days beyond the statutory limit, unless respondent gives written consent to the longer continuance."

Rule 6.

That rule 6 be amended as follows:

"6. If the respondent is involuntarily confined prior to the hearing pursuant to a determination under section 229.11, The Code, the respondent's attorney may apply to the judge or referee for an opportunity to confer with the respondent, in a place other than the place of confinement, in advance of the hearing provided for in section 229.12, The Code. The order shall provide for transportation and the type of custody and responsibility therefor during the period the respondent is away from the place of confinement under this rule."

Rule 12.

That rule 12 be amended as follows:

"12. The clerk shall ~~see-that~~ furnish the respondent's attorney ~~receives~~ with a copy of the examination report filed pursuant to section 229.10(2), The Code, ~~sufficiently-in-advance-of-the-hearing-to-allow-him-or-her~~ as soon as possible after receipt. In ruling on any request for an extension of time under section 229.10(4), The Code, the court shall consider the time available to the respondent's attorney after receipt of the examination report to prepare for the hearing and to prepare response from physicians engaged by the respondent, where relevant. Respondent's attorney shall promptly file a copy of a report of any physician who has examined responded* and whose evidence the attorney expects to use at the hearing. The clerk shall provide the court and the county attorney with a copy thereof when filed."

Rule 13.

That rule 13 be amended as follows:

"13. The court-designated physician shall submit a written report of the examination as required by section 229.10(2), The Code, on the form designated for use by the supreme court. The report shall contain the following information, or as much thereof as is available to the physician making the report: (1) Respondent's name, (2) Address; (3) Date of birth; (4) Place of birth; (5) Sex; (6) Occupation; (7) Martial*status; (8) Number of children, and names; (9) Nearest relative's name, relationship, and address; and (10) The physician's diagnosis and recommendations with a detailed statement of the facts, symptoms and overt acts observed or described to him or her, which led to the diagnosis."

Rule 18.

That rule 18 be amended as follows:

"18. The respondent's rights ~~should~~ as set out in rule 3(B) and the possible consequences of the procedures shall be explained to him or her ~~and,~~ by his or her attorney to the extent possible, ~~--the--nature--and--possible consequences--of--the--proceedings~~. Prior to the commencement of the hearing under section 229.12, The Code, the judge or referee shall ascertain whether the respondent has been so informed."

Rule 20.

That rule 20 be amended as follows:

"20. The person(s) filing the application and any physician or mental health professionals who have examined the respondent and have submitted a written examination of the respondent in connection with the hospitalization proceedings ~~ex-later-proceedings~~ must be present at the hearing conducted under section 229.12, The Code, unless, ~~--prior-to-the-hearing,~~ (1) their presence is waived by the respondent's attorney or (2) the judge or referee, for--good--cause, finds their presence is not necessary. The respondent must be present at the hearing unless prior to the hearing the respondent's

*According to enrolled copy

attorney stipulates in writing to his or her absence, such stipulation to state (1) that the attorney has conversed with the respondent, (2) that in the attorney's judgment the respondent can make no meaningful contribution to the hearing, and (3) the basis for such conclusions. A stipulation to the respondent's absence shall be reviewed by the judge or referee before the hearing, and may be rejected if it appears that insufficient grounds are stated or that the respondent's interests would not be served by his or her absence."

Rule 22.

That rule 22 be amended as follows:

"22. If the respondent is in custody in another county prior to the hearing provided in section 229.12, The Code, respondent's attorney may request that the respondent be delivered to the county in which the hearing will be held prior thereto in order to facilitate preparation by respondent's attorney. Such requests should be denied only if they are unreasonable and if the denial would not harm respondent's interests in representation by counsel. This rule is not intended to authorize permanent transfer of the respondent to another facility without conformance to appropriate statutory procedures."

Rule 23.

That rule 23 be stricken and the following new rule 23 be substituted:

"23. If the respondent is found by the court to be seriously mentally impaired following a hearing under section 229.12, The Code, evaluation and treatment shall proceed as set out in section 229.13, The Code."

Rule 31.

That rule 31 be stricken and the following new rule 31 be substituted:

"31. When chemotherapy has been instituted prior to a hearing under section 229.12, The Code, the chief medical officer of the facility where the respondent is hospitalized shall, prior to the hearing, submit to the clerk of the district court where the hearing is to be held, a report in writing listing all types of chemotherapy given for purposes of affecting the respondent's behavior or mental state during any period of custody authorized by section 229.4(3), 229.11 or 229.22, The Code. For each type of chemotherapy the report shall indicate either (1) the chemotherapy was given with the consent of the patient or the patient's next of kin or guardian or (2) the way the chemotherapy was 'necessary to preserve the patient's life or to appropriately control behavior by the person which is likely to result in physical injury to that person or others if allowed to continue.' The report shall also include the effect of the chemotherapy on the respondent's behavior or mental state. The clerk shall file the original report in the court file, advise the judge or referee and the respondent's attorney accordingly and provide a copy of the report to respondent's attorney if so requested."

Form 15.

That the title on the right-hand side of form 15 be amended as follows:

"NOTICE OF ORDER
PURSUANT TO SECTION ~~221-21(3)~~
229.21(3), THE CODE."

Form 18.

That paragraph 1 of form 18 be amended as follows:

"1. Treatment, ~~including medications~~ that respondent has received during the present hearing and evaluation period."

Form 18.

That paragraph 2 of form 18 be stricken and the following new paragraph 2 be substituted:

"2. Chemotherapy respondent has received: Attachment 1 which is incorporated as part of this report lists all types of chemotherapy given at this hospital to the respondent for purposes of affecting the patient's behavior or mental state, along with the effect on the respondent's behavior or mental state."

New form 18a.

That the following new form 18a be added:

"IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

_____,
Respondent.



No. _____
CHIEF MEDICAL OFFICER'S
PERIODIC REPORT PURSUANT
TO SECTION 229.15(1),
THE CODE

1. An order for continued hospitalization of the respondent at this hospital was entered _____, 19__.
2. Attachment 1 which is incorporated as part of this report lists all types of chemotherapy given at this hospital to the respondent for purposes of affecting the patient's behavior or mental state since the last report to the court, along with the effect on the respondent's behavior or mental state.
3. In my opinion, the patient's condition (has improved) (remains unchanged) (has deteriorated).
4. Check one box.
 - ___(a) Respondent was tentatively discharged on _____, 19__, pursuant to section 229.16, The Code, because in my opinion the respondent no longer requires treatment or care for serious mental impairment. (See EXPLANATION below).
 - ___(b) Respondent was transferred to _____ on _____, 19__, pursuant to section 229.15(4), The Code, because in my opinion it is in the best interest of the respondent. (See EXPLANATION below.)

- ___(c) Respondent was placed on leave on _____, 19__, pursuant to section 229.15(4), The Code, because in my opinion it is in the best interest of the patient. Patient was instructed to return on _____, 19__. (See EXPLANATION below.)
- ___(d) Respondent continues to be hospitalized in this hospital.

EXPLANATION:

(If 4(a) is applicable, skip items 5 through 8.)

5. In my opinion the following subsection of section 229.14, The Code, is applicable (check one box):

- ___(a) Respondent is seriously mentally impaired and in need of full-time custody, care and treatment in a hospital and is considered likely to benefit from treatment. (See EXPLANATION under item 7 below.)
- ___(b) Respondent is seriously mentally impaired and in need of treatment, but does not require full-time hospitalization. (For treatment recommendations, see RECOMMENDATIONS below.)
- ___(c) Respondent is seriously mentally impaired and in need of full-time custody and care, but is unlikely to benefit from further treatment in a hospital. (For recommendations of alternate placement, see RECOMMENDATIONS below.)

RECOMMENDATIONS:

(If 5(b) or (c) is applicable, skip items 6 and 7.)

6. I estimate that the further length of time the respondent will be required to remain in the hospital to be (not possible to be determined) (___ days).

7. I recommend (check one box):

- ___(a) the respondent remain in this hospital. (See EXPLANATION below.)
- ___(b) the respondent be transferred to _____ or another hospital. (See EXPLANATION below.)
- ___(c) the respondent remain in the hospital to which the respondent has already been transferred. (See EXPLANATION under item 4 above.)
- ___(d) the patient remain on leave until the date specified for return in item 4(c) above. (See EXPLANATION under item 4 above.)
- ___(e) the patient be placed on leave until _____, 19__. (See EXPLANATION below.)

EXPLANATION:

8. If continued hospitalization is recommended, state the reasons that in your judgment the recommended course of treatment is the least restrictive, effective treatment for this patient:

Signed _____
Hospital _____

Form 18a"

New form 18b.

That the following new form 18b be added:

"IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

_____,
Respondent.



No. _____
CHIEF MEDICAL OFFICER'S
PERIODIC REPORT PURSUANT
TO SECTION 229.15(2),
THE CODE

1. An order for treatment of the respondent on an outpatient or other appropriate basis at this facility was entered _____, 19__.
2. Attachment 1 which is incorporated as part of this report lists all types of chemotherapy given to or prescribed for the respondent at this facility for purposes of affecting the patient's behavior or mental state since the last report to the court, along with the effect on the respondent's behavior or mental state.
3. In my opinion, the patient's condition (has improved) (remains unchanged) (has deteriorated).
4. Check one box.
 - ___(a) Respondent was tentatively discharged on _____, 19__, pursuant to section 229.16, The Code, because in my opinion the respondent no longer requires treatment or care for serious mental impairment. (See EXPLANATION below).
 - ___(b) Respondent is failing or refusing to submit to treatment as ordered by the court and, in my opinion, has not shown good cause. (See EXPLANATION below.)
 - ___(c) Respondent is in treatment as directed by the order of the court. (See EXPLANATION below.)

EXPLANATION:

(If 4(a) is applicable, skip items 5 through 7.)

5. In my opinion the following subsection of section 229.14, The Code, is applicable (check one box):

- (a) Respondent is seriously mentally impaired and in need of full-time custody, care and treatment in a hospital and is considered likely to benefit from treatment. (See EXPLANATION below.)
- (b) Respondent is seriously mentally impaired and in need of treatment, but can continue in outpatient treatment. (See EXPLANATION below.)
- (c) Respondent is seriously mentally impaired and in need of full-time custody and care, but is unlikely to benefit from treatment in a hospital. (For recommendation of alternate placement, see EXPLANATION below.)

EXPLANATION:

(If 5(a) or (c) is applicable, skip item 6.)

6. I estimate that the further length of time the respondent will require outpatient or other appropriate treatment at this facility to be (not possible to be determined) (____ days).

7. If inpatient hospitalization is recommended, state the reasons that in your judgment the recommended course of treatment is the least restrictive, effective treatment for this patient.

Signed _____
Hospital _____

Form 18b"

New form 18c.

That the following new form 18c be added:

"IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

Respondent.



No. _____
PERIODIC REPORT PURSUANT
TO SECTION 229.15(3), THE
CODE (ALTERNATE PLACEMENT)

1. An order for continued placement of the respondent at this facility was entered _____, 19__.

2. Attachment 1 which is incorporated as part of this report lists all types of chemotherapy given at this facility to the respondent for purposes of affecting the patient's behavior or mental state since the last report to the court, along with the effect on the respondent's behavior or mental state.

3. In my opinion, the patient's condition (has improved) (remains unchanged) (has deteriorated). Additional information concerning the patient's condition and prognosis is provided below:

4. Check one box.

(a) Respondent was tentatively discharged on _____, 19__, pursuant to section 229.16, The Code, because in my opinion the respondent no longer requires treatment or care for serious mental impairment. (See EXPLANATION below).

(b) Respondent continues to be in the custody of this facility.

EXPLANATION:

(If 4(a) is applicable, skip items 5 and 6.)

5. In my opinion the following subsection of section 229.14, The Code, is applicable (check one box):

(a) Respondent is seriously mentally impaired and in need of full-time custody, care and treatment in a hospital and is considered likely to benefit from treatment. (See RECOMMENDATIONS below.)

(b) Respondent is seriously mentally impaired and in need of treatment, but does not require full-time hospitalization. (See RECOMMENDATIONS below.)

(c) Respondent is seriously mentally impaired and in need of full-time custody and care, but is unlikely to benefit from further treatment in a hospital. (See RECOMMENDATIONS below, which recommend continued placement at this facility or alternate placement.)

RECOMMENDATIONS:

(If 5(b) is applicable, skip item 6.)

6. If placement in a hospital is recommended, state the reasons that in your judgment the recommended course of treatment is the least restrictive, effective treatment for this patient. If placement in a facility other than

hospital is recommended, state the reasons that in your judgment the respondent is unlikely to benefit from treatment in a hospital.

Signed _____
Facility _____

Form 18c"

Form 24.

That form 24 be amended as follows:

"-----
Chief-Medical-Officer

IN THE MATTER OF:
_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,

Respondent.

ORDER OF DETENTION
PURSUANT TO SECTION
229.22(2), THE CODE.

DATE: _____
TIME OF DETENTION: _____
TIME OF NOTIFICATION OF MAGISTRATE: _____
~~TIME-OF-ARRIVAL-OF-MAGISTRATE:-----~~

I order immediate detention of Respondent because there is reason to believe Respondent is seriously mentally impaired and likely to injure himself, herself or others if not immediately detained.

The following facts have led me to the above conclusions:

This order is made pursuant to the verbal instructions of _____
_____, magistrate.

Chief Medical Officer

ARRIVAL OF MAGISTRATE

Time of arrival of magistrate: _____

Magistrate

Form 24"

Respectfully submitted,
THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson
W. W. REYNOLDSON, CHIEF JUSTICE

Des Moines, Iowa
January 28, 1980

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the twenty-eighth day of January, 1980, of the foregoing report of the Supreme Court of Iowa pertaining to the Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill.

/s/ Frank Stork
Secretary of the Senate, 1980
Regular Session of the Sixty-
Eighth General Assembly of the
State of Iowa

ACKNOWLEDGMENT

I, the undersigned, Chief Clerk of the House of Representatives of the State of Iowa, hereby acknowledge delivery to me on the twenty-eighth day of January, 1980, of the foregoing report of the Supreme Court of Iowa pertaining to the Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill.

/s/ David L. Wray
Chief Clerk of the House of
Representatives, 1980 Regular
Session of the Sixty-Eighth
General Assembly of the State
of Iowa

CERTIFICATE

I, Terry E. Branstad, do hereby certify that I am the President of the Senate of the 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa; and I, Frank J. Stork, do hereby certify that I am the Secretary of the Senate of the 1980 Regular Session of the Sixty-eighth 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, 1980, the Supreme Court of the State of Iowa reported to said Senate, and filed with it, the attached and foregoing Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill;

THAT the date of making said report to the 1980 Regular Session of the Sixty-eighth General Assembly was within the twenty days subsequent to the convening of the 1980 Regular Session of the Sixty-eighth General Assembly;

THAT no other report pertaining to the Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill was made or filed by said Supreme Court with said Senate;

THAT no changes, modifications, amendments, revisions or additions to the Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill were made or enacted at such 1980 Regular Session of said Sixty-eighth General Assembly.

Signed this 26th day of April, 1980, being the sine die adjournment of the 1980 Regular Session of the Sixty-eighth General Assembly.

/s/ Terry E. Branstad

TERRY E. BRANSTAD

President of the Senate

/s/ Frank J. Stork

FRANK J. STORK

Secretary of the Senate, 1980
Regular Session of the Sixty-
eighth General Assembly of the
State of Iowa.

CERTIFICATE

I, William H. Harbor, do hereby certify that I am the Speaker of the House of Representatives of the 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa; and I, Bruce Graham, do hereby certify that I am the Assistant Chief Clerk of the House of Representatives of the 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa, and we do hereby jointly certify that as such Speaker and Assistant Chief Clerk that on the twenty-eighth day of January, 1980, the Supreme Court of the State of Iowa reported to said House of Representatives, and filed with it, the attached and foregoing Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill;

THAT the date of making said report to the 1980 Regular Session of the Sixty-eighth General Assembly was within the twenty days subsequent to the convening of the 1980 Regular Session of the Sixty-eighth General Assembly;

THAT no other report pertaining to the Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill 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 Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill were made or enacted at such 1980 Regular Session of said Sixty-eighth General Assembly.

Signed this 26th day of April, 1980, being the sine die adjournment of the 1980 Regular Session of the Sixty-eighth General Assembly.

/s/ William H. Harbor

WILLIAM H. HARBOR

Speaker of the House

/s/ Bruce Graham

BRUCE GRAHAM

Assistant Chief Clerk of the House of Representatives, 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa.

RULES FOR JUVENILE PROBATION OFFICERS

**CHAPTER 1212
JUVENILE PROBATION OFFICERS**

IN THE MATTER OF THE RULES,
STANDARDS, QUALIFICATIONS
AND TRAINING REQUIREMENTS
FOR JUVENILE PROBATION OF-
FICERS

}

REPORT OF THE

SUPREME COURT

TO THE 1980 REGULAR SESSION OF THE SIXTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF IOWA:

Pursuant to sections 684.21 and 684.19, The Code, the Supreme Court of Iowa hereby reports to the General Assembly the following proposed changes in the existing Rules, Standards, Qualifications, and Training Requirements for juvenile probation officers as same now appear in section 231.8, The Code:

RULES, STANDARDS AND QUALIFICATIONS

The Supreme Court of Iowa has established the following rules, standards and qualifications of probation officers to be selected and appointed by juvenile court judges in Iowa.

FOR PROBATION OFFICERS

A. Age, Education and Experience

1. Age at least 21 years, and a citizen of the United States.
2. A minimum of a bachelor's degree from an accredited college or university with emphasis on law, criminal justice, criminology, psychology, sociology or related fields of social sciences.
3. A working knowledge of the Iowa court system and the functions of juvenile courts.

B. Personal Qualities

1. Emotional maturity and stability; personal and professional integrity; ability to establish effective interpersonal relationships; an honest conviction of the dignity and value of the individual; belief in the capacity of people to change for the better; a genuine interest in helping others; a large amount of patience.

2. Intellectual depth, mature judgment, warmth, continuing interest in professional improvement.

3. Ability to co-operate with others and to accept constructive criticism, and suggestions and directions from superiors.

FOR CHIEF PROBATION OFFICERS OF JUDICIAL
DISTRICTS OR MORE POPULOUS COUNTIES

A. Age, Education and Experience

1. Same as for probation officers, as stated in 1, 2 and 3 above, plus at least three years of paid, full-time employment in the field of juvenile court service or comparable social casework agency.

B. Personal Qualities

1. Same as for probation officers as stated in 1, 2 and 3 above, plus

2. Ability to develop ~~casework~~ appropriate skills in others within the agency's legal, administrative, and budgetary limitations and to interpret departmental policies and procedures to staff.

3. Demonstrated administrative and organizing abilities.

4. Ability to write and speak effectively.

5. Demonstrated ability to establish and maintain effective working relationships with individuals and groups.

MISCELLANEOUS

No one should be selected or appointed probation officer or chief probation officer without at least one personal interview between the juvenile court judge and the person under consideration.

JUVENILE-PROBATION-OFFICERS

The Supreme Court of Iowa hereby establishes the following "Training Requirements" for juvenile probation officers:

TRAINING REQUIREMENTS

All juvenile probation officers appointed to officer after July 1, 1974, must, within the first year of their employment, successfully complete a basic training program which is oriented toward the disciplines of law, law enforcement, corrections, and child welfare. Program length shall be not less than four consecutive weeks of five days each and not more than seven such weeks. The program shall be offered twice each calendar year.

Administration of the program shall be vested in a Training Committee comprised of five members appointed by the Supreme Court. The original appointment shall be one member for a one-year term, two for a two-year term, and two for a four-year term. The Court shall designate one of the four-year members to be chairman. All succeeding appointments by the Court shall be for terms of four years. Two of the members shall be juvenile court judges, two shall be juvenile probation officers, and one shall be a collegiate-level educator in the criminal justice field.

Effective July 1, 1980, membership on the training committee shall be expanded by adding two members to be appointed by the Supreme Court to four-year terms. One such appointee shall be a juvenile court judge and the other

shall be a probation officer who is a graduate of the basic training program.
No member shall serve more than two full four-year terms. Vacancies ~~created~~
~~by-the-resignation-of-a-member~~ shall be filled for the unexpired term in the
same manner as the original appointments. Membership on the committee shall
not constitute holding a public office and members shall serve without
compensation.

It shall be the duties of the committee to fix the dates and locale of
each training session, to determine the curriculum content of the program, to
oversee the operation of the program, to seek out and secure funding for the
program's operation, if necessary, and to develop rules, standards, and
requirements, all subject to the approval of the Supreme Court.

It shall also be the responsibility of the committee to concern itself
with the continuing education and training of chief and other administrative
juvenile probation officers and, from time-to-time, to recommend that the
Court issue a call to all chief juvenile probation officers for their
mandatory participation in administrative and management-level training
sessions related to their employment. Said call shall include such other
juvenile probation officers for permissive participation as the committee
shall deem proper.

The duties of the committee toward administrative training shall be the
same as those hereinbefore described for the basic training program. All
such administrative training sessions shall be subject to the prior approval
of the Supreme Court.

The committee shall make an annual report to the Supreme Court by December
31 of each year. Included therein shall be relevant data regarding the
curriculum, operation, standards, and the degree of participation in both the
basic training program and the administrative training sessions.

Respectfully submitted,
THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson
W. W. REYNOLDSON, CHIEF JUSTICE

Des Moines, Iowa
January 28, 1980

ACKNOWLEDGMENT

I, Frank Stork, Secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the twenty-eighth day of January, 1980, of the foregoing report of the Supreme Court of Iowa pertaining to the Rules, Standards, Qualifications and Training Requirements for juvenile probation officers.

/s/ Frank Stork

FRANK STORK, Secretary of the Senate, 1980 Regular Session of the Sixty-Eighth General Assembly of the State of Iowa

ACKNOWLEDGMENT

I, David L. Wray, Chief Clerk of the House of Representatives of the State of Iowa, hereby acknowledge delivery to me on the twenty-eighth day of January, 1980, of the foregoing report of the Supreme Court of Iowa pertaining to the Rules, Standards, Qualifications and Training Requirements for juvenile probation officers.

/s/ David L. Wray

DAVID L. WRAY, Chief Clerk of the House of Representatives, 1980 Regular Session of the Sixty-Eighth General Assembly of the State of Iowa

CERTIFICATE

I, Terry E. Branstad, do hereby certify that I am the President of the Senate of the 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa; and I, Frank J. Stork, do hereby certify that I am the Secretary of the Senate of the 1980 Regular Session of the Sixty-eighth 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, 1980, the Supreme Court of the State of Iowa reported to said Senate, and filed with it, the attached and foregoing Rules, Standards, Qualifications and Training Requirements for Juvenile Probation Officers;

THAT the date of making said report to the 1980 Regular Session of the Sixty-eighth General Assembly was within the twenty days subsequent to the convening of the 1980 Regular Session of the Sixty-eighth General Assembly;

THAT no other report pertaining to the Rules, Standards, Qualifications and Training Requirements for Juvenile Probation Officers was made or filed by said Supreme Court with said Senate;

THAT no changes, modifications, amendments, revisions or additions to the Rules, Standards, Qualifications and Training Requirements for Juvenile Probation Officers were made or enacted at such 1980 Regular Session of said Sixty-eighth General Assembly.

Signed this 26th day of April, 1980, being the sine die adjournment of the 1980 Regular Session of the Sixty-eighth General Assembly.

/s/ Terry E. Branstad

TERRY E. BRANSTAD

President of the Senate

/s/ Frank J. Stork

FRANK J. STORK

Secretary of the Senate, 1980
Regular Session of the Sixty-
eighth General Assembly of the
State of Iowa.

CERTIFICATE

I, William H. Harbor, do hereby certify that I am the Speaker of the House of Representatives of the 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa; and I, Bruce Graham, do hereby certify that I am the Assistant Chief Clerk of the House of Representatives of the 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa, and we do hereby jointly certify that as such Speaker and Assistant Chief Clerk that on the twenty-eighth day of January, 1980, the Supreme Court of the State of Iowa reported to said House of Representatives, and filed with it, the attached and foregoing Rules, Standards, Qualifications and Training Requirements for Juvenile Probation Officers;

THAT the date of making said report to the 1980 Regular Session of the Sixty-eighth General Assembly was within the twenty days subsequent to the convening of the 1980 Regular Session of the Sixty-eighth General Assembly;

THAT no other report pertaining to the Rules, Standards, Qualifications and Training Requirements for Juvenile Probation Officers was made or filed by said Supreme Court with said House of Representatives;

THAT no changes, modifications, amendments, revisions or additions to the Rules, Standards, Qualifications and Training Requirements for Juvenile Probation Officers were made or enacted at such 1980 Regular Session of said Sixty-eighth General Assembly.

Signed this 26th day of April, 1980, being the sine die adjournment of the 1980 Regular Session of the Sixty-eighth General Assembly.

/s/ William H. Harbor

WILLIAM H. HARBOR

Speaker of the House

/s/ Bruce Graham

BRUCE GRAHAM

Assistant Chief Clerk of the House of Representatives, 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa.



RESOLUTIONS

SENATE CONCURRENT RESOLUTIONS

- SCR 101 Amendment to joint rules of House and Senate for the 1980 session of the General Assembly. Adopted, S.J. 113-116, 127, 183-185, 196, 304, 411; Adopted, H.J. 252-256, 409.
- SCR 102 Transfer of assets for the purpose of establishing eligibility for medical assistance benefits; U.S. Congress urged to ban practice. Adopted, S.J. 209, 227, 366, 418, 497, 498; Introduced, H.J. 598, 599.
- SCR 103 "Decade of the Family," proclamation, 1980-1989. Adopted, S.J. 219, 239, 366, 418, 498, 1684; Adopted, H.J. 599, 600, 2040, 2045.
- SCR 104 Midwest rail crisis. Introduced, S.J. 302, 303, 312, 350, 357, 366. Withdrawn, S.J. 364. [HCR 109 substituted for SCR 104, S.J. 357]
- SCR 105 Educational needs of children, task force to study future direction of education in state. Introduced, S.J. 355, 356, 394, 544, 881, 882, 885, 984.
- SCR 106 Impact of tax exempt property, (H.F. 2072), committee to study. Introduced, S.J. 377, 414, 456, 544.
- SCR 107 Special joint committee on courts, study continuation during interim. Introduced, S.J. 377, 378, 414, 456.
- SCR 108 Federal land policies affecting western states, "Sagebrush rebellion", endorsement and support by General Assembly. Introduced, S.J. 388, 389, 414, 456, 466, 660, 855, 868, 875, 1021.
- SCR 109 Uniformity of assessment practices and policies throughout state, interim committee to study. Introduced, S.J. 410, 411, 456.
- SCR 110 "Porcelain Art Month", July designation. Introduced, S.J. 433, 462, 544.
- SCR 111 School census, study committee created. Adopted, S.J. 571, 572, 606, 1021, 1091, 1092, 1097, 1098. Introduced, H.J. 1239, 1240.
- SCR 112 Narrow base terraces, soil conservation. Introduced, S.J. 590, 591, 631, 756.
- SCR 113 Soil erosion, "Iowa Soil 2000" goal, intermediate objectives and guidelines. Adopted, S.J. 620, 621, 655, 756, 784, 1247, 1248; Introduced, H.J. 1396-1398.
- SCR 114 Governor's Economy Committee 1979 recommendations, study committee to review bill drafts to facilitate implementation. Introduced, S.J. 624, 625, 655, 1022. [See HCR 131]
- SCR 115 U.S. Internal Revenue Code, Congress urged to provide for unlimited exemptions on obligations issued to finance certain railroad improvement projects. Introduced, S.J. 650, 651, 677, 717, 1092. Withdrawn, S.J. 1097. [HCR 110 substituted for SCR 115, S.J. 1097]
- SCR 116 Secondary road system, committee to study. Introduced, S.J. 668, 669, 679, 773, 1022.
- SCR 117 State chronic renal disease program, evaluation and cost containment study. Adopted, S.J. 751, 752, 760, 764, 825, 826; Introduced, H.J. 934, 935.
- SCR 118 State juvenile probation offices, legislative fiscal bureau evaluation. Adopted, S.J. 820, 835, 1001, 1002; Introduced, H.J. 1128, 1129, 1165, 1391.
- SCR 119 Prison Industries Advisory Board's report, study committee to review recommendations and make reports to the General Assembly. Introduced, S.J. 849, 850, 860, 983, 984.
- SCR 120 Area schools, department of public instruction to review method of allocation of funds. Introduced, S.J. 852, 853, 879. [See SCR 140, SCR 146, HCR 139]
- SCR 121 Juvenile justice law, interim joint subcommittee to study need for any changes and report findings. Introduced, S.J. 876, 883, 984.
- SCR 122 Railroad transportation, extension of railroad service by Kansas City Terminal Railway. Introduced, S.J. 965, 966. [See HCR 119]
- SCR 123 Missouri River barge traffic, compact between Nebraska, Missouri, Kansas and Iowa. Introduced, S.J. 1058-1060, 1202, 1282. [See HCR 120]
- SCR 124 Franchise agreements, legislation regulating termination, interim study. Introduced, S.J. 1131, 1132, 1136.
- SCR 125 Revision of federal income tax law to allow married couples the option of filing jointly or individually as single persons. Introduced, S.J. 1143, 1205, 1282.
- SCR 126 Educational programs and services for autistic children, promulgation of additional administrative rules by the department of public instruction. Adopted, S.J. 1186, 1187, 1207, 1386, 1387, 1823; Adopted, H.J. 1584-1586, 2211, 2212, 2214.
- SCR 127 Easter recess, April 3, 1980 — April 7, 1980. Adopted, S.J. 1229, 1232, 1250, 1253. Adopted, H.J. 1322.
- SCR 128 Grain embargo on sale of agricultural products to Soviet Union, lifting. Introduced, S.J. 1251, 1252, 1259, 1288, 1401, 1823. [See HCR 124, HR 102]

RESOLUTIONS—Continued

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- SCR 129 Pre-need sale of personal property and services used in the final disposition of dead human bodies, interim study. Introduced, S.J. 1269, 1270, 1288, 1401.
- SCR 130 Medical practitioner shortage in rural communities, committee to study. Introduced, S.J. 1270, 1323, 1401.
- SCR 131 Sale of raw milk, study committee created. Introduced, S.J. 1297, 1298, 1352, 1401.
- SCR 132 Suspension of Joint Rule 18 for the consideration of S.F. 2210. Introduced, S.J. 1321, 1401.
- SCR 133 Utilization of Iowa coal, interim study committee created. Introduced, S.J. 1342, 1343, 1401. [See SCR 143, HR 108]
- SCR 134 James C. Rose, Comptroller's office, recognition by the General Assembly for distinguished service. Introduced, S.J. 1372, 1402, 1542.
- SCR 135 Control of increases in state and local taxes, committee to study concepts. Introduced, S.J. 1437, 1438, 1507, 1542.
- SCR 136 Grain elevators, financial losses due to insufficient assets, committee to conduct a comprehensive study. Introduced, S.J. 1504, 1505, 1528, 1852. [See HCR 114]
- SCR 137 Legislative council to determine priorities of interim study committees not approved. Adopted, S.J. 1516, 1517, 1543, 1607, 1613; Introduced, H.J. 1980-1983.
- SCR 138 Howard Carter, "Teacher of the Year" award, congratulations by General Assembly. Introduced, S.J. 1522, 1824, 1852.
- SCR 139 Library medical center organization practices, feasibility of media specialist certified by the department of public instruction. Introduced, S.J. 1553, 1589.
- SCR 140 Area schools, department of public instruction to review method of allocation of funds. Adopted, S.J. 1570, 1571, 1591, 1617, 1618, 1622. Introduced, H.J. 2021. [See SCR 120, SCR 146, HCR 139]
- SCR 141 Grain moisture testing meters and grain grading procedures, committee to study and report results. Introduced, S.J. 1625, 1701.
- SCR 142 Productivity formula for valuing and assessing agricultural property, standing committees on ways and means to review prior to implementation. Adopted, S.J. 1730, 1779, 1780, 1822, 1827, 1851, 1852; Adopted, H.J. 2234, 2235.
- SCR 143 Utilization of Iowa coal, need for air quality legislation, interim study committee established. Introduced, S.J. 1772, 1773. [See SCR 133, HR 108]
- SCR 144 Rail service, vital to state's economy, interim study committee created to study rail bonding and other railroad problems. Introduced, S.J. 1790. [See HCR 109]
- SCR 145 Highway funding problems, interim committee to study. Introduced, S.J. 1790, 1791.
- SCR 146 Area education agencies, administrative expenditures, programs and services, study committee established. Introduced, S.J. 1796, 1797. [See SCR 120, SCR 140, HCR 139]

HOUSE CONCURRENT RESOLUTIONS

- HCR 101 Joint convention, January 15, 1980, 10:00 a.m., Governor Ray's condition of the state message. Adopted, H.J. 4; Adopted S.J. 19, 20.
- HCR 102 Official state fish, designation. Introduced H.J. 18.
- HCR 103 Gasohol, use by state owned and operated vehicles. Adopted, H.J. 159, 160, 570, 583, 585, 589; Introduced, S.J. 531, 532, 556, 564, 565, 582, 756.
- HCR 104 Joint convention, February 6, 1980, 11:00 a.m., presentation by Chief Justice W. Ward Reynoldson on the condition of the judicial department. Adopted, H.J. 185, 256, 536; Adopted, S.J. 229, 239, 250, 287.
- HCR 105 Grain shipments to export points. Introduced, H.J. 326.
- HCR 106 National transportation policy, establishment. Introduced, H.J. 327.
- HCR 107 Feasibility of state acquiring all railroad right of way, study committee created. Introduced, H.J. 328.
- HCR 108 Joint convention, Tuesday, February 12, 1980, 11:00 a.m., in observance of Lincoln's birthday; address by Hon. Arthur A. Neu. Adopted, H.J. 328, 364, 379, 380, 464; Adopted, S.J. 330, 369, 386.
- HCR 109 Midwest rail crisis. Adopted, H.J. 362, 363, 390, 391, 434, 454; Adopted, S.J. 338-340, 357, 363, 364, 392. [HCR 109 substituted for SCR 104, S.J. 357] [See also SCR 144]
- HCR 110 U.S. Internal Revenue Code, Congress urged to provide for unlimited exemptions on obligations issued to finance certain railroad improvement projects. Adopted, H.J. 398, 399, 764; Adopted, S.J. 741, 742, 1097. [HCR 110 substituted for SCR 115, S.J. 1097]
- HCR 111 Addition to general hospital, State University of Iowa, board of regents authority. Adopted, H.J. 536-538, 545, 600, 611, 833; Adopted, S.J. 578-580, 606, 677, 725, 726, 756.
- HCR 112 Use of federal funds by state agencies, impact on state's appropriation process, legislative fiscal committee to report findings and recommendations. Adopted, H.J. 550, 551, 600, 611; Introduced, S.J. 578, 580, 581, 606, 1022.
- HCR 113 Cessation of the purchase of vodka and other alcoholic spirits produced by the Soviet Union. Introduced H.J. 623, 624.
- HCR 114 Grain elevator collapse, study committee created to review facts. Adopted, H.J. 643, 644, 692, 697; Introduced, S.J. 625, 626, 655, 1023. [See SCR 136]
- HCR 115 Biennial school census, feasibility of eliminating current legal requirement. Introduced, H.J. 667
- HCR 116 Bird Day designation. Introduced, H.J. 844, 845.
- HCR 117 Mobile home parks, safety, committee to study. Adopted, H.J. 891, 892, 1401; Introduced, S.J. 1357, 1402, 1542.
- HCR 118 State correctional institutions' personnel, merit employment commission study. Adopted, H.J. 964, 965, 995, 1113; Introduced, S.J. 1053, 1054, 1202, 1284. [See HCR 136]
- HCR 119 Kansas City Terminal Railway, extension of service. Adopted, H.J. 995, 996, 1061, 1063; Adopted, S.J. 982-984. [See SCR 122]
- HCR 120 Missouri River barge traffic, compact between Nebraska, Missouri, Kansas and Iowa. Adopted, H.J. 1106, 1107, 1408, 1442, 1445, 2048, 2049, 2201; Adopted, S.J. 1727, 1728, 1779, 1788, 1791, 1808. [See SCR 123]
- HCR 121 Coal severance taxes, Congress urged to act favorably on legislation calling for ceiling. Adopted, H.J. 1172, 1415; Introduced, S.J. 1357, 1358, 1402.
- HCR 122 Municipally owned airports, operational and expansion costs, interim committee authorized to study. Introduced, H. J. 1189, 1190.
- HCR 123 State freeze on hiring, salary increases, expansion of existing programs and institution of new programs. Introduced, H.J. 1286.
- HCR 124 Grain embargo on sale of agricultural products to Russia, lifting. Introduced, H.J. 1292, 1293. [See HR 102, SCR 128]
- HCR 125 Victim compensation and restitution, appointment of interim joint study committee to study need. Introduced, H.J. 1388.
- HCR 126 Joint convention, Wednesday, April 9, 1980, 10:30 a.m.; special budget message by Governor Robert D. Ray. Adopted, H.J. 1400, 1401, 1442; Adopted, S.J. 1298-1300, 1314.

RESOLUTIONS—Continued

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- HCR 127 Tax relief for Iowans caring for elderly and handicapped persons in their homes, interim joint ways and means subcommittee to study. Adopted, H.J. 1453, 1454, 2041, 2045; Introduced, S.J. 1682, 1683, 1685.
- HCR 128 Jurisdictional transfers of roads or streets, restriction until enactment of legislation. Adopted, H.J. 1537, 1538, 2211, 2214; Introduced, S.J. 1823-1825.
- HCR 129 Interest rates on savings deposits, federal government urged to provide necessary authority to states to set their own interest rates. Introduced, H.J. 1538, 1539.
- HCR 130 Amendment to joint rules of the General Assembly regarding the reporting of gifts. Adopted, H.J. 1711, 1763, 1965, 2175, 2184; Introduced, S.J. 1796, 1814.
- HCR 131 Governor's Economy Committee 1979 report, study committee to analyze recommendations and submit report with bill drafts. Introduced, H.J. 1775. [See SCR 114]
- HCR 132 Municipal and regional mass transportation systems, funding, interim study committee authorized. Introduced, H.J. 1775, 1776.
- HCR 133 Family impact statement, development of policy statement of legislative goals regarding the Iowa family. Introduced, H.J. 1776, 1777, 1842, 1871.
- HCR 134 Reduction in operational costs of the Legislature. Adopted, H.J. 1777, 1778, 1842, 2207, 2214; Introduced, S.J. 1825, 1826.
- HCR 135 Elementary and secondary schools, declining enrollment, interim study committee to review alternatives and develop a state policy. Introduced, H.J. 1894, 1895.
- HCR 136 State correctional system, interim study committee authorized to examine wide range of problems. Introduced, H.J. 1983, 1984. [See HCR 118]
- HCR 137 Iowa Probate Code, amendments, interim study authorized. Introduced, H.J. 1984, 1985.
- HCR 138 "Iowa Freedom Day", Wednesday, May 14, 1980, proclamation by Governor. Adopted, H.J. 2081, 2211, 2214; Introduced, S.J. 1826, 1827.
- HCR 139 Area education agencies' administrative expenditures, study committee established. Introduced, H.J. 2108. [See SCR 120, SCR 140, SCR 146]
- HCR 140 Adjournment, sine die, April 26, 1980, Sixty-eighth General Assembly, 1980 Session. Adopted, H.J. 2238-2240; Adopted, S.J. 1850.

SENATE RESOLUTIONS

- SR 101 Permanent rules of the Senate, amendments. Adopted, S.J. 35-41, 46, 117, 118, 128.
- SR 102 History of the General Assembly, Secretary of Senate to prepare books for distribution. Adopted, S.J. 41, 46, 47, 121.
- SR 103 Senate Code of Ethics 1979, adoption for 1980 regular session. Adopted, S.J. 242, 243, 287.
- SR 104 Further amendment of Senate permanent rules as amended and adopted on January 11, 1979. Adopted, S.J. 243, 244, 250, 1617.
- SR 105 Forest City coal gasification project. Adopted, S.J. 355, 362, 363. [See HR 106]
- SR 106 Community hall, Mapleton, congratulations by Senate to citizens for community effort. Introduced S.J. 442, 443, 486, 544.
- SR 107 Workers' compensation insurance coverage by agricultural employers, high costs, committee to study. Introduced, S.J. 752, 753, 782, 1022.
- SR 108 Illegal gambling activities, interim study committee established. Introduced, S.J. 869, 870, 1022.
- SR 109 Ankeny Hawkettes, Girls' State Basketball Champions, congratulations by General Assembly. Introduced, S.J. 955, 995.
- SR 110 Criminal leniency, sentencing alternatives, interim study committee appointed. Introduced, S.J. 1091, 1103, 1250, 1282.
- SR 111 Re-evaluation of all sulfur air quality studies and standards affecting Iowa. Adopted, S.J. 1320, 1321, 1539, 1540.
- SR 112 Pari-mutuel betting, implementation of redevelopment plan of Iowa state fair, interim study committee authorized. Introduced, S.J. 1521, 1522, 1852. [See HR 112]
- SR 113 Interfaith Church of the Land, Living History Farms, support urged by Senate for private donations. Adopted, S.J. 1624, 1625, 1701, 1779, 1844. [See HR 111]
- SR 114 Amendment to Senate rules on lobbyists, legislative interim study. Adopted, S.J. 1681, 1682, 1713.
- SR 115 Senator Cloyd Robinson, not seeking re-election, extension of gratitude by Senate for his years of devoted service. Adopted, S.J. 1829.
- SR 116 Senator Joann Orr, not seeking re-election, extension of gratitude by Senate for her years of devoted service. Adopted, S.J. 1837, 1838.
- SR 117 Senator Elizabeth Miller, not seeking re-election, extension of gratitude by Senate for her years of devoted service. Adopted, S.J. 1833, 1834.
- SR 118 Senator Willard R. Hansen, not seeking re-election, extension of gratitude by Senate for his years of devoted service. Adopted, S.J. 1845, 1846.
- SR 119 Senator Irvin L. Bergman, not seeking re-election, extension of gratitude by Senate for his years of devoted service. Adopted, S.J. 1838, 1839.
- SR 120 Senate legislative expenses, budgetary plan. Adopted, S.J. 1847-1849.
- SR 121 Frank J. Stork, Secretary of the Senate, appreciation by Senate and staff for the impartial administration of his duties and best wishes for success in his new endeavor. Adopted, S.J. 1849, 1850.

RESOLUTIONS—Continued

HOUSE RESOLUTIONS

- HR 101 Expenditure of funds for the operation and expenses of the General Assembly, adoption of guidelines. Adopted, H.J. 82, 83, 89, 90.
- HR 102 Grain embargo, effect on farmers. Introduced, H.J. 127, 136, 143, 144, 153. [See HCR 124, SCR 128]
- HR 103 Temporary rules of the House adopted by the 1979 session, amendments. Adopted, H.J. 229-232, 263, 304, 305, 353, 364, 377, 395-398.
- HR 104 Peacetime draft registration, opposition to by Iowans and the House of Representatives. Introduced, H.J. 329.
- HR 105 Expression of gratitude to the Canadian government and their diplomatic personnel who aided in the safe departure of American diplomats from Tehran. Adopted, H.J. 329, 330, 454.
- HR 106 Forest City coal gasification project, funding. Adopted, H.J. 435, 496. [See SR 105]
- HR 107 House Code of Ethics, lobbyists, amendment. Introduced, H.J. 494, 495.
- HR 108 Iowa coal, re-evaluation of all sulfur air quality studies and standards. Adopted, H.J. 1388, 1389, 1591. [See SCR 133, SCR 143]
- HR 109 David L. Wray, Chief Clerk of the House, resignation; expression of thanks by House members and staff for his years of nonpartisan services. Adopted, H.J. 1478, 1479.
- HR 110 House Code of Ethics, amendment by adding new rule on gift reporting. Adopted, H.J. 1711, 1712, 1763, 1965, 2025, 2156-2160.
- HR 111 Interfaith Church of the Land, Living History Farms, financial support urged. Adopted, H.J. 1778, 1965. [See SR 113]
- HR 112 Iowa state fair, redevelopment program, study committee to examine feasibility of pari-mutuel betting. Introduced, H.J. 1870, 1871. [See SR 112]

TABLES

TABLES

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87	1061	477	1149	2183	1052	2306	1179
89	1102	500	1134	2189	1165	2311	1124
97	1045	2002	1085	2197	1042	2314	1203
107	1087	2003	1193	2200	1109	2316	1117
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121	1034	2012	1163	2229	1187	2320	1012
185	1013	2015	1116	2230	1115	2327	1113
190	1173	2051	1104	2235	1023	2331	1200
205	1148	2060	1140	2238	1051	2337	1106
247	1083	2070	1036	2241	1007	2343	1041
278	1103	2071	1143	2243	1050	2352	1164
286	1157	2072	1006	2247	1129	2357	1154
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359	1026	2090	1137	2264	1142	2368	1029
382	1073	2098	1009	2267	1048	2369	1139
426	1084	2102	1063	2269	1008	2370	1206
430	1067	2114	1177	2272	1107	2371	1019
431	1044	2118	1060	2274	1028	2373	1135
432	1065	2121	1166	2275	1174	2374	1005
435	1091	2122	1121	2279	1172	2375	1168
437	1064	2123	1120	2281	1099	2376	1111
439	1038	2124	1108	2282	1025	2378	1095
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TABLES—Continued

TABLE OF SENATE AND HOUSE FILES

HOUSE FILES

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79	1178	2168	1093	2475	1077	2537	1160
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357	1039	2180	1119	2477	1002	2546	1074
402	1068	2181	1204	2478	1101	2550	1155
454	1161	2240	1024	2479	1114	2551	1076
471	1072	2245	1059	2481	1190	2554	1069
668	1182	2275	1145	2482	1096	2561	1153
673	1170	2277	1055	2486	1169	2562	1175
685	1189	2279	1098	2488	1081	2567	1128
687	1015	2299	1078	2490	1056	2572	1167
690	1016	2305	1035	2491	1158	2573	1122
695	1088	2311	1197	2492	1156	2577	1131
707	1021	2340	1079	2493	1151	2580	1001
708	1159	2355	1201	2495	1188	2581	1146
715	1181	2357	1195	2500	1123	2583	1118
717	1032	2365	1198	2501	1180	2584	1003
733	1147	2410	1062	2504	1125	2587	1112
736	1110	2425	1070	2511	1132	2591	1205
741	1144	2429	1192	2513	1171	2593	1075
744	1057	2443	1191	2516	1186	2594	1194
747	1100	2453	1105	2518	1018	2595	1004
2042	1033	2458	1080	2521	1090	2596	1027
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18.2	1010,§5	68B.5	1015,§8	97B.49(8)"a"	1014,§19
18.97	1012,§5; 1015,§1	69.8(3)	1015,§9	97B.50(1)	1014,§22
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123.6	1010,\$33	169.5(1)	1010,\$43	218.14	1059,\$1
123.7	1010,\$34	169.5(2)	1010,\$43	218.60	1015,\$27
123.20(8)	1015,\$17	169.12	1036,\$27	218.91	1057,\$4
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123.26	1040,\$1	172D.3(2)“b”	1148,\$62	219.9	1059,\$2
123.27	1040,\$2	172D.3(2)“c”	1148,\$63	220.1(20)	1062,\$1
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123.41	1041,\$2	185.1(11)	1051,\$1	220.11	1050,\$34
123.49(2)“d”	1040,\$4	185.10	1051,\$3	220.18(2)	1012,\$18
123.53(1)	1040,\$5	185.13(4)	1051,\$4	220.24	1062,\$3
123.56	1040,\$6	185.21	1051,\$5	220.26(1)	1062,\$4
123.91(3)	1015,\$18	185.23	1051,\$7	220.35(1)	1062,\$5
123.92	1043,\$1	185.24	1051,\$8	225B.3(1)	1010,\$48
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123.96(2)	1040,\$7	185.27	1051,\$10	229.2(1)	1063,\$2
123.124	1038,\$2	185.29	1051,\$11	229.4(1)	1063,\$3
123.145	1038,\$3	185.32	1051,\$12	229.4(2)	1063,\$3
123.150	1015,\$19	185.33	1051,\$13	229.8(1)	1015,\$28
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125.44	1003,\$4,5	185C.1(9)	1052,\$1	229.10(2)	1063,\$5
125.48	1003,\$11	185C.1(11)	1052,\$1	229.13	1063,\$6
127.6	1012,\$12	185C.10	1052,\$3	229.19	1063,\$7
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135.4	1010,\$86	185C.21	1052,\$5	229.20(2)	1015,\$29
135.5	1010,\$86	185C.23	1052,\$6	229.21(1)	1015,\$30; 1063,\$9
135.62(2)“b”	1010,\$37	185C.26	1052,\$7	229.25	1063,\$10
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135C.12	1044,\$2	185C.32	1052,\$9	229.39(2)	1012,\$20
135C.19(1)	1044,\$3	185C.33	1052,\$10	229.52(3)	1003,\$8
135C.25	1012,\$14	188.25	1015,\$22	230.20(5)	1012,\$21; 1015,\$31
135C.37	1044,\$4	188.48(5)	1012,\$15	231.3	1022,\$3
135C.38(2)	1044,\$5	188.50	1012,\$16	232.22(1)“c”	1012,\$22
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135E.2	1010,\$38	196.1	1053,\$1	232.127(8)	1012,\$24
135E.5	1036,\$12	196.1(2)	1053,\$2	234.15	1050,\$40
135E.10	1036,\$13	196.1(5)	1053,\$3	234.16	1050,\$40
142A.7(2)	1015,\$20	196.1(7)	1053,\$4	234.17	1050,\$40
144.24	1177,\$1	196.2	1053,\$5	234.18	1050,\$40
145A.17	1025,\$21	196.3	1053,\$6	234.19	1050,\$40
147.1(2)	1045,\$9	196.4	1053,\$7	234.20	1050,\$40
147.1(3)	1045,\$9	196.5	1053,\$8	234.28	1015,\$32
147.2	1045,\$10	196.8	1053,\$9	237A.1	1066,\$1
147.3	1045,\$11	196.9	1053,\$10	237A.12(1)	1066,\$2
147.10	1036,\$14	200.5	1148,\$64	239.1(3)	1001,\$68
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147.13	1045,\$12	202.6	1025,\$23	242.1	1057,\$5
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147.80(12)	1036,\$15	206.11(1)“d”(5)	1148,\$66	246.6	1059,\$3
147.100	1036,\$16	206.14	1148,\$67	246.7	1059,\$3
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257.3	1010,\$51	305.8	1148,\$74	321.189(2)"d"	1015,\$45
257.4	1010,\$52	305.9	1148,\$75	321.189(3)	1103,\$6
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258.9	1072,\$1	307.5	1010,\$57	321.209	1105,\$2
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258A.1(1)"w"	1012,\$29	307.15	1010,\$58	321.212	1094,\$24; 1103,\$11
258A.3(1)"j"	1036,\$29	307.16	1010,\$59	321.215(1)"d"	1103,\$12
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258A.4(1)"f"	1012,\$31; 1045,\$20; 1073,\$3	309.40	1097,\$1	321.233	1094,\$25
258A.6(1)	1012,\$32	309.42	1097,\$2	321.236(1)	1103,\$14
260.9	1012,\$33	309.47(4)	1025,\$29	321.238(21)	1094,\$26
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262.2	1010,\$53	309.81	1098,\$1	321.275	1094,\$28
262.3	1010,\$56	309.82	1098,\$2	321.281	1003,\$9
262.6	1010,\$54	310.27	1099,\$1	321.283(3)	1003,\$10; 1012,\$38
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273.8(1)	1075,\$3	314.12	1102,\$1	321.386	1094,\$32
274.4	1079,\$7	316.1(9)	1015,\$38	321.409	1094,\$33
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275.20	1080,\$2	316.9	1015,\$40	321.430(2)	1094,\$35
275.41(2)	1015,\$35	316.10	1015,\$41	321.457	1100,\$9
275.41(5)	1015,\$35	321.1(1)	1094,\$2	321.457(3)	1100,\$7
277.2	1081,\$1	321.1(1)"c"	1100,\$2	321.457(5)	1100,\$8
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279.8	1082,\$1	321.1(53)	1015,\$42	321.463	1100,\$11
279.37	1084,\$1	321.1(69)	1100,\$3	321.492	1094,\$36
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280A.18(3)	1012,\$35	321.19(2)	1012,\$37	321.555(2)	1103,\$15
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280A.23	1086,\$1	321.34	1094,\$6	321.561	1015,\$48; 1103,\$18
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292.2	1013,\$7	321.122(1)	1100,\$5	321E.13	1107,\$4
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296.3	1088,\$1	321.123(1)	1094,\$15	321E.17	1107,\$6
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298.22	1025,\$27	321.138	1094,\$51	322.4(7)	1094,\$39
302.1(1)	1013,\$5	321.139	1094,\$51	322.6(9)	1094,\$40
302.12	1025,\$28	321.140	1094,\$51	322.9	1094,\$41
302.13	1013,\$6	321.141	1094,\$51	322.19	1109,\$1; 1156,\$9
303A.21(2)	1092,\$1	321.142	1094,\$51	324.2	1111,\$1
		321.143	1094,\$51	324.3	1111,\$2; 1112,\$1
		321.144	1094,\$51	324.8	1111,\$5-7

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324.8(4,5)	1111,\$4	384.68(4)	1025,\$57	427.9	1137,\$6
324.11(1)	1112,\$2	384.83(3)	1025,\$58	427.13	1141,\$1
324.18	1111,\$8	384.83(6)	1025,\$58	427A.9	1047,\$3
324.36(1,2)	1112,\$3	384.96	1127,\$1	428.4	1047,\$4
324.38(5)	1112,\$4	384.102	1127,\$2	428.30	1142,\$6
324.54	1112,\$5	386.12(4)	1025,\$59	428.31	1142,\$6
324.57(3)	1112,\$6	387.2(1)	1010,\$62	428A.1	1143,\$1
324.65	1113,\$1	388.4(4)	1015,\$55	428A.2	1144,\$1
324.72	1112,\$7	394.1	1025,\$60	428A.15	1143,\$2
324.76	1012,\$39	403.9(3)	1025,\$61	435.5	1113,\$6
325.11	1012,\$40; 1015,\$49	403.19	1128,\$1	435.6	1142,\$5
325.34	1015,\$50	403A.13	1025,\$62	441.8	1010,\$65
326.2(10)	1015,\$51	411.3(1)	1014,\$30	441.21	1136,\$4,6,10
326.11	1015,\$52	411.4	1014,\$31	441.21(3)	1136,\$3
326.18	1015,\$53	411.6(4)	1014,\$32	441.21(6)	1136,\$5
326.22	1114,\$1	411.6(6)	1014,\$32	441.21(10)	1136,\$7
326.29	1114,\$2	411.6(12)"a"	1014,\$33	441.21(12)	1136,\$8
326.33	1114,\$3	411.21(2)	1014,\$34	441.21(13)	1136,\$9
327D.127	1054,\$16	411.21(5)	1014,\$35	441.46	1141,\$2
327D.128	1054,\$17	411.21(7)	1014,\$36	442.2(2)	1076,\$9
327D.129	1054,\$18	414.1	1091,\$2	442.2(4)	1015,\$57
327D.130	1054,\$19	414.2	1091,\$3	442.3	1076,\$10
327G.1	1012,\$42	419.1	1050,\$36	442.4(1)	1075,\$8; 1078,\$2
327G.77	1115,\$1	419.1(2)	1050,\$35	442.7	1076,\$18; 1076,\$19
328.24	1001,\$45	419.2(5)	1050,\$37	442.7(1)	1076,\$11,14
330.7	1025,\$34	421.1	1010,\$63	442.7(1)"a"(1)(2)	1076,\$12
330.14	1025,\$35	421.2	1010,\$64	442.7(1)"b"	1076,\$13
330.16	1025,\$36	421.17	1069,\$2	442.7(3)	1076,\$19
330A.9(1)	1025,\$37	422.4(17)	1130,\$1	442.7(5)	1076,\$17
331.22	1031,\$4	422.5	1012,\$48;	442.7(5)"a"	1076,\$15
331.23	1012,\$75		1129,\$2; 1131,\$1	442.7(5)"d", "e"	1076,\$16
332.3(13)	1117,\$1	422.7	1130,\$3	442.8	1076,\$20,21
332.10	1120,\$2	422.7(9)	1130,\$2	442.9(1)"a"	1076,\$22
332.44(8)	1025,\$38	422.9(2)	1132,\$1	442.13(7)	1089,\$2
333.8	1013,\$7	422.9(2)"e"	1130,\$4	442.26	1078,\$3
333.15(1)	1031,\$5	422.9(3)"c"	1130,\$5	442.27	1015,\$58
335.14(1)	1031,\$6	422.12	1012,\$46,47	442.31	1076,\$24; 1145,\$1
336B.2	1012,\$41	422.16(10)"b"	1113,\$2	442.32	1076,\$25
337.10	1012,\$43	422.21	1129,\$3	442.33	1076,\$26
337.11(1-3)	1031,\$8	422.25(2)	1113,\$3	442.34	1076,\$27; 1145,\$2
337A.2	1120,\$1	422.25(3)	1133,\$1	442.35	1076,\$28; 1145,\$3
338.11	1012,\$75	422.32(4)	1130,\$6	443.2	1136,\$11
340.8	1121,\$1	422.34(1)	1012,\$49	443.5	1136,\$12
345.16	1025,\$39	422.35(6)	1130,\$7	444.9(2)	1136,\$16
346.3	1025,\$40	422.35(7)"c"	1130,\$8	444.9(4)	1136,\$17
346.23	1025,\$41	422.45(11)	1111,\$10	445.63	1147,\$1
346.26(3)	1025,\$42	422.58(1)	1113,\$4	447.7	1012,\$56
346.27(14)	1025,\$43	422.60	1134,\$1	450.63	1113,\$7
346A.3	1025,\$44	422.61(4)	1012,\$50;	450.94	1113,\$8
347.5	1025,\$45		1130,\$9; 1134,\$2	450A.12	1113,\$9
347.27	1025,\$46	422.63	1134,\$3	451.12	1113,\$10
347A.2	1025,\$47	422.72(1)	1012,\$51; 1135,\$1	454.20	1025,\$63
347A.7	1025,\$48	422.91	1133,\$2	455.64(1)	1025,\$64
356A.1	1012,\$44	423.2	1012,\$52	455.64(2)	1025,\$64
356A.7	1012,\$45	423.6(1)	1012,\$53	455.77	1025,\$65
357.20	1025,\$49	423.7	1012,\$54	455.79	1025,\$66
357A.11(8)	1025,\$50; 1122,\$1	423.18(1)	1113,\$5	455.83	1025,\$67
357B.4	1025,\$51	425.1(2)	1136,\$1	455.109	1015,\$59
357C.10	1025,\$52	425.1(4)	1136,\$1	455.175	1025,\$68
358.12	1123,\$1	425.1(7)	1136,\$1	455.198	1025,\$69
358.21	1025,\$53	425.15	1137,\$2	455.213	1025,\$70
359.45	1025,\$54	425.17(4)	1012,\$55; 1137,\$3	455.221	1152,\$3
362.5	1125,\$1	425.17(9)	1137,\$3	455A.4	1010,\$66
368.9	1010,\$60	425.17(11)	1137,\$4	455A.5	1010,\$67
372.13(6)	1015,\$54	425.20	1137,\$5	455A.25(3)	1148,\$79
372.13(8)	1125,\$2	425.23(3)	1138,\$1	455B.1(3)	1148,\$1
384.6(1)	1014,\$29	426.1	1136,\$2	455B.2	1010,\$68
384.12	1136,\$15	427.1(2)	1140,\$1	455B.3	1148,\$5,6
384.13	1010,\$61	427.1(7)	1139,\$1	455B.3(1)	1148,\$2
384.57	1025,\$55	427.1(11)	1140,\$1	455B.3(2)	1148,\$2
384.60(3)	1025,\$56	427.1(22)	1015,\$56	455B.3(3)	1148,\$2
384.60(5)	1025,\$56	427.1(25)	1140,\$1	455B.3(4)	1148,\$2
384.68(2)	1025,\$57	427.1(32)	1148,\$78	455B.3(5)	1148,\$2

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455B.3(6)	1148,\$2	455B.95(3)	1148,\$51	503.2	1012,\$62
455B.3(8)	1148,\$3	455B.99	1148,\$83	505.2	1010,\$73
455B.3(8)"d"	1148,\$4	455B.110(6)	1148,\$52	505.3	1010,\$74
455B.4	1148,\$7	455B.110(7)	1148,\$52	507B.4(12)	1015,\$61
455B.4(1)	1010,\$69	455B.110(8)	1148,\$52	507B.4(13)	1015,\$61
455B.4(2)	1010,\$69	455B.114	1148,\$53	509.1(1)	1001,\$72
455B.4(3)	1010,\$69	455B.117(2)	1148,\$54	509.1(4)	1001,\$73
455B.4(4)	1010,\$69	455B.119(6)	1148,\$55	509.1(5)	1001,\$74
455B.5	1148,\$8	455B.130	1148,\$60	509.1(6)	1001,\$75
455B.6	1148,\$9	455B.131	1148,\$83	512.59	1012,\$63
455B.7	1148,\$83	455B.132	1148,\$83	514A.3(1)"b"	1160,\$11
455B.9	1148,\$10	455B.133	1148,\$83	514B.5(3)	1160,\$12
455B.10	1149,\$2	455B.134	1148,\$83	515.52	1161,\$1
455B.10(6)	1148,\$11	455B.135	1148,\$83	515A.6	1162,\$1
455B.10(7)	1149,\$1	455B.136	1148,\$83	515B.2(5)	1163,\$1
455B.12(1)	1149,\$3	455B.137	1148,\$83	516A.1	1106,\$6
455B.12(2)	1149,\$3	455C.1(9)	1148,\$80	516A.2	1106,\$7
455B.12(3)	1149,\$3	455C.2(2)	1151,\$1	524.103	1169,\$5
455B.12(4)	1149,\$4	455C.4(1)	1012,\$57	524.201	1010,\$75
455B.12(5)	1148,\$12	455C.6(5)	1012,\$58	524.203	1010,\$76
455B.12(6)	1148,\$12	460.7	1025,\$71	524.805(2)	1012,\$64
455B.12(7)	1148,\$12	461.14	1025,\$72	524.901	1156,\$3
455B.12(8)	1148,\$12	462.7	1152,\$1	524.906(6)	1156,\$4
455B.12(10)	1149,\$5	462.35	1152,\$2	524.908	1156,\$5
455B.12(11)	1148,\$12	463.10	1025,\$73	533.3	1164,\$1
455B.12(12)	1148,\$12	464.9	1025,\$74	533.53(1)	1010,\$77; 1164,\$2
455B.12(13)	1148,\$12	467A.4(1)	1010,\$71; 1153,\$1	533.53(2)	1010,\$77
455B.12(14)	1148,\$12	467A.4(3)	1010,\$71	533.55(1)	1010,\$78
455B.13	1148,\$15	467A.4(4)	1153,\$2	533.61(2)"b"	1164,\$3
455B.13(3)	1149,\$6	467A.7	1153,\$4	533.62(4)	1164,\$4
455B.13(3)"c"	1148,\$13	467A.7(16)	1153,\$3	533B.1	1165,\$1
455B.13(6)	1148,\$14	467A.13	1154,\$17	533B.2	1165,\$2
455B.17	1148,\$16	467A.24	1154,\$18	533B.4	1165,\$3
455B.18	1148,\$17	467A.33	1025,\$75	534.11	1166,\$1
455B.20	1148,\$18	467A.35(1)	1025,\$76	534.19	1167,\$1
455B.21	1148,\$19	467A.35(2)	1025,\$76	534.21(2)	1156,\$31
455B.22	1148,\$20	467A.42	1153,\$5,6	535.2S	1168,\$2
455B.24	1148,\$21	467A.43	1153,\$7	535.2(4)S	1156,\$15; 1168,\$1
455B.25	1149,\$7	467A.44	1153,\$8	535.3	1170,\$1
455B.26	1149,\$8	467A.48	1153,\$9	535.8(2)S	1156,\$8
455B.27	1149,\$10	467D.3(1)"j"	1154,\$7	536A.23(1)S	1156,\$6
455B.28	1148,\$83	467D.3(1)"k", "l"	1154,\$8	537.1301(4)	1156,\$17
455B.29	1148,\$22	467D.3(2)	1154,\$9	537.1301(13)"a"(3)	1156,\$18
455B.30(11)	1148,\$23	467D.3(2)"m"	1154,\$10	537.1301(14)"c"	1156,\$19
455B.32(6)	1148,\$24	467D.3(5)	1154,\$11	537.1301(15)"a"(3)	1156,\$20
455B.32(10)	1148,\$25	467D.3(5)"k"	1154,\$12	537.1301(15)"a"(5)	1156,\$20
455B.34(3)	1148,\$26	467D.3(5)"l"	1154,\$13	537.1301(15)"b"(2)	1156,\$12
455B.42	1148,\$27	467D.3(5)"m"	1154,\$14	537.2201(2)	1156,\$13
455B.49(4)	1148,\$28	467D.3(5)"n", "o"	1154,\$15	537.2401(1)	1156,\$14
455B.50(2)	1148,\$29	467D.3(6)"c", "d"	1154,\$16	537.3301(1)	1156,\$21
455B.52(3)"b"	1148,\$30	467D.4	1154,\$1	537.3301(2)	1156,\$21
455B.53	1010,\$70; 1150,\$1	467D.5	1154,\$2	537.3303(1)	1156,\$22
455B.58	1036,\$30; 1148,\$31	467D.6	1154,\$3	537.3307	1156,\$23
455B.59	1148,\$32	467D.6(1)	1148,\$82	537.3308(2)"c"	1156,\$24
455B.60(2)	1148,\$33	467D.7	1154,\$4	537.3310(1)	1156,\$25
455B.62	1148,\$34	467D.8	1154,\$5	537.3401	1156,\$26
455B.67(2)	1148,\$35	467D.9	1154,\$19	537.3404(1)	1156,\$27
455B.67(4)	1148,\$36	467D.10	1154,\$6	537.3405(1)	1156,\$28
455B.68	1148,\$37	469.6	1148,\$83	537.3501	1156,\$29
455B.69	1148,\$38	469.7	1148,\$83	547.3	1031,\$7
455B.70	1148,\$39	469.8	1148,\$83	558.5	1172,\$1
455B.73	1148,\$83	471.6	1115,\$2	558.44	1115,\$4,5
455B.74	1148,\$40	471.9	1115,\$3	558.58	1001,\$48
455B.75(5)	1148,\$41	474.1	1010,\$72		
455B.77	1148,\$42	476.1	1155,\$2	562A.12(3)"a"	1012,\$65
455B.78	1148,\$43	476.2	1155,\$3	569.8(1)	1117,\$2
455B.79	1148,\$44	476.6	1156,\$1	569.8(6)	1117,\$3
455B.82(1)	1148,\$45	491.46	1015,\$60	572.8	1173,\$1
455B.83	1148,\$46	491.114	1012,\$59	592.3	1174,\$1
455B.84	1148,\$47	496C.10	1159,\$1	598.13	1175,\$1
455B.85(4)	1148,\$48	502.202	1050,\$38; 1171,\$28	598.17	1175,\$2
455B.87	1148,\$49	502.203(9)"a"	1012,\$60	598.21	1175,\$3
455B.88	1148,\$50	502.203(13)"a"	1012,\$61	598.22	1175,\$4

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598.23	1175,\$5	605.2	1179,\$3	722.1	1015,\$63
600.7(2)"b"	1176,\$1	605.15	1022,\$20	722.2	1015,\$64
600.7(2)"c"	1176,\$1	605.17	1022,\$21	724.4(6)	1015,\$68
600.8(2)"a"	1176,\$2	605.26	1010,\$82	724.23	1015,\$67
600.8(4)	1177,\$2	606.7	1180,\$1	725.9	1190,\$1
600.8(7)	1176,\$3	606.15(1)	1014,\$40	803.3(5)	1012,\$68
600.8(12)	1176,\$4	609.5	1181,\$1	805.6(1)"a"	1014,\$41
600.16(1)	1177,\$3	610.45	1036,\$31	805.6(1)"c"(2)	1103,\$20
600A.9(1)"a"	1015,\$62	613A.1(1)	1017,\$2	805.8	1027,\$4
601A.3	1010,\$79	614.14	1172,\$2	805.8(2)	1103,\$22
601B.1	1010,\$80	614.15	1172,\$3	805.8(2)"b"	1094,\$43
601B.2	1010,\$81	614.16	1172,\$4	805.8(2)"c"	1012,\$69
601G.7(1)	1178,\$1	614.17	1172,\$5	805.8(2)"d"	1012,\$69
601J.5	1012,\$75	614.20	1172,\$6	805.8(2)"f"	1103,\$21
602.4	1022,\$4	614.22	1172,\$7	805.8(2)"g"	1012,\$69
602.28	1022,\$5	614.24	1115,\$6	805.8(2)"h"	1012,\$69
602.29	1022,\$6	622.4	1012,\$66	805.8(2)"n"	1094,\$44
602.30	1022,\$7	622.5	1012,\$67	805.8(5)"b"	1015,\$69
602.31	1022,\$8; 1179,\$1	622A.2	1179,\$12	805.10	1103,\$23
602.32	1022,\$9	625.22	1182,\$1	805.10(1)	1103,\$24
602.33	1022,\$10	633.126(1)	1183,\$1	811.6(1)	1012,\$70
602.47	1022,\$13	633.127	1183,\$2	811.9	1103,\$25
602.51	1022,\$23	633.266	1064,\$2	813.3, rule 54	1022,\$22
602.52	1022,\$14	633.477	1184,\$2	901.3	1192,\$1
602.53(2)	1022,\$15	633.477(10)	1184,\$1	901.8	1193,\$1
602.54	1022,\$16; 1179,\$2	656.2	1185,\$1	903.4	1193,\$2
602.55	1014,\$37	656.4	1185,\$2	904.1	1010,\$83
602.59	1022,\$17	675.25	1015,\$66	904.2	1010,\$84
602.60	1022,\$18	690.4	1057,\$11	906.5	1012,\$71
602.63	1014,\$38	693.8	1008,\$2	907.3	1036,\$32
602.71	1022,\$23	714.8	1189,\$1		

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2.12	1008,\$1; 1021,\$5; 1136,\$21	74.1(1)	1025,\$2	204.401(1,2)	1036,\$32
4.1(13)	1001,\$76; 1065,\$1	74.2	1134,\$6	204.401(1)"b"	1036,\$28
8.33	1001,\$60, 69; 1007,\$15, 17; 1095,\$22	74.8	1025,\$2	204.409(2)	1003,\$5; 1036,\$32
8.39	1001,\$59	75.11	1134,\$6	204.410	1036,\$32
14.10(4)	1012,\$72	75.12(1)	1134,\$6	206.2	1148,\$60
16.1-16.7	1001,\$21	75.12(2)	1134,\$6	214A.1(1)	1054,\$4
17.3	1148,\$8	75.12(3)	1134,\$6	214A.1(3)	1054,\$4
17A.2(7)	1100,\$12	79.9	1021,\$4; 1123,\$1 1152,\$3	215.19	1054,\$19
17A.4(1)	1001,\$77; 1012,\$9; 1148,\$8	93.7(9)	1110,\$2	217.10-217.12	1001,\$15
17A.4(2)	1001,\$76, 77	93.8	1027,\$4	217.30	1065,\$9
17A.5	1001,\$77	96.7(9)"b"	1028,\$1	218.1	1065,\$4
17A.5(2)"b"	1001,\$76	97A.4	1014,\$8	218.78	1001,\$67
17A.19(2)	1207, (332)	97A.6	1014,\$8	218.101	1001,\$67
17A.19(8)"d"	1001,\$77	97A.15	1014,\$4	220.14	1117,\$1
18.12	1001,\$35	97B.11	1014,\$20	220.20	1062,\$6
18.117	1187,\$6	97B.41	1014,\$30	220.21	1062,\$6
18.136	1008,\$1	97B.50	1014,\$15	220.26(4)"b"	1050,\$17
18.151	1001,\$1	97B.51	1014,\$21	222.86	1001,\$57
19.8	1025,\$1; 1134,\$6	97B.52	1014,\$21	224A.2	1012,\$21; 1015,\$31
19A.3(14)	1021,\$1	100.1(5)	1065,\$3	224A.3	1012,\$21; 1015,\$31
23.12	1095,\$9	110.12	1015,\$69	225B.2	1001,\$15
23.13	1095,\$9	110.19	1015,\$69	225B.4-225B.7	1001,\$56
23.14	1095,\$9	111A.6	1134,\$6	225B.8	1001,\$15
23.15	1095,\$9	123.2	1015,\$19	226.43	1001,\$57
23.16	1095,\$9	123.3(7)	1038,\$2	229.4(3)	1211,(31)
24.17	1136,\$19	123.26	1040,\$6	229.10(4)	1211,(12)
24.48	1136,\$19; 1146,\$1	123.27(2)	1040,\$6	229.11	1211,(5)(31)
25A.11	1095,\$16	123.30(3)"a"	1040,\$6	229.11(1)	1063,\$4
28F.8	1134,\$6	123.30(3)"b"	1040,\$6	229.11(2)	1063,\$4
29A.23	1018,\$1	123.30(3)"c"	1040,\$6	229.11(3)	1063,\$4
29C.20	1019,\$2	123.39	1039,\$2	229.12	1211,(5)(31)
37.6	1134,\$6	123.49(2)"d"	1040,\$6	229.13	1211,(23)
37.28	1134,\$6	123.56	1040,\$2	229.14	1063,\$7; 1211 (Form 18a) (18b) (18c)
39.2(1,2)	1079,\$6	123.56(4)	1040,\$1,7	229.15	1063,\$7
39.3	1154,\$2	123.96	1040,\$6	229.15(1)	1211,(Form 18a)
39.8	1206,\$1	123.96(3)	1040,\$6	229.15(2)	1211,(Form 18b)
39.18	1206,\$1	125.33	1012,\$21; 1015,\$31	229.15(3)	1211,(Form 18c)
43.2	1021,\$1	125.34	1003,\$5; 1012,\$21	229.15(4)	1211,(Form 18a)
47.1	1021,\$1	125.35	1003,\$5	229.16	1211,(Form 18a)(18b) (18c)
47.6(1)(2)	1079,\$6	125.44	1003,\$5,7-10	229.22	1211,(31)
49.43-49.45	1146,\$1	127.8(1)	1015,\$17	229.25	1063,\$7
49.53	1049,\$1	135.1(5)	1065,\$8	229.40	1211
53.37	1023,\$1	135.11(15)	1065,\$3	229.51	1015,\$30; 1063,\$9
53.38	1023,\$1	135C.1	1160,\$6	229.52	1003,\$5; 1015,\$30; 1063,\$9
53.39	1023,\$1	135C.8	1044,\$6	229.53	1015,\$30; 1063,\$9
53.40	1023,\$1	135C.10	1044,\$2	231.3	1022,\$18
53.41	1023,\$1	135C.11(2)	1044,\$6	231.8	1212
53.42	1023,\$1	135C.12(1)	1044,\$6	232.2(1)(3)	1015,\$62
53.43	1023,\$1	144	1210, VI (451)	232.21	1012,\$34
53.44	1023,\$1	145.17	1012,\$41	232.22	1012,\$6
53.45	1023,\$1	145.19	1012,\$41	232.33	1015,\$62
53.46	1023,\$1	145A.17	1134,\$6	232.45	1208,27(2)(a)
53.47	1023,\$1	147.19	1045,\$21	232.69	1065,\$9
53.48	1023,\$1	147.80	1046,\$3	232.142	1012,\$6, 34; 1065,\$4
53.49	1023,\$1	156.5	1015,\$21	234.1(4)	1065,\$1
53.50	1023,\$1	169.13	1012,\$30,31	234.15	1050,\$31
53.51	1023,\$1	169.36	1012,\$31	234.16	1050,\$31
53.52	1023,\$1	172C.1	1143,\$1; 1153,\$6	234.17	1050,\$31
56.2	1015,\$6	172C.1(6)	1050,\$2	234.18	1050,\$31
56.6(3)"f"	1015,\$5	174.10(1)	1049,\$1	234.19	1050,\$31
56.6(3)"g"	1015,\$5	174.10(2)	1049,\$1	234.20	1050,\$31
69.14	1021,\$4	202.5	1134,\$6		
		202.6	1134,\$6		
		204.101(16)	1136,\$28		

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249.1(1)	1001,\$65	311.17	1134,\$6	347A.7	1134,\$6
252B.2	1069,\$2	311.28	1134,\$6	356.37	1012,\$44,45
252B.9	1069,\$2	312.2	1006,\$1	356.38	1012,\$45
257.25	1065,\$1	321.1(17)	1107,\$1,5	356.39	1012,\$45
257.25(3)(4)	1153,\$4	321.17	1094,\$44	356.40	1012,\$45
258A.2	1046,\$4	321.40	1103,\$14	356.41	1012,\$45
262.41	1012,\$50; 1134,\$2	321.51	1094,\$11	357.20	1134,\$6
262.51	1012,\$50; 1134,\$2	321.80	1094,\$40	357A.11(8)	1134,\$6
275.12	1080,\$3	321.88	1094,\$11	357B.4	1134,\$6
275.13	1080,\$3	321.109(1)	1094,\$6	357C.10	1134,\$6
275.14	1080,\$3	321.119	1094,\$48	358.9	1123,\$1
275.15	1080,\$3	321.121	1094,\$42; 1100,\$12	359.42	1146,\$1
275.16	1080,\$3	321.122	1094,\$42; 110,\$12	359.45	1134,\$6
275.17	1080,\$3	321.145(2)	1094,\$11	362.3	1136,\$15
275.18	1080,\$1,3	321.209(1)	1094,\$23	384.2	1128,\$1
275.19	1080,\$3	321.209(2)	1094,\$23	384.12	1136,\$19
275.20	1080,\$3	321.209(3)	1094,\$23	384.57	1134,\$6
275.21	1080,\$3	321.209(4)	1094,\$23	384.60(3)	1134,\$6
275.22	1080,\$3	321.209(5)	1094,\$23	384.60(5)	1134,\$6
275.30	1079,\$5	321.209(6)	1094,\$23	384.68(2)	1134,\$6
278.1(7)	1080,\$1,2	321.209(7)	1094,\$23,24	384.83(6)	1134,\$6
279.8	1083,\$1	321.281	1003,\$5	385.21	1134,\$6
279.19	1079,\$9	321.283(3)	1003,\$5	386.12(4)	1134,\$6
280A.22	1134,\$6	321.335	1012,\$69	394.1	1134,\$6
280A.23(2)	1012,\$35	321.336	1012,\$69	403.9(3)	1134,\$6
281.2(2)	1065,\$3	321.337	1012,\$69	403.19	1128,\$2
281.9	1076,\$2	321.338	1012,\$69	403.19(1)	1128,\$2; 1136,\$10
285.1(16)	1076,\$4	321.382	1094,\$4	403A.13	1134,\$6
285.2	1076,\$5(c)	321.399	1012,\$68,69	411.3(1)	1014,\$29
285.9(3)	1076,\$5(c)	321.400	1012,\$68	411.4	1014,\$36
294.8	1014,\$27	321.409	1094,\$28	411.6	1014,\$35,36
294.9	1014,\$27	321.435	1012,\$68	411.8(1)"a"	1014,\$29
294.10	1014,\$27	321.463	1100,\$1,10; 1107,\$3	411.21	1014,\$31
296.1	1134,\$6	321.477	1100,\$13	421.1(4)	1142,\$3
296.2	1088,\$2	321.513	1103,\$9,10,11,12,13,19	422.4	1050,\$2; 1129,\$1;
297.5	1089,\$2	321E.1	1107,\$3,9		1138,\$1
297.7(3)	1088,\$1	321E.7	1107,\$3	422.5(1-13)	1129,\$2,3
298.22	1134,\$6	321E.16	1107,\$6	422.7	1069,\$2
302.12	1134,\$6	321E.29	1107,\$5	422.35	1012,\$50
302.13	1013,\$3	324.2	1111,\$10	425.16	1137,\$6
303.20	1091,\$1	324.3	1111,\$4	425.17	1137,\$6
303.20(1)"a"	1091,\$1	324.4	1111,\$3	425.18	1137,\$6
303.20(1)"b"	1091,\$1	324.8	1111,\$9	425.19	1137,\$6
303.20(1)"c"	1091,\$1	324.10	1111,\$3	425.20	1137,\$6
303.20(1)"d"	1091,\$1	324.17(3)	1111,\$9	425.21	1137,\$6
303.20(1)"e"	1091,\$1	324.18	1111,\$9	425.22	1137,\$6
303.20(1)"f"	1091,\$1	327D.127	1054,\$10	425.23	1137,\$6
303.21	1091,\$1	330.7	1134,\$6	425.24	1137,\$6
303.22	1091,\$1	330.14	1134,\$6	425.25	1137,\$6
303.23	1091,\$1	330.16	1134,\$6	425.26	1137,\$6
303.24	1091,\$1	330A.9(1)	1134,\$6	425.27	1137,\$6
303.25	1091,\$1	331.1	1206,\$1	425.28	1137,\$6
303.26	1091,\$1	331.25(2)	1206,\$1	425.29	1137,\$6
303.27	1091,\$1	331.26(4)	1206,\$1	425.30	1137,\$6
303.28	1091,\$1	332.3(13)	1035,\$1; 1117,\$2	425.31	1137,\$6
303.29	1091,\$1	332.3(23)	1146,\$1	425.32	1137,\$6
303.30	1091,\$1	332.44(8)	1134,\$6	425.33	1137,\$6
303.31	1091,\$1	332.45	1015,\$12	425.34	1137,\$6
303.32	1091,\$1	336A.4	1208, 26.1(1)	425.35	1137,\$6
303.33	1091,\$1	336B.1	1208, Form 11(VIII)	425.36	1137,\$6
303A.4(1)	1092,\$1	336B.2	1208, Form 11(VIII)	425.37	1137,\$6
306.3(3)	1107,\$1	336B.4	1208, 26.1(5)	425.38	1137,\$6
306.6(2)	1093,\$2	337A.2	1191,\$11	425.39	1137,\$6
306A.2	1094,\$30	345.16	1134,\$6	427.1(32)	1148,\$84
307.10(1)	1095,\$8	346.3	1134,\$6	427.8	1134,\$3
309.7	1096,\$1	346.23	1134,\$6	427.9	1134,\$3
309.8(1),(3),(4)	1096,\$1	346.26(3)	1134,\$6	427A.1(6)	1136,\$4,6
309.22	1096,\$1	346.27(14)	1134,\$6	435.5	1142,\$5
309.47(4)	1134,\$6	346A.3	1134,\$6	441.21	1006,\$11
309.73	1134,\$6	347.5	1134,\$6	441.21(1)	1006,\$11
309.93	1096,\$1	347.14(13)	1146,\$1	441.21(2)	1006,\$11
310.4	1096,\$1	347.27	1134,\$6; 1146,\$1	441.21(3)	1006,\$11

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441.21(12)	1006,\$18; 1128,\$2	514A.4	1160,\$4,8	602.55(1)	1014,\$1
441.45	1136,\$4	514A.5	1160,\$4,8	602.58	1022,\$16,19,22
441.49	1136,\$4,6	514A.6	1160,\$4,8	602.59	1022,\$5,11,22
442.3	1076,\$31	514A.7	1160,\$4,8	602.71	1022,\$5
442.7	1076,\$28; 1145,\$1	514A.8	1160,\$4,8	605.17	1022,\$12
442.7(5)“a”	1076,\$31	514A.9	1160,\$4,8	606.15(1)	1014,\$1
442.8	1087,\$1	514A.10	1160,\$4,8	614.24	1115,\$1
442.31	1076,\$24	514A.11	1160,\$4,8	622.66	1012,\$4
442.32	1076,\$24	514A.12	1160,\$4,8	622.68	1012,\$4
442.33	1076,\$24	515.53	1161,\$1	622.69	1094,\$26,41
442.34	1076,\$24; 1145,\$1	515.54	1161,\$1	628.3	1156,\$8
442.35	1076,\$24	515.55	1161,\$1	628.5	1156,\$8
443.5	1136,\$11	515.56	1161,\$1	628.15	1156,\$8
444.9(2)	1136,\$19; 1146,\$1	515.57	1161,\$1	628.16	1156,\$8
444.12	1001,\$56	515.58	1161,\$1	633.63	1001,\$2
445.37	1095,\$21	515.59	1161,\$1	663A.3	1208, Form 11(VIII)
450.5	1113,\$7	515.60	1161,\$1	684.18(2)	1209
454.20	1134,\$6	515.61	1161,\$1	684.19	1207, 1208, 1209, 1210, 1211, 1212
455.57	1025,\$67	533B.2	1165,\$1	684.21	1212
455.64	1025,\$67	535.2(1)	1156,\$7	684.53	1179,\$3
455.64(1)	1134,\$6	535.2(2)	1156,\$2,10,11	685.3	1210
455.64(2)	1134,\$6	535.2(3)“a”	1169,\$1	687.2	1015,\$48
455.77	1134,\$6	535.2(4)S	1156,\$16	702.14	1189,\$1
455.79	1134,\$6	535.3	1156,\$7	714.1	1094,\$40
455.83	1134,\$6	535.4	1168,\$2	714.9	1189,\$1
455.175	1134,\$6	535.8	1156,\$2	714.10	1189,\$1
455.198	1134,\$6	535.8(1,2)S	1169,\$4	714.11	1189,\$1
455.213	1134,\$6	535.8(1)	1156,\$2	714.12	1189,\$1
455B.7	1148,\$25,53	535.8(2)“a”	1156,\$2	721.2	1062,\$5
455B.7(3)	1148,\$34,43,49	535.9	1156,\$2	725.9(3)	1190,\$2
455B.12(6)	1148,\$13	536A.8	1171,\$2	726.3	1015,\$33
455B.12(11)	1148,\$21	536A.15	1171,\$22	726.5	1015,\$33
455B.13	1148,\$21	536A.18	1171,\$15	726.6	1015,\$33
455B.16	1148,\$15,16,20	536A.19	1171,\$15	726.12	1012,\$11
455B.17	1148,\$21; 1149,\$9	537.1301	1156,\$7,10,11	751.31(1)	1015,\$17
455B17(1)	1148,\$17	537.1301(4)	1156,\$2; 1169,\$3	751.31(2)	1015,\$17
455B.19	1148,\$78	537.1302	1156,\$7	753.15	1012,\$68
455B.39	1148,\$78	537.2201(2)	1156,\$7	775.5	1015,\$28
455C.5(3)	1012,\$57	537.2201(3)	1156,\$7	775.6	1015,\$28
460.7	1134,\$6	537.2201(4)	1156,\$7	783.5	1015,\$29; 1063,\$8
461.14	1134,\$6	537.2201(5)	1156,\$7	789.8	1015,\$29; 1063,\$8
463.10	1134,\$6	537.2202(2)	1156,\$7	801.4	1103,\$16
467A.3(1)	1017,\$1,2	537.2202(3)	1156,\$7	801.4(7)“a”	1094,\$27; 1105,\$1
467A.33	1134,\$6	537.2304	1171,\$22	801.4(7)“b”	1105,\$1
467A.35(1)	1134,\$6	537.3212	1156,\$7	801.4(7)“c”	1094,\$27; 1105,\$1
467A.35(2)	1134,\$6	554.2314	1074,\$1	801.4(7)“g”	1105,\$1
467A.44	1153,\$16	554.2315	1074,\$1	801.4(7)“h”	1094,\$27; 1105,\$1
467A.47	1153,\$10,13,15	554.2316(2)	1074,\$1	805.1-805.5	1126,\$1
467A.48	1153,\$10	561.15	1175,\$6	805.8	1012,\$68; 1027,\$3
467D.4(1)	1154,\$2	569.8	1198,\$1	805.8(2)“f”	1103,\$21
467D.5	1195,\$1	572.8	1173,\$2	813.4	1208
502.203(9)	1171,\$23	572.9	1173,\$2	815.7	1015,\$28; 1208, 26.3
509.14	1160,\$4,5	600.8(1)“c”	1177,\$3	901.8	1193,\$2
512.58	1012,\$63	601E.1	1094,\$6	902.3	1055,\$1
514A.1	1160,\$3,4,8	601E.6	1094,\$4	902.7	1208, 21(2)
514A.2	1160,\$4,8	602.50	1022,\$14,17,19,22	903.1(1)	1015,\$48
514A.3	1160,\$4,8	602.50(4)	1022,\$17		

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14	1012,\$3	303	1091,\$1	455B,Div. II	1149,\$9
18,Div. V.	1001,\$1,2	307	1095,\$21	455B,Div. IV,Part 4,	1148,\$56
29A	1018,\$1	309	1096,\$1	455C	1148,\$81
68B	1015,\$7	321	1094,\$13; 1103,\$16; 1105,\$1; 1156,\$10,11	467A	1153,\$10-15
69	1010,\$2,3	321H	1094,\$37	476	1155,\$1
81	1094,\$50	324	1111,\$3	478	1157,\$1
107	1032,\$1	324,Div. I	1111,\$9	479	1157,\$2
123	1001,\$31	324,Div. IV	1111,\$11	Title XX	1160,\$1
125	1003,\$6	331	1116,\$1	507B	1160,\$10
135C	1044,\$6	337	1119,\$1	533B	1165,\$4,5
185	1051,\$6	362	1124,\$1	535	1156,\$7; 1169,\$1,2
206	1148,\$69	364	1126,\$1	572	1173,\$2
214	1054,\$1,2,3	403	1128,\$2	598	1175,\$6
215	1054,\$5-10	413	1126,\$3	602	1022,\$11,12,19
218	1056,\$1	427	1141,\$3	605A	1014,\$39
220	1062,\$6,7	428	1139,\$2	675	1015,\$65; 1186,\$1
237	1065,\$13	442	1076,\$23,29	692	1180,\$2
275	1079,\$1			702	1188,\$1
				804	1188,\$2

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19A	1050,\$7; 1148,\$71	155	1036,\$33	453	1050,\$6; 1095,\$7
22	1015,\$2	169	1036,\$33	454	1050,\$6; 1095,\$7
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28E	1014,\$9; 1119,\$1	206A	1148,\$69	455B,Div. V	1148,\$69
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29B	1018,\$21	Title XI	1189,\$1	471	1148,\$59
56	1164,\$1	220	1050,\$11	476A	1149,\$8
64	1050,\$3; 1095,\$6	237A	1065,\$10	491	1119,\$1
68A	1148,\$8	239	1001,\$62,76	493A	1015,\$60
68B	1095,\$6	249A	1001,\$56,72-76	499A	1173,\$2
74	1025,\$16	275	1080,\$3,4	499B	1173,\$2
74A	1025,\$2,8,16-24, 26-68,70-76	285	1076,\$31	501	1012,\$49,59,62
75	1025,\$58; 1095,\$9	303B	1017,\$1	502	1171,\$20
85	1026,\$2,11,14	310	1001,\$47	504A	1171,\$4
86	1026,\$14	313	1001,\$47	Title XX	1171,\$23
97	1014,\$3	321	1094,\$38; 1103,\$3; 1107,\$9; 1156,\$2,11	507B	1073,\$2,3
97B	1014,\$30	321C	1103,\$15	514	1160,\$2,3,7
103A	1153,\$13	322	1156,\$2	514A	1160,\$2,3
135B	1065,\$4	326	1094,\$5	514B	1160,\$8
135C	1065,\$4	327H	1095,\$22	522	1073,\$1,2,3
147	1026,\$9; 1045,\$18	346A	1001,\$20(4)	524	1156,\$2
148	1026,\$9; 1036,\$33	347	1146,\$1	533	1156,\$2
149	1036,\$33	358A	1153,\$13	534	1156,\$2
150	1026,\$9; 1036,\$33; 1063,\$1	411	1014,\$29	535	1050,\$12; 1156,\$2
150A	1026,\$9; 1036,\$33 1063,\$1	413	1126,\$1	536A	1156,\$2; 1171,\$2
		414	1091,\$1; 1153,\$13	537	1156,\$2,7,10,11,30;
		425	1136,\$20	554	1015,\$60
		428	1136,\$4,6,8,9,18,21; 1142,\$2	554,Art. 9	1050,\$17
		433	1136,\$4,6,8,9,18,21; 1142,\$2	598A	1175,\$3
		434	1136,\$4,6,8,9,18,21; 1142,\$2	622	1179,\$9
		436	1136,\$4,6,8,9,18,21; 1142,\$2	663A	1208, Form 11
		437	1136,\$4,6,8,9,18,21; 1142,\$2	714	1182,\$1
		438	1136,\$4,6,8,9,18,21; 1142,\$2	722	1015,\$3
				725	1015,\$32
				728	1015,\$32
				731	1015,\$33
				738	1015,\$3
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				808	1148,\$4
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8,§7	1001,§57	13,§2(1)"b"	1001,§4	93,§1	1129,§1
8,§8	1001,§67	13,§5	1001,§5	93,§4	1129,§2
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