

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 Section two point fifty-four (2.54), Code 1979, is repealed.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